

Disability Rights of West Virginia (DRWV) is the federally mandated protection and advocacy system for people with disabilities in West Virginia. One of DRWV's grants is Protection and Advocacy for Voting Access (PAVA). The PAVA grant program allows DRWV to ensure that individuals with disabilities can access full participation in the election process.

Title II of the Americans with Disabilities Act (ADA) requires state and local governments (public entities) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA's provisions apply to all aspects of voting, including polling places. People with disabilities must have the opportunity to be full participants in an integrated civic event.

From May 7-9, 2019, we completed exterior accessibility monitoring of all precincts in Wayne County. The majority of the polling sites in the county are accessible or can easily be made temporarily accessible designating accessible parking, hanging appropriate signage, and/or keeping doors opened. As such, the following ADA codes have been referenced below.

206.2.1 Site Arrival Points. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

216.6 Where not all entrances comply with 404 (Doors, Doorways, and Gates), entrances complying with 404 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1. Directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404

309.4 Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.

502.2 Vehicle Spaces. Car parking spaces shall be 96 inches (2440 mm) wide minimum and van parking spaces shall be 132 inches (3350 mm) wide minimum, shall be marked to define the width, and shall have an adjacent

access aisle complying with 502.3. EXCEPTION: Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.

502.6 Identification. Parking space identification signs shall include the International Symbol of Accessibility complying with 703.7.2.1. Signs identifying van parking spaces shall contain the designation “van accessible.” Signs shall be 60 inches (1525 mm) minimum above the finish floor or ground surface measured to the bottom of the sign.

The **2010 ADA Standards for Accessible Designs** referenced in this report can be found online at:

https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf

Before further review, please take time to browse the Standards to gain a better understanding of the issues addressed. The tables on the following pages list the ADA Standards and ADA Title II regulations, if applicable, for each area we monitored, the issues noted at each site, if any, and suggestions for meeting ADA compliance on election days.

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Bison Senior Center	
Issue	1) and 2) Unstable surface of parking facility to entry route.
2010 ADA Standards for Accessible Design Requirements	<p>302.1 Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.</p> <p>302.3 Openings. Openings in floor or ground surfaces shall not allow passage of a sphere more than ½ inch (13 mm) diameter except as allowed in 407.4.3, 409.4.3, 410.4, 810.5.3 and 810.10. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.</p> <p>404.2.4.4 Floor or Ground Surface. Floor or ground surface within required maneuvering clearances shall comply with 302. Changes in level are not permitted.</p>
Suggestions for ADA Compliance	Gaps between parking facility and walkway should be filled, and debris along edge of parking facility should be cleared.

Genoa Elementary School

Issue	1) Unstable surface at base of ramp and route from parking facility; 2) Side parking facility has unstable gravel surface unsuitable for side/rear entry
2010 ADA Standards for Accessible Design Requirements	<p>208.3.1 Parking spaces complying with 502 that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4.</p> <p>302.1 Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.</p> <p>505.2 Where Required. Handrails shall be provided on both sides of stairs and ramps.</p> <p>505.3 Continuity. Handrails shall be continuous within the full length of each stair flight or ramp run. Inside handrails on switchback or dogleg stairs and ramps shall be continuous between flights or runs.</p> <p>505.4 Height. Top of gripping surfaces of handrails shall be 34 inches (865 mm) minimum and 38 inches (965 mm) maximum vertically above walking surfaces, stair nosings, and ramp surfaces. Handrails shall be at a consistent height above walking surfaces, stair nosings, and ramp surfaces.</p> <p>505.10.2 Top Extension at Stairs. At the top of a stair flight, handrails shall extend horizontally above the landing for 12 inches (305 mm) minimum beginning directly above the first riser nosing. Extensions shall return to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent stair flight.</p> <p>505.10.3 Bottom Extension at Stairs. At the bottom of a stair flight, handrails shall extend at the slope of the stair flight for a horizontal distance at least equal to one tread depth beyond the last riser nosing. Extension shall return to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent stair flight.</p>

