

November General Election 2018:

Twenty-eight Years After the ADA and Sixteen Years after Federal Monies from the Help America Voting Act, New Yorkers with Disabilities Still Face Barriers to Voting

Background

CIDNY has over thirty year history of helping to break down barriers that can prevent people with disabilities from participating fully in mainstream life. We have been focusing on voting rights and voting access advocacy for people with disabilities since 1999. CIDNY encourages voters with disabilities to use their neighborhood polling sites and voting machines to vote independently and privately. Yet, our current system of voting presents many barriers so that people with disabilities often find they cannot access their poll sites or vote independently.

On Election Day CIDNY staff and volunteers conducted comprehensive polling site surveys for accessibility. Some of the barriers identified in previous years were addressed, for example better signage, provision of temporary ramps, although there were still a number of barriers related to improper Election Day set up that were observed, some of which were remedied by poll workers when they were informed. This indicates that training still needed to be done so that poll site coordinators/ADA monitors will know how to spot problems and remedy them. Some sites were crowded and some had other furniture for example, gym equipment which contributed to inadequate space to enable ease of movement to access voting equipment. With surveys completed at 72 polling sites, we found that 50, or 69%, of the sites had at least one physical access barrier.

Most of the barriers identified were related to interior access including insufficient space to access the Ballot Marking Device (BMD) and entryways/pathways with broken concrete. There was also a large number of voting machines that were broken. In addition insufficient training and the numbers of poll workers available for the larger sites remain barriers to accommodating people with disabilities as some of the sites did not have ADA monitors or the ADA monitors did not really seem to know what to do.

There was heavier turn out than expected for midterms, but this was predicted. Still the Board of Elections did not seem to make any plans to handle the heavier voter turnout. At the same time, intense rains during the morning hours exacerbated the problems with signage and long lines and wait times. The NYC BOE does not seem to have weather related contingency plans that would maintain accessibility throughout the voting day.

The pictures included below are examples of the issues we documented.

The Surveys

CIDNY teams surveyed a total of 72 sites during the November 6, 2018 General Election. Of the 72 sites surveyed only 22 or (31%), were without barriers.

November 6, 2018 General Election

	No. of Sites with Barriers	% Barriers
Exterior/ Interior Signage	4	6%
Entryways/Pathways	14	19%
Ramps	2	3%
Interior Access*	22	31%
No. of Sites with Barriers**	50	69%
No. of Sites without Barriers	22	31%
Total No. of Sites Surveyed	72	

**Interior access barriers include insufficient space to access the BMD.*

***Some polling sites have more than one barrier.*

Signage - Exterior

There was insufficient directional signs to point to the accessible entrance at four sites. Poll workers said they did not get enough signs. At one site the wind flipped the sign reversing the arrow and led the surveyor in the wrong direction. She went down a ramp that had obstacles. There was a blocked drain with an inch of water that she went through before she realized that it was not the polling place.

Entryways/Pathways

At one site, a CIDNY surveyor was able to use the lift to enter the poll site; however, it had to be operated manually for him to leave the poll site. As a result the Coordinator had to place a worker there to operate the lift.



Ridgewood YMCA, Queens, NY Elevator lift not working. Person using the manual hydraulic to get CIDNY surveyor down.

There were entryways with lips over one inch high that had broken edges. The sidewalks also had broken concrete at pathways to enter the polling site, which pose problems for someone using a wheelchair or a walker. Because most of these breaks in the pathway do not have detectable warnings, they are also tripping hazards for those who are blind or who have low vision. (See photos below.)



PS 102 Jacques Cartier School, Manhattan, NY
This beveled area is inadequate for people using wheelchairs, scooters or walkers to access the sidewalk.



Fort Hamilton Parkway, HS, Brooklyn
Broken concrete, puddle at entrance.

Ramps

There were two sites with ramps that were problematic. A makeshift ramp was used to address 1 ½ inch gap between ground and building landing; the height of the ramp was about 3 inches. The ramp was poorly constructed so it was ineffective and created a tripping hazard entering and exiting the building. A temporary ramp overlay set up by the NYCBOE at one side of the horseshoe entrance was not necessary. The slope of the entrance was fine. Surveyors observed a person using a wheelchair choosing to use the unramped side of the entrance rather than the temporary ramp.

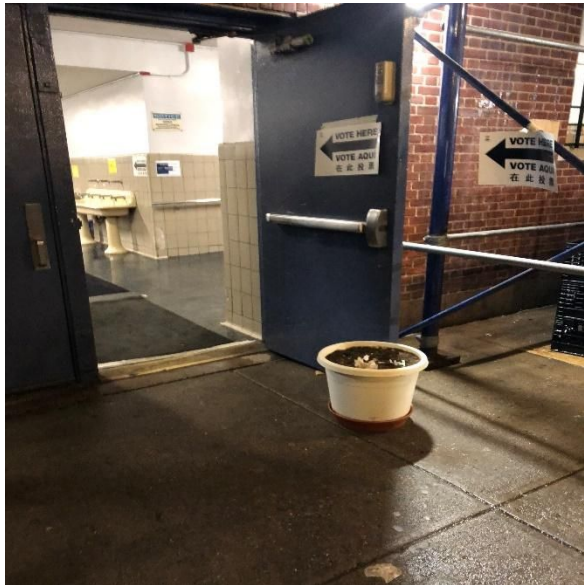
(See photo).



