



**COMMUNITY LEGAL AID SOCIETY, INC.**

# **2022 DELAWARE GENERAL ELECTION ACCESSIBILITY REPORT**

**DISABILITIES LAW PROGRAM  
MAY 2023**



# EXECUTIVE SUMMARY

Since 2004, the Disabilities Law Program (DLP) of Community Legal Aid Society, Inc. (CLASI) has been monitoring polling places in Delaware to ensure compliance with the Americans with Disabilities Act (ADA), the Help America Vote Act (HAVA), and other state and federal laws designed to protect the rights of persons with disabilities.

On Election Day, monitors fan out across the state to survey the polling sites for accessibility. On November 8, 2022, the DLP poll monitoring team assessed 145 of the 275 polling places across the State of Delaware. DLP also assessed Early Voting locations for accessibility in August and September 2022.

Access to the franchise is one of the most fundamental and important rights of American citizens and must be accessible to all eligible voters. Nevertheless, voters with disabilities continue to face barriers that suppress that right, in violation of the ADA and HAVA. While it is true that advances in technology have yielded significant improvements in the accessibility of voting equipment and the administration of elections, the same cannot be said for one of the most important, problematic, and overlooked issues: the physical accessibility of polling places.

Delaware has invested over \$13 million in new voting machines with enhanced accessibility features, paving the way for voters with disabilities to more easily exercise their right to vote in person, independently, and privately. This investment and the improvements are utterly lost to voters with disabilities if they cannot find accessible parking, exit their vehicle, and safely make their way to an accessible entrance.

## KEY FINDINGS

- **Parking remains one of the most common areas demonstrating lack of ADA compliance. Nearly a third of the locations monitored by the DLP had inaccessible parking of some kind.**
  - Of the 145 locations monitored, a total of 43 sites (30%) lacked adequate accessible parking for cars and/or vans – either by its complete absence or because the signage indicates accessibility, when the spaces are not actually compliant with ADA standards.
  - Many of these locations have been repeatedly identified by the DLP in past elections as lacking accessible parking, yet the problems persist. Even more concerning is that 37% of the identified sites are public schools.
- **Non-compliant routes from parking areas and non-compliant building entrances** were also documented at between 3% and 18% of polling sites, depending on the specific issue.
- **Poll workers at certain locations had not been trained to set up and use the Universal Voting Console (UVC)**, which makes voting machines accessible for certain voters with disabilities.
- **Electronic pollbooks have accessibility issues** for voters with low vision, in wheelchairs, or with upper body impairments, due to the screen size and features, and the height of the registration tables.

## RECOMMENDATIONS

- **The identification and remediation of barriers to access will require more training, greater awareness and more responsiveness by election officials and poll workers.** Governmental authorities also need to commit to ensuring accessibility by providing election officials with the resources they require to implement solutions.
- **DLP urges the Department of Elections to make efforts to identify and reach out to a more inclusive and diverse pool of volunteers** – communities of color, youth/high school and college students, people with language skills (ASL, Spanish), and people with disabilities.
- **DLP recommends improving resources on the Department of Elections website, developing new educational materials that demonstrate the features and promote the use of the UVC, and making them available in a variety of formats** – print, audio, video with closed captioning and ASL. Many people, with disabilities or without, do not use the internet to get information.

# 2022 DELAWARE GENERAL ELECTION ACCESSIBILITY REPORT

COMMUNITY LEGAL AID SOCIETY, INC.  
DISABILITIES LAW PROGRAM  
MAY 2023

## INTRODUCTION

Since 2004, the Disabilities Law Program (DLP) of the Community Legal Aid Society, Inc. (CLASI) has been monitoring polling places in Delaware to ensure compliance with the Americans with Disabilities Act (ADA), the Help America Vote Act (HAVA), and other state and federal laws designed to protect the rights of persons with disabilities. In Delaware, there are 186,592 adults with a disability – that is 1 in 4, or 24% of the adult population.[1] As the appointed Protection and Advocacy system for persons with disabilities in Delaware, one of the DLP’s key responsibilities under HAVA is to “...ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.”[2]

Access to the franchise is one of the most fundamental and important rights of American citizens and must be accessible to all eligible voters. Nevertheless, voters with disabilities continue to face barriers that suppress that right, in violation of the ADA and HAVA. While it is true that advances in technology have yielded significant improvements in the accessibility of voting equipment and the administration of elections, the same cannot be said for one of the most important, problematic, and overlooked issues: the physical accessibility of polling places.

## METHODOLOGY

The DLP’s poll monitoring participants include DLP staff and recruited student volunteers[3] who undergo training on the ADA accessibility standards. The DLP provides their names to the Department of Elections (DoE) to request badges that will allow the monitors to enter the polling places and assure poll workers that their presence has been approved. On Election Day, the monitors fan out across the state to survey the polling sites for accessibility. The monitors take measurements and enter their findings into an online survey tool developed by the DLP, based on the ADA Checklist for Polling Places for election officials.[4] The survey tool guides the poll monitors from the parking entrance to the accessible parking spaces, along the accessible exterior pathway, to the building entrance, and then to the interior pathway and voting area inside the building.

The poll monitors introduce themselves to the poll workers and respond to inquiries about the purpose

[1] [https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/pdfs/Delaware\\_Disability.pdf](https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/pdfs/Delaware_Disability.pdf)

[2] <https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>

[3] The DLP thanks all the volunteers from the University of Delaware and the Delaware Law School who assisted with the 2022 general election poll monitoring. The DLP offers special thanks to Prof. Laura Eisenman (University of Delaware) and Prof. Bob Hayman (Delaware Law School) for coordinating information sessions and encouraging students to volunteer.

[4] <https://archive.ada.gov/votingchecklist.pdf>

of their activities and measurements. They do not directly interact with voters or interfere with the voting process – they only observe and take relevant measurements. The monitors do not conduct interviews or otherwise solicit information from anyone within the polling site, though they may listen to concerns raised by voters or poll workers or provide phone numbers for assistance hotlines, etc.

The DLP also undertook an accessibility survey of the 13 locations identified for Early Voting – a process that was introduced to Delaware voters for the first time in the September 2022 primary elections. The DLP identified, photographed, and reported our findings on the accessibility of the exterior aspects of each Early Voting site to the Delaware Department of Elections (DoE) on August 19, 2022. We noted our concerns about many locations in terms of accessible parking and accessible routes from the parking spaces to the accessible entrances.[5]

We recognized that it was too late to change locations for the primary, and therefore asked for assurances that the locations would have plans and equipment in place to make them fully accessible for Early Voting. We are very disappointed that few if any of non-compliant parking spaces, access routes and entrances were addressed – in the primary or the general election two months later.

On November 8, 2022, the DLP poll monitoring team assessed 145 of the 275 polling places across the State of Delaware. The findings are summarized below (please note that percentages are out of the number of polling places assessed, rather than the total number of polling places). The findings are followed by recommendations and a photographic appendix (see Appendix I – Photographs).

