Access to Polling Places in the 2004 Presidential Election: The Experience of One Metropolitan Midwestern City

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According to federal law, polling places must be accessible to persons with disabilities. The rate of compliance with these laws, however, is not known. Our purpose was to determine whether polling places in the Greater Kansas City area were physically accessible to persons with disabilities. Students, faculty, and staff members from four professional programs representing two universities completed surveys at 128 polling places on the day of the 2004 Presidential election. Over the 14 items of interest, compliance ranged from 75% to 99%. The highest rate of deficiencies was found in the lack of a ramp with a handrail to the entrance of the polling place. Only 43% of the polling places were compliant in all of the 14 survey items. Despite laws mandating that polling places be accessible to persons with disabilities, restrictions in access persist. Persons with disabilities may still find polling places inaccessible on Election Day.


Introduction

Voting is a right that many in the United States take for granted. Most Americans give little, if any, thought to the ability to drive or walk to a neighborhood polling place, enter the polling facility, and use the polling booth to cast a ballot. Participation in voting is, however, an arduous task for some Americans. Persons with disabilities may find it difficult or impossible to vote in their designated polling places. Physical obstacles such as the lack of ramps to enter buildings or inadequate door widths to accommodate wheelchairs may restrict access to polling places. The result is that some Americans are denied their right to vote in national, state, or local elections.

Historically, adults with disabilities have lower voting rates than the general population (Schriner & Shields, 1998). For example, in the national election of November 2000, approximately 62% of those of voting age in the state of Kansas cast their ballot (U.S. Census Bureau, 2002). Only 43% of Kansans of voting age with disabilities cast their ballot in the same election (American Association of People with Disabilities [AAPD], 2005b). At the national level, some 27 million adults with disabilities did not vote in the 2000 election and more than one third of those did not even register to vote (Voter Caucus, 2004). To appreciate the significance of these statistics, we give the example of the state of Kansas. In the 2000 election, the Governor’s race was decided by about 65,000 votes. An estimated 250,000 Kansans with disabilities could have voted but did not (Voter Caucus, 2004). Adults with disabilities do not vote for many of the same reasons that adults without disabilities do not vote (Schur & Kruse, 2000). Potential voters may be apathetic or feel powerless to affect meaningful changes. Voters with disabilities, however, face the additional challenge of access to polling places. Interestingly, persons without disabilities are more likely to vote as they age. The reverse is true for those with disabilities (Shields, Schriner, & Schriner, 1999).

Federal legislation has attempted to eliminate the challenge, requiring that polling places meet minimum requirements to provide access for persons with...
disabilities. The Voting Accessibility for the Elderly and Handicapped Act of 1984 mandated that polling places be accessible or that an alternate means of balloting be made available. In 1990 the Americans with Disabilities Act (ADA) was signed into law. The ADA prohibits unequal treatment of persons with disabilities. Title II of the ADA specifically addresses the right of persons with disabilities to participate in activities of state and local governments, including voting.

Despite this legislation, adults with disabilities continued to report experiences with inaccessible polling places. For example, in cases when a polling place is not accessible to a voter with a disability, election officials may interpret Title II of the ADA to include the option for election workers to bring a ballot out to the potential voter with a disability as a means to provide access. However, a person with a disability may be required to ask a voter or a passerby who happens to be at the polling place at the same time to request an election worker to come outside. In elections that have few voters, this request may not always be reasonable. At least one report exists of an adult wheelchair-user who, after waiting in vain for assistance in securing an election worker, finally crawled into a polling place to request curbside help with voting (M. Donnelly, personal communication, September 10, 2004).

In 2002, additional federal legislation targeted at numerous voting issues included an expansion of voting access for persons with disabilities. The Help America Vote Act (HAVA) of 2002 addressed access to polling places, access to ballots, provisional ballots, a mechanism to file complaints, and importantly, funds to assist states with compliance. Already in place were state organizations such as the Disability Rights Center of Kansas. These agencies are part of a national network of protection and advocacy organizations for persons with disabilities, and they are federally mandated and funded. One of the goals of the agencies such as the Disability Rights Center of Kansas is to assure that persons with disabilities can exercise their right to vote.

The Departments of Occupational Therapy and the Departments of Physical Therapy at Rockhurst (Missouri) University and the University of Kansas Medical Center partnered with the Disability Rights Center of Kansas to determine accessibility to polling places in the November 2, 2004, Presidential election. Our purpose was to determine whether polling places on both sides of the state line in the Greater Kansas City area were in compliance with federal regulations regarding physical access. Our question was, using a survey to evaluate accessibility, could we identify any deficiencies in local polling places? Given the anecdotal reports of voting difficulties and the lower rate of voting among persons with disabilities compared to those without disabilities, we anticipated that we would find compliance deficiencies in polling places across the metropolitan area.

