

Utah's Ballot Boxes

AN ACCESSIBILITY STUDY



About the Disability Law Center

The Disability Law Center (DLC) is a private, non-profit organization designated by the governor as Utah's Protection and Advocacy (P&A) agency. Our mission is to enforce and advance the legal rights, opportunities, and choices of Utahns with disabilities.

Protection and Advocacy for Voting Access

The Disability Law Center, administers Utah's Protection and Advocacy for Voting Access program (established under Title III of the Help America vote Act).

PAVA's focus is to participate in advocacy and education efforts around the Help America Vote Act. Under HAVA, voters with disabilities have the right to full participation in the electoral process, including, but not limited to, registering, marking, and casting a vote.

The DLC trains and educates election officials and poll workers on the rights of voters with disabilities and best practices for working with them. We also provide technical assistance regarding physical accessibility of voting sites.

Voters with disabilities can receive DLC assistance in filing complaints under the State-based administrative grievance procedure required by HAVA and representation in any hearing that may be held regarding the complaint.

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BALLOT BOX INSPECTIONS

The Disability Law Center evaluated 291 ballot drop boxes for accessibility across Utah's 29 counties. Most were examined during the 2022 election season. Some data collected during 2021 was carried forward in cases where a drop box had been previously examined and it was determined that the type of box and placement had not changed.

BACKGROUND

For this report, accessibility is defined as compliance with the U.S. Department of Justice's (DOJ) guidance as published in "Ballot Drop Box Accessibility, the Americans with Disabilities Act". The guidance includes 16 standards related to the route to the box and the placement of the box itself. The DOJ recommends the guidance be used with the department's "ADA Checklist for Polling Places". The checklist details ADA standards at voting locations, including areas such as parking and building entrances. The DLC surveyed all standards listed in the DOJ's ballot box guidance. A few standards were also incorporated from the checklist for polling places. Because we did not examine all ADA standards, some ballot drop boxes labeled "accessible" may be at a location that falls short in other areas of the ADA.

Ballot Box Accessibility



KEY FINDINGS

- More than half of drop boxes evaluated are available any time of day.
- Voters in counties with more people have greater access to drop boxes because a higher percentage are located curbside or outside.
- Curbside drop boxes were the least accessible type of drop box.
- Statewide, the most prevalent violation was the height of the drop box slot.
- Based on a very limited inspection of 122 town halls which had either outside or inside drop boxes, a majority were not accessible.
- A common shortfall with outside drop boxes is the lack of a level 30" x 48" area in front of the box.
- Parking was found to be a common access barrier in counties with more than one inside or outside drop box.

Statewide Performance

- **Overall Accessible Ballot Boxes: 42%** **Not Accessible: 58%**
- **Accessible Parking: 73%** **ADA Parking Problems: 27%**
- **Accessible Route to Box: 77%** **ADA Route Violations: 33%**
- **Accessible Drop Box: 66%** **Problems with Drop Box: 34%**
- **Ramp Meets ADA Standards: 12%** **Ramp Inadequate: 88%**

Survey Method

DLC surveyors examined 291 ballot boxes across Utah. A checklist with up to 28 criteria was used to evaluate accessibility. The criteria considered at each site was dependent on the location of the drop box.

The checklist consisted of four sections:

1. Parking
2. Route to the Drop Box
3. Ramps
4. At the Drop Box

See Appendix A to view the survey form.

