

## **Title 31**

### **ELECTIONS**

#### **Part I. Election Process**

##### **Chapter 1. Polling Place Accessibility for the Elderly and Individuals with Disabilities**

###### **§101. Definitions**

A. For the purpose of this rule, the definitions detailed below shall apply.

*Accessible Parking*—a place specially designated by the International Symbol for Accessibility and other markings with dimensions as specified in LAC 31:I.105.A.1.a.i.

*Accessible Polling Place*—the combination of the various elements of the built environment that is free of physical barriers, as prescribed herein, which allows parking, entrance to, egress from, and use of polling place facilities by the elderly and individuals with disabilities for the purpose of voting.

*Blend to a Common Level*—the meeting of two or more surfaces free from abrupt level changes over 1/2 inch. Level changes between 1/4 and 1/2 inch must be beveled with a slope no greater than 1:2. Level changes up to 1/4 inch require no change.

*Circulation Route*—a continuous path of travel from the curb or parking area to the polling place building, into and through the polling place building to the voting area, and includes both horizontal and vertical travel.

*Curb*—the inside boundary of the street, driveway, or parking lot.

*Elderly*—any person who is 65 years of age or older.

*Exterior Circulation Route*—that part of a circulation route from the curb or parking area to the point of entry to the polling place building or facility.

*Individual with Disabilities*—any person who has a temporary or permanent physical disability.

*Interior Circulation Route*—that part of a circulation route from the point of entry to the polling place building through the polling place building to the voting area.

*Passenger Loading Zone*—a place specially provided outside of the vehicular traffic flow designed for the drop-off or pick-up of passengers from vehicles.

*Temporarily Accessible*—modifications or improvements that are not permanent to various elements of the existing built environment as prescribed herein which allow parking, entrance to, egress from, and use of polling place facilities by the elderly and individuals with disabilities for the purpose of voting and registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:533, R.S. 36:742, 42 U.S.C. §1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE : Promulgated by the Department of State, Elections Division, LR 35:1258 (July 2009).

###### **§103. Determination of Accessibility**

A. It is the responsibility of the parish governing authority to select an accessible building or facility to be used as a polling place.

B. The parish governing authority shall visit each polling place to be used on election day and for early voting. The parish governing authority must complete an accessibility survey on an official form provided by the Department of State for every polling place building or facility to determine whether the polling place is accessible, temporarily accessible, or inaccessible based on the accessibility criteria set forth herein. At the end of the survey form, the parish governing authority shall certify that the polling place is accessible or has been made temporarily accessible prior to the use of the polling place for an election.

C. The original completed survey shall be filed with the Department of State. A copy of the survey shall be retained by the parish governing authority for the period the site is used as a polling place.

D. The Secretary of State or designee reserves the right to conduct on-site inspections of polling places.

E. If an existing polling place fails to satisfy the accessibility criteria set forth herein and cannot be temporarily modified in a reasonable manner, it shall be deemed inaccessible by the parish governing authority and shall not be used unless an exemption is granted by the secretary of state pursuant to §109 of this Chapter.

F. When a proclamation has been adopted to move a polling place, the parish governing authority shall provide the department with a completed accessibility survey form and certification that the new polling place location is accessible. The Secretary of State will not accept the polling place change without a completed accessibility survey and certification.

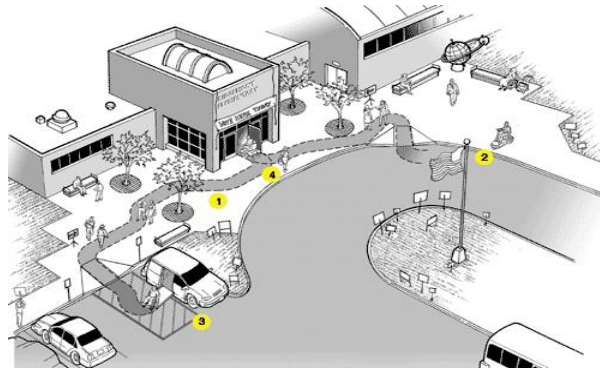
AUTHORITY NOTE: Promulgated in accordance with R.S. 18:533, R.S. 18:534, R.S. 18:535, R.S. 18:536, R.S. 36:742, 42 U.S.C. §1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Election Division, LR 35:1258 (July 2009).

