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County Clerk/Registrar of Voters (CC/ROV) Memorandum #14083

TO: All County Clerks/Registrars of Voters

FROM: /s/ Susan Lapsley,
Deputy Secretary of State, HAVA Director and Counsel

RE: Election Day Accessibility

Voters who come to the polls on Election Day have many different needs, but the one thing they have in common is the state and federal laws that provide them with rights to ensure elections are accessible to all voters.

These laws require elections officials and polling place workers to take a number of steps to ensure all voters have access to the voting process, including access to election-related information produced by state and local governments, the ability to register to vote, physical access to polling places, and the ability to utilize voting equipment to cast their ballots privately and independently.

Accessible Election Information

The Secretary of State produces a number of different materials and provides a number of different services to assist voters:

- Voter assistance is available in 10 languages – English, Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese – prior to and on the day of each statewide election.
- A video called “The Guide to Voting in California” has been produced in American Sign Language (English and Spanish) and is available on the Secretary of State’s website at www.sos.ca.gov/elections/elections_dis.htm.
- The Voter Information Guide is published by the Secretary of State prior to each statewide election. It contains useful voter information about statewide candidates, measures, and much more. The Voter Information Guide is available in the ten languages noted above, in a downloadable audio format, via cassette tape or compact disc, and in a large print version. Order forms are located at <http://voterguide.sos.ca.gov/alt-versions/audio/>.

- The Secretary of State provides voter registration training to the State Office of Deaf Access and its eight contractors throughout California who provide services to the deaf and hard of hearing. The training is provided as part of the Secretary of State's coordination of National Voter Registration Act activities statewide, and includes information on how to help people register to vote and sensitivity training for serving clients with disabilities.
- The Secretary of State provides online voter registration application services in an accessible format for people with disabilities.

Accessible Polling Places

The Secretary of State has awarded over \$10 million in federal Help America Vote Act funds to help county elections officials make polling places more accessible. The Secretary of State updated the [Polling Place Accessibility Guidelines and Checklist](#) based on input from the Voting Accessibility Advisory Committee (VAAC) and the California Department of Rehabilitation, created a [training video](#) to help county elections officials implement and comply with the guidelines, and worked with the Department of Rehabilitation to provide training to county elections officials in 2010, 2012 and 2014.

All voters – including voters with disabilities – must be able to get into and maneuver inside the polling place. To accomplish this, elections officials may have to modify the polling place (e.g., by installing temporary ramps, temporary accessible parking, accessible door grips, and/or temporary additional lighting).

Furniture, lighting, signage and equipment must be set up to ensure the voting process is accessible to all voters – including voters with disabilities – so they can use the equipment privately and independently.

If a polling place is not physically accessible to voters, poll workers must ask voters if they would prefer to be directed to a nearby accessible polling place or be provided curbside voting.

The Voting Process

All eligible citizens have the right to apply to register to vote and to cast a ballot unless a court has determined them to be ineligible to vote. It is not up to poll workers to determine whether a person is qualified, eligible or competent to vote. (Elections Code sections 2000, 2100; California Constitution, article II, section 2; HAVA section 303(a)(5); Title 2, California Code of Regulations section 21017.)

No voter should be asked, required or permitted to fill out their ballot at the table where poll workers are checking in voters, even if the voter has asked for help to fill out their ballot, because the secrecy of the ballot may be compromised. Instead, a separate table or voting booth compliant with the Americans with Disabilities Act (ADA) should be provided nearby.

Voters will generally understand if poll workers are busy, but no voter should have to tolerate rudeness or disrespectful behavior from a poll worker, particularly if the inappropriate treatment is aimed at them because of a disability or because they have limited English proficiency. Voters needing assistance should not be asked to step aside while other voters are serviced first. All voters should be processed in the order in which they appear to vote.

If a poll worker is identified on Election Day as being insensitive to any voter or is otherwise unsuitable for a particular polling place, that poll worker should be reported to the elections official and should be immediately removed from the precinct.

Accessible Voting Machines

Voting systems in California must be accessible to voters with disabilities before they can be approved for use in California.

As a part of the Secretary of State's 2007 Top-to-Bottom Review of approved voting systems, voting systems were subjected to accessibility testing to the federal 2005 Voluntary Voting System Guidelines (VVSG), conducted by persons with disabilities, including blind and low-vision voters.

All voting systems in California must meet the 2005 VVSG in order to be approved for use in the state. The approval process also requires the voting system vendor to provide Use Procedures and training materials for county elections officials on how to set up and use the voting equipment.

These Use Procedures are certified with each specific voting system and detail the approved procedures for training, set up, and use. County elections officials must comply with the Use Procedures and conditions of certification. The Use Procedures for each system can be found on the Secretary of State website under the heading "Voting System Approval Documents" at www.sos.ca.gov/voting-systems/.

The Secretary of State also has an online county-by-county tutorial and instructions on how to use [the county's voting system](#).

Under a law that took effect on January 1, 2014, the Secretary of State was required to develop regulations governing how voting systems would be reviewed and certified for use in California. The [proposed regulations](#) require certified voting systems to meet the federal Voting System Performance Standards, which directly address accessibility for voters who are visually impaired. A public hearing was conducted regarding these proposed regulations and a 70-day public comment period was available to any member of the public as well. More information is available on the Secretary of State website at www.sos.ca.gov/admin/regulations/proposed/elections/voting-systems/.

At least one accessible voting unit must be available in each polling place where an election is being conducted. (HAVA section 301(a)(3)(B); Elections Code section 19227(b).) That accessible voting unit must be turned on and ready to operate when the

polling place opens to the voting public at 7:00 a.m. and must remain available to any voter who wants to use it until after the polls have closed and all voters have cast a ballot.

Elections Code section 19360 requires the precinct board to run a “before election proofsheets” on those accessible machines that tabulate to determine that all counters on the machine register zero (000). This must be done before the election begins on Election Day and requires the machine to be powered on and left on throughout Election Day. The elections officials may have the first voter available verify the machine is on and that the counter is at zero (000) similar to the requirements in Elections Code section 14215.

Prior to opening the polls on Election Day and throughout Election Day, poll workers must ensure that voting machines are properly set up and operable in an accessible manner. Should a machine have auxiliary aids (e.g., alternate language selection, audio headsets, or tactile controls) to provide or improve access, the poll workers should know how to set them up and use them. Poll workers must be trained to modify the configuration of a voting machine to accommodate individual disability-related access needs.

A voter does not need to appear to have a disability – and does not have to have a disability – in order to use the accessible voting machine. Any voter who wants to use the unit must be permitted to use it. Voters should never be questioned as to why they want or need to use the accessible voting machine.

Assistance with Voting

Any voter who, for any reason, needs or wants help in marking their ballot has the right to receive that help. A voter can bring one or two people into the voting booth, or the voter may request assistance from a poll worker. Poll workers must be trained in what (and what not) to do if asked to assist. (Elections Code sections 2300, 14282-14283.)

Use of Signature Stamps

A person with a disability who is unable to write may use a signature stamp (which must be approved by the county elections official prior to Election Day or approved by the Department of Motor Vehicles and transmitted to the Secretary of State), or authorize another person to use the stamp, on any elections-related document that requires a signature (including a vote-by-mail ballot envelope or a provisional ballot envelope). A signature stamp on a vote-by-mail envelope is treated in the same manner as a written signature. (Elections Code section 354.5.)

Thank you for your attention. Please contact me directly at susan.lapsley@sos.ca.gov or (916) 651-7837 if you have questions or concerns.