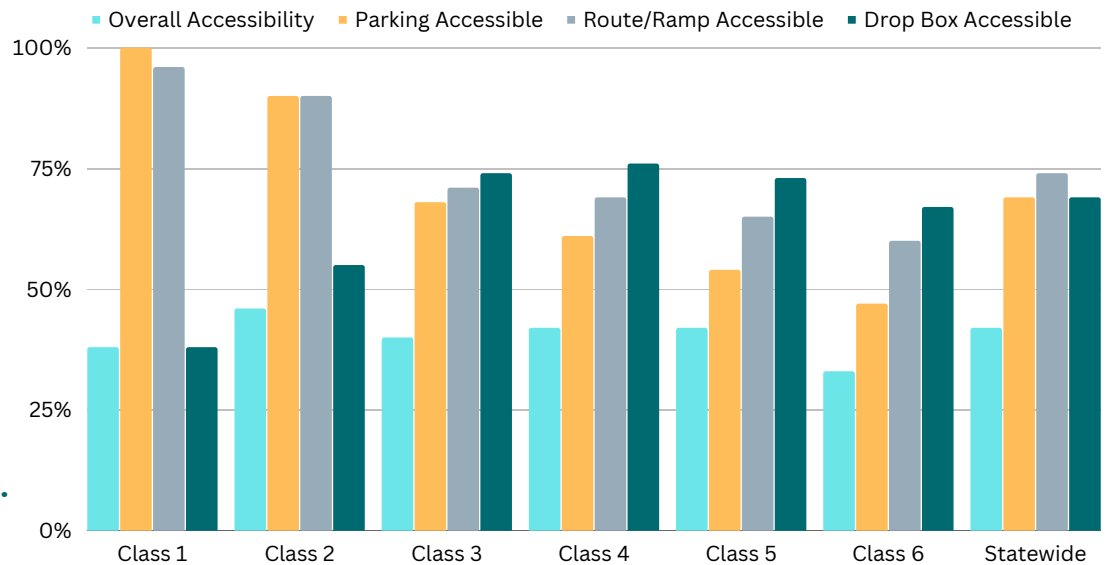
Drop box locations fall into three categories: 1) curbside, where the ballot can be deposited from a vehicle, 2) outside, unreachable from a vehicle, 3) inside. Curbside locations have fewer access requirements to satisfy since it is assumed that deposits in these locations will be done from a vehicle or by a pedestrian. Consequently, curbside boxes were evaluated only by section 4 of the checklist. When evaluating outside or inside drop boxes, all 4 sections were considered. For inside drop boxes, the route of travel would include the entrance to the building and pathway inside the building to the drop box.



Summary of Accessibility by County Class

When reviewing data generalized by county class, it is important to understand how different types of ballot boxes were evaluated. At first glance, it would appear that accessible parking and accessible routes are more prevalent in higher populated counties. While this is generally true, the numbers don't tell the whole story. For example, Class 1 had a perfect score for parking. It should be noted however, that parking and the route to the ballot box are only evaluated at locations where the drop box is either outside or inside. Class One had a single drop box that was not curbside. Similarly, over half of the boxes in Class 2 counties are curbside. Therefore, a lower percentage of boxes were subject to inspection of the parking and route than in Classes 3-6 who had a combined average of 18% curbside boxes.

More populated counties are less accessible at the drop box. Less populated counties, which had a higher number of outside and inside drop boxes, had more shortfalls with parking and the route to the box.



County Classifications		
CLASS	POPULATION	COUNTIES
1	700,000+	Salt Lake
2	125,000-700,000	Davis, Utah, Washington, Weber
3	31,000-125,000	Box Elder, Cache, Iron, Summit, Tooele, Uintah
4	11,000-31,000	Carbon, Duchesne, Juab, Millard, Morgan, San Juan, Sanpete, Sevier, Wasatch
5	4,000-11,000	Beaver, Emery, Garfield, Grand, Kane
6	Less than 4,000	Daggett, Piute, Rich, Wayne

Utah Code 17-50-501 establishes six county classifications based on population.

Observations: Box Locations

Curb-Side Drop Boxes - why they fail

The advantages of curbside drop boxes are irrefutable. When installed properly, a ballot can be deposited from a vehicle or by a pedestrian. They are often easy for voters to spot, don't require parking a vehicle, and are available to voters any time. Curbside drop boxes were evaluated using criteria from the DOJ's drop box checklist. Statewide, 34% of drop boxes are curbside. While curbside drop boxes have the fewest accessibility criteria, only 36% were accessible making this the lowest performing category when compared with inside and outside drop boxes.