#### **§105. Guidelines for Accessibility**

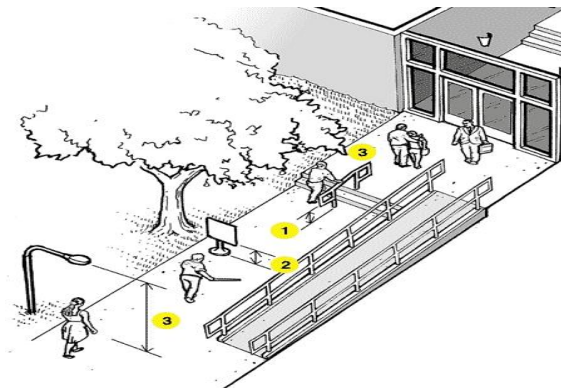
A. To be accessible to the elderly and individuals with disabilities, the polling place must have at least one circulation route that encompasses an exterior circulation route, ramps, entrances, doors, doorways, an interior circulation route, and may include elevators which meet the following criteria.

1. Exterior Circulation Routes. There shall be at least one path of travel at least 36 inches wide within the boundary of the site that shall have no steps, abrupt changes or slopes greater than 1:12 from the public transportation stops, accessible parking areas, accessible passenger loading zones, and public streets and sidewalks to an accessible entrance of the polling place building or facility. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.



Notes for this illustration of an accessible entrance to a polling place with accessible parking and an accessible drop-off area:

1. Accessible route.
2. Accessible drop-off area.
3. Accessible parking with van accessible parking space.
4. Accessible entrance to polling places.



Notes for this illustration of an accessible entrance for individuals who are visually impaired or blind:

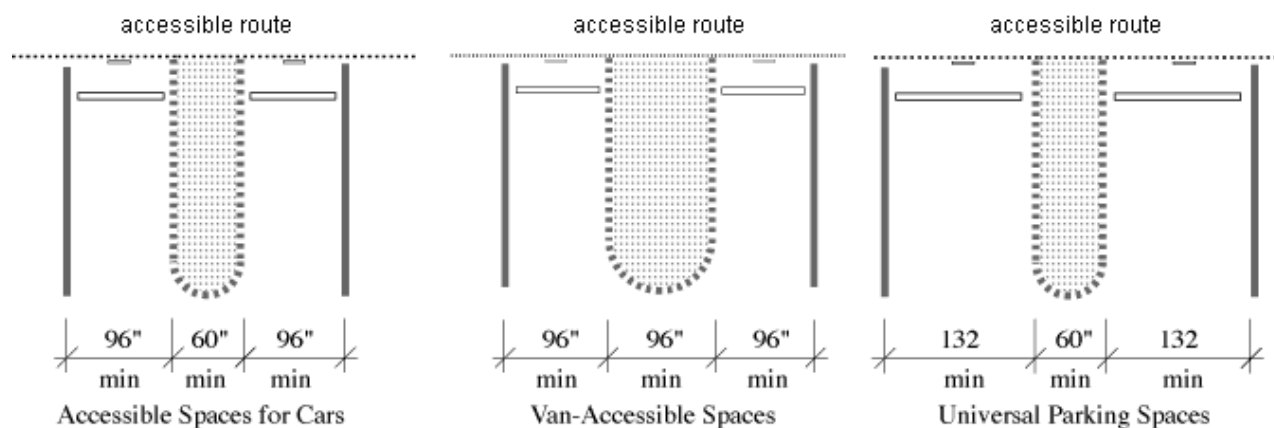
1. The bottom of the handrail extensions turn down so a person who is visually impaired or blind can detect the hazard before running into it.
2. Signs or other objects in the pedestrian route can be a hazard if the bottom is more than 27 inches but less than 80 inches above the route.
3. Objects that overhang the pedestrian route must be at least 80 inches above the route.

