

721—21.50(49) Polling place accessibility standards.

21.50(1) Inspection required. Before any building may be designated for use as a polling place, the county commissioner of elections or the commissioner’s designee shall inspect the building to determine whether it is accessible to persons with disabilities.

21.50(2) Frequency of inspection. Polling places that have been inspected using the Polling Place Accessibility Survey Form prescribed in subrule 21.50(4) shall be reinspected if structural changes are made to the building or if the location of the polling place inside the building is changed.

21.50(3) Review of accessibility. Not less than 90 days before each primary election, the commissioner shall determine whether each polling place needs to be reinspected.

21.50(4) Standards for determining polling place accessibility. The following survey form shall be used to evaluate polling places for accessibility to persons with disabilities.

The term “off-street parking” used in the polling place accessibility survey means parking places in lots separated from the street and includes angle parking along the street if the accessible route from the parking place to the polling place is entirely out of the path of traffic. Parking arrangements that require either the driver or passengers of the vehicle to go into the traveled part of the street are not accessible.

An access aisle at street level that is at least 60 inches wide and the same length as each accessible parking space shall be provided. An accessible public sidewalk curb ramp shall connect the access aisle to the continuous passage to the polling place. At least one parking place shall be van-accessible with a 96-inch access aisle connected to the continuous passage to the polling place by an accessible public sidewalk curb ramp. Two accessible parking spaces may share a common access aisle.

Polling Place Accessibility Survey Form

County: _____

Polling place name or number: _____

Polling place address/location:

INSTRUCTIONS

Purpose. This form shall be used to evaluate the accessibility of polling places to persons with disabilities.

How to use this form. Inspect each potential polling place by going from the parking area to the voting area. You will need a yardstick, a tape measure and about 30 minutes.

Answer every question on the form by marking either “YES,” “NO,” or “N/A” (NOT APPLICABLE), as appropriate. Items on the survey with clear (unshaded) boxes are **required**. If a required item is marked “NO,” the polling place is **inaccessible**. The survey questions in shaded boxes are recommended. If a recommended item is marked “NO,” the polling place is **accessible, but inconvenient**, if all other responses are “YES” or “N/A.”

Polling places may be inaccessible for more than one reason. Please respond to every item and summarize the responses by category on the back page.

1. Name, address, and telephone number of person(s) completing this form:

2. Date of inspection: _____

Category I: Parking	YES	NO	N/A
1. Are there off-street parking spaces either permanently or temporarily designated for the handicapped?			
2. Accessible off-street parking:			
a. Are designated parking spaces at least 13 feet wide, with at least one space van-accessible? (Parking space = 8 ft., aisle = 5 ft.; van-accessible parking space = 8 ft., aisle = 8 ft.)			
b. Are parking spaces on level ground (with a slope no greater than a rise of 1 foot in 50 feet)?			
c. Is the parking area surface stable, firm, and slip-resistant (concrete, asphalt, etc.)?			
d. Are the parking places within a reasonable travel distance (200 feet maximum) from the building?			
e. Is there a curb cut to connect these parking spaces to an accessible walk or to the building entrance?			
f. Are these parking spaces designated by post-mounted signs bearing the symbol of accessibility? (Signs should be high enough to be seen even when a vehicle is parked in the space.)			
3. Is there a relatively level passenger drop-off zone at least 4 feet wide with a curb cut connecting it to an accessible walk or to the building entrance?			


End of Category I

Please go to next category 

Category II: Walkways or pathways to the building	YES	NO	N/A
1. Is the surface of the walkway or pathway to the building stable, firm, and slip-resistant (concrete, asphalt, etc.)?			
2. Is the walkway or pathway to the building at least 48 inches wide?			
3. Are all curbs along the pathway to the building cut or ramped with at least 36 inches clear width and with slopes of no more than a 1-inch rise in 12 inches?			
4. Are all stairs or steps along the walkway or pathway to the building either ramped (with a slope of no more than a 1-foot rise in 20 feet) or else provided with a suitable alternative means of access?			
5. Do stairsteps along the walkway or pathway to the building have non-slip surfaces and handrails?			
6. Is the walkway or pathway to the building entrance:			
a. Free of protrusions (such as fire hydrants, tree trunks, or other obstacles) which narrow the passage to less than 48 inches?			
b. Free of any abrupt edges or breaks in the surface where the difference is over ¼ inch in height (such as where it crosses a driveway, parking lot, or another walkway, etc.)?			
c. Free of any overhanging objects (such as tree branches, signs, etc.) which hang lower than 80 inches?			
d. Free of any grating with openings of over ½ inch wide?			