The greatest access stumbling block for curbside boxes was requirement #K6, the height of the drop slot. This measurement is taken from the ground surface where a voter would be standing up to the slot opening. It appears that many drop boxes were designed and manufactured with this standard in mind. Every box evaluated had an opening under 48" from the base of the box to the slot. Unfortunately, when these drop boxes are installed on a curb, the slot height often reaches from 51"-57". The slot height standard by itself accounts for 35% of failed drop boxes across the state. Since the more populated counties have installed most of their drop boxes curbside, they have a high rate of access failure. For example, 49% of drop boxes in county classes 1-2 are curbside. Of those boxes, 60% failed on the drop slot height alone.

Statewide, if drop boxes where slot height is the only ADA violation were relocated to ensure that the drop slot is between 15"-48" from the surface, overall accessibility would increase from 42% to 61%. This would be a 45% improvement in Utah's ballot box accessibility.

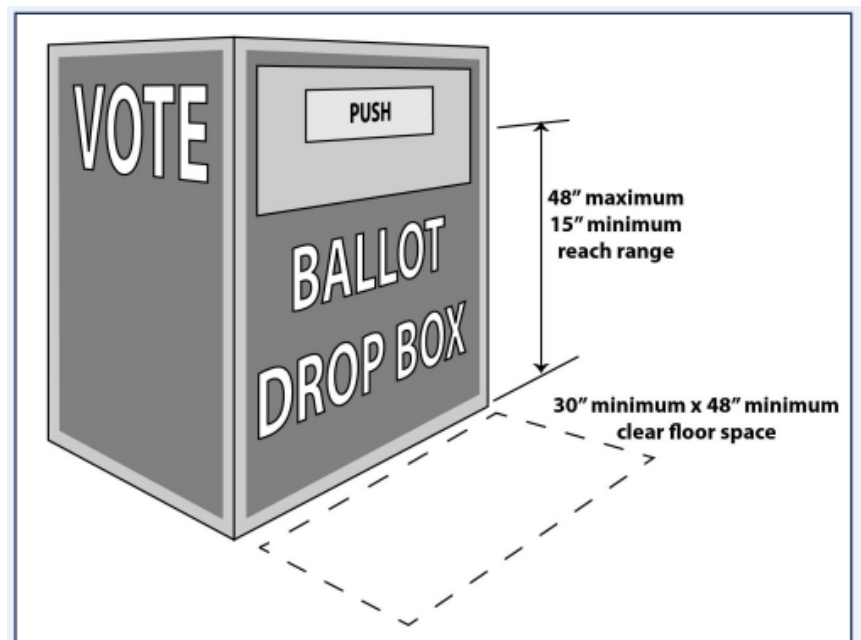
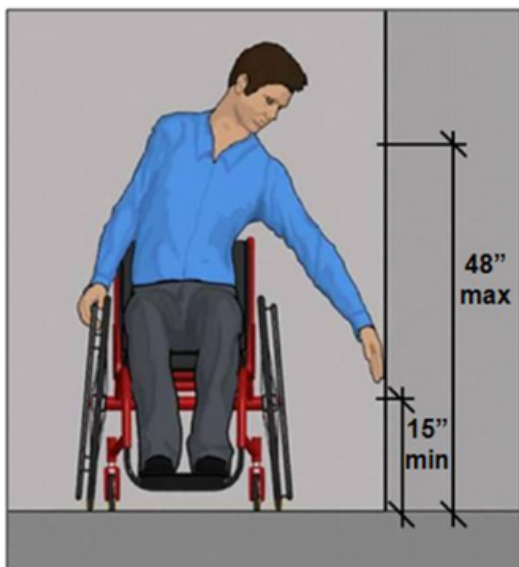
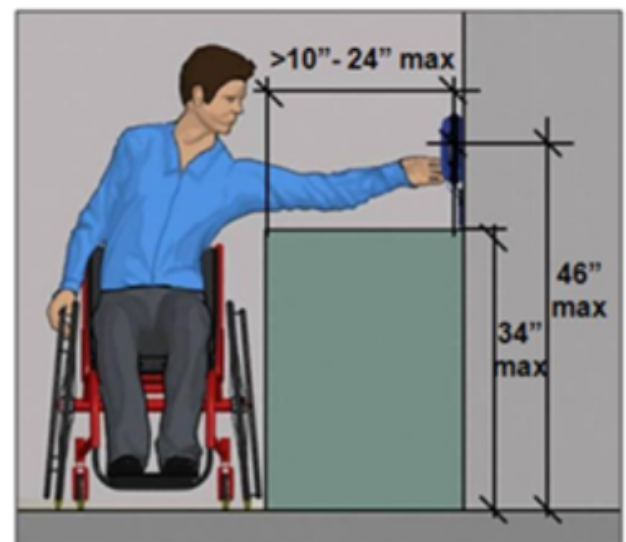
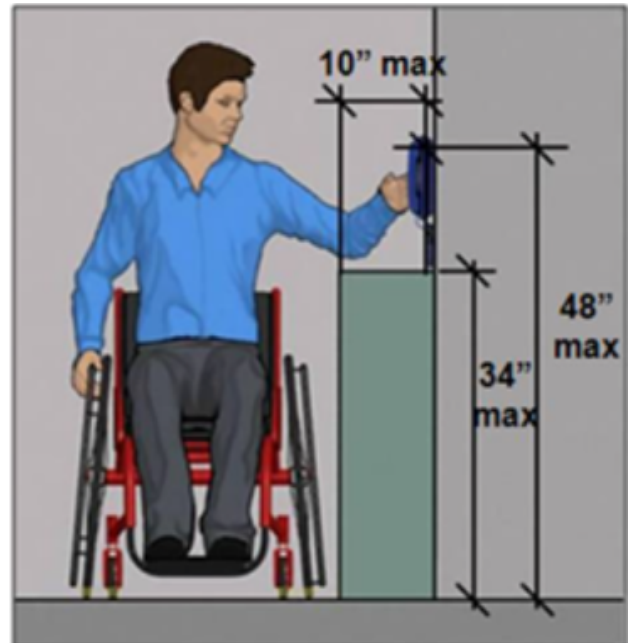