#### a. Accessible Parking

i. If parking areas are provided as part of the premises used as a polling place by voters, the polling place shall have accessible parking spaces specifically designated for individuals with disabilities located as close as possible to an accessible entrance, as described below, an access aisle located parallel and adjacent to the accessible parking space, and an accessible path of travel to the polling place building or facility. An accessible parking space must be signed with the International Symbol for Accessibility that is clearly visible over the hood of a vehicle.

| <b>Total Spaces for Polling Place</b> | <b>Required Minimum Number of Accessible Spaces</b>                                                                    |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1 – 25                                | One van or universal accessible space w/access aisle                                                                   |
| 26 – 50                               | One van or universal accessible space w/access aisle + one car, van, or universal accessible space w/access aisle      |
| 51 – 75                               | One van or universal accessible space w/access aisle + two car, van, or universal accessible spaces w/access aisles    |
| 76 – 100                              | One van or universal accessible space w/access aisle + three car, van, or universal accessible spaces w/access aisles  |
| 101 – 150                             | One van or universal accessible space w/access aisle + four car, van, or universal accessible spaces w/access aisles   |
| 151 – 200                             | One van or universal accessible space w/access aisle + five car, van, or universal accessible spaces w/access aisles   |
| 201 – 300                             | One van or universal accessible space w/access aisle + six car, van, or universal accessible spaces w/access aisles    |
| 301 – 400                             | One van or universal accessible space w/access aisle + seven car, van, or universal accessible spaces w/access aisles  |
| 401 – 500                             | Two van or universal accessible spaces w/access aisle + seven car, van, or universal accessible spaces w/access aisle  |
| 501 – 1000                            | 2% of total shall be accessible spaces, with 1 van or universal accessible space for every 8 accessible parking spaces |

All three examples illustrated below show two accessible spaces with an accessible aisle and route.



ii. The accessible parking and access aisle should be relatively level with no more than a 1:50 slope.

iii. At least one van accessible or universal parking space with an adjacent access aisle must be provided. The access aisle should connect directly to an accessible route that leads to an accessible entrance. The accessible aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement. If an accessible route crosses a curb, a curb ramp must be provided.

iv. If the total number of parking spaces for a polling place requires only one accessible parking space, it must be either a van-accessible parking space or a universal parking space.

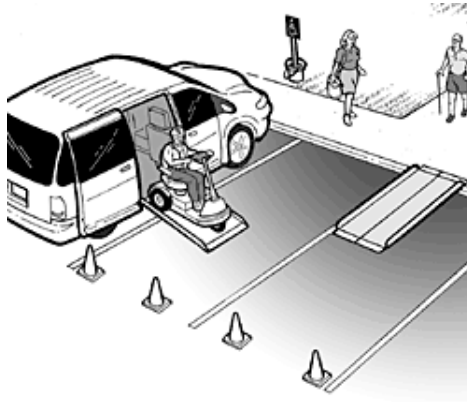
v. A van-accessible space shall be at least 96 inches wide with an adjacent access aisle that shall also be at least 96 inches wide.

vi. A universal parking space shall be at least 132 inches wide with an adjacent access aisle that shall be at least 60 inches wide.

vii. The vertical clearance for the vehicle route to the van-accessible or universal parking space, the parking space, access aisle and exit route shall be at least 98 inches in height.

viii. If the total number of parking spaces for a polling place require more than one accessible parking space, then one parking space must be a van-accessible or universal parking space and the other may be a van-accessible, universal, or car accessible parking space. A car accessible parking space shall be at least 96 inches wide with an adjacent access aisle that shall also be at least 60 inches wide. Accessible parking spaces may share an adjacent access aisle provided that the access aisle is at least 60 inches wide.

ix. If general parking is provided on the premises, but no spaces are designated as accessible parking, then a temporary accessible parking space must be created by combining existing adjoining parking spaces to make an accessible parking space and access aisle subject to the provisions set forth above in Clauses i-viii. The temporary accessible parking shall be marked off with cones or other temporary elements.



