



ADALIVE! EPISODE 59: Voting Rights and Accessible Polling Places

Event Date: August 1, 2018

Presenters: Bobbie Holsclaw, Court Clerk and Chairwoman of Jefferson County, Kentucky Board of Elections

Host: Pam Williamson, Assistant Project Director Southeast ADA Center

VOICE-OVER ANNOUNCER: Blog Talk Radio. (Music) Welcome to WADA ADA Live! Talk radio. Brought to you by the Southeast ADA Center, your leader for information, training and guidance on the Americans with Disabilities Act. And here's your host.

PAM WILLIAMSON: Good afternoon and welcome to WADA ADA Live! On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University and the ADA National Network, we welcome you to episode 59 of ADA Live! Hello, everyone I am Pam Williamson, Assistant Director of the Southeast ADA Center and your host for today's program. Today's episode of ADA Live! will be focused on voting rights and accessibility at polling places. Voting is one of our nation's most fundamental rights and a hallmark of our democracy, yet for too long, many people with disabilities have been excluded from this core aspect of citizenship. People with intellectual or psychiatric disabilities have also been prevented from voting because of prejudicial assumptions about their capabilities. People who use wheelchairs or other mobility aids, such as walkers, have been unable to enter the polling place to cast their ballot because there was no ramp. And people who are blind or have low vision could not cast their vote because the ballot was completely inaccessible to them. Title II of the ADA requires state and local governments, also known as "public entities" , to ensure that people with disabilities have a full and equal opportunity to vote. The ADA

provisions apply to all spec aspects of voting including voter registration, site selection, and the casting of ballots, whether on election day or during the early voting process. I want to remind you that you have the opportunity to submit your questions about voting rights and accessible polling places at any time at adalive.org. It is now my pleasure to introduce today's guest, Ms. Bobbie Holsclaw. Ms. Holsclaw is the County Clerk and chairwoman of Jefferson County Kentucky Board of Elections. Jefferson County is Kentucky's most populated County and is the location of the City of Louisville. In her role as chairwoman of the Jefferson County Kentucky Board of Elections, Bobbie plays a key role in the conduct of elections. Her office is responsible for overseeing the filing of positions for candidates for elective County offices, drawing for ballot positions, printing ballots, and canvassing the votes at primary and general elections. The County Clerk must also certify election day votes to the Secretary of State of the Commonwealth of Kentucky; and most importantly for our discussion today, Bobbie's office is responsible for ensuring voter access at Jefferson County, Kentucky polling places. Bobbie we are glad to have you with us today and welcome to our program.

BOBBIE HOLSCRAW: Thanks so much for having me.

PAM WILLIAMSON: Let's dive right in. So we learned a little bit about what you do, but tell us more about your responsibilities as the Chair of Jefferson County board of elections.

BOBBIE HOLSCRAW: Pam, serving as County Clerk and serving as the Chair of county elections now for close to almost 20 years, our office is responsible for conducting the elections here in Louisville and that is including administrating election laws, registering voters, voters, candidate filings, the serving of polling locations and the maintenance of all voting machines. As of this month, Jefferson County has surpassed 593,000 total registered voters. Our county has 623 precincts with 232 polling locations, so it is a pretty good size.

PAM WILLIAMSON: You do have a lot to manage and I bet in the past 20 years, you have seen a lot of advances. So what types of advances in technology have you seen that have enabled people, especially people with disabilities to be able to vote?

BOBBIE HOLSCRAW: Here in Louisville we have the Kentucky School for the Blind and I would say around 2002, Jefferson County participated in a pilot project for the visually impaired at the Kentucky School for the Blind and it was in response to the passage of the Help America Vote Act or what we call HAVA of 2002 and our office purchased HAVA-compliant polling machines for each voting location.

PAM WILLIAMSON: So you have seen a lot of advancements in technologies. So you have got the machines. So those came about as a result of the work with the School for the Blind. So have you seen other things come along that have helped people with disabilities to be able to vote?

BOBBIE HOLSCRAW: I am really proud of the fact of the steps that we have taken here in Jefferson County to accommodate all of our voters. Our election division includes two employees, we utilize what we call the "geographic information systems" and to explain that, it is a little like the GoogleMaps, so to speak, and what they do is when there is a need to move or create a new polling location, those employees are tasked with reviewing those locations online. And at that site they are able to view the size of the parking lots, the number of accessible parking lots of. It is able to tell them the number of entrances to the building as well as determining whether the location will meet all of the ADA requirements. Along with that, we also have a staff of technicians in our election warehouse who regularly, they go out regularly each election year and visit a polling locations to determine accessibility. Working, really it takes a whole team effort and they are able to scout out locations that meet the needs of all of our Jefferson County voters.