Image from "[Ballot Drop Box Accessibility, The Americans with Disabilities Act](#)", Department of Justice.



Curbside Set-Back

Another area of concern with curb-side drop boxes is the depth of set-back. Many drop boxes are designed with a 5" forward tilt at the drop slot. This accommodates installation behind the depth of the curb itself. That way, the box can be installed on a level surface behind the curb and still have the forward section on the same plane as the curb face. Some drop boxes, for various reasons, were installed with a set-back greater than 5". ADA standards require that the maximum side reach be no more than 10" for a reach height of 48". When the reach extends up to 24", the maximum height can be no more than 46".



Images demonstrating ADA standards. obtained from "[Guide to ADA Accessibility Standards](#)", ADA Access Board.



Outside Drop Boxes

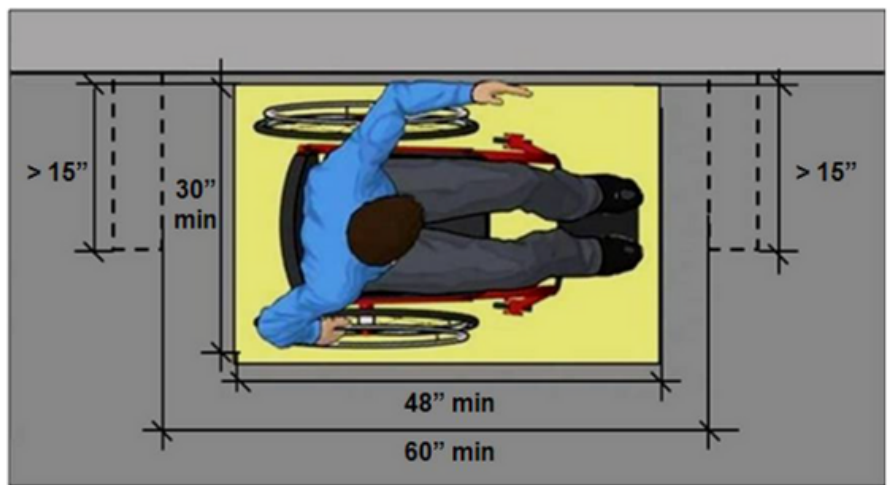
Across the state, our study included 70 outside drop boxes. Outside drop boxes were evaluated by all of the survey form questions except those related to the entrance.