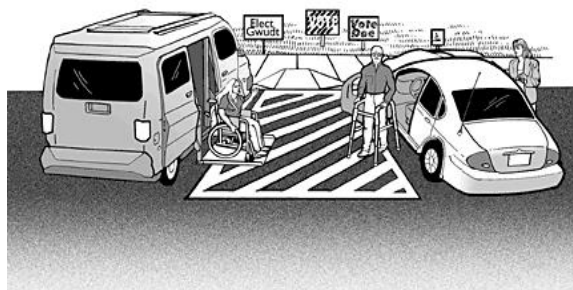
Three standard parking spaces are converted into an accessible parking space with an access aisle. Cones mark the access aisle and a temporary curb ramp with edge protection connects to an accessible route to the polling place.

x. Polling places that only provide street parking must clearly mark and sign an accessible parking space located as close as possible to an accessible route and polling place entrance. Either a curb-cut or ramp which connects directly to an accessible route must be provided.

xi. An accessible parking area which uses a portion of the general parking area as part of the exterior circulation accessible route that connects the accessible aisle to the accessible entrance must clearly delineate the access route which traverses the parking lot as a crosswalk.

xii. Accessible polling places can sometimes only be reached by traveling on gravel or other surfaces that are inhospitable to wheelchairs, walkers, and cane users. In these situations, an access aisle must be made accessible through the use of securely placed non-slip plywood, decking, or matting of sufficient thickness, which smoothes out the surface of the access aisle.

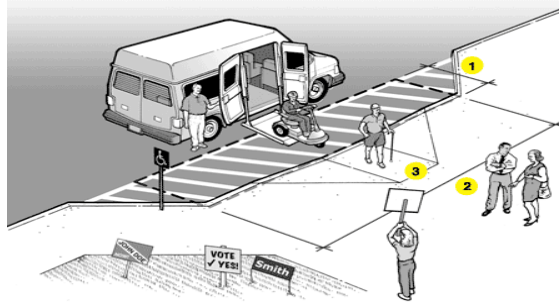
xiii. If general parking is not provided, every effort shall be made to set aside and/or reserve a temporary parking area for voters with disabilities.



Notes for this illustration: Van-accessible parking spaces serve both cars and vans. A 96" access aisle is needed so a wheelchair lift may be lowered from the van onto the level surface.

b. Accessible Passenger Loading Zones

i. A passenger loading zone is not required, but if one is provided, it must be an accessible loading zone that is located parallel and adjacent to an access aisle. The loading zone may be located at street level or on the sidewalk. The loading zone accessible aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement. The loading zone access aisle shall connect directly to an accessible route either by a curb ramp or temporary curb ramp.



Accessible Passenger Drop-off and Loading Area

1. Access aisle depth at least 5 feet.
2. Access aisle length is at least 20 feet.
3. Curb ramp connects access aisle to the accessible entrance to the polling place.

ii. An accessible passenger loading zone which uses a portion of the general parking area as part of the exterior circulation accessible route that connects the accessible aisle to the accessible entrance must clearly delineate the access route which traverses the parking lot as a crosswalk.

iii. The accessible parking and access aisle should be relatively level with no more than a 1:50 slope.

iv. A loading zone access aisle must be at least 60 inches deep and 20 feet in length.

v. Accessible polling places can sometimes only be reached by traveling on gravel or other surfaces that are inhospitable to wheelchairs, walkers, and cane users. An access aisle may be made accessible through the use of securely placed non-slip plywood, decking, or matting of sufficient thickness, which smoothes out the surface of the access aisle.

vi. The vertical clearance for the vehicle route to the loading zone area, the drop off area, access aisle, and exit route shall be at least 114 inches in height.

c. Walkways and Sidewalks

i. The minimum clear width of walkways and sidewalks shall be at least 36 inches and may narrow briefly to 32 inches wide for up to 2 feet in length where utility poles, post-mounted signs, furniture, and doorways are located along an accessible route.

ii. Walkways and sidewalks shall be of a continuing common surface, not interrupted by changes in level of more than 1/4 inch, unless the changes are beveled; but not more than 1/2 inch, even if beveled and shall be beveled with a slope no greater than 1:12. All surfaces shall be firm and stable.

iii. Walkways with gradients steeper than 1:20 shall be considered as a ramp and must conform to the requirements of LAC 31:I.105(A)(2). Ramps on walkways shall not be steeper than 1:12.

iv. Walkways with sustained gradients of no greater than 1:20 shall have level areas of at least 60 inches long at 50 foot intervals for the purpose of rest.

v. All walkways, sidewalks, and accessible routes from a polling place drop-off place or parking area must be cleared of any object which protrudes more than 4 inches from the side and which is greater than 27 inches but less than 80 inches off of the ground. If an object cannot be moved, then a cane detectable barrier must be placed below the object within the detectable range of 27 inches or less.

vi. The undersides of exterior stairs must be enclosed or protected with a temporary or permanent cane-detectable barrier.

vii. Wherever walkways and sidewalks intersect with other walkways and sidewalks, parking lots, driveways, or streets, the surfaces shall blend to a common level.

viii. Accessible polling places can sometimes only be reached by traveling on gravel or other surfaces that are inhospitable to wheelchairs, walkers, and cane users. In these situations, walkways and sidewalks must be made accessible through the use of securely placed non-slip plywood, decking, or matting of sufficient thickness, which smoothes out the surface of the walkways or sidewalks.

