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11 *Elections Director*

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA, TUCSON DIVISION**

14 Kathleen Hoffard,
15 Plaintiff,

16 vs.

17 Cochise County, Arizona; Lisa Marra,
18 In her official capacity as Director of
19 Cochise County Elections Department,
20 Defendants.

21 **No. 4:20-CV-00243-SHR**

22 **DEFENDANTS' RESPONSE IN**
23 **OPPOSITION TO**
24 **PLAINTIFF'S MOTION FOR**
25 **PRELIMINARY INJUNCTION**
AND EXPEDITED HEARING

Assigned to the Honorable
Judge Scott H. Rash

26 **COMES NOW** Defendants, Cochise County (the "County") and Lisa Marra, in
27 her official capacity as Director of Cochise County Elections (collectively "Defendants"),
28 by and through undersigned counsel, hereby opposes and requests that this Court deny
29 Plaintiff's Motion for Preliminary Injunction and Expedited Hearing under Fed. R. Civ.
30 P., Rule 65, compelling the County to offer curbside voting, or a reasonable modification,
31 at its Vote Centers for the November 2020 General Election. Plaintiff is unlikely to

1 succeed on the merits and will not suffer irreparable harm if this extraordinary remedy of
2 a mandatory injunction is denied, as discussed more fully below:

3 In support of Defendants' opposition, Defendants state:

4 1. All of the County's seventeen (17) Vote Centers are fully ADA accessible
5 and ADA compliant. All equipment utilized at the Vote Centers is fully ADA accessible.
6 (See Declaration of Lisa Marra ("Marra Decl."), ¶ 6).

7
8 2. No pre-printed paper ballots are used at the seventeen (17) Vote Centers
9 throughout the County because the specific ballot style can be accessed via the
10 ExpressVote® machines. Further, there are over 300-700 different ballot styles for each
11 election, making it impossible and impracticable for the County to store paper copies of
12 each ballot style at every one of its Vote Centers. (*Id.*, ¶ 8).

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14 3. The County does not have ballot on demand. Nor does the County have any
15 technology that would allow for specific, individualized ballots to be printed curbside.
16 (*Id.*, ¶ 9).

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18 4. The County does not have the WIFI or internet capability and/or capacity to
19 have reliable and consistent ballot on demand at its seventeen (17) Vote Centers
20 throughout the mostly rural County. (*Id.*, ¶ 10).

21 5. Electronic e-pollbooks that are used to capture voters' signatures cannot be
22 disconnected from the Vote Centers' circuit to be taken curbside for a voter's signature
23 because when it is disconnected from the system, the *entire voting system* shuts down and
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1 has to be restarted before voting can resume, which can take up to twenty (20) minutes.
2 (*Id.*, ¶ 11).

3 6. Curbside voting is no longer offered because of the potential for injury to
4 voters, poll workers and the voting machine equipment. (*Id.*, ¶ 12).

5 7. The touchscreen ExpressVote® machines are very heavy and contain very
6 sensitive components. Even though they are all on portable stands, they are not designed
7 to be moved in and out of the Vote Center facilities repeatedly for curbside voting and
8 tend to tip over, which could cause damage to a disabled voter's vehicle or serious injury
9 to a disabled voter or to the poll worker moving the ExpressVote® machine. Simply
10 stated, it is not safe for poll works to move these very top-heavy voting machines outside
11 to a vehicle. (*Id.*, ¶ 15).

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14 8. Even though the PeakLogix CurbExpress™ by ReadyVote® cart may be
15 easier to move than the portable stands, the issue of the sensitive components remains
16 unchanged. Repeatedly moving the ExpressVote® machines causes technical problems
17 with the machines. Further, the carts will not always line up with the vehicles causing the
18 disabled voter to get out of the vehicle to use the ExpressVote® machine. Additionally,
19 the fact remains that the vast majority of the County's poll workers are elderly and these
20 elderly poll workers would still be required to physically move the ExpressVote®
21 machines, repeatedly, in and out of the Vote centers, creating the potential for the
22 ExpressVote® machine and cart to tip over, damaging equipment and potentially injuring
23 the poll worker and/or the vote. (*Id.*, ¶ 17).