Statewide, 24% of drop boxes we visited are outside and 60% of them are accessible. When looking at just the ballot boxes that failed, we found:

- 71% did not provide accessible parking
- 40% had barriers with the route to the box
- 50% had issues at the drop box

A needed improvement is locating drop boxes where there is a clear, level, 30" x 48" area in front of the box.

A common shortfall with outside drop boxes is the lack of a level 30" x 48" area in front of the box.



ADA standards consider the needs of individuals whose disability impacts their use of one side of their body. For this reason, boxes should be located with some level surface area and clearance in front of both sides of the box.



There is no level area in front of some boxes. Others had a clear, level area in front of the box but were located very close to a wall or a level change of the surface material.

Inside Drop Boxes

Inside drop boxes were evaluated using the entire checklist. The route of travel questions included routes and ramps inside and outside of the building. Because the checklist is an abbreviated selection of all ADA requirements, some inside boxes which were labeled “accessible” may not meet all ADA requirements. For example, areas not related to ballot box access weren't evaluated such as restrooms or drinking fountains. A few ADA standards that may relate to box access were not included in the checklist such as: requirements for van accessible parking, passenger drop-off areas, elevators, etc.

Inside drop boxes constituted 42% of those evaluated, and 37% percent were accessible. Of the failed boxes:

- 76% did not provide accessible parking
- 64% had problems with route/ramp.
- 31% had problems at the drop box

Entrances at buildings that have not been upgraded to ADA standards were found at many locations. Some sidewalks incline all the way to the front door, failing to provide a 60 inch level area at the doorway. Thresholds with more than 3/4 inch lift at the doorway or those not beveled were found. Items blocked the 18 inch clearance area on the pull side of the door. A few accessible entrances were locked when non-accessible entrances were open.

As with curbside boxes, we also observed problems with slot height on inside boxes. In fact, 16% of inside boxes were placed too high. This was usually due to smaller boxes being placed on a counter.



These pictures demonstrate typical problems found at entrances. From L-R, 1) Steps to get to the entrance and hardware that can not be used without tight grasping, pinching or twisting of wrist, 2) a threshold raised more than 3/4 inch and not beveled, 3) items placed that block the 18 inch clearance on the pull side of the door.

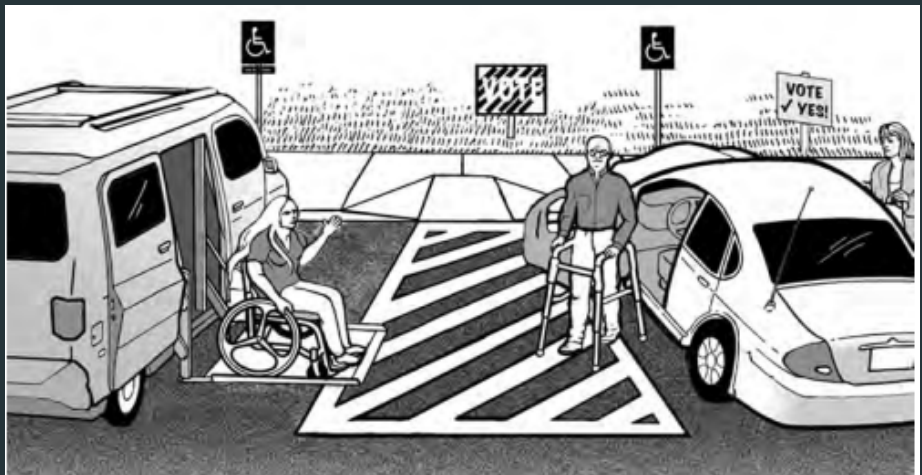
Parking

Parking violations ran the spectrum of the 5 standards. We found:

- A significant number of locations offered no designated accessible parking at all.
- Some parking spots posted as accessible had no access aisle adjacent to the space.
- The width of some parking spaces and access aisles were less than the required 192".
- Signage was inadequate. Accessible parking must be marked on the pavement and with an upright sign.
- Curb cuts were not provided. Therefore, a connection between parking and an accessible pathway was missing.

The accessible parking to general parking ratio was rarely a problem.

For additional details about accessible parking and route of travel, along with ideas for temporary fixes, go to the Department of Justice's document: ["ADA Checklist for Polling Places"](#)



Route & Ramps

The route from parking to the drop box was evaluated (checklist numbers J1-J11). Our survey did not include the route from public transportation to the box. This is an area within the parameters of the ADA; however, it was beyond the scope of our survey. 16% of outside and 41% of inside locations had route or ramp barriers between parking and the box.

Common route issues included: broken pavement, lifted sidewalks, and temporary or stored items that interfere with a level surface or impede a 36" pathway.

Where slopes that qualify as a ramp were found, the most common access issues were: 1) lack of handrail, and 2) edge protection that prevents a device with wheels from tipping off the ramp surface.

Town Halls



This study includes very few of the ADA standards that apply to city buildings. That being said, by filtering our results to focus on city/town halls, we found that of the evaluated 122 town/city halls which had ballot boxes either outside or inside, 68% were not accessible. 54% failed to provide accessible parking and 41% had route or entrance violations.

CITY/TOWN HALLS	Inside	Outside	Combined
Number evaluated	87	35	122
Number Accessible	24	20	44
Percent Accessible	24%	49%	32%
Number of Parking Violations	54	12	66
Percent Parking Violations	62%	34%	54%
Number of Route, Ramp, Entrance Violations	43 Route from parking to box only	7 Route from parking to box only	50
Percent Route, Ramp, Entrance Violations	51%	20%	41%

The ADA and City Halls

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life.

Title II of the ADA applies to State and local governments. It prohibits discrimination on the basis of disability in all services, programs, and activities provided by non-federal governments. Thus, people with disabilities must have an equal opportunity to participate in and benefit from a state, county, city/town services, programs, and activities. To accomplish this, the ADA sets requirements for these government facilities including new construction and alterations.