## 2. Accessible Ramps and Temporary Accessible Ramps

a. All ramps constructed or temporarily installed in a polling place building or facility shall meet the requirements of this standard. If possible, alternative design solutions to ramps should be provided because of the substantial energy demands required to negotiate them by those in wheelchairs, plus the difficulties encountered by amputees and others with gout problems on ascent and descent ramps shall allow unrestricted traffic flow and be free of hazards.

b. Any part of a circulation path shall be considered a ramp if it has a slope that is greater than 1:20 and the rise for any run shall not exceed 30 inches long regardless of the slope. The following table gives allowable slopes and maximum lengths.

| <b>Allowable Slope</b> | <b>Maximum Rise in a Single Ramp</b> | <b>Maximum Length of a Single Ramp Segment</b> |
|------------------------|--------------------------------------|------------------------------------------------|
| 1:12                   | 2' - 6"                              | 30' - 0"                                       |
| 1:16                   | 2' - 6"                              | 40' - 0"                                       |
| 1:20                   | 2' - 6"                              | 50' - 0"                                       |

c. A level landing area that is at least 60 inches by 60 inches must be provided where a ramp changes directions.

d. All portions of a ramp way shall have identical slopes except for the level landing areas.

e. No ramp shall exceed a slope of 1:12. However, for ramps to be constructed on existing interior or exterior areas or buildings or facilities where space limitations prohibit the use of a 1:12 slope, the slope may be 1:10 for a 6 inch rise or 1:8 for a 3 inch rise.

f. If there is a vertical drop off, an edge protection will be required to stop wheelchairs from falling off the side.

g. All ramps with a rise greater than 6 inches shall have handrails mounted between 34 and 38 inches above the ramp surface on both sides. Handrails shall be continuous along the ramp segment. If the ramp has a second lower rail sufficient to prevent an individual from slipping off the ramp, no edge protection is needed for the ramp.

h. Ramps shall have a minimum clear width measured between the handrails of 36 inches.

i. Ramps shall have level platforms at the bottom and the top of each run that are at least 60 inches long and at least as wide as the ramp. Intermediate platforms between each ramp segment shall be at least 60 inches in length. See above Table (LAC 31:105.A.2.b) for the maximum allowable lengths of ramp segments.

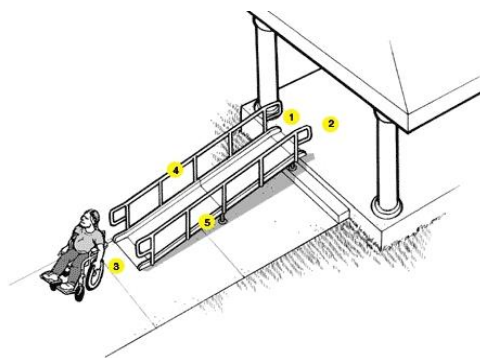
j. Intermediate turning platforms shall be a minimum of 60 inches in length and 60 inches wide to allow wheelchair maneuvering through 180 degrees.

k. If doors open out onto the ramp platform, a level area at least 5 feet deep and 5 feet wide shall be provided.

l. The ramp surface shall be slip resistant.

m. No objects shall be hung from above or the sides of a ramp way that projects lower than 90 inches from the surface of the ramp or landing. Below this height, no object shall project into a ramp way other than the handrails.

n. A portable temporary ramp may be used if steps are higher than 1/2 inch and are not accessible to wheelchair users.



Notes for this illustration of a ramp:

1. At least 36 inches between handrails.
2. Top landing part of walk.
3. Bottom landing part of walk.
4. Handrail height 34 to 38 inches.
5. Edge protection.