## FINDINGS

The findings from the DLP’s poll monitoring are presented in categories of accessibility:

### VOTING EQUIPMENT

- Voting machine
- Universal Voting Console
- Electronic pollbook

### VOTING LOCATION

- Physical accessibility of the polling place, outside and inside

### VOTING EXPERIENCE

- Feedback from voters with disabilities about their individual experiences on Election Day and the extent to which they had a full and equal opportunity to vote privately and independently

## 1. VOTING EQUIPMENT

### a. Voting Machine

The most significant improvement in accessibility of voting equipment has been the purchase of the ES&S ExpressVote XL machines, together with the Universal Voting Console (UVC) and its features for Braille, headphones, and sip-and-puff wheelchairs. The voting machine’s large 32-inch screen and the ability for voters to increase the font size and change the brightness/contrast are important

[5] See Appendix II – Accessibility Survey of Early Voting Locations

enhancements to the overall accessibility and allow for greater independence and privacy for voters with disabilities and elderly voters as well.

For the most part, the voting machines appeared to function well, although **our monitors observed some technical glitches.**

- Red Lion United Methodist Church: When our monitor arrived around 11:20 a.m., she found the location temporarily closed. Poll workers explained that two of the voting machines were not functioning and they were awaiting the arrival of a repair technician.
- Mary Campbell Center: Personnel at this location told our monitor that the voting machines had not been delivered and that they had been instructed to direct any voters who showed up to go to Mount Pleasant High School instead.

With more experience and additional trained technicians, it is anticipated that the Department's capacity to respond to difficulties will continue to improve.

DLP received reports – but did not directly observe – that several polling locations ran out of “activation papers” (ballots), which led to frustration, confusion, and long delays for voters. This disproportionately impacted voters with disabilities using transportation services that operate on fixed drop-off and pick-up times, that don't allow changes to the scheduled pick-up time.

“

**I asked the poll worker to direct me to the accessible voting machine. She was very kind and polite, but I was surprised when she asked me to be patient while they figured out how to set it up.**

**--Voter with a visual impairment**

”

## **b. Universal Voting Console (UVC)**

Poll workers told the DLP monitors that very few voters asked to use the voting machines connected to the UVCs, while the feedback from voters with disabilities was that they had never heard about voting machines with accessibility features. In the few instances reported to DLP monitors about the use of the UVC, the **poll workers lacked experience in its setup and use.** (See Recommendations section below, starting at p. 13.)

## c. Electronic Pollbook

The ES&S ExpressPoll electronic pollbook is a significant improvement over the old paper ledger books, in terms of efficiency and accuracy for poll workers. That said, the **electronic pollbooks have somewhat limited accessibility for voters with low vision, in wheelchairs, or with upper body impairments**. These limitations were due to the screen size and features, and the height of the registration tables.

The size of the pollbook screen is considerably smaller – 10.5 inches compared to 32 inches – and unlike the voting machine, it does not provide options to increase the font size or change the contrast. As a result, it is not as accessible to voters with low vision.

Voters using wheelchairs reported difficulties in reaching the pollbook to sign their names. Although the screens are mounted on a swivel base, some voters reported that the screen did not swivel the full 180 degrees, and they could not position their wheelchair to clearly see or reach the screen. Access was also impeded by registration tables that were too low for the knee clearance of the wheelchair, putting the screen out of the voter’s reach and making it difficult or impossible to sign.

These voters’ difficulties with signing led to some anxiety about the validity of their ballots, as they were concerned that their signatures might be compared to their IDs and not match. Although Delaware does not do signature matching, voters may not be aware of this, and such a requirement could be added by the legislature. (See Recommendations section below, starting at p. 13.)

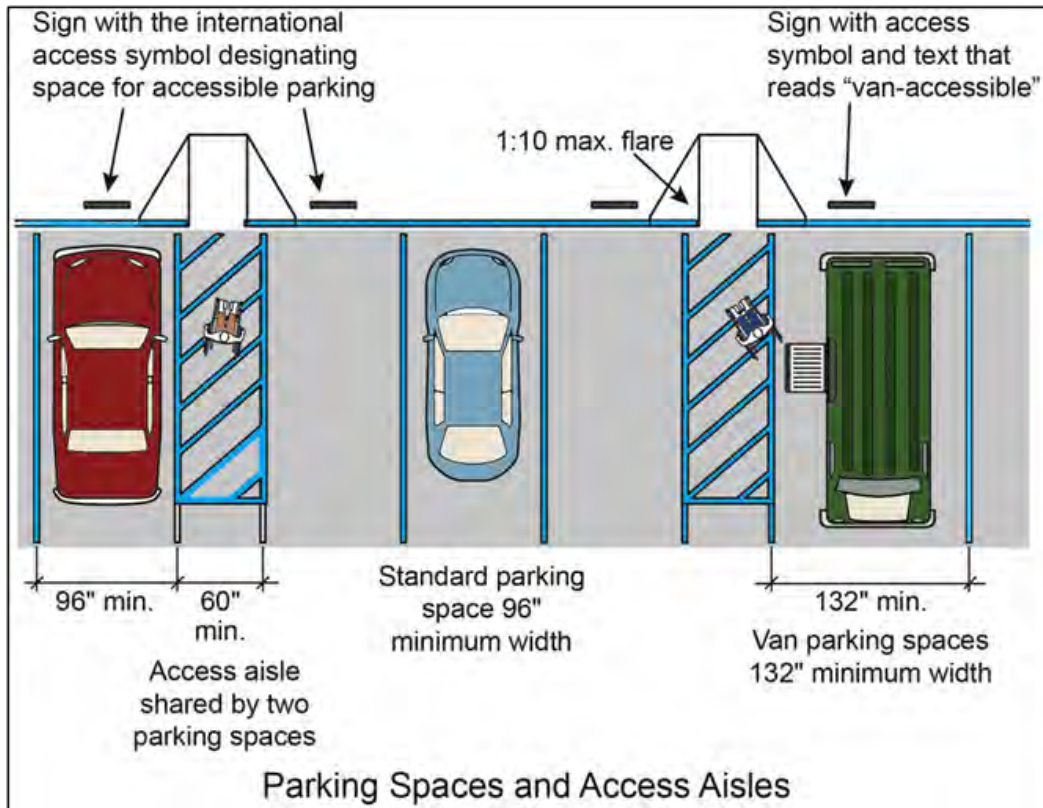
## 2. VOTING LOCATION

DLP’s evaluation of the accessibility of a voting location includes both outdoor and indoor elements at the polling place, which are comprised of:

- a. Parking (entrances, exits, spaces, surfaces)
- b. Exterior route (pathway to the accessible entrance, ramps, curb cuts)
- c. Entrances (thresholds, doors, door handles)
- d. Voting area
- e. Signage (in all areas)

### a. Parking

Accessible parking **continues to be the greatest obstacle to accessibility**. To be accessible, spaces must be of the correct size and in the correct number, have an adjacent access aisle, be the closest possible spaces to the accessible entrance, and be appropriately marked with the universal symbols and signage.



ADA Accessible Parking Spaces, available at: <https://www.ada.gov/topics/parking/>

**The importance of accessible parking cannot be overstated.** Delaware has invested over \$13 million in new voting machines with enhanced accessibility features, paving the way for voters with disabilities to more easily exercise their right to vote in person, independently and privately. This investment and the improvements are utterly lost to voters with disabilities if they cannot find accessible parking, exit their vehicle, and safely make their way to an accessible entrance.