PAM WILLIAMSON: That is very exciting and I just love how various types of technology are feeding into making sure that the polling places are more accessible! So when they are looking at the accessible polling locations, what are some of the specific elements they are looking at to ensure accessibility?

BOBBIE HOLSCRAW: Well, Pam, I will say in 2016; it was around 2016, in the Department of Justice updated its guide for really evaluating the accessibility of polling locations. That was a survey and it involved in evaluating parking, passenger drop off

locations, accessible routes. It included measuring ramps and entrances and examining the path to the voting areas. During the summer, I believe, of 2017, the staff here surveyed each polling location here in Jefferson County and as I mentioned earlier, that is quite a few polling locations and we utilize the new guidelines. And, of course, that is across the country where that is a requirement. These documents we also are sharing transparently online for all of our voters countywide to be able to see it.

PAM WILLIAMSON: That's excellent! I like the idea of sharing that information with the voters so that they can get a feel for what is actually occurring at their local voting polling location. So you know as we know, you got to be able to get into the building to be able to vote, but obviously, a big part of accessibility is the voting equipment itself. And I know you have talked a little bit about the accessible voting equipment, but tell us more. How does it work? How do people who need to use that equipment access it?

BOBBIE HOLSCLAW: Well, that is a question that I get real excited about because we have waited quite a few years to update our equipment. We had really some good equipment, but with these as you well know with the HAVA passage, every state was allocated money and because our equipment was fairly new, we held onto our money and this past year, we decided the equipment have become fairly old and it was time to give some replacements. So after consulting with our own staff and visiting nearby pretty sized, same sized jurisdictions as Louisville and receiving input from our partners in the ADA community, ADA went to a public bid to purchase a new HAVA supplied voting system. As part of this project, the office implemented from a company called "decryption selection and software, which is called ES&S and we bought equipment called the DS200 and the express vote, which has a universal system of starting with the 2018 primary. So we got the primary under our belt and we are excited to use it in November. We took into consideration the express vote ability to service all voters regardless of their need. It truly was a priority of our office to provide an independent, universal voting machine. The express vote allowed both standing and seated voters to cast their vote and vote independently and privately. Pam, it also

features an accessible keypad encrypt with braille and the ability to use assistive devices. So our first experience of course was in May and it got rave reviews from our disability and special needs community.

PAM WILLIAMSON: Bobbie, that sounds very exciting and it does sound like the new machines are meeting the needs of people with multiple types of disabilities and really are promoting that independence and privacy we all want when we go into the voting booth. Would you consider that a big yes?

BOBBIE HOLSCLAW: Without a doubt it is a huge yes! You know when we bought this equipment, it is like anything else. When it first started out, it was bulky. It was not easy to use, but it was at least something we were able to give the community. So things over time always improve; the technology improves, but in addition to the implementation of the new voting machines, we really decided it was time to review our inventory on our voting booths. With the remaining balance of the money from our voting machine purchase, the office went to a public bid again and

we got for a new inventory of voting booths and we wanted to make sure they were accessible for everyone. It was essential for us to purchase a booth that was really and truly universally designed for all electors as long as along with our voting equipment during the 2018 primary, voters were enclosed to inclusion solutions, Franklin station also Frankie Junior adjustable voting booth. Pam, they accommodate both standing and seated voters and we have truly received many compliments from our voters as well as the election officers on the ease and use on these new booths

PAM WILLIAMSON: That's fantastic! I'm so glad to hear about these new pieces that have been such a success for you and I know that you are looking forward to using those. Now before we go to a quick break here, I do have a question for you. You used the term called HAVA and I think if I remember correctly, that is the Help America Vote Act. Is that correct?

BOBBIE HOLSCLAW: That is correct.

PAM WILLIAMSON: I just want to make sure of that because in addition to the Americans With Disabilities Act, we also have HAVA, the Help America Vote Act. So tell us a little bit more about the Help America Vote Act.

BOBBIE HOLSCLAW: Well, the Help America Vote Act was passed way back in 2002 and it was passed by the United States Congress and it was to make sweeping reforms really to the nation's voting process. HAVA, as it is called, addresses improvements to all voting systems and voter access that are identified following the 2000 election. HAVA created new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet those new standards, for replacing all voting systems and improving election administration. HAVA also established the EAC, which means Elections Assistance Commission and they are there to assist the states regarding HAVA compliance and distribute the HAVA funds to the state.