### 3. Entrances, Doors, and Doorways

a. At least one entrance and exit to the polling place building and its interior rooms shall be accessible, and shall be located on an accessible route as described above. The accessible entrance to the polling place should be identified and marked using the

International Symbol for Accessibility. Accessible entrance signs are included in the precinct supply packages on election day for the election to be posted at the accessible entrance on election day. Inaccessible entrances shall be marked with the same signs indicating the direction to the nearest accessible entrance.

b. The floor on the inside and outside of each doorway shall preferably be level, but may slope no more than 1:50.

c. Entrances shall have a minimum clear width of 32 inches. This dimension shall be measured from the face of the door to the face of the door stop. Where double doors are used, at least one leaf shall allow a 32 inches clear opening.

d. The minimum space between two hinged doors in a series shall be the width of the door swinging into the space plus 48 inches. Door swings of doors in series shall open in the same direction. Single doors hung in series shall be hinged at the same side.

e. At vestibules where doors are at right angles to each other, the dimension between the wall with the in swinging door and the facing wall shall be 78 inches. The minimum dimension in the other direction shall be 60 inches.

f. If the above specification cannot be satisfied, then one of the two doors shall be securely fastened in an open position during the hours when the polling place is open.

g. If there are security reasons why the accessible entrance door must remain closed or locked, a wireless doorbell system can be used notifying the poll worker to open the door for the elderly or individual with disabilities. If a wireless doorbell system is used, a sign should be posted instructing the voter to ring for immediate assistance and access.

h. The maximum height of thresholds at exterior and interior doors shall not be more than 1/4 inch, unless beveled. Thresholds which are greater than 1/4 inch but not more than 1/2 inch high must be beveled or replaced with a new beveled threshold that is not more than 1/2 inch high.

i. Doors should be operable without movements requiring a tight grasp, complex hand movements, or the exertion of great force. In addition, for doors that have hardware that cannot be manipulated by a closed fist, retrofit kits may be used to render the door accessible.

j. To be accessible, the width of a door should be at least 32 inches. If the width of a doorway is affected by its hinges, door widening hinges can be used to widen a door up to 2 inches.

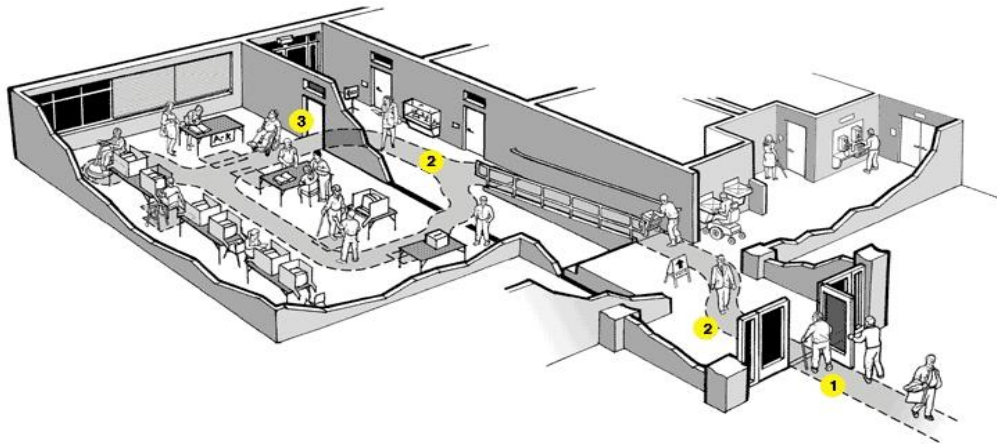
#### 4. Interior Circulation Routes

a. There shall be an accessible, convenient, and clear path of travel from an accessible entrance to the voting area within the polling place.

b. The voting area in the polling place building or facility shall be served from an accessible entrance by at least one path of travel that does not have stairs or escalators.

c. The minimum clear width of halls, corridors, passageways, and aisles shall be 36 inches wide and may narrow briefly to 32 inches wide where the route passes through doors or next to furniture and building elements.

d. No rigid or hard objects shall project into the space above the path of travel unless the dimension from the bottom edge of the object to the walk surface is at least 80 inches above the floor.



Notes for accessible interior circulation at the polling place from the accessible entrance to the voting area.