1 9. To date, the County Elections Department has had to have sixty-two (62)
 2 ExpressVote® machines repaired under the County’s maintenance agreement, which
 3 costs the County approximately \$22,000 per year. All of these repairs resulted from
 4 routine movement for delivery, placement and pickup for use on Election Day. (*Id.*, ¶ 16)

5 10. Since the implementation of the Vote Centers, the elimination of curbside
 6 voting, and over the course of eleven (11) Vote Center and nineteen (19) Vote by Mail
 7 elections and nearly 57,414 in-person voters, the County has only received two (2)
 8 complaints or concerns, inclusive of Ms. Hoffard's complaint, about the elimination of
 9 curbside voting. (*Id.*, ¶ 3).

10 11. On May 4, 2019, Ms. Hoffard filed a Complaint of Discrimination with the
 11 Arizona Attorney General’s Office, Division of Civil Rights Section (“ACRD”). On May
 12 4, 2020, ACRD closed its investigation and issued a dismissal notice finding that “the
 13 information obtained [was] not sufficient to establish violations of the statutes and that
 14 further investigation is unlikely to produce such evidence.” On information and belief,
 15 Plaintiff requested that ACRD reopen the case. However, ACRD did not reopen the case.
 16 (*Id.*, ¶¶ 32, 35-36).

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I. FACTUAL BACKGROUND**

19 In 2015, Cochise County (the “County”) decided to move to Vote Centers, rather
 20 than assigned polling centers/places, and made a significant monetary investment of over
 21 \$1 million dollars in touchscreen ExpressVote® machines to utilize for voting at the Vote
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Centers. (Declaration of Lisa Marra (“Marra Decl.”), ¶ 2). The County has utilized Vote Centers for its statewide elections, starting in 2016. (*Id.*, ¶ 3). Currently, Cochise County has seventeen (17) Vote Centers. (*Id.*, ¶ 4). A Cochise County voter can go into any of the Vote Centers to cast his or her ballot, rather than having to go to an assigned precinct-based polling center or district. (*Id.*, ¶ 5). This makes it much more convenient for many voters, who reside in one location in the County but work in another location. It also lessens the chance of voters’ ballots being disqualified for voting in the wrong precinct.

All of the County’s seventeen (17) Vote Centers are fully ADA accessible and ADA compliant. (*Id.*, ¶ 6). All equipment utilized at the Vote Centers is fully ADA accessible. (*Id.*). This was one important advantage and benefit of moving to Vote Centers. The Vote Centers allow equal access to in-person voting on Election Day. (*Id.*, ¶ 6). Physical site assessments, required under Federal and State law, are done on each Vote Center before each election cycle, using the Department of Justice’s required documentation, that can be found at: <https://www.ada.gov/votingchecklist.htm>. (*Id.*, ¶ 7).

No pre-printed paper ballots are used at the seventeen (17) Vote Centers throughout the County because the specific ballot style can be accessed via the ExpressVote® machines. (*Id.*, ¶ 8). Further, there are over 300-700 different ballot styles for each election, making it impossible and impracticable for the County to store paper copies of each ballot style at every one of its Vote Centers. (*Id.*) The County does not have ballot on demand. Nor does the County have any technology that would allow for specific, individualized ballots to be printed curbside. (*Id.*, ¶ 9). The County does not have the

1 WIFI or internet capability and/or capacity to have reliable and consistent ballot on
2 demand at its seventeen (17) Vote Centers throughout the mostly rural County. (*Id.*, ¶ 10).

3 One additional technological challenge with offering curbside voting in the County
4 is the use of the electronic e-pollbooks that are used to capture the voter's signature and
5 that communicate with each other around the County. These e-pollbooks cannot be
6 disconnected from the Vote Centers' circuit to be taken curbside for the voter's signature
7 because when it is disconnected from the system, the *entire voting system* shuts down and
8 has to be restarted before voting can resume, which can take up to twenty (20) minutes.
9 (*Id.*, ¶ 11).