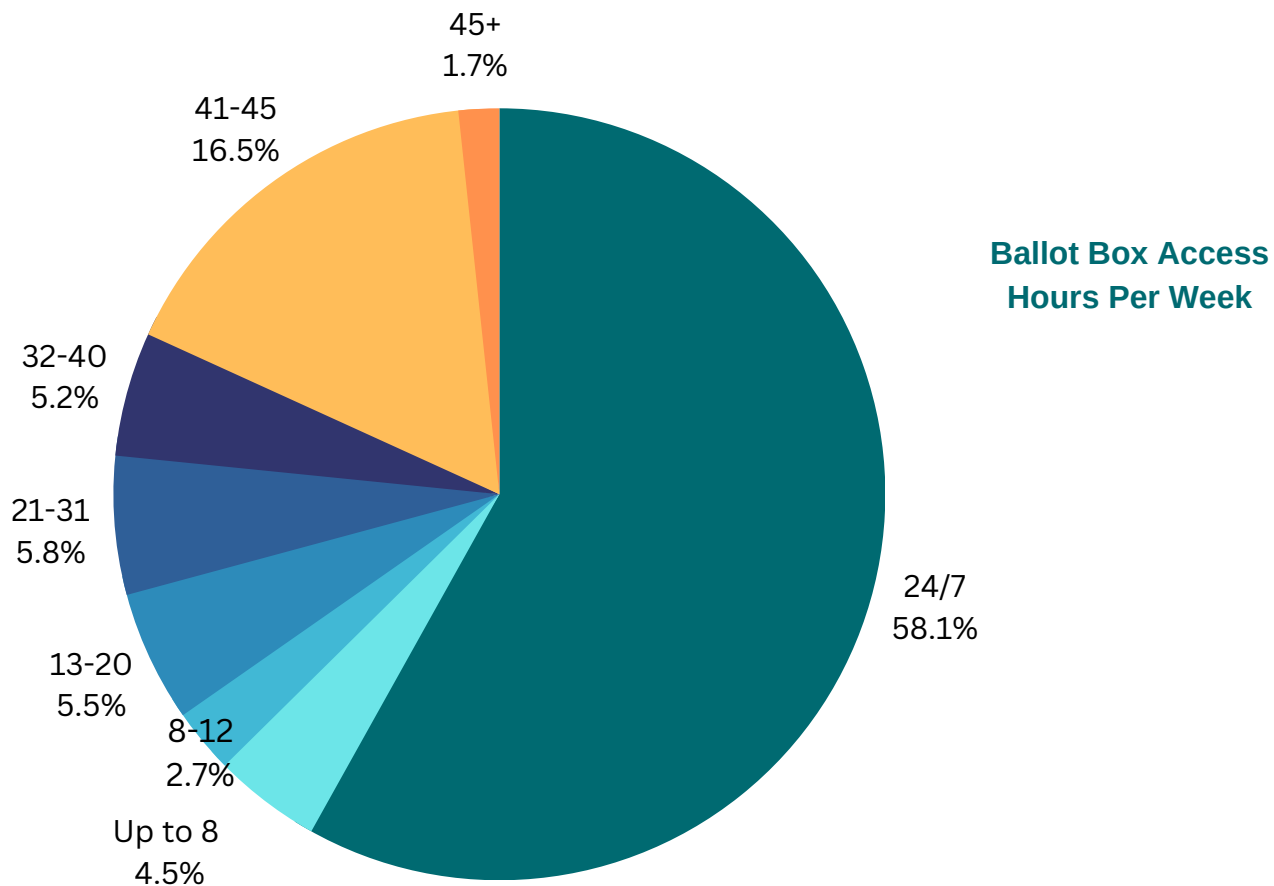
Drop Box Availability

Hours of Access

The hours each drop box is available is an important aspect of voter access. Of course, curbside and outside boxes are available at any time during the voting period.

Utah Code Section 20A-5-403.5(1)(a), implemented in 2022, requires that “An election officer shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates;”. Unattended drop boxes must have 24 hour video surveillance.

County clerks, especially in less populated areas, often elect to place ballot boxes inside buildings where town personnel attend the box. Because of this, clear disparities in terms of access to the box emerge between county classifications. For example, 93% of the boxes within the four Wasatch Front counties are available 24/7. Comparatively, 46% of drop boxes in class 3 & 4 and 58% in classes 5 & 6 were available any time. A few drop boxes were available less than 4 hours per week and others required a scheduled appointment.



Summary

Ballot Box Accessibility



KEY RECOMMENDATIONS

- Use 1) "Ballot Drop Box Accessibility and the Americans with Disabilities Act", and 2) "ADA Checklist for Polling Places" published by the Department of Justice to guide decisions about the location and installation of ballot drop boxes.
- Install curbside and outside drop boxes with the deposit slot no more than 48" high.
- Ensure the drop box slot is no more than a 10 inch forward or side reach from the accessible surface.
- Locate inside drop boxes with the slot height in mind. Boxes placed on high tables or counters often violate ADA standards.
- Examine parking to ensure it meets ADA standards at locations with outside or inside drop boxes.
- When parking is not accessible, make temporary changes as needed.
- Unlock accessible entrances during business hours.
- Choose accessible sites and work with property managers to remove seasonal or stored items that impede a 36" walkway or present a barrier.
- Remove items which block an 18" clearance on the pull side of any door a voter must pass through.