Category II: Walkways or pathways to the building	YES	NO	N/A
7. Are walkways always well-lighted?			
8. Are provisions made to ensure that walkways are free of such hazards as ice, snow, leaves, or other debris on the day of election?			
9. Are there signs which identify the accessible route of travel if that route is different from the primary route of travel to the building?			

End of Category II

Please go to next category 

Category III: Ramps and elevators entering or inside the building	YES	NO	N/A
1. Are building stairs or steps which are over ¾ inch high (either at the entrance or between the entrance and the voting area) provided either with a ramp, with an elevator, or with an alternative means of unassisted passage (such as a chairlift or an alternative route of travel)?			
2. Ramps:			
a. Do all ramps have a slope no greater than a rise of 1 foot in 12 feet?			
b. Are ramps provided with non-slip surfaces?			
c. Is a handrail provided for any ramp rising more than 6 inches or longer than 72 inches?			
d. Are handrails at least 32 inches above ramp surface?			
e. Can handrails be gripped?			
f. Are ramps and landing areas with drop-offs provided with at least a 2-inch curb at the side to prevent slipping off the ramps?			
g. If there is a door at the top of a ramp, is there a level space of at least 5 feet by 5 feet where a wheelchair can rest while the door is opened (if the door opens toward the ramp)?			
3. Elevators (if elevators are the only accessible route):			
a. Is the elevator cab at least 68 inches by 51 inches wide?			
b. Do elevator doors provide at least 36 inches clear width?			
c. Are elevator controls less than 54 inches high (i.e., can a person in a chair operate the controls)?			
d. Are control panels marked with raised lettering?			
e. Is the elevator in close proximity to the entrance of the building?			

End of Category III

Please go to next category 

Category IV: Other architectural features	YES	NO	N/A
1. Doors along the route of travel:			
a. Do all doors have an opening which clears at least 32 inches wide?			
b. Are all door thresholds less than ½ inch high (¾ inch if the building was erected before 1979)?			
c. Are all doors equipped with either arch or lever-type handles, pushplates, or automatic openers (so that twisting a doorknob is not required)?			
d. Where an automatic door is used, does the door remain open at least 3 seconds?			
e. Are glass doors marked with safety seals?			
2. Stairs along the route:			
a. Do stairs have non-slip surfaces?			

Category IV: Other architectural features	YES	NO	N/A
b. Do stairs have handrails at least 34 to 38 inches above the step level?			
c. Can handrails be gripped?			
d. Do all steps have risers (the vertical wall at the back of each step)?			
e. Do all steps have tread areas at least 11 inches deep?			
f. Are all steps less than 7 inches in height?			
g. Are stairs well-lighted?			
h. Are stairs free of obstacles?			
3. Corridors:			
a. Is the corridor at least 44 inches wide?			
b. Is the corridor free of obstacles or protrusions (such as boxes, water fountains, etc.) which extend more than 12 inches from the wall?			
c. Is there sufficient lighting at all points along the route?			
d. In any corridor longer than 30 feet is there a seating or rest area?			
e. Does the corridor have a non-slip surface?			
f. Are all rugs and mats securely fastened?			

End of Category IV

Please go to next category



Category V: Features within the voting area	YES	NO	N/A
1. Are instructions for voting printed in 14-point or larger type, in simple language, and plainly displayed?			
2. Is there sufficient space for reasonable movement of voters in wheelchairs?			
3. Can all necessary parts of the voting equipment be reached by a person seated in a chair or, at least, is an alternative means of casting a ballot provided?			
4. Are magnifying devices available for those who request them?			
5. Is there adequate lighting in the voting area?			
6. Is seating available for elderly or handicapped voters awaiting their turn to vote?			