**Nevertheless, nearly a third of the locations monitored by the DLP had inaccessible parking issues.** Many of these same locations have been repeatedly identified in past elections as lacking accessible parking, and they persisted in 2022. Even more puzzling is that 37% of the identified sites are public schools – specifically chosen as polling places because of their practicality, cost-effectiveness, ADA compliance, and being empty of students and staff. So how is this possible?

Based on DLP’s poll monitoring observations, the discrepancy arises from the use of secondary entrances (i.e., near the gym or the cafeteria) on Election Day. As a rule, public schools’ main entrances have the greatest number of parking spaces – for cars and vans – that meet ADA standards for size, access aisles, proximity to an accessible entrance – and are clearly marked, with visible signage. In addition, the main parking lots are more likely to have firm, level surfaces, that are well maintained, and less likely to have significant holes, cracks and other defects that impede access. By extension, the exterior route from the accessible parking to the entrance is equally likely to be safe and accessible, as are the main entrance doors, handles and thresholds.

**It is unclear why the inaccessible/less accessible entrances are being used when fully accessible ones are literally next door.** School officials have authority over the use of their facilities, but the choice of specific locations within the school should not sacrifice accessibility for voters with disabilities. The DLP strongly recommends negotiations with school authorities to overcome this problem and that DoE propose an amendment to the Delaware Code to require schools to make accessible entrances and facilities fully available on election days.

“

**We’ve had a lot of problems, including an elderly person struggling to make it down the long hallway. I worked the primary election too, but we were in the adjacent building that has accessible parking right by the entrance. No hills or elevation, and the voting area was right inside the entrance.**

**-- Poll worker at Townsend Elementary School**

”

As detailed below, **at the 145 locations that the DLP monitored, a total of 43 sites (30%) lacked adequate accessible parking for cars and/or vans** – either by its complete absence or because the signage indicates accessibility, when the spaces are not actually compliant with ADA standards.



*The single parking spot marked as accessible is located in the service alley near the dumpsters; there are no surface markings, and there was debris and a drainage grate between the spot and a crumbling, high curb. The entrance door was less than 32” wide and was propped open with a chair, further blocking the entrance.  
(Polling Place: Luther Towers)*



**Car spaces – a total of 22 locations (15%) lacked any accessible parking for cars**

• **6 sites (4%) had no accessible parking spaces:**

- Baltz Elementary School
- Cab Calloway School for the Arts
- Central Elementary School
- Immanuel United Methodist Church
- Little Creek Fire Hall
- North Georgetown Elementary School

• **16 sites (11%) had spaces marked as accessible, but they were not** because they were too narrow, had no access aisles, had access aisles that were too narrow, and/or had incorrect signage, confusing signage, or no signage at all:

- Activity Center at Hockessin PAL
- Douglass School
- Dover High School
- HB DuPont Middle School
- Hockessin Fire Company
- John R. Downes Elementary School
- Lewes Fire Hall
- Luther Towers
- Mid Sussex Rescue
- Mt. Pleasant High School
- Newark High School
- North Star Elementary School
- Redden Community Hall
- Richardson Park United Methodist Church
- Smyrna Middle School
- Townsend Fire Hall



*15% of locations had no accessible parking for cars. (Polling Place: North Georgetown Elementary School)*



*No access aisle. (Polling Place: Townsend Fire Hall)*

## Van spaces – a total of 42 locations (29%) lacked any van-accessible parking

- **25 sites (17%) had no van-accessible parking spaces:**

- Baltz Elementary School
- Brandywine Center
- Cab Calloway School for the Arts
- Carvel State Office Building
- Castle Hills Elementary School
- Central Elementary School
- Clayton Fire House
- Concord High School
- Crestview Apartments
- Del Tech Corp. Training Center
- Douglass School
- Eden Support Services
- Elks Lodge
- Elsmere Fire Hall
- Immanuel United Methodist Church
- Kingswood Community Center
- Lewes Fire Hall
- Mid Sussex Rescue
- Mt. Pleasant High School
- New Castle Senior Center
- North Georgetown Elementary
- North Star Elementary
- Peniel Methodist Church
- Slaughter Neck Educ. Community Center
- Wilmington Senior Center



*Loose, unstable gravel; no demarcation of spaces or aisle, sign too low. (Polling Place: Redden Community Hall)*

- **17 sites (12%) had spaces marked accessible for vans but were not** because they had no access aisles, had access aisles that were too narrow, and/or had incorrect signage, confusing signage, or no signage at all:

- Activity Center at Hockessin PAL
- Dover High School
- John R. Downes Elementary
- HB Dupont Middle School
- Hockessin Fire Company
- Leipsic Fire Hall
- Luther Towers
- Maclary Elementary School
- Newark High School
- Redden Community Hall
- Richardson Park United Methodist Church
- Ruritan Club Viola
- St. Catherine of Siena Church
- Smyrna Middle School
- Townsend Fire Hall
- Unity Church
- West Park Place Elementary

## b. Exterior Route

### Accessible Pathway from Parking Area

The accessible pathway from the parking area to the accessible entrance must have clear directional signage to the accessible entrance. It must have a stable, firm, smooth and slip-resistant surface, be at least 36 inches wide, and be without bumps or elevation changes of more than ½ inch in height.

- **14 locations (9%) had surfaces with significant cracks, holes, or bumps:**

- Activity Center at Hockessin PAL
- Blackbird Community Center
- Crestview Apartments
- Delaware Technical Community College
- Hillcrest Bellefonte Methodist Church
- Hockessin Fire Company
- Hockessin Library
- Immanuel United Methodist Church
- Maclary Elementary School
- Newark High School
- North Star Elementary School
- Slaughter Neck Educ. Community Center
- Smyrna Elementary School
- Townsend Elementary School



*Cracked, crumbling pavement. (Polling Place: Newark High School)*

In many instances, the surfaces and curb cuts appear to have been accessible at some point but had deteriorated or had not been maintained. This raises a question about when and how often sites are re-assessed prior to an election, since most of these seem only come to light through the monitoring done on Election Day. (See Recommendation section below, starting at p. 13.)

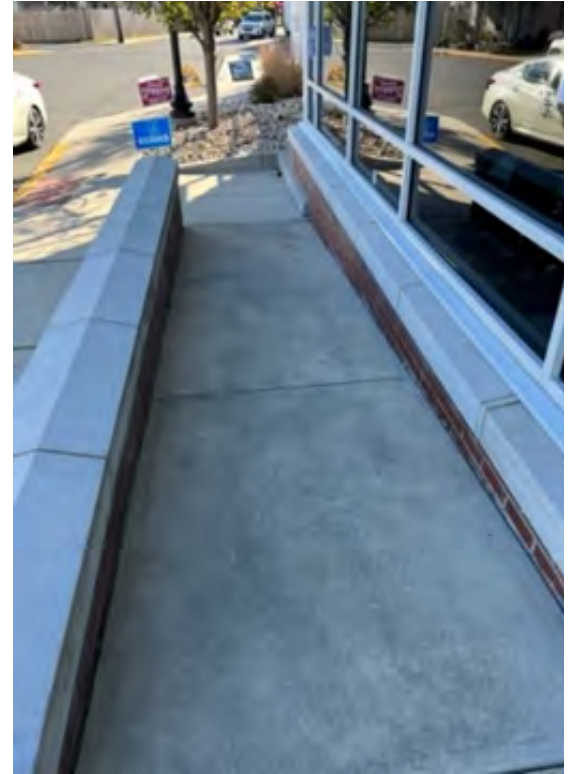
- **18 locations (12%) had no signage on exterior pathways:**