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11 In addition to the above-mentioned technical hurdles in providing curbside voting,
12 curbside voting presents safety and liability concerns for the County and is no longer
13 offered because of the potential for injury to voters, poll workers and the voting machine
14 equipment. (*Id.*, ¶ 12). The touchscreen ExpressVote® machines are very heavy and
15 contain very sensitive components. Even though they are all on portable stands, they are
16 not designed to be repeatedly moved in and out of the Vote Center facilities for curbside
17 voting and tend to tip over, which could cause damage to a disabled voter's vehicle or
18 serious injury to a disabled voter or to the poll worker moving the ExpressVote® machine.
19 Simply stated, it is not safe for poll works to move these very top-heavy voting machines
20 outside to a vehicle. (*Id.*, ¶ 5). Moreover, all of the County's ExpressVote® Machines are
21 assigned to be used in the Vote Centers and there are no spare ones that can be left outside
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1 for curbside voting. (*Id.*, ¶ 15). Additionally, the ExpressVote[®] machines have limited
2 battery life and need to be connected to an electrical supply. (*Id.*, ¶ 18).

3 To date, the County Elections department has had to have sixty-two (62)
4 ExpressVote[®] machines repaired under the County's maintenance agreement, which
5 costs the County approximately \$22,000 per year. All of these repairs resulted from
6 routine movement for delivery, placement and pickup for use on Election Day. (*Id.*, ¶ 16).
7 Even though the PeakLogix CurbExpress[™] by ReadyVote[®] cart may be easier to move
8 than the portable stands, the issue of the sensitive components remains unchanged.
9 Repeatedly moving the ExpressVote[®] machines causes technical problems with the
10 machines. (*Id.*, ¶ 17). Further, the carts will not always line up with the vehicles causing
11 the disabled voter to get out of the vehicle to use the ExpressVote[®] machine. (*Id.*).
12 Additionally, the fact remains that the vast majority of the County's poll workers are
13 elderly and these elderly poll workers would still be required to physically move the
14 ExpressVote[®] machines, repeatedly, in and out of the Vote Centers, creating the potential
15 for the ExpressVote[®] machine and cart to tip over, damaging equipment and potentially
16 injuring the poll worker and/or the voter. (*Id.*)

17 All Vote Center poll workers are trained to provide assistance to disabled and
18 elderly voters. (*Id.*, ¶ 16). Any voter requesting assistance is entitled to receive help and
19 for those voters who have difficulty standing in line, although not entitled to advance to
20 the front of the line, a poll worker will hold the voter's place in line and the voter can be
21 offered a place to sit until it is his or her turn to vote. There is no evidence that Plaintiff
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1 ever asked any of the poll workers for this type of assistance as a reasonable modification.
2 (*Id.*, ¶ 19).

3 Arizona law allows for, but does not mandate, curbside voting. (*Id.*, ¶ 13).
4 Additionally, Arizona law allows voters twenty-four (24) days of in-person voting prior
5 to an election, as well as one day of emergency in-person voting prior to an election.
6 Special Election Boards are also available on Election Day to assist voters at home, in
7 hospitals or at assisted living facilities. Curbside voting is not required during early in-
8 person voting, nor is it required under emergency voting statutes. (*Id.*, ¶ 14).

10 On May 3, 2018, the County issued a news release informing its residents that all
11 of the County's Vote Centers met the needs of its disabled and elderly citizens because
12 they were now fully ADA accessible and ADA compliant, and as a result, the County
13 would no longer offer curbside voting. (*Id.*, ¶ 20). The information was also posted on
14 the County's Facebook page and County website. (*Id.*, ¶ 21). The news release also
15 offered the County's residents other means to vote by using early ballots and registering
16 to be on the Permanent Early Voting List ("PEVL"). (*Id.*, ¶ 22). The County updated its
17 poll worker's handbook and website, which both indicate that curbside voting is no longer
18 offered. (*Id.*, ¶ 21). The website and poll worker handbook also reflect information that
19 was provided in the news release in 2018. (*Id.*) Since the implementation of the Vote
20 Centers, the elimination of curbside voting, and over the course of eleven (11) Vote Center
21 and nineteen (19) Vote by Mail elections and nearly 57,414 in-person voters, the County
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1 has only received two (2) complaints or concerns, inclusive of Ms. Hoffard's complaint,
2 about the elimination of curbside voting. (*Id.*, ¶ 23).

