

# disABILITY LAW CENTER

OF VIRGINIA



Protection & Advocacy for Virginians with Disabilities

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February 10, 2023

Ms. Susan Beals, Commissioner of Elections  
Washington Building, First Floor  
1100 Bank Street, Richmond, Virginia 23219

Dear Commissioner Beals,

As you are aware, the disAbility Law Center of Virginia (dLCV) is the Commonwealth's designated Protection and Advocacy Agency for Virginians with disabilities. dLCV is mandated by the Help America Vote Act of 2002 (PL 107-252) to advocate for the rights of Virginia voters with disabilities. Through dLCV's Protection and Advocacy for Voter Access (PAVA) program, we

- Educate individuals, communities, poll workers and the Board of Elections about the voting rights of people with disabilities;
- Monitor and investigate complaints about polling place accessibility and privacy;
- Collaborate with other voting rights advocates for systemic change for people with disabilities;
- Participate in the implementation of provisions of the Help America Vote Act affecting people with disabilities; and
- Assist and represent individual voters in the state-based administrative grievance processes.

Part of this work also includes surveying polling sites on Election Day to determine if sites are accessible and taking corrective action if sites are not accessible. Every election day, dLCV staff and volunteers travel to different counties in Virginia and survey a sampling of polling places from that county or city.

This year, we completed over 500 surveys. Through the surveys, we learned that approximately 80% of the sites had appropriate curbside voting signs, 82.5% had accessible parking spots closest to the door, 87% had an accessible pathway to the door, and 79% had accessible doors that could be opened with a closed fist. There are several Counties that had issues that dLCV would like the Department of Elections to address. A sample of such localities and issues are

listed below. Please note that this is not an exhaustive list of issues but merely examples. We have attached photos of problematic issues as well as graphs and data in this letter for your reference. Please further note dLCV staff and volunteers did not enter polling places and do not have an opinion on access issues once inside the polling place

### **New Kent County**

In New Kent County, there is still no signage to designate curbside voting at any location. There were also very few sites that had accessible parking and clear walking paths to the door (smooth surface without tripping hazards).

### **City of Petersburg**

There was not curbside voting available at Richard Bland Barn Theater.

### **City of Manassas**

Only 54% of the sites we surveyed in Manassas had appropriate curbside voting signs.

### **Gloucester County**

In Gloucester, 42% of the sites that we surveyed did not have accessible parking.

### **Buckingham County**

We noticed that in Buckingham County, many of the paths of travel into the voting locations were covered with loose gravel, which is difficult in terms of accessibility.

### **Arlington County**

There were issues in Arlington with a lack of curb cuts, which led to individuals having difficulty accessing their polling places.

### **City of Blacksburg**

The surveyor who went to the Squire Student Center at Virginia Tech stated that there was not an accessible pathway to the door or curbside voting signs. We have included a photo with the route the surveyor had to take to get to the voting location.

### **City of Chesapeake**

In Chesapeake, 50% of the doors were not accessible and could not be opened with a closed fist.

Finally, dLCV recommends the following:

1. Registrar offices for each county hang a poster at each polling place telling individuals that if they need assistance with voting, they should ask an election official for the Elect 659 Form according to 24.2-649 of the Code of Virginia.
2. Moving forward, dLCV recommends that the Board of Elections determines that a polling place is accessible before deeming that it is a polling place. dLCV suggests that polling sites are locations that are accessible every day of the year and not made accessible only for election day.
3. Advise all registrars of their legal obligation to provide curbside voting: "An area for voting outside of the polling place will be clearly marked and with instructions prominently displayed on how the voter is to notify an officer of election of their request to vote outside of the polling place"
4. Advise all registrars that they have an obligation under both federal and state law to provide accessible parking and a path of travel that is the shortest distance possible. The spot should be marked with an upright sign noting accessible parking and have an accessible route to the entrance which is level, stable and firm in all directions. The accessible parking places should be the closest to the accessible entrance.

dLCV would like to meet with you or your designated staff at the State Board of Elections in February in order to determine what corrective action is necessary.

Regards,

A handwritten signature in cursive script that reads "Rachel Loria".

**Rachel Loria**  
Senior Disability Rights Advocate  
The disAbility Law Center of Virginia