- Appoquinimink High School
- Baltz Elementary School
- Bear Library
- Clayton Fire House
- Concord High School
- Coolspring Presbyterian Church
- Elks Lodge
- Immanuel United Methodist Church
- Maclary Elementary School
- Mid Sussex Rescue
- Mount Pleasant High School
- North Georgetown Elementary
- North Star Elementary School
- Police Athletic League of Wilmington
- Red Lion United Methodist Church
- Redden Community Hall
- Slaughter Neck Educ. Comm. Center
- Townsend Fire Hall

## Ramps

Locations with outdoor ramps were mostly compliant in terms of width, slope, and length. However:

- **6 sites (4%) had ramps with non-compliant handrails**, because they had no rails at all, rails on only one side, or rails shorter than the full length of the ramp:
  - Blackbird Community Center
  - Clayton Fire House
  - Conrad School of Science
  - New Castle Senior Center
  - Dickinson High School
  - Tatnall School
- **Two locations had indoor ramps that were inaccessible or dangerous** because they were too long, too steep, or lacked compliant handrails:
  - Baltz Elementary School
    - It is noteworthy that this entrance was used in 2008 and DLP told DoE that the interior ramp was not ADA compliant at all and in fact unsafe. The school installed a fully ADA compliant ramp and parking at the main entrance; however, it was not used for the 2022 general or primary elections.
  - Townsend Elementary School



*A ramp with no handrails. (Polling Place: Clayton Fire House)*

## c. Entrances

Overall, entrances were generally compliant, though they often lacked signage or incorrectly directed voters to an accessible entrance that was not accessible.

### Doors and Thresholds

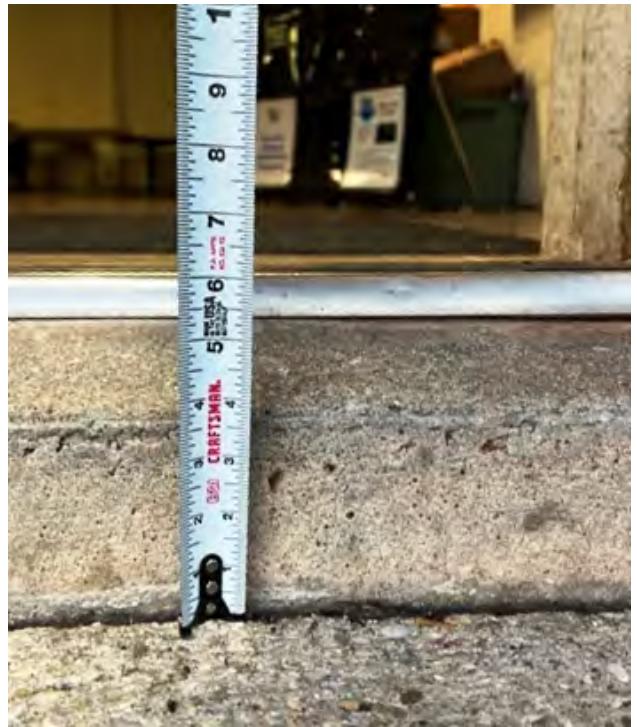
- **4 sites (3%) had locked doors:**
  - Appoquinimink High School
  - East Side Charter School
  - Peniel United Methodist Church
  - Police Athletic League of Wilmington
- **16 sites (11%) had doors less than 32 inches wide:**
  - Appoquinimink High School
  - Claymont Boys and Girls Club
  - Clayton Intermediate School
  - Cooke Elementary School
  - Crossroads Presbyterian Church
  - Harlan Elementary School
  - HB DuPont Middle School
  - Luther Towers
  - Oberle Elementary School
  - Red Lion United Methodist Church
  - Redden Community Hall
  - Smyrna Elementary School
  - Smyrna Middle School
  - State Fire School
  - Sunnyside Elementary School
  - Townsend Elementary School



*Door width narrows to 27 inches when open because of door handle. (Polling Place: State Fire School)*

- **26 sites (18%) had door handles that were not accessible:**

- Appoquinimink High School
- Blackbird Community Center
- Buena Vista Conference Center
- Cooke Elementary School
- Delaware Department of Labor
- Dickinson High School
- East Side Charter School
- Eden Support Services
- Emmanuel Presbyterian Church
- First Presbyterian Church
- George Wilson Community Center
- Gild Hall-Arden Club
- Hillcrest Bellefonte Methodist Church
- Holy Trinity Greek Orthodox Church
- Immanuel United Methodist Church
- Kingswood Community Center
- Limestone Presbyterian Church
- North Star Elementary School
- Oberle Elementary School
- Police Athletic League of Wilmington
- Skyline Middle School
- St. Mark's Lutheran Church
- The Music School of Delaware
- Townsend Elementary School
- West Park Place Elementary School
- Wilmington Senior Center



*Entrance threshold higher than the maximum 3/4 of an inch. (Polling Place: Immanuel United Methodist Church)*

- Of the 26 locations above with inaccessible door handles, only 4 had either propped the door open, had a functioning call button, or had a poll worker stationed at the door:
  - Delaware Department of Labor
  - Eden Support Services
  - Emmanuel Presbyterian Church
  - Hillcrest Bellefonte Methodist Church

- **8 sites (5%) had entrance thresholds higher than the maximum 3/4 inches:**

- Coolspring Presbyterian Church
- Eden Support Services
- Hillcrest Bellefonte Methodist Church
- Immanuel United Methodist Church
- Lewes Fire Department
- Maclary Elementary School
- Mount Pleasant High School
- Redden Community Hall

### d. Voting Area

Most polling places had adequate maneuvering space for scooters, walkers, wheelchairs, or other mobility devices with a few instances where the registration tables were too low (less than the minimum of 27 inches) to allow for the knee clearance of wheelchairs.

DLP monitors were unable to take measurements in the voting areas of some polling places because poll workers said this would require the presence and approval of Department of Elections personnel. Poll workers called the DoE for clarification but were unable to get through on busy lines.

### e. Signage

Signage was a widespread problem – particularly for directing voters with disabilities to accessible parking, accessible routes, and accessible entrances. DLP monitors found some sites without any directional signs, while others had signs pointing voters in the wrong direction or even in opposite directions.

The ground-level signs “Vote Here” and “Polling Place” were frequently obscured from view – and vastly outnumbered – by individual candidate signs. The signs are also quite fragile and unable to withstand much wind or rain, causing them to shift position so that arrows point in the wrong direction, the signs fall down, fall apart, or get blown away.



*Sign bent and not fully visible, unclear where it is pointing. (Polling Place: Music School of Delaware)*



*Signs pointing in opposite directions for accessible entrance and polling place. (Polling Place: Immanuel United Methodist Church)*

# RECOMMENDATIONS

There have been significant improvements to Delaware’s voting equipment and processes, but less progress on improving the physical accessibility of polling places to meet ADA standards. The remedies for bringing facilities into compliance may be different for government facilities than for churches and/or privately owned sites but are still required. While temporary solutions and measures can be used in the short term, they do not change the DoE’s obligations under the ADA.[6]

The identification and remediation of barriers to access will **require more training, greater awareness and more responsiveness by election officials and poll workers**. Governmental authorities also need to demonstrate their commitment to ensuring accessibility by providing election officials with the **resources and support they require to implement solutions**.