Methods

Education. Representatives from the Disability Rights Center of Kansas provided a seminar to students, faculty, and staff members at the University of Kansas Medical Center that was taped for participants at Rockhurst University. The seminar was designed to educate participants about challenges that persons with disabilities have in voting on Election Day, introduce them to the laws requiring accessibility to polling places, and familiarize them with the survey provided by the Disability Rights Center of Kansas to check accessibility of polling places on Election Day. Students received no training or practice in completing the survey beyond the 1-hr seminar. Given that the students represented four different programs and were at varying points in their education, some had already had exposure to issues of architectural barriers and others had had none.

Surveys. Two surveys were available to evaluate accessibility of polling places, one designed by the Kansas advocacy organization and one by the Missouri advocacy organization. Both were shorter versions of the lengthy ADA survey and were constructed to be completed by voters with disabilities during their voting experiences. The Kansas survey included 14 yes-or-no questions (see Table 1) to evaluate accessibility of polling places for persons with disabilities. The Missouri survey included 32 yes-or-no questions. Because the University of Kansas Medical Center is located in the state of Kansas, each participant from the University of Kansas Medical Center was provided with a copy of the Kansas survey to bring with him or her on Election Day. Those from Rockhurst University were provided a copy of the Missouri survey.

Procedure. Using public records, we identified sites that would be used as polling places for the November 2, 2004, election in the greater Kansas City area. Because Kansas City spans the state line, we wanted to include counties in Missouri and Kansas. Our focus was on Johnson County and Wyandotte County in Kansas, and Jackson County in Missouri. Researchers assigned students, faculty, and staff member volunteers to various polling places in the greater Kansas City area. We attempted to match volunteers to survey the same site that was their designated polling place, thus selecting a sample of convenience. To avoid duplication and to obtain data from as many sites as possible, in cases where two persons had the same polling place, we assigned them an alternative polling site for completion of the survey. For those who were registered to vote outside of
the Kansas City area, local polling places were assigned near their university or near their current residence.

The survey was completed by observation. None of those completing the survey had disabilities and none were accompanied by someone with a disability. Participants were instructed to bring a tape measure with them to the polling place to measure door widths, as required by the survey (question #8, Table 1). All surveys were completed during the time the polls were open on Election Day, November 2, 2004.

Data analysis. Surveys were returned to the authors for compilation of data. Fourteen of the questions in the Missouri survey matched the 14 questions in the Kansas survey, and these data were compiled. Data were entered into an Excel spreadsheet. Frequencies and percents of yes and no responses for each of the 14 questions were calculated using Excel and were based on the number of completed responses for that particular question.

Results

We obtained 131 surveys representing data from 127 polling places from both sides of the state line, 84 completed by persons from the University of Kansas Medical Center, and 47 by personnel from Rockhurst University. With hundreds of polling places available in the greater Kansas City area, our sample represented less than 16% of the total. Four duplicate reports were received from the University of Kansas Medical Center. In these four cases, no more than 1 of the 14 items between any pairs of surveys had different responses. The polling place was given the benefit of the doubt and the yes response was given over a no or not applicable response. The 127 polling places surveyed included a broad range of facilities including public and private schools, churches, restaurants, hotels, government buildings, community centers, and a bowling alley.

No single item of the 14 items on the survey obtained perfect compliance across all the polling places included in our survey. Compliance with the 14 items varied from a low of 75% to a high of 99.2% (see Table 1). Four questions had less than a 90% compliance rate. Two of these questions were directly related (i.e., the presence of a van-accessible space to park and a sign for that accessible space). The other two questions that had less than 90% compliance were the presence of a ramp with a handrail to the entrance and the appropriate hardware on the door to the voting area.

Examining the data by polling place, we found that 43% of the facilities were in compliance with all 14 items in the survey. Another 27% were not compliant with only 1 question on the survey, and 12% were not compliant with 2 questions. The remaining polling places—that is, 18% of the total number—were not compliant with between 3 and 8 of the 14 items included in the survey.

Discussion

As we anticipated, the polling places included in our survey of the Greater Kansas City area were not in complete compliance with laws requiring access for adults with disabilities. No item on the survey had 100% compliance across all the polling places that we included in our data set. Noncompliance with one or more items was distributed across the majority of sites. More than half of the polling places were noncompliant in at least one question on the survey, and one was noncompliant in eight items. If even 1 of the 14 items surveyed was not in compliance at any one polling place, a person with a disability may have been prevented from casting a ballot on Election Day.

Despite the federal legislation that mandates accessibility to polling places for persons with disabilities, it appears that the enforcement of these laws is inadequate. In a recent
decision that voting is one area in which discrimination against persons with disabilities persists (Tennessee v. Lane et al., 2004). When access to polling places is withheld, the person with disability remains disenfranchised. Some objections to this pronouncement may come from those who suggest that mail-in ballots remain available to those who cannot access polling places. At least two arguments take issue with this suggestion, however. First, the right of a voter to vote on Election Day at his or her local polling place should not be denied on the sole basis of the presence or absence of a physical characteristic. Second, mail-in ballots need to be secured before Election Day. If a person with a disability decides to vote on Election Day, only to find that the polling place is not accessible, the voter is left with no alternatives.

