Primary Day Voter Survey Results

Introduction
The Americans with Disabilities Act (ADA) was enacted in 1990 to provide regulations and standards for accessible polling sites so that voters with disabilities could vote in their communities – privately and independently, like everyone else. Ensuring this fundamental right is an issue that the Center for the Independence of the Disabled (CIDNY), a leading advocate for New Yorkers with disabilities, and Gale Brewer, the Manhattan Borough President (MBPO), have been working on for many years.

Since 2003, CIDNY has been surveying New York City polling sites, based on the ADA guidelines promulgated by the Department of Justice, and has found that more than three-quarters of the more than 1,000 polling sites surveyed had barriers and were non-compliant with the ADA. CIDNY surveys became evidence in a lawsuit against the NYCBOE for failing to follow federal civil rights law. That suit was won by the plaintiffs and the court has required the NYCBOE to correct the barriers. Yet CIDNY's observations during the April 19, 2016 primary found, once again, that more than 70 percent of the sites they surveyed had accessibility barriers.

What Individual Voters Told Us
CIDNY and the Manhattan Borough President's office joined together to find out whether the NYCBOE was effective in correcting access problems through the lens of individual voters in the April 19 presidential primary, the first of four scheduled elections the NYCBOE is required to conduct this year. We asked New York City's voters what their experiences were when they voted and whether their polling places were accessible for people with disabilities as the law requires. New York City voters who answered our survey told us that the NYCBOE is not doing a very good job. Our findings, and recommendations for improvements before the general election this year, are below.

Findings
MBPO and CIDNY collected 128 surveys from Primary Day voters from polling sites in Manhattan. Of these respondents:

- 21% are living with a physical disability
- 13% are living with visual disability
- 11% are living with a cognitive disability
- 5% are living with a hearing disability
- 5% are living with a mental health disability
- 2% are living with an intellectual disability
- 52% are not living with a disability, or chose not to answer

Before delving into areas that can be improved for the general election, it's important to note that our survey did reveal some positive experiences among Primary Day voters. Overall, in fact, **58% of voters professed to have a "positive" voting experience**. Moreover, the vast majority of voters were able to vote within a reasonable amount of time: **90% of voters cast their ballot within 30 minutes** upon arrival at their polling site; 8% voted within 8 minutes upon arriving at their polling site. Lastly, voters found, by and large, that their polling sites employed enough

workers to assist them—**87% claimed that their polling location had enough staff support on site.**

Despite these positive experiences, however, a closer look at our survey results reveal many areas for improvement for the General Election; overall, **45% of voters claimed to have either a "neutral" or "negative" experience voting.**

Finding a Way in to Vote
Though most voters say they were able to vote with a reasonable amount of time, for instance, **20% of our respondents also claimed their polling site was overcrowded**, which, while merely a nuisance for an able-bodied voter, can pose particular challenges for voters with disabilities. Additionally, many voters experienced difficulties during their process of voting: **16% experienced "confusing or missing signs"** outside polling sites, for instance, while **15% found their path to the voting booth either inaccessible or confusing. Moreover, 9% had difficulty finding an accessible poll site entrance.**

"My polling place was in an old school," one survey respondent wrote, complaining that it had "steep steps going up," which required her to walk all the way around the building to access an accessible entrance. "There was also a tiny lobby entry, and only one narrow doorway for both entering and leaving voters."

Another respondent claimed that there was no signage at all pointing out where the accessible entrance was to his polling site. "There are steps to enter the building, but I did not see any signage for an accessible entrance," he wrote. "There didn't seem to be an accessible entrance."

Accommodating Voters
Despite having adequate numbers of poll workers, moreover, survey respondents professed a variety of concerns about their level of competence. "There were two workers who were texting the whole time rather than helping voters find correct table for their voting area," complained one survey respondent.

Our survey also asked voters a series of questions focused on accessible voting machines known as "Ballot Marking Devices." These devices make it possible for voters with disabilities to vote privately and independently as required by the Help America Vote Act (HAVA) passed federally in 2002. Features include: audio for voters who are blind, foot paddles for those with physical disabilities, and the ability to increase ballot size for voters with low vision.

Despite the important role BMDs play in helping make for a more accessible and smooth voting experience for voters with disabilities, survey respondents reported a range of concerns with the devices: **19% of respondents claimed that the BMD was not in a "clear and noticeable" location, and another 12% claimed the pathway to the BMD was not clear within their polling site**.