PAM WILLIAMSON: Bobbie, I really appreciate that information about HAVA and so that we can understand better how it goes hand in hand with the ADA.

BOBBIE HOLSCLAW: Well, I am happy to be able to help you, Pam.

PAM WILLIAMSON: Now, ADA Live! listening audience, if you have questions about voting rights or accessible polling places, or any other of our ADA Live! topics, you can submit your questions at any time in our online forum at adalive.org.

At this time I want to pause for a word from our sponsor, Jefferson County Kentucky Board of Elections.

ANNOUNCER: The Jefferson County Clerk's office is a state constitutional agency with varied duties governed by the Kentucky revised statutes. With the Departments of Motor Vehicles, Legal Records and Elections all under the auspices of the County Clerk, the office directly serves the citizens of Jefferson County Kentucky. Jefferson County Election Center is responsible for conducting all elections, including administering elections laws, registering voters, candidate filing, the surveying of polling locations, and maintenance of voting machines. County Clerk Bobbie Holsclaw

serves as the Chair of the Board of elections, overseen a voter population of 593,000 registered citizens. The Election Center is responsible for printing ballots, canvassing the votes at primary and general elections, and certifying election results before they are transferred to the Secretary of State. While the duties of the Jefferson County Clerk's office may be varied, it's mission is very clear. The JCCO is here to offer exceptional service based around the ideals of value and integrity. It strives to perform at the highest possible standards, making all citizens' government experience as pleasant and effective as possible.

PAM WILLIAMSON: Hi folks welcome back to our show. We are talking to Bobbie Holsclaw, the County Court clerk and chairwoman of the Jefferson County Kentucky Board of Elections. Bobbie, as we return now, how many election officers are involved in each election and what type of information do you provide to them about assisting voters?

BOBBIE HOLSCLAW: Well, Pam, our office is responsible for training approximately over 2000 individuals; actually, it comes to around 2200 of them. This training course includes instructions on setting up all of the voting equipment, including equipment that is accessible to voters with special needs or accommodations. During that training our poll workers also view a video that provides tips on assisting voters with special needs.

PAM WILLIAMSON: That's great! Are there any additional steps that your office does to accommodate voters on actual election day, in addition to the training that the election officers receive?

BOBBIE HOLSCLAW: Well, although all of our polling locations are ADA compliant, there are still a handful of locations that I am sure would benefit from temporary enhancement devices. Let me give you an example. While the location meets ADA requirements, they may still have doors that are heavier than most or slightly more difficult to access. Several years ago our office introduced what we call the "Ballot call alert system" at a handful of polling locations in Jefferson County. It basically serves as a type of doorbell bell to alert election officers when a person maybe need additional

assistance such as opening the door of the location. This is in addition to signs and ramps and temporary parking that we do provide.

PAM WILLIAMSON: Excellent! So basically, if I understand correctly, you may actually put in some more accessibility features that are just for that day because the site maybe or may not have that particular feature in place on a regular basis? Is that correct?

BOBBIE HOLSCRAW: That's correct. I mean we want to do everything we can to make sure that everyone, people that need special accommodations, that we can help them as much as possible.

PAM WILLIAMSON: Excellent, excellent! Well, let me ask another question. For voters who may not be able to visit their polling location on election day for whatever reason, what opportunities are available in Jefferson County to be able to cast an absentee ballot?

BOBBIE HOLSCRAW: Well, I think it was around 2017 and the Kentucky General Assembly here expanded the qualifications for in house absentee voting to include persons, due to age, disability, or illness are unable to go to the polls on election day. And though this qualification had long enabled voters to vote by mail, our office was excited to begin offering additional access to voters through in house absentee voting. And to obtain an application for absentee, voters cannot visit our website or call our office and we take care of it for them. For those who do qualify for in house absentee voting, I hope they rest assured that our election headquarters has been surveyed for accessibility.

PAM WILLIAMSON: That's great! So it is good to know that there are options available to the voters so they can get their vote in, whether it be at their actual community polling place or coming into the office or via mail.

BOBBIE HOLSCRAW: Well, we want to make sure that if they are able to come in and they qualify to come in early to vote, that where we are located is certainly accessible.

PAM WILLIAMSON: Excellent, excellent! So obviously, you mentioned earlier that this is a team effort. You have to be able to work with a variety of people to make this happen. What type of communication and collaboration did you have with the advocacy and disability groups in Jefferson County?