As stated by the AAPD, “Full participation in American society must include full access to voting in all its aspects, on an equal and independent basis” (2005a, p. 1). Voters with disabilities must be able to make their choices in voting, verify the choice they have made, and cast their ballots, and this must be done with the same privacy, independence, and accuracy afforded voters without disability. Withholding participating in voting for those with disabilities leaves these persons disenfranchised and impedes their voice on the many government-sponsored programs and policies that may affect them.

The United States Congress provides assistance to states in meeting the federal mandate to make polling places accessible for adults with disabilities. The ADA publishes a checklist for evaluating the accessibility of polling places (U.S. Department of Justice, 2004). Included in this document are suggestions for temporary solutions that can be used on Election Day. Congress also makes funds available under the Help America Vote Act of 2002 to assist states in making polling places accessible. However, adults with disabilities continue to be denied access to voting.

It is interesting to speculate on the external circumstances that may have affected compliance rates for our sample on the 2004 national election. The weather in the greater Kansas City area was dry and sunny on Election Day. In a number of polling places, doors were propped open and the door hardware was not assessed for compliance. We found that more than 16% of the sites that had doors closed did not have the appropriate hardware to allow entrance for persons with disabilities. If the weather had been inclement on Election Day, it is reasonable to suggest that more doors would have been closed and the percent of noncompliance may have increased. Neglecting this standard, adults with disabilities would have to wait for other voters or election workers to pass by and assist them. This obstacle places an unfair and unreasonable burden on voters with disabilities, and is unequal treatment of the voter with a disability.

Although it was not part of our survey, a number of participants expressed concern about other potential restrictions to voting. A record high voter turnout in the November 2004 election (“Turnout Fables,” 2004) led to long hours in line at some polling places. The need to stand for inordinate amounts of time may have prevented some adults from voting. Furthermore, persons using para-transit or public transportation and operating under fixed timelines due to transportation arrangements could have been prevented from voting because of the long lines. Parking lots were full at some polling places, necessitating voters to park farther away from the polling place or to chance returning at another time. Although we have no direct measure of these concerns, it is reasonable to suggest that those with disabilities may have faced additional challenges to voting.

Although it was not a direct purpose, we found some indirect benefits to undertaking this study. We believe that our students in occupational therapy and physical therapy programs gained an appreciation for the discrimination faced by many persons with disabilities. Some experienced striking images that drove this point home, such as the student from Rockhurst University who observed election workers lifting a woman from a wheelchair so that she could reach the ballot. The study also used the efforts of two professions across two universities. This collaborative work provided a good model of the interdisciplinary cooperation that is important in so much of what we do in health care.

We acknowledge that there were limitations in our study. To obtain surveys in as many places as possible on a single day, we recruited more than 100 volunteers from two universities. Although these persons had some instruction in completing the survey and the survey was designed for the lay public, we did not assess reliability. It is possible that some deficiencies may have been underreported or overreported. Our study included only a sample of polling places in the Greater Kansas City area. Our results may have been skewed by the large number of surveys completed in Johnson County, Kansas, a more affluent county in the area. According to the 2000 U.S. Census Bureau, the median family income in Johnson County is almost $73,000, compared to the median in Wyandotte County at just over $40,000 and Jackson County at just over $48,000. The national median family income is just over $50,000 (U.S. Census Bureau, 2000). Of note, Johnson County also has a smaller percentage of persons with disabilities; that is, 13.4% of those 16 years of age and older compared to the national average of 22.2% (U.S. Census Bureau, 2000).
Persons with disability face challenges to participate in their role as part of the electorate. More studies are needed to determine whether current legislation is sufficient to bring about gains in voting access for those with disabilities. The current study confined its focus to physical access of polling places, with particular emphasis on access for those who use wheelchairs. Studies of voting access for those with disabilities related to visual loss, hearing impairments, or cognitive deficits await future exploration. Occupational and physical therapists are uniquely prepared to investigate the accessibility of polling places and voting for those with disabilities. As health professionals, we have continued responsibilities to serve as advocates for those with disability, working to make voting accessible for all.

Conclusion

Federal legislation has mandated that polling places be accessible to persons with disabilities. The purpose of our study was to determine whether the recommended standards were in place in polling places in the greater Kansas City area. In our survey of 127 polling places, we found that compliance was high, with most survey questions ranging between 90% and 100% compliance. The results on four questions were less positive, however, with 75% to 84% of polling places in compliance. More than half of the polling places were noncompliant in one or more of the survey questions. Failure in even one standard may deny a person with disability the ability to vote. Despite laws requiring access to polling places, compliance with the regulations remains incomplete in the greater Kansas City area. ▲

References

Tennessee v. Lane et al., 02-1667, slip op. (U. S. May 17, 2004).