Despite reporting an adequate number of poll workers at polling locations, moreover, **83% of poll workers did not mention that voters could use a BMD.** Of the 24% of survey respondents who used a BMD to vote, moreover, **36% said they experienced difficulties using the device.**

Moreover, **24% of BMD users claimed they were unable to vote privately and independently while using the device.**

"The touch screen was not responsive," explained one BMD user. "I had to keep pressing on it several times to scroll." Another claimed that the problem was "simply getting the machine set up," noting that the workers were unfamiliar with how the BMD functioned. "Every single time, every single year and every single election it is like starting from scratch with people who are not trained and figuring out the BMD for the first time," said another voter. "You would think that by now they could get it right without wasting time trying to figure out how it works."

Recommendations

The New York City Board of Elections must ensure that all voters are given equal opportunities to vote privately and independently, as the nation's civil rights laws require. Specifically, the Board must:

1) **Ensure adequate signage at all polling sites:** Every polling site is required to be accessible under guidelines promulgated though the ADA. Polling sites should hang directional signs that are readable from the street or in the interior pathways, to indicate the correct path to vote.

2) **Ensure there are no barriers to voting:** poll sites must be set up in a way that is accessible for all people. This means guaranteeing a clear, accessible path throughout the entire voting process—to gain access to the building, pathways throughout the building infrastructure, and paths to voting booths, BMDs, and scanners. While temporary solutions to these issues can be effective on an election day, permanent ADA compliance at all poll sites should be the goal to protect all voters' rights.

3) **Training for poll workers:** Though voters generally found enough poll workers on hand when they reached their polling site, too many lacked the competence to adequately assist voters with disabilities. In particular, poll workers lack adequate training in setting up and operating ballot marking devices and setting up the polling sites generally.

4) **Ensure proper privacy while voting:** Our survey reveals that poll workers will often attempt to vote for someone with disabilities, rather than ensuring voters can cast a ballot in an independent and private fashion (as is required by law). Some will also stand behind voters with disabilities to make sure that the BMD is working or that the voter is filling in forms correctly, also destroying the privacy of the vote. Again, proper training is required.

Appendix: Survey Questions and Responses

Q1: If you have a disability, please check all that apply

Physical	21%
Hearing	5%
Visual	13%
Cognitive	11%
Mental Health	5%
Intellectual	2%

Q2: From the moment you arrived at your polling site to the submission of your ballot, how long did it take you to vote?

0-30	90%
30-60	8%
1-2 hours	0%
2-3 hours	0%
3+ hours	2%
	100%

Q3: How was your ballot handled after marking it?

Put in Scanner	86%
Poll worker put in folder	1%
Poll worker put in scanner	5%
Other	8%

Q4: Did you experience or notice any of the following when you voted? (Check all that apply)

Confusing signage	16%
Hard to find accessible entrance	9%
Locked doors at accessible entrance	1%
Doors hard to open	2%
Doors/path were narrow	9%
Problem with ramps	2%
Confusing path to voting	17%
Items blocking access to accessible entrance	2%
Items blocking access in voting areas	3%
Unable to access doorways and/or pathways because of lips or other barriers	2%

Q5: Were there enough poll workers to assist you?

Yes   87%
No   13%

Q6: How would you rate your overall experience voting during this election?

Positive   56%
Neutral   23%
Negative   20%

Q7: Was your polling site crowded when you went to vote?

Yes   20%
No   80%

Q8: Did the poll worker mention that you could use a Ballot Marking Device (BMD)?

Yes   17%
No   83%

Q9: Was the BMD in a clear and noticeable place?

Yes   37%
No   19%
Don't Know   45%

Q10: Was the pathway to the BMD and the area around it noticeably clear so that you, or someone in a wheelchair, could access it easily?

Yes   35%
No   12%
Don't Know   53%

Q11: Did you use a BMD?

Yes   24%
No   76%

Q12: If you used a BMD, did it work without problems?

Yes   64%
No   36%

Q13: If you used a BMD, was the poll worker able to give you enough information so that you could use the machine successfully?

Yes	71%
No	12%
Don't Know	18%

Q14: If you used a BMD, were you able to vote privately and independently?

Yes	76%
No	24%