3 On January 7, 2019, Ms. Hoffard, through the Arizona Center for Disability Law,
4 filed a discrimination claim with the Arizona Secretary of State, under the Help America
5 Vote Act ("HAVA") of 2002, 52 U.S.C. §§ 21081, *et seq.*, alleging that Cochise County
6 discriminated against her based on her disability, by refusing to provide curbside voting
7 at two vote centers in Sierra Vista, Arizona. (*Id.*, ¶ 24). The two (2) Vote centers that Ms.
8 Hoffard visited (VC-8, Shiloh Christian Ministries and VC-9, Methodist Church) on
9 November 6, 2018, as outlined in her HAVA Complaint, are both fully ADA accessible
10 and ADA compliant. (*Id.*, ¶ 25). Both Vote Centers had the required number of handicap
11 (accessible) parking spaces under the ADA. (*Id.*, ¶ 26). Additionally, the rugs at the Vote
12 Centers are not "small area rugs" or throw rugs like one would buy in a department store,
13 but rather they are industrial, commercial rugs with non-slip rubber backing, designed to
14 prevent slippage and falling, used in churches and similar facilities. (*Id.*, ¶ 27).

15 On January 14, 2019, the Arizona Secretary of State denied Plaintiff's
16 discrimination claim because it was procedurally deficient and notified the County's
17 Election Director of Plaintiff's concerns. (*Id.*, ¶ 28). On February 4, 2019, the Elections
18 Director wrote to Plaintiff about the concerns in her HAVA Complaint, explaining that
19 the vote centers are ADA Compliant and fully ADA Accessible under the federal
20 guidelines established for polling locations and therefore, curbside voting is no longer a
21 requirement. (*Id.*, ¶ 29). Ms. Marra further explained that because of the variety of
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1 different ballot styles (approximately 300-700 ballot styles), there are no pre-printed paper
2 ballots at the vote centers, any voter who chooses to vote in person is required to come to
3 the ADA accessible Vote Center and cast his/her vote on one of the touchscreen
4 ExpressVote® machines. Additionally, Ms. Marra offered Plaintiff the option of
5 participating in early voting, requesting a paper ballot be mailed to her, and/or voting
6 early, in-person at the Cochise County Recorder's Office. (*Id.*, ¶ 30). Plaintiff never
7 contacted Ms. Marra or responded to her letter. (*Id.*, ¶ 31).

9 On May 4, 2019, Plaintiff filed a Complaint of Discrimination with the Arizona
10 Attorney General's Office, Division of Civil Rights Section ("ACRD"). (*Id.*, ¶ 32). On
11 May 30, 2019, the County Attorney's Office on behalf of Defendants filed a position
12 statement. (*Id.*, ¶ 33). In January 2020, in response to ACRD's subpoena and discovery
13 requests, Defendants produced over 500 pages of documents. (*Id.*, ¶ 34). On May 4, 2020,
14 ACRD closed its investigation, finding that "the information obtained [was] not sufficient
15 to establish violations of the statutes and that further investigation is unlikely to produce
16 such evidence" and issued a dismissal notice. (*Id.*, ¶ 35). On information and belief,
17 Plaintiff requested that ACRD reopen the case. However, ACRD did not reopen the case.
18 (*Id.* ¶ 36).

21 On August 31, 2020, the Elections Director was served with Plaintiff's First
22 Amended Complaint. (*Id.*, ¶ 37).

23 **II. THE COURT SHOULD NOT ISSUE A PRELIMINARY INJUNCTION**
24 **REQUIRING THE COUNTY TO OFFER CURBSIDE VOTING OR A**
25 **SUBSTANTIALLY EQUIVALENT REASONABLE MODIFICATION AT**
ITS VOTE CENTERS FOR THE 2020 GENERAL ELECTION