End of Category V

Please go to next category



Category VI: If there are other reasons for inaccessibility, please describe:

You may attach additional sheets, if necessary.

Please complete the summary of accessibility on the next page.

Summary of Accessibility by Categories			
Please review the responses within each category on the previous pages and indicate below whether each category is:			
<ul style="list-style-type: none"> ● INACCESSIBLE (if there is a “NO” response in any unshaded box in the category) ● ACCESSIBLE, BUT INCONVENIENT (if all “NO” responses in the category are only in shaded boxes and all the responses in the unshaded boxes are either “YES” or “N/A”) ● FULLY ACCESSIBLE (if all responses in the category are either “YES” or “N/A”) 			
Category	Inaccessible	Accessible, but inconvenient	Fully accessible
I. Parking			
II. Walkways or pathways to the building			
III. Ramps and elevators entering or inside the building			
IV. Other architectural features			
V. Features within the voting area			
VI. Other			
Overall determination of polling place accessibility			
If one or more of the categories are marked “INACCESSIBLE,” then the polling place is INACCESSIBLE <input type="checkbox"/>			
If no category is marked “INACCESSIBLE,” but one or more are marked “ACCESSIBLE, BUT INCONVENIENT” then the polling place is ACCESSIBLE, BUT INCONVENIENT <input type="checkbox"/>			
If all categories above are marked “FULLY ACCESSIBLE,” then the polling place is FULLY ACCESSIBLE <input type="checkbox"/>			
Disposition of inaccessible polling place			
If the polling place is INACCESSIBLE		YES	NO
A. Has an alternative accessible facility been sought?			
B. Are permanent or temporary alterations planned to render the polling place accessible in the coming election?			

21.50(5) Temporary waiver of accessibility requirements. Notwithstanding the waiver provisions of 721—Chapter 10, if the county commissioner is unable to provide an accessible polling place for any precinct, the commissioner shall apply for a temporary waiver of accessibility requirements pursuant to this subrule. Applications shall be filed with the secretary of state not later than 60 days before the date of any scheduled election. If a waiver is granted, it shall be valid for two years from the date of approval by the secretary of state.

- a. Each application shall include the following documents:
 - (1) Application for Temporary Waiver of Accessibility Requirements.
 - (2) A copy of the Polling Place Accessibility Survey Form for the polling place to be used.
 - (3) A copy of the Polling Place Accessibility Survey Form for any other buildings that were surveyed and rejected as possible polling place sites for the precinct.

b. If an accessible place becomes available at least 30 days before an election, the commissioner shall change polling places and shall notify the secretary of state. The notice shall include a copy of the Polling Place Accessibility Survey Form for the new polling place.

21.50(6) Emergency waivers. During the 60 days preceding an election, if a polling place becomes unavailable for use due to fire, flood, or changes made to the building, or for other reasons, the commissioner must apply for an emergency waiver of accessibility requirements in order to move the polling place to an inaccessible building. Emergency waiver applications must be filed with the secretary of state as soon as possible before election day. To apply for an emergency waiver, the commissioner shall send the following documents:

- a. Application for Temporary Waiver of Accessibility Requirements.

- b. A copy of the Polling Place Accessibility Survey Form for the polling place selected.
- c. A copy of the Polling Place Accessibility Survey Form for any other buildings that were surveyed and rejected as possible polling place sites for this precinct.

21.50(7) Application form. The following form shall be used to apply for a temporary waiver of accessibility requirements.

State of Iowa Application for Temporary Waiver of Accessibility Requirements

Instructions

Send a separate application for each precinct. Do not list more than one precinct on a waiver form.

Include copies of surveys. With each application you must send copies (you keep the originals) of the **Polling Place Accessibility Survey Form** for the polling place you would like to use, as well as for any buildings you surveyed and rejected.

Complete section A or section B, but not both.

Section A. No Accessible Place. If you cannot provide an accessible polling place for a precinct because no accessible buildings are available and no available building can be modified to be accessible on election day, you must apply for a temporary waiver of accessibility requirements.