Suggestions for ADA Compliance	Stable surface should be provided at base of ramp and route. Compliant handrail should be constructed on each side of ramp (1). If side (gravel) parking facility is used for primary accessible entry, lot should be paved and designated accordingly (2). Crosswalk should be designated on election day for safe passage across road (3).
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Kenova Volunteer Fire Department	
Issue	Unstable parking surface and route to entrance.
2010 ADA Standards for Accessible Design Requirements	<p>302.1 Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.</p> <p>302.3 Openings. Openings in floor or ground surfaces shall not allow passage of a sphere more than ½ inch (13 mm) diameter except as allowed in 407.4.3, 409.4.3, 410.4, 810.5.3 and 810.10. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.</p> <p>404.2.4.4 Floor or Ground Surface. Floor or ground surface within required maneuvering clearances shall comply with 302. Changes in level are not permitted.</p>
Suggestions for ADA Compliance	Parking facility surface should be cleared of debris, with transition to access route paved and made level.

Lavalette Elementary School	
Issue	1) Proximity of accessible parking to curb ramp and unstable surface; 2) Unstable surface throughout passenger drop-off area.
2010 ADA Standards for Accessible Design Requirements	<p>209.2.1 Passenger Loading Zones. Passenger loading zones, except those required to comply with 209.2.2 and 209.2.3, shall provide at least one passenger loading zone complying with 503 in every continuous 100 linear feet (30 m) of loading zone space, or fraction thereof.</p> <p>302.1 Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.</p> <p>303.4 Changes in level greater than ½ inch (13 mm) high shall be ramped and shall comply with 405 or 406.</p>
Suggestions for ADA Compliance	Accessible parking should be designated on repaved surface and lot cleared of debris, with suitable curb ramp in closest proximity to voter entrance.

Lavalette Womans Club	
Issue	Lack of ramp access to polling site
2010 ADA Standards for Accessible Design Requirements	<p>28 C.F.R. §35.130, §35.133 No qualified individual with a disability shall, on the basis of a disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity. A public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.</p> <p>505.1 General. Handrails provided along walking surfaces complying with 403, required at ramps complying with 405, and required at stairs complying with 504 shall comply with 505.</p>
Suggestions for ADA Compliance	Access ramp should be built from parking facility to elevated landing, including railing cited in ADA Standards Section 505 Handrails.

Wayne High School	
Issue	Unstable surface from accessible parking to route.
2010 ADA Standards for Accessible Design Requirements	<p>302.1 Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.</p> <p>404.2.4.4 Floor or Ground Surface. Floor or ground surface within required maneuvering clearances shall comply with 302. Changes in level are not permitted.</p>
Suggestions for ADA Compliance	Gravel area should be paved to create stable surface from parking facility to accessible route.

Wayne Middle School	
Issue	Surface opening and gap between accessible parking and walkway.
2010 ADA Standards for Accessible Design Requirements	<p>302.1 Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.</p> <p>302.3 Openings. Openings in floor or ground surfaces shall not allow passage of a sphere more than ½ inch (13 mm) diameter except as allowed in 407.4.3, 409.4.3, 410.4, 810.5.3 and 810.10. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.</p> <p>404.2.4.4 Floor or Ground Surface. Floor or ground surface within required maneuvering clearances shall comply with 302. Changes in level are not permitted.</p>
Suggestions for ADA Compliance	Gaps between parking facility and walkway should be filled, and debris along edge of parking facility should be cleared.

Several temporary solutions have been offered for making polling sites across Wayne County accessible, and many of these solutions can easily be found online or at your local hardware store. An additional resource is West Virginia University's Center for Excellence in Disabilities WVATS (West Virginia Assistive Technology System) program. This program has portable ramps to loan for free, although pick-up and drop-off of the ramps are required. Enclosed is a brochure with information for contacting WVATS.

The **2010 ADA Standards for Accessible Designs** referenced in this report can be found online at:

https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf

Four other valuable resources have been included for your reference:

- ADA Checklist for Polling Places

- The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities
- Solutions for Five Common ADA Access Problems at Polling Places
- ADA Quick Tips Tax Incentives

The ADA requires that public entities ensure that people with disabilities can access and use all voting facilities. Because a mix of public and private facilities are used as polling places, public entities may ensure Election Day accessibility of a polling place by using low-cost, temporary measures, such as portable ramps or door stops, rather than making permanent modifications to a building. If temporary measures will not fix a barrier, and public entities are unable to make a permanent modification to fix the barrier, then the public entity must look for an alternative, accessible polling place.