Ballot Box Checklist

Your Name	Date
County	City
Building Name or Address	

Type of Drop Box

<input type="checkbox"/>	Inside
<input type="checkbox"/>	Outside (cannot be reached from inside a vehicle)
<input type="checkbox"/>	Curbside (designed to be reached from a vehicle)

Skip the parking section if you are surveying a curbside drop box

PARKING -skip parking if you are surveying a curbside box		YES	NO	N/A
P1	Is there at least one accessible parking spot with an adjacent access aisle that have a combined total width of at least 192 inches			
P2	Is there at least one accessible parking spot and access aisle for every 25 spots in the parking lot. (Note: non van accessible parking spots and access aisles have a combined width of at least 156 inches)			
P3	Are the accessible parking spots marked with an upright sign?			
P4	Are the accessible parking spots marked with paint on the pavement?			
P5	Does each accessible parking spot have a curb cut or other accessible connection to the pedestrian route?			

ROUTE TO DROP BOX		YES	NO	N/A	Not Measured
J1	Is the walking surface stable, firm and slip resistant.				
J2	Is the route free of surface openings greater than ½", such as holes in the pavement or grate openings.				
J3	Is the route at least 36" wide?				
J4	Is the running slope greater than 1/20 (or > 5%)?		Skip to J6	Skip to J6	Skip to J6

RAMPS: Slopes that are greater than 1:20 are considered a ramp. Evaluate ramps for the following. If there are no ramps, skip to J6	Notes of problem areas here
a) Ramp slopes are less than 1:12 (8.33%) b) Ramp width between handrails is no less than 36 inches. c) There is a 60-inch level area at top and bottom. d) There are handrails mounted between 34 and 38 inches above the ramp surface. e) If the ramp or landing has a vertical drop-off on either side, edge protection is provided. f) If the ramp is longer than 30 feet, a level landing at least 60 inches long is provided for every 30 feet of horizontal length.	

	ROUTE QUESTIONS CONTINUED	YES	NO	NA	Not Measured
J6	The cross slope of the route is no greater than 1:48 or 2.08%				
J7	The route is free of changes in level greater than ½", including stairs.				
J8	The route is free of post mounted objects that protrude more than 12" into the path of travel and are between 27" and 80" high.				
J9	Objects that hang over the pedestrian route including the underside of exterior stairs are 80" or higher <i>Note: Skip Questions J10 & J11 if the drop box is not inside a building.</i>				
	SKIP J10 and J11 if the box is outside				
J10	Is there at least one accessible entrance connected to an accessible route?				
J11	Is the entrance accessible? a) doorway is at least 32" b) door hardware usable with one hand without tight grasping, pinching, or twisting of wrist c) 18 inches of clearance on the pull side of the door, d) raised threshold no higher than ¾ inch at the door and beveled on both sides, e) 30x48 inches clear floor space inside vestibule.				Note letter of problem areas here:

	AT THE DROP BOX	YES	NO	NA	Not Measured
K1	The clear floor or ground space in front of the ballot drop box is at least 30" by 48"				
K2	The surface of the clear floor or ground space is stable, firm, and slip resistant.				
K3	The clear floor or ground space is free of surface openings greater than ½", such as holes in the pavement or grate openings.				
K4	The clear floor or ground space is level with surface slopes no greater than 1:48 in any direction.				
K5	The clear floor/ground space is free from vertical changes in level.				
K6	The ballot drop box handle and opening are located between 15 inches and 48 inches above the floor or ground surface for an unobstructed side or forward reach.				
K7	If a handle is provided, it is operable with one hand without tight grasping, pinching, or twisting of the wrist.				

Additional notes or explanations