## I. VOTING EQUIPMENT

### Voting Machine and Universal Voting Console

The DLP does not have any recommendations regarding these devices per se; see related issues in the Poll Worker Training and Public Education sections below at pp. 16–18.

### Electronic Pollbook

As noted earlier, some voters with disabilities had difficulties seeing and signing the pollbook’s smaller screen. At this time, there are no uniform standards for electronic pollbooks in terms of design or security, and they do not currently undergo federal testing and certifications processes.[7] However, the U.S. Election Assistance Commission (EAC) created a pilot program to evaluate the security and accessibility of electronic pollbooks, and results are expected later this year.[8]

- **DLP RECOMMENDATION:** The DoE should share the voter feedback contained in this report with the EAC as it seeks to identify challenges and develop the requisite standards and testing to ensure the accessibility of these devices going forward.

A section of the voting procedure that is detailed in Delaware’s election statute[9] provides instructions for instances in which a voter is unable to sign, but they are specific to an old paper-based system that is no longer in use and cannot be replicated with the new electronic pollbook, since it would require signatures by both the voter and the poll worker.

- **DLP RECOMMENDATION:** A comparable feature should be developed and added to a new version of the pollbook software.

Until a long-term solution is available, the DLP suggests the following interim measures when signing difficulties arise:

- **DLP RECOMMENDATION:** Poll workers should explain the purpose of the voter’s signature as solely to attest to their eligibility to vote, and that it will *not* be used for matching purposes.[10]

[6] [https://archive.ada.gov/ada\\_voting/voting\\_solutions\\_ta/polling\\_place\\_solutions.htm](https://archive.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm)

[7] <https://www.politico.com/news/2020/08/31/election-security-hole-406471>

[8] <https://www.eac.gov/events/2021/11/17/roundtable-discussion-e-poll-book-testing-pilot-program-considerations>

[9] <https://delcode.delaware.gov/title15/c049/sc02/index.html>

[10] Eligibility by virtue of their citizenship, age, residence, and not having already voted elsewhere or absentee.

- **DLP RECOMMENDATION:** Have laminated hardcopies of the eligibility criteria printed in a large font, on display at all registration tables, so voters can read and understand beforehand, and poll workers will have the exact wording at hand to read aloud to voters when needed.
- **DLP RECOMMENDATION:** We further suggest looking at technology that improves public education and offers new solutions that could enhance accessibility for voters with disabilities and also ease the tasks of poll workers. For example, services for video remote interpreting such as the Multilingual Virtual Poll-worker (MVP)[11] can resolve comprehension and language access issues at a reasonable cost, giving voters the ability to receive information and explanations in ASL and various foreign languages (currently used by the Department of Justice within the court system, and in elections in Ohio, California, Texas, Washington DC and New York). Delaware’s current demographics do not create a legal requirement for the provision of multilingual voting materials, but that should not impede its consideration when it can be done with relative ease, at a reasonable cost, and with significant accessibility benefits. In addition to improving accessibility, it could open another avenue for public education by having precisely scripted (by DoE) and pre-recorded information and answers to commonly asked questions. This would ensure accurate and consistent responses to voters, ease the burden on poll workers, and reduce the amount of training, not to mention boosting voter satisfaction and confidence in the process.

**“ If I can't even park my car, there is not a voting machine in the world that is accessible. -- New Castle County voter with a disability ”**

## 2. VOTING LOCATION

### Parking

- **DLP RECOMMENDATIONS:**
  - For polling places located within schools, do not use secondary, inaccessible entrances and parking areas.
  - Address accessibility issues with authorities at other locations, emphasizing that ADA compliance is required for polling places.
  - For sites identified in the inspection period as lacking accessible parking, provide the poll workers with the materials and supplies needed to mark off at least one or two spaces with cones, signs, etc. as a temporary measure (and identify an alternative site for future elections).
  - Identify alternative locations in advance, as replacement polling places for sites that cannot be brought into compliance.

[11] [https://www.nass.org/sites/default/files/Summer 2022/Elections-Cmte-Connecticut-NASS-Summer22.pdf](https://www.nass.org/sites/default/files/Summer%202022/Elections-Cmte-Connecticut-NASS-Summer22.pdf)



## Accessible Routes and Entrances

According to their website, the DoE carries out a full inspection of all polling locations before the election, to ensure their compliance with ADA requirements. Despite these inspections, the DLP's poll monitoring reports list the same locations with the same shortfalls, year after year.

### o **DLP RECOMMENDATIONS:**

- Consult and include people/organizations with expertise and/or lived experience of disabilities to discuss the inspection process and criteria.
- Consider carrying out joint inspections that include people with expertise in accessibility.
- Schedule the preliminary site inspections far enough in advance of the election to allow for identification and implementation of mitigation measures – or choose a more suitable site.
- Include the ADA checklist in the inspection procedure.
- Identify the most accessible entrance, but also evaluate the accessibility of **all** other possible entrances.
- Take photographs at each site where remedial measures are needed and include them in the Election Day setup materials.
- Plan another complete walk-around before opening the doors on Election Day, with both DoE staff and at least one poll worker, traversing the full path from accessible parking to the voting area and ensuring doors are unlocked (strongly encourage creating/using a checklist).
- If doors need to be propped open, ensure that they do not create a hazard or block that path with stones, bricks, etc. for voters who are vision-impaired, blind, or use scooters, walkers, canes, or wheelchairs.



*Entrance with 7" step, no ramp, cracked surface. (Polling Place: Maclary Elementary School)*

## Voting area

### ○ DLP RECOMMENDATIONS:

- Ensure tables are no less than 27 inches high and avoid the use of cafeteria-style tables with attached seats or benches (more likely to be encountered in elementary schools).
- Provide seating along the accessible pathway and inside the voting area for voters who might not be able to stand in line for long periods, without losing their place in line.

## Signage

### ○ DLP RECOMMENDATIONS:

- The difficulties with signage have been noted within each section, but for parking, there is a clear need for additional training of poll workers on the requirement to create accessible spaces when none exist.
- The DoE must also ensure the poll workers have access to the materials needed to make signs, such as cones and poles if there are none in the area (see Poll Worker Training section below for additional recommendations).

## 3. POLL WORKERS

### Recruitment

DLP urges the DoE to make efforts to identify and reach out to a more inclusive and diverse pool of volunteers – communities of color, youth/high school and college students, people with language skills (ASL, Spanish), and people with disabilities. Advertising should be expanded to reach a broader demographic by also disseminating notices to disability-related actors and agencies in the community.

### Training

#### ○ DLP RECOMMENDATIONS:

- Secure the resources needed to ensure poll workers are well-trained with an updated, uniform, and interactive statewide curriculum.
- Expand training to include the legal requirement for accessibility throughout the voting process. (At a particularly non-compliant site, poll workers told the DLP monitors that, “No one told us you were coming,” as if that was the only reason to be compliant.)
- Include training on disability etiquette and the obligation to make reasonable accommodations needed to allow people to vote. For example, they need to be aware that some voters cannot speak and workers need to provide alternative check-in methods.