1. Accessible entrance.
2. Accessible route connects the accessible entrance with the voting area.
3. Accessible door to the voting area.

5. Elevators. If elevators are necessary to access the voting area, the elevators shall be on an accessible route and shall comply with the American National Standard Safety Code for Elevators, Dumb-Waiters, Escalators and Moving Walks, ANSI A117.1 1980.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:533, R.S. 36:742, 42 U.S.C. §1973ee et seq., Public Law 107-252, 28 CFR Part 36 (4.1.2), 28 CFR Part 34 (4.6), and 28 CFR Part 34 (A.4.6).

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 35:1258 (July 2009).

### **§107. Guidelines for Polling Places**

A. The guidelines set forth herein are only guidelines for physical accessibility of polling places and cannot be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

1. the Voting Rights Accessibility for the Elderly and Handicapped Act (42 U.S.C. §1973ee et seq.);
2. the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and ensuing regulations; and
3. the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and ensuing regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18: 533, R.S. 36:742, 42 U.S.C. §1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Election Division, LR 35:1262 (July 2009).

### **§109. Exemption Procedures**

A. If the present polling place building or facility cannot reasonably be made either permanently accessible or temporarily accessible for election day by the owner or the parish for use on election day, and the parish governing authority cannot locate any other building or facility in the precinct area for use as a polling place on election day that meets these

accessibility rules or it is not feasible to move the polling place to an accessible building or facility outside of the precinct, then the parish governing authority may request an exemption for use of the non-accessible polling place.

B. A request for an exemption shall be in writing to the Secretary of State, and shall include the following:

1. an accessibility survey for the present polling place for which the exemption is being sought, identifying all of the deficiencies of the building or facility;
2. a description of all efforts made to relocate the polling place to an accessible building;
3. a description of what continued efforts will be made by the parish to achieve compliance during the period that the exemption is in effect;
4. a statement of the approximate length of time needed to meet the compliance requirements; and
5. the signature of the presiding official of the parish governing authority; and
6. any document(s) supporting the parish's request for the exemption shall be included in the request.

C. The Secretary of State may grant an exemption to the accessibility requirements for a requested polling place in the case of an emergency as provided under R.S. 18:401 et seq., or upon a showing in writing by the parish governing authority that a polling place cannot reasonably be made either permanently accessible or temporarily accessible for an election for non-emergency reasons.

D. Any granted exemption to a polling place is valid for only one election cycle which includes all primary and general elections, unless otherwise stated by the Secretary of State.

E. For any polling place which receives an exemption hereunder, the parish governing authority shall certify to the Secretary of State, in writing, that reasonable notice was given to all eligible voters in the precinct that their polling place is not accessible but that they may vote either at the registrar of voter's office during early voting, or at an alternate accessible polling location on election day as directed by the registrar of voters. The address of the alternate accessible location shall be specified in the notice. Reasonable notice shall include posting of public notice at the parish courthouse and at the non-accessible polling place, mailing of notice no later than 21 days to all eligible voters prior to an election, and advertisement in the official parish journal or the local newspaper of general circulation, telephone, television, and/or radio at the cost of the parish governing authority.

F. A certification of exemption from these accessibility requirements may be requested by the parish to the Secretary of State by telephone or other electronic means, provided it is followed up in writing as soon as practicable as provided for herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18: 533, R.S. 36:742, 42 U.S.C. 1973ee et seq., and Public Law 107-252.

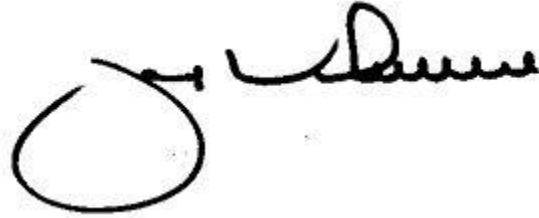
HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 35:1263 (July 2009).

### **§111. Repeal Prior Rules and Regulations**

A. All rules and regulations adopted by the Department of Elections and Registration in April 1986 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18: 533, R.S. 36:742, 42 U.S.C. 1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 35:1263 (July 2009).

A handwritten signature in black ink, appearing to read "Jay Dardenne". The signature is fluid and cursive, with a large loop at the beginning and a series of connected strokes for the rest of the name.

Jay Dardenne  
Secretary of State