BOBBIE HOLSCLAW: Well, I believe being heard and understanding the needs of all of our voters is really vital to us providing really great service. In addition to providing universal equipment and booths, the office really maintains a relationship with many groups. To mention a few of those groups, Protection and Advocacy of Kentucky; we work regularly with the Kentucky School for the Blind, the League of Women Voters, our Mayor here has an ADA roundtable forum and we hear whatever their needs are and there are many special agencies. I along with our election needs team actively attend seminars and events that are focused on voter participation and access. We actually have some people that have special needs that before election day we will take them out and make sure that they are able to use some of the voting locations so we can rest assured that they are very accessible. Come September, our office regularly celebrates National Voter Registration day And I happens in September. The event provides additional opportunities for our leaders within the ADA community to become hands on with the election process. We have has several of them come to our National Voter Registration Day and we set of the equipment and let them test that so they are familiar with that before election day, Pam.

PAM WILLIAMSON: Excellent! So let me ask a question, the voters or the individuals with disabilities who go out ahead of time; who goes with them from your office? Is it some of the technicians? Is it 18? Tell me a little bit more about that because it sounds like a great way to involve the community.

BOBBIE HOLSCLAW: Well, we have a couple of the staff to go with them, a couple of the people who work in the warehouse who actually go out and test the sites to make sure they are accessible. But until we make sure that someone who does have special needs can use that themselves, we feel better. So we invite them and we usually have a few that are always happy to go along with us to test the sites before election day.

PAM WILLIAMSON: That's great! I love the way that the community is being involved and is really a way to work with folks to ensure accessibility. Finally there is a new campaign called "Rev up" and extensible register, educate, vote, and use your power. And it is a part of the American Association of People with Disabilities. And they are all about making sure that voters are registered. Are you familiar with that? And have you been able to use any of the resources that they have out there?

BOBBIE HOLSCRAW: Well, I am familiar with it, but I have not actively been involved in that yet. We have been so heavily involved with the purchase of this new voting equipment that that has really been where all of our time and attention has been probably in the last year and a half, but we will get involved in that.

PAM WILLIAMSON: That's great; that's great! Because they said a lot of good information was out there, both for elected officials, as well as people with disabilities. There is an issue's guide, candidate forum guides and an election accessibility toolkit so there is a lots of great information that might be usable for folks who are a part of the election system.

BOBBIE HOLSCRAW: Well, I think that is wonderful. Because we truly do want everyone to be able to vote. And it is amazing to me that the pride that they take in doing so. So anything that we can be a part of, we look forward to doing that.

PAM WILLIAMSON: Fantastic! So Bobbie as we get ready to wrap up today, what are some of the things that Jefferson County, Kentucky, has done that other cities or counties might implement to make their voting practices more accessible?

BOBBIE HOLSCRAW: Well, I would say that our polling organizations are organized so that all voters can be processed efficiently and all voters with disabilities can be managed through the voting area and participate in the electoral process. Every voter has the right to cast a ballot privately and independently at their polling location and we work very hard to guarantee each polling location meets the requirements of the Americans With Disabilities Act and that all voters are provided with an equal opportunity to cast a vote. It so important and you know I had said earlier; I don't think

we could work hard enough to make sure that everyone is able to vote, particularly people that do have disabilities or special needs and might need accommodations. I think everyone really and truly wants to make sure that happens.

PAM WILLIAMSON: Well, Bobbie, we really appreciate your information today and if I can just reiterate some of the things that I have heard you say. Use technology to check accessibility, the GPS mapping; make sure you use a key map and collaboration between your board of elections and individuals with disabilities in the community and disability organizations to make sure that everything is accessible. Make sure you look at that polling place access ahead of time. Don't wait till the last minute and implement temporary measures that might make things more accessible and also too look at the available equipment to make sure that every voter can vote independently and privately and exercise that right that is so important to us.

So we appreciate you joining us today, sharing your knowledge, and also for letting us learn more about what Jefferson County has done. And ADA Live! listeners, I want you to know that this episode and all previous episodes are available on our website at adalive.org. The episodes are archived in a variety of formats including streamed audio from our website, accessible transcripts of the audio, and they are also available to download as podcasts so that you may listen to it at your convenience. I want to thank you as our ADA Live! listening audience for joining us today. We are very thankful for your support and as you listened to these broadcasts. As a reminder you can submit any questions on this topic or any others by going to adalive.org.

Be sure to join us on September 2018 for our next episode of ADA Live! where we will be discussing Supported Decision Making and Conservatorship with Jonathan Martinis from the Burton Blatt Institute. If you have any questions, please contact the ADA center at 404 541 9001 and remember all calls are free and confidential. (Music)

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