1 A preliminary injunction is a powerful remedy used sparingly in cases with a set
 2 of extraordinary circumstances. *Maxey v. Smith*, 823 F. Supp. 1321, 1327 (N.D. Miss.
 3 1993). A mandatory injunction is an order that requires Defendants to act positively, rather
 4 than prohibiting certain conduct. *Diamond House of SE Idaho, LLC v. City of Ammon*,
 5 381 F. Supp. 3d 1262, 1270 (D. Idaho 2019), appeal dismissed, No. 19-35393, 2020 WL
 6 2214373 (9th Cir. Apr. 16, 2020)(A mandatory injunction “orders a responsible party to
 7 take action.”). “A mandatory injunction ‘goes well beyond simply maintaining the status
 8 quo,’ requires a heightened burden of proof, and is ‘particularly disfavored.’” *Marlyn*
 9 *Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 879 (9th Cir. 2009)
 10 (quoting *Anderson v. U.S.*, 612 F.2d 1112, 1114 (9th Cir. 1980)).” *Id.*, see also *United*
 11 *States v. Spectro Foods Corp.*, 544 F.2d 1175, 1181 (3d Cir. 1976) (mandatory injunctions
 12 are generally disfavored by the courts and issued only in extraordinary circumstances to
 13 give the plaintiff relief. The power to issue a preliminary injunction, especially a
 14 mandatory one, should be sparingly exercised). “In general, mandatory injunctions ‘are
 15 not granted unless extreme or very serious damage will result and are not issued in
 16 doubtful cases or where the injury complained of is capable of compensation in damages.’
 17 *Id.* (quoting *Anderson*, 612 F.2d at 1115).”
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21 Plaintiff asks this Court to issue a mandatory injunction directing Defendants to
 22 perform a certain act – specifically, to offer curbside voting, or a reasonable modification,
 23 at its fully ADA accessible and ADA compliant Vote Centers for the November 2020
 24 General Election.
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1 Here, this Court should deny Plaintiff's motion for a mandatory injunction
 2 compelling the County to offer curbside voting, or a substantially equivalent reasonable
 3 modification, at its Vote Centers for the November 2020 General Election because
 4 Plaintiff cannot show that she is likely to succeed on the merits, that she has irreparable
 5 harm, an injunction is in the best interest of the public or that the balance of equities tips
 6 in her favor, as explained below:
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8 **A. Legal Standard**

9 "A preliminary injunction is an extraordinary remedy." *Lakedreams v. Taylor*, 932
 10 F.2d 1103, 1107 (5th Cir.1991). Federal law allows a preliminary injunction when the
 11 moving party establishes four factors: (1) a substantial likelihood of success on the merits;
 12 (2) a substantial threat that failure to grant the injunction will result in irreparable injury,
 13 (3) the threatened injury outweighs any damage that the injunction may cause the opposing
 14 party, and (4) the injunction will not disserve the public interest. *Id.* The party seeking
 15 injunction must clearly carry the burden of persuasion on all four requirements. *See*
 16 *Karaha Bodas Co., L.L.C. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara*,
 17 335 F.3d 357, 363 (5th Cir.2003). The grant of a preliminary injunction is treated as the
 18 exception rather than the rule. *Id.* at 364. The power to issue a preliminary injunction,
 19 especially a mandatory one, should be sparingly exercised. *United States v. Spectro Foods*
 20 *Corp.*, 544 F.2d 1175, 1181 (3d Cir. 1976). Here, Plaintiff cannot show a substantial
 21 likelihood of success on the merits. Nor, can she show irreparable harm. Nor, can she
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show that issuing an injunction is in the public interest. Nor, can she show that the balance of equities tips in her favor.

B. Plaintiff is Not Likely to Succeed on the Merits

i. Plaintiff Cannot Show That She Was Discriminated Against or Excluded from Participation in or Denied A Public Benefit

1. All of the County's Vote Centers are fully ADA Compliant and ADA Accessible

For Plaintiff to show that she is likely to succeed on the merits, she needs to demonstrate that she was discriminated against, or excluded from participation in, or denied a public benefit due to her disability. *Thompson v. Davis*, 295 F.3d 890, 895 (9th Cir. 2002). Specifically, Plaintiff needs to show that that the County does not or did not provide equal access to *in-person* voting on Election Day. Showing this lack of service on the County's behalf is an important element of Plaintiff's *prima facie* case for discrimination under both the federal and state laws. She cannot make such a showing.