Bishop Boardman Apartments, Brooklyn, NY

Interior Access

The interior door openings at some sites were less than the thirty-two inches required by the ADA and some interior doors were heavy and hard to open. There were other barriers such as items blocking pathways and lips that were high with broken beveled edges.



1199 Housing Manhattan, NY
Closed heavy doors

Fort Hamilton HS, Brooklyn, NY
There is a high door lip.

Rugs placed over electric cords were not taped down posing a tripping hazard for people with mobility issues. This was corrected by some poll workers when brought to their attention.



Poll Site Photo for Queens Library at Ridgewood
Rug was not taped down.



Christ Tabernacle Church, Queens, NY
Rug was not taped down but was fixed immediately.

Ballot Marking Devices

The placement of the Ballot Marking Device (BMD) with the required spacing around it for ease of access and turning in a wheelchair or while using a walker continued to be a problem. This was addressed by most coordinators after CIDNY surveyors informed them of the requirements. However, there was not always enough remaining space in the facility to move the equipment. Some sites had too much BOE equipment making it impossible to move the BMD. This could be addressed with changes to the schematics of some sites.

There was a high incidence of broken Ballot Marking Devices. In some cases the technician or poll worker was able to resolve the issue. There were fifteen machines that were broken and not fixed during the CIDNY surveyors visit. One site did not have a Ballot Marking Device. (See photos below.)



PS 38 Roberto Clemente School –New York, NY
Broken BMD



Prospect High School. Park Slope, Brooklyn NY

CIDNY Poll Site Survey Summary from 2003-2018

Results of the November 2018 CIDNY surveys mirror results of surveys done since 2003. The November 2018 surveys show that 69% still exhibit barriers that render New York City polling sites non-ADA compliant and inaccessible to New York City voters with disabilities.

November 6, 2018	72 Sites Visited, 50 sites or 69% with Barriers
November 7, 2017	59 Sites Visited, 35 sites or 59% with Barriers
November 8, 2016	64 Sites Visited, 50 sites or 78% with Barriers
April 19, 2016	58 Sites Visited, 45 sites or 78% with Barriers
November 2015	43* Sites Visited, 37 sites or 88% with Barriers
November 2014	62 Sites Visited, 43 Sites or 69% with Barriers
September 2014	46 Sites Visited, 33 Sites or 72% with Barriers
November 2013	80 Sites Visited, 27 Sites or 66.6% with Barriers
November 2012	132 Sites Visited, 108 Sites or 81.8% with Barriers
September 2012	43 Sites Visited, 37 Sites or 86% with Barriers
September 2010	53 Sites Visited, 42 Sites or 80% with Barriers
November 2009	51 Sites Visited, 43 Sites or 84% with Barriers
November 2008	65 Sites Visited, 54 Sites or 83% with Barriers
September 2008	24 Sites Visited, 21 Sites or 87% with Barriers
November 2007	50 Sites Visited, 42 Sites or 84% with Barriers
November 2006	15 Sites Visited, 15 Sites or 100% with Barriers
November 2005	77 Sites Visited, 57 Sites or 74% with Barriers
November 2004	85 Sites Visited, 52 Sites or 61% with Barriers
September 2004	35 Sites Visited, 15 Sites or 43% with Barriers
March 2004	44 Sites Visited, 30 Sites or 68% with Barriers
November 2003	31 Sites Visited, 14 Sites or 42% with Barriers

Since 2003, CIDNY has surveyed 1297 polling sites; with an average of 74.4% with barriers.

Conclusion

The 2018 CIDNY surveys continue the trend of barriers blocking access to voting for people with disabilities after seven years of court-ordered remedies and several years of surveying and reporting on the situation at New York City polling sites. The November 2018 surveys show that 69% of polling sites still exhibit barriers that render New York City polling sites non-ADA compliant and inaccessible to New York City voters with disabilities. Some of the barriers identified relate to the same day set up and can be addressed, such as the removal of excess equipment and unclear directional signs. Structural barriers such as narrow doorways and broken sidewalks should be remedied before Election Day. Insufficient training of poll workers continues to be a problem as some poll workers do not know how to operate the Ballot Marking Device so they are unable to instruct voters how to use it. So they do not offer it as an option to people who need it to vote privately and independently.

The City Council, the New York City Board of Elections and the Department of Education must work together to achieve compliance with the ADA by addressing the architectural barriers that impede access, thereby ensuring that all voters can vote privately and independently at their polling sites as the law requires. The ADA was signed into law in 1990, people with disabilities should not have to wait any longer to have access to their democratic rights - it's already been 28 years.