1. Describe why you are unable to provide an accessible polling place for the precinct.
 - a. Include the reasons that the polling place you have selected cannot be made accessible for the next election. Remember, the polling place must be accessible on election days. Buildings used for polling places are not necessarily required to be permanently accessible.
 - b. Include letters from three elected officials from governing bodies that include this precinct (city officials, county supervisors, or township officials) supporting your finding that there is no accessible place within the precinct that can be used for a polling place.
 - c. Explain why it is not reasonable to move this polling place to another, accessible location outside the precinct or to combine this precinct with another adjacent precinct that has an accessible polling location.
2. List other potential polling places you examined and rejected. Enclose a copy of the Polling Place Accessibility Survey Form for each place you list. You keep the original copy of the survey form.
3. List the name and address of the polling place you propose to use. Enclose a copy of the Polling Place Accessibility Survey Form for this place. You keep the original survey form.
4. If a waiver is granted, it will apply to all elections held for two years after the date the waiver is approved by the Secretary of State.

Section B. Emergency Use. Use this section to report changes in polling places during the two months before a federal election. For example, you may need to change from an accessible polling place to an inaccessible one because the building has become unusable due to an emergency, such as a fire or flood.

1. Describe the emergency that made it necessary to move the polling place to an inaccessible site.
2. List the name and address of the polling place you propose to use. Enclose a copy of the Polling Place Accessibility Survey Form for this place. You keep the original survey form.

Review the application form carefully, sign and date it.

State of Iowa Application for Temporary Waiver of Accessibility Requirements

County: _____ Precinct: _____

Section A—No Accessible Place.

I have surveyed all potential polling places in the precinct listed above and hereby certify that no accessible place is available in or for the precinct. I further certify that this county is unable to make a polling place temporarily accessible in the precinct for the following reasons:

Other potential polling places that have been surveyed and rejected as inaccessible are:

I request permission to use the following building as a polling place until an accessible place becomes available, or for two years, whichever is sooner:

Section B—Emergency Use.

Due to emergency conditions, no accessible polling place will be available for the precinct listed above for the next election. The emergency conditions are as follows:

I request permission to use the following building as a polling place for the election to be held on ___/___/20___:

Statement by Commissioner:

Copies of the surveys for all polling places examined and rejected and for the polling place that will be used are included. Any voters with disabilities who are assigned to this precinct and who are unable to enter the polling place will be provided with ballots delivered to their vehicles by the two election officials selected to assist voters. I hereby apply for a determination from the State Commissioner of Elections that an inaccessible polling place may be used in this precinct for the period requested above.

Signed: _____, County Auditor and Commissioner of Elections

Date: _____

21.50(8) Evaluation of waivers. When the secretary of state receives waiver applications, the applications shall be reviewed carefully. A response shall be sent to the commissioner within one week by E-mail or by fax to notify the commissioner when the waiver request was received and whether additional information is needed.

21.50(9) Granting waivers. If the secretary of state determines from the documents filed with the waiver request that conditions justify the use of a polling place that does not meet accessibility standards, the secretary of state shall grant the waiver of accessibility requirements. If the secretary of state determines from the documents filed with the waiver request that all potential polling places have been surveyed and no accessible place is available, and the available building cannot be made temporarily accessible, the waiver shall be granted.

21.50(10) Notice required. Each notice of election published pursuant to Iowa Code section 49.53 shall clearly describe which polling places are inaccessible. The notice shall include a description of the services available to persons with disabilities who live in precincts with inaccessible polling places. The notice shall be in substantially the following form:

Any voter who is physically unable to enter a polling place has the right to vote in the voter's vehicle. For further information, please contact the county auditor's office at the telephone or TTY number or E-mail address listed below:

Telephone: _____ TTY: _____ E-mail address: _____

21.50(11) *Denial of waiver requests.* The secretary of state shall review each waiver request. The secretary of state shall consider the totality of the circumstances as shown by the information on the waiver request, information contained in previous applications for waivers for the same precinct and for other precincts in the county, and other relevant available information. The waiver request may be denied if it appears that the commissioner has not made a good-faith effort to find an accessible polling place. If the waiver request is denied, the secretary of state shall notify the commissioner in writing of the reason for denying the request.

This rule is intended to implement Iowa Code section 49.21.