Here, Plaintiff cannot show this element because all of the County's Vote Centers are fully ADA accessible and ADA Compliant. Further all of the equipment utilized at the Vote Centers is fully ADA accessible. *See* Marra Decl., ¶ 6. State and Federal law prohibits discrimination in voting based on disability. This requires the County to make alternative means of voting available, but however, does not require the County to provide every conceivable means possible. "A 'reasonable accommodation' is one that gives the otherwise qualified plaintiff with disabilities 'meaningful access' to the program or services sought. *Henrietta D. v. Bloomberg*, 331 F.3d 261, 282 (2d Cir. 2003). Further,

1 “[s]tates are not constitutionally mandated to make *special accommodations* for their
2 disabled citizens. *See Garrett*, 121 S.Ct. at 964. Rather, States must refrain from irrational
3 discrimination against the disabled.” *Doe v. Div. of Youth & Family Servs.*, 148 F. Supp.
4 2d 462, 488 (D.N.J. 2001) (emphasis added). The County has not irrationally
5 discriminated against Plaintiff.

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7 Here, the two (2) Vote centers that Plaintiff visited (VC-8, Shiloh Christian
8 Ministries and VC-9, Methodist Church) on November 6, 2018, are both fully ADA
9 accessible and ADA compliant. *See Marra Decl.*, ¶ 25). Physical site assessments,
10 required under Federal and State law, are done on each Vote Center before each election
11 cycle, using the Department of Justice’s required documentation. Both Vote centers
12 underwent the physical assessment. *See Marra Decl.*, ¶¶ 7, 25. Both of the Vote Centers
13 had the required number of handicap (accessible) parking spaces under the ADA. *Id.*, ¶26.
14 Additionally, the rugs at the Vote Centers are not “small area rugs” or throw rugs like one
15 would buy in a department store, but rather they are industrial, commercial rugs with non-
16 slip rubber backing, designed to prevent slippage and falling, used in churches and similar
17 facilities. *Id.*, 27.

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20 Since the implementation of the Vote Centers, the elimination of curbside voting,
21 and over the course of eleven (11) Vote Center and nineteen (19) Vote by Mail elections
22 and nearly 57,414 in-person voters, the County has only received two (2) complaints or
23 concerns, inclusive of Ms. Hoffard’s complaint, about the elimination of curbside voting.
24
25 *Id.*, ¶ 23.

1 Cochise County ensures that individuals with disabilities are not discriminated
 2 against based on their disabilities by making sure that all of its Vote Centers are ADA
 3 accessible and ADA compliant. These fully ADA accessible and ADA compliant Vote
 4 Centers provides individuals with disabilities equal access to *in-person* voting on Election
 5 day. Consequently, Defendants did not discriminate against Plaintiff and Plaintiff is
 6 unlikely to succeed on the merits. Consequently, this Court should deny Plaintiff's
 7 motion.
 8

9 **2. State law does not require the County to offer curbside voting**
 10 **when it has fully ADA accessible and ADA compliant Vote**
 11 **Centers.**

12 In the 2019 Election Procedures Manual ("EPM"), which carries the force of law,
 13 and was specifically approved by the Arizona Attorney General, it specifies that curbside
 14 voting is an alternative voting option at vote centers *only if* available at the voting location
 15 and *only when*: (1) no accessible sites are available; and (2) no temporary measures can
 16 make them accessible. See 2019 Elections Procedures Manual, Chapter 5:
 17 Accommodating Voters with Disabilities, Section IV, Alternative Voting Options, pp.
 18 105-106 (emphasis added). The EPM further explains that it is the election director who
 19 determines if a voting location is not accessible. *Id.* Not the voter or anyone else. The
 20 EPM also provides that curbside voting *may* be made available as a reasonable
 21 accommodation, but it does not mandate that it must be made available as a reasonable
 22 accommodation.
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Here, Cochise County Elections Director, Lisa Marra determined that all of the County's 17 Vote Centers are ADA accessible and ADA compliant. Therefore, under Arizona law, and pursuant to the EPM, the County was not legally obligated to offer curbside voting as a reasonable accommodation to Plaintiff. Because Arizona law does not require the County to offer curbside voting Plaintiff cannot show that she was discriminated against or denied a benefit based on her disability. Therefore, Plaintiff cannot show that she is substantially likely to succeed on the merits and this Court should dismiss Plaintiff's motion.