“

**Voting should be an experience you're proud to talk about, but this time when they gave me the 'I Voted' sticker, I threw it in the trash can instead of putting it on my shirt. -- Sussex County voter using a wheelchair**

”

- Provide more hands-on training on the set up and use of the UVC
- Harmonize training across the three counties.
  - DLP staff attended poll worker training in New Castle and Sussex Counties and found significant differences. Most notably, use of the UVC was strongly discouraged in the Sussex County session. The trainer said it would be preferable for voters with disabilities to take someone with them into the voting booth rather than use the UVC because they would take too much time.
- Clarify that photo ID is not required in Delaware and document the process for voter check-in when no ID is available. As noted in the recommendations for the electronic pollbook, include training on how to assist voters who are unable to sign, and clarify that the purpose of the signature is not for matching purposes, nor for disqualifying a ballot.

The DLP’s responsibilities extend to the entire voting process – from registering to vote to casting a ballot. DLP’s Protection and Advocacy for Voting Access (PAVA) staff and resources are available to support the DoE with information, documentation, training of staff and volunteers, and collaboration on outreach activities. The DLP would welcome the opportunity to discuss needs and opportunities to ensure a better experience for voters and poll workers who may not be accustomed to serving people with disabilities.

## 4. PUBLIC EDUCATION

### Voting Equipment

- **DLP RECOMMENDATION:** Continue to improve the DoE website. The heavy reliance on internet-based information makes the need for digital accessibility increasingly important, ensuring that online content is available and accessible for voters with disabilities.
  - DoE has already made a number of improvements to their website, but it remains somewhat clumsy and hard to use. Most videos lack closed captioning or ASL interpretation, and many pages do not offer sufficient contrast between the foreground (text, links, etc.) and background colors for people with low vision to tell the colors apart and see the content.
- **DLP RECOMMENDATION:** In addition to internet-based information, develop new educational materials that demonstrate the features and promote the use of the UVC, and make them available in a variety of formats – print, audio, video with closed captioning and ASL – bearing in mind that:
  - People with disabilities are less likely to use computers, or to have a printer, and
  - More than two-thirds of people with disabilities (71%) used non-internet sources for information on the voting process and where to vote in 2020 and obtained their information from television, radio, printed materials or a trusted person.[12]
- **DLP RECOMMENDATION:** Publish and distribute new materials widely, across platforms and communities, using a variety of mediums.
- **DLP RECOMMENDATION:** Provide these public education materials and information at the polls during early voting and on Election Day, with graphic posters, pre-recorded audios, videos, etc.

[12] <https://www.eac.gov/news/2022/07/26/us-eac-releases-disability-voting-process-and-digital-divide-study>

- **DLP RECOMMENDATION:** Include persons with the lived experience of disability and non-partisan advocacy and voting rights organizations in discussions about content, format, plain language and other accessibility aspects of new materials. This approach would also improve the dissemination of such materials through the networks of individuals and organizations involved with disability issues.
- **DLP RECOMMENDATION:** Provide ample opportunities for people to see and practice on the voting machines; consult with the disability community on recommended locations. The DLP would welcome the opportunity to collaborate with the DoE to extend these opportunities to Delaware voters with disabilities.

## CONCLUSION

In conclusion, many of the accessibility shortfalls identified in the DLP’s Early Voting site survey and the November 8, 2022, General Election poll monitoring are not difficult to resolve, but they have not been sufficiently prioritized. Further, adequate resources have not been allocated to that purpose, and we did not see any requests for such in the FY2024 budget proposal.

The DLP strongly encourages the DoE to take steps to integrate the disability community in its planning, messaging and public outreach activities – indeed, with all aspects of voting. Greater inclusion of the disability community in decisions and processes affecting their lives is necessary, important, and long overdue.

## ABOUT COMMUNITY LEGAL AID SOCIETY, INC.

Founded in 1946, the mission of Community Legal Aid Society, Inc. (CLASI) is to combat injustice through creative and persistent civil legal advocacy on behalf of vulnerable and underserved Delawareans. CLASI provides free legal representation to people with disabilities, people aged 60 or over, people with low incomes, and victims of crime and discrimination to help our clients obtain shelter, government benefits, educational services, medical services, orders of protection from abuse, legal immigration status, and other civil legal remedies.

CLASI’s Disabilities Law Program (DLP) provides free legal representation to children and adults with physical and mental disabilities to protect them from abuse and neglect and to advocate for their legal rights in the community. The DLP serves as Delaware’s designated Protection and Advocacy system for people with disabilities (“P&A”).

CLASI has offices in Wilmington, Dover, and Georgetown. To learn more about our work, please visit: <http://www.declasi.org/>

## DISCLAIMER

CLASI’s Disabilities Law Program receives federal support through the Help America Vote Act, which authorizes funding for the Protection and Advocacy for Voting Access (PAVA) program. Our PAVA program works to ensure full participation in the electoral process for individuals with disabilities, including registering or casting a vote, and accessing polling places. This report was funded in part by federal PAVA grants from the Administration for Community Living (ACL) within the U.S. Department of Health and Human Services (HHS). The contents of this report are solely the responsibility of the grantee and do not necessarily represent the official views of the grantors (HHS and ACL).

# APPENDIX I – PHOTOGRAPHS

## PARKING SPACES MARKED AS ACCESSIBLE BUT NOT ADA COMPLIANT



No access aisles, no nearby curb-cuts. (Polling Place: Baltz Elementary)



Space and access aisle too narrow. (Polling Place: Hockessin Fire Co.)



Loose gravel, no access aisle, sign too low. (Polling Place: Redden Community Center)



Neither space is 96" wide. (Polling Place: Mid Sussex Rescue)

# APPENDIX I – PHOTOGRAPHS

## PARKING SPACES MARKED AS ACCESSIBLE BUT NOT ADA COMPLIANT (CONT'D)



*Total absence of accessible parking spaces. (Polling Place: North Georgetown Elementary)*



*Cones with no sign, no access aisle. (Polling Place: Lewes Fire Hall)*



*Space less than 96" wide. (Polling Place: Dover High School)*

# APPENDIX I – PHOTOGRAPHS

## EXTERIOR ROUTES MARKED AS ACCESSIBLE BUT NOT ADA COMPLIANT



*Cracked surface with debris. (Polling Place: Hillcrest Bellefonte Methodist Church)*



*Steep slope, uneven surface. (Polling Place: Hillcrest Bellefonte Methodist Church)*



*Cracks and holes in pavement. (Polling Place: Eden Support Services)*



*Cracked, crumbling sidewalk. (Polling Place: Eden Support Services)*

# APPENDIX I – PHOTOGRAPHS

## EXTERIOR ROUTES MARKED AS ACCESSIBLE BUT NOT ADA COMPLIANT (CONT'D)



*Cracked, crumbling pavement. (Polling Place: Newark High School)*



*Cracked, crumbling pavement. (Polling Place: Activity Center at Hockessin PAL)*



*Insufficient parking: voters were instructed to park on the opposite side of the road and to walk across the busy highway to the polling place. The only spaces marked accessible were less than 96" wide and shared an access aisle. (Polling Place: Mid Sussex Rescue)*



# APPENDIX I – PHOTOGRAPHS

## EXTERIOR ROUTES MARKED AS ACCESSIBLE BUT NOT ADA COMPLIANT (CONT'D)



Crumbling curb cut, less than 36" wide. (Polling Place: Cab Calloway School for the Arts)



Signs to accessible entrance point in opposite directions. (Polling Place: Immanuel United Methodist Church)



Ramp without any rail. (Polling Place: Clayton Fire Hall)



Blocked ramp. (Polling Place: West Park Place Elementary)

# APPENDIX I – PHOTOGRAPHS

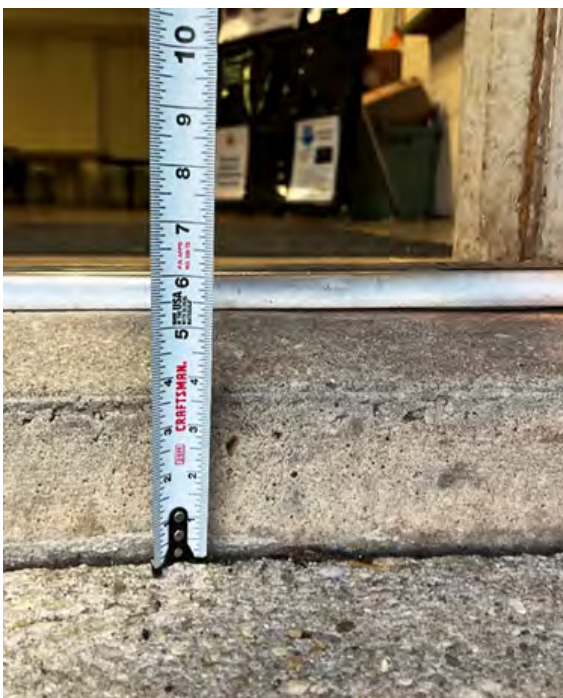
## ENTRANCES, DOORS, AND THRESHOLDS MARKED AS ACCESSIBLE BUT NOT ADA COMPLIANT



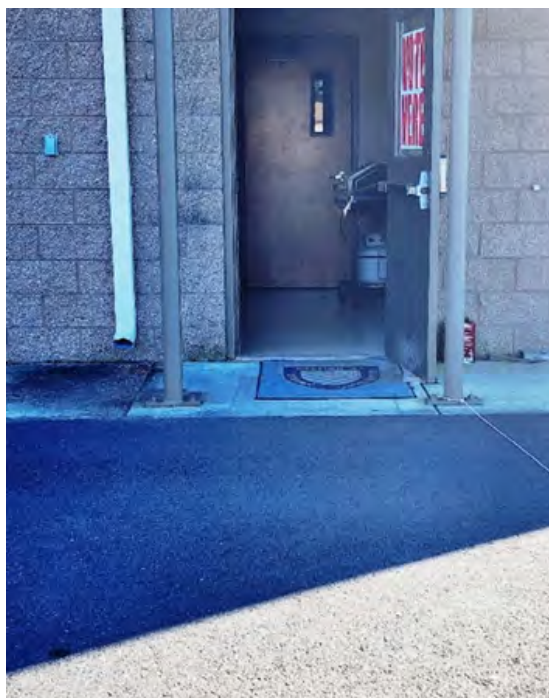
Door less than 32" wide. (Polling Place: Peniel United Methodist Church)



Rock propping (blocking) the door. (Polling Place: Appoquinimink High School)



Threshold exceeds maximum height of 3/4". (Polling Place: Immanuel United Methodist Church)



Grill behind door blocks passage. (Polling Place: Lewes Fire Hall)

# APPENDIX I – PHOTOGRAPHS

## ENTRANCES, DOORS, AND THRESHOLDS MARKED AS ACCESSIBLE BUT NOT ADA COMPLIANT (CONT'D)



7" step, no ramp, cracked surface. (Polling Place: Maclary Elementary School)



Threshold exceeds maximum height of  $\frac{3}{4}$ " (Polling Place: East Side Charter School)



Doors less than 32" wide. (Polling Place: Claymont Boys & Girls Club)

# **APPENDIX II - ACCESSIBILITY SURVEY OF EARLY VOTING LOCATIONS**

**SEE ATTACHED SURVEY REPORT DATED AUGUST 19, 2022**

# DISABILITIES LAW PROGRAM

## COMMUNITY LEGAL AID SOCIETY, INC. ("CLASI")



100 W. 10<sup>th</sup> Street, Suite 801  
Wilmington, DE 19801  
(302) 575-0660 (Office)  
(302) 575-0840 (Fax)

840 Walker Road  
Dover, DE 19904  
(302) 674-8500 (Office)  
(302) 674-8145 (Fax)

20151 Office Circle  
Georgetown, DE 19947  
(302) 856-0038 (Office)  
(302) 856-6133 (Fax)

[www.declasi.org](http://www.declasi.org)

August 19, 2022

Commissioner Anthony Albence  
Delaware Department of Elections  
905 S. Governors Ave, Ste 170  
Dover DE 19904

**Ref.: Accessibility Survey of Early Voting Locations**

Dear Commissioner Albence,

As promised, please find attached the results of our accessibility survey (exterior only) of the Early Voting locations. While our survey was not exhaustive, we have concerns about many of the locations. It is imperative that these locations are accessible to voters when in use for voting, and that the Department of Elections takes all steps necessary to make them so, including the provision of cones, signs and other material, as well as training of staff working at these polls so they can configure these sites appropriately.

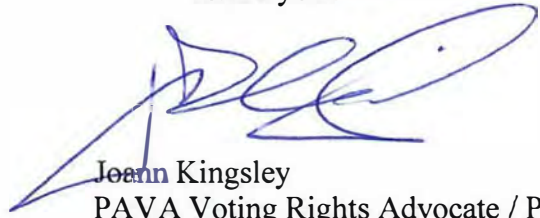
Based on our observations, we would like to emphasize two areas in particular requiring attention at most locations:

- Accessible parking – with signage designating them as such – and with adjacent access aisles, marked off by cones, located on the closest accessible route to the accessible entrance, and reserved specifically for voters with disabilities
- Accessible routes from the parking places to the accessible entrance ( marked as such) of the voting location – level, stable, firm, slip resistant (e.g., clear of gravel or mud), without wide cracks or broken pavement.

We would appreciate your prompt attention to these problems as well as the other accessibility issues identified in the report and would like to hear about the steps you are taking to address these concerns.

If you have any questions or concerns, do not hesitate to contact me or Laura Waterland, the Project Director of the Disabilities Law Program at CLASI.

Thank you.



Joann Kingsley  
PAVA Voting Rights Advocate / Paralegal  
Disabilities Law Program

cc: Laura J. Waterland, Esq.  
John McNeal, Chair, SCPD

Enc(2): CLASI Accessibility Survey of Early Voting Locations  
ADA Checklist for Polling Places

### Early Voting Site Survey - 17 Aug 2022

County	Site	# Acc spaces	# w/aisle 96+60	Path Surface (level, stable, smooth, slip-resistant)	Parking on shortest route to door	Curb cutouts? Wide enough	Curb, aisle, door connected	Door min 32"	Door handle using 1 hand, not tight grasp, pinch or twist?	Threshold max 1/2"	If stairs, ramp? Too steep	turning space 60"?	ISSUES OR FOLLOW-UP NEEDED?
KC	Frederica Senior Center	16	0	Y	Y	Y	Y	Y	Y	Y	N/A	Y	
KC	Houston Fire Co	2	0	Y	Y	N/A	Y	Y	Y	Y	N/A	Y	Assuming entrance via Banquet Hall in back of building; no access from front
KC	DDoE Office	2	1	Y	N	Y	N	Y	Y	Y	see notes	Y	Depends which door; ramps may be narrow and shrubs probably need to be trimmed (for both doors)
NCC	Gunning Bedford Middle School	5 each @ main and alt doors on front	3 each @ main and alt doors on front	Y	Long to main door; short to brown (alt) door on front	Y	Y	Y	Y	Y	N/A	Y	Depends which entrance; alternate door is more suitable in terms of distance
NCC	Claymont Community Ctr	2 side, 2 front	0 front, 2 side	OK	Shorter walk to side door	Y	Y	Y	Y	Y	OK	Y	Side entrance is preferable in terms of parking
NCC	DDoE Warehouse	2 @ each door 2 close	1 @ each	Y	Shortest on alt door	Y	Y	Y	Y	Y	Narrow ramp, no rails; trim shrubs for both entrances		Depends on which entrance is designated; secondary entrance is preferable terms of parking
NCC	Hudson State Service Ctr	2	0	Stable but not level; significant slope	Y	Y	Y	Y	Y	Y	Ramp is very steep	Y	Rear parking lot better but no public access
NCC	Shipyards Shops	4	4	Y	No >200' away	Y	Y	Y	Y	Y	N/A	Y	Parking is 200+ feet from the entrance; need to create closer spaces with cones or similar
SC	Millville Comm Ctr	4 main 2 side	2 main 2 side	Level but not stable; loose gravel. See notes	Only from side entrance	Y	Only from side entrance	Y	Y	Y	N/A	Y	Only side entrance is accessible. Parking lot is loose gravel. Paved walkways in front lot do not reach the main door. Side parking has paved access to door.

### Early Voting Site Survey - 17 Aug 2022

County	Site	# Acc spaces	# w/aisle 96+60	Path Surface (level, stable, smooth, slip-resistant)	Parking on shortest route to door	Curb cutouts? Wide enough	Curb, aisle, door connected	Door min 32"	Door handle using 1 hand, not tight grasp, pinch or twist?	Threshold max 1/2"	If stairs, ramp? Too steep	turning space 60"?	ISSUES OR FOLLOW-UP NEEDED?
SC	Lewes FD #2	4	1	Some slope to parking area	Y	Y	Y	Y	Y	Y	Ramp on side entrance	See notes	Distance from side door to top of stairs is 60"; door would have to already be open - no room to back up without risk of falling down stairs
SC	Laurel Fire Hall	4	2	Y	Y	Y	Y	Y	Y	Y	N/A	Y	none
SC	DDoE Warehouse Georgetown	1	0	Y	Y	N/A	Y	29" - both doors will have to be propped open	Y	Y		Y	Narrow doors will have to be propped open to accommodate a wheelchair
SC	DDoE Warehouse Seaford												Under construction; unable to fully assess yet. Existing ramp is very long. Parking lot being paves and not yet painted. Access / address need to be clarified. Inaccessible from Allen St as listed



## EARLY VOTING SITE SURVEY

### KENT COUNTY

#### 1. Frederica Senior Center - 2 entrances; only the side door is accessible; 16 accessible spaces, none with aisles

Front entrance



Side entrance and parking lot



#### 2. Houston Fire Co. – no access from main door; only accessible entrance is via Banquet Hall in rear

Main entrance



Banquet Hall entrance at rear of building



#### 3. DDoE Dover Office – unknown which entrance will be designated

Main Office door



Accessible parking (2 spaces) around corner of door



**DDoE Dover Office (continued) – unknown which entrance will be designated**

View from accessible parking area to main door



Second door



## EARLY VOTING SITE SURVEY

### NEW CASTLE COUNTY

1. Gunning Bedford Middle School – unknown which door will be designated. Alternate door (brown) in second photo is closer to parking than the main doors. Accessible parking in front of both doors.



2. Claymont Community Center – 3 doors; unknown which will be designated

Main entrance



Parking at main entrance (2 spaces, no aisles)



**Claymont Community Center (continued)**

Side Door with ramp



Side door parking, 2 spaces with aisles



Southwest Entrance (different organization - Brandywine Center?) and 4 parking spaces with aisles

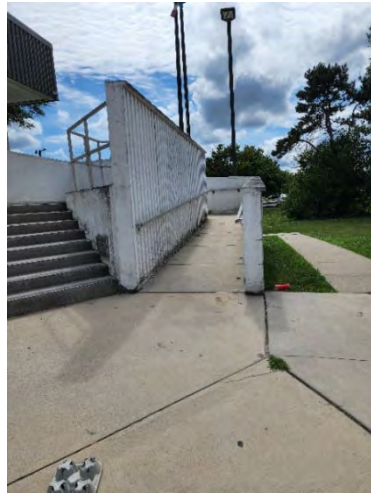


**3. DDoE New Castle Warehouse/Training Center - 2 entrances; unknown which will be designated**

Ramps might be too narrow, and shrubs may need to be trimmed back (both entrances)



4. Hudson State Service Ctr –2 spaces, no aisles, long and steep ramp



5. Shipyard Shops – accessible parking >200' from entrance



## EARLY VOTING SITE SURVEY

### SUSSEX COUNTY

#### 1. Millville Community Center – 2 entrances, only side entrance is accessible

Front door – loose gravel parking lot



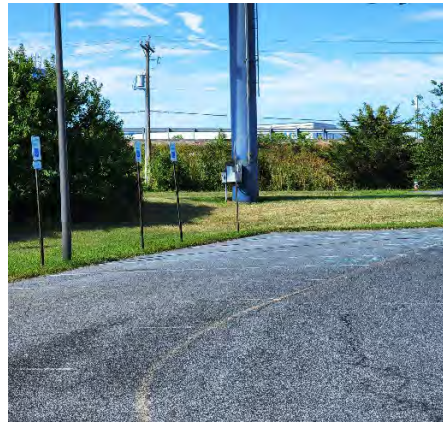
Paved walkways from parking but do not reach main door



Side entrance – 2 accessible spaces with aisles; paved walkway to the door



**2. Lewes Fire Station #2 – no access from front; side entrance has 4 accessible spaces, 2 with aisles**



Side entrance with ramp; parking lot on a slope



Distance from door to top of stairs 60"  
Enough room for door to open outward?



**3. Laurel Fire Hall – no accessible parking in front; side entrance has 4 spaces; 2 with aisles**

Front entrance



Side entrance and parking



**4. DDoE Warehouse Georgetown – 1 accessible parking space, no aisle but adjacent to a ‘no parking’ area**

Each door is less than 32” (29”) wide; for wheelchair access, both doors must be propped open



**5. DDoE Seaford Warehouse – address of 200 Allen St is problematic; not accessible from Allen St; appears that entry will be from Pennsylvania Ave to Dulaney St. Site is currently under construction; parking lot is being paved, and spaces have not yet been painted. Need to revisit when work completed.**

View from end of Allen St (east side of the building)



View from front (north); construction limited the survey





**DDoE Seaford Warehouse (continued)**

Stairs visible; ramp on left begins on eastern side



Bottom of ramp seen from eastern side



Western side - no entrance