3. The County offers alternatives for in-person voting.

The County has made reasonable accommodations to ensure voters with disabilities are not disenfranchised by also providing alternative ways to vote, including *early in-person* voting. This provides full, equal and meaningful access to the voting process for everyone, which is ultimately the goal of anti-discrimination laws in voting. Plaintiff demands that the County make special accommodations for her by insisting that the County offer her curbside voting – no matter what the cost – so that she may vote in-person on Election Day. Plaintiff wants what she wants. Period. The Vote Centers already provide her with a means of voting in-person on Election Day. Additionally, the County has already provided a reasonable accommodation and reasonable modification as an alternative means for Plaintiff to vote in-person before Election day - specifically, at the Cochise County Recorder's Office or with assistance by poll works at the Vote Center on Election Day or through the use of Special Boards. *See* Marra Decl. ¶¶ 14, 19, 30. Plaintiff

1 puts too fine a point and too stringent a requirement on what it means for the County to
 2 provide individuals with disabilities meaningful and equal access the voting process. The
 3 Constitution protects the right to vote, but not the right to vote in any manner one chooses.
 4 *See Burdick v. Takushi*, 504 U.S. 428, 433 (1992). Because these alternatives offer equal
 5 and meaningful access to voting, the County did not discriminate against Plaintiff based
 6 on disability. Consequently, Plaintiff is unlikely to succeed on the merits and this Court
 7 should deny Plaintiff's motion.
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9 **4. The Arizona Secretary of State Denied Plaintiff's HAVA**
 10 **Complaint and Attorney General's Office ("ACRD") Dismissed**
 11 **Plaintiff's Disability Discrimination Complaint**

12 Plaintiff is also unlikely to succeed on the merits because both the Arizona
 13 Secretary of State and the Arizona Attorney General's Office denied or dismissed
 14 Plaintiff's disability discrimination Complaint for procedural deficiencies and indicating
 15 that information and facts do not show any violation of law.

16 On January 7, 2019, Plaintiff, through the Arizona Center for Disability Law, filed
 17 a HAVA discrimination claim against the County with the Arizona Secretary of State,
 18 which was denied because it was procedurally deficient. *Id.*, ¶¶ 24-28. And, although the
 19 County's Elections Director attempted to reach out to Plaintiff to address her concerns,
 20 Plaintiff never responded. *Id.*, ¶¶ 29-31.

22 On May 4, 2019, Ms. Plaintiff filed a Complaint of Discrimination with the Arizona
 23 Attorney General's Office, Division of Civil Rights Section ("ACRD"). *Id.*, ¶ 35. After
 24 several months of investigation, on May 4, 2020, ACRD closed its investigation and
 25

1 issued a dismissal notice finding that “the information obtained [was] not sufficient to
 2 establish violations of the statutes and that further investigation is unlikely to produce such
 3 evidence. On information and belief, Plaintiff requested that ACRD reopen the case.
 4 However, ACRD did not reopen the case.¹ *Id.*, ¶¶ 35-36. ACRD’s dismissal of Plaintiff’s
 5 disability complaint and unwillingness to reopen it is case indicates that Plaintiff is
 6 unlikely to succeed on the merits. Because Plaintiff is unlikely to succeed on the merits,
 7 this Court should deny Plaintiff’s motion.
 8

9 **5. The PeakLogix CurbExpress™ by ReadyVote® cart is not a**
 10 **reasonable modification**

11 To prevail on her ADA claim, Plaintiff must propose a reasonable modification to
 12 the challenged public program that will allow her the meaningful access that she seeks.
 13 *Nat’l Fed’n of the Blind v. Lamone*, 813 F.3d 494, 507 (4th Cir. 2016). A modification is
 14 reasonable if it is “reasonable on its face” or used “ordinarily or in the run of cases” and
 15 will not cause “undue hardship.” (*Id.*)
 16

17 Here, Plaintiff proposes the use of as PeakLogix CurbExpress™ by ReadyVote®
 18 cart. However, this alternative is not a **reasonable** alternative in the County because the
 19 County does not have the technology and consistent and reliable WIFI capacity to utilize
 20 these carts. *See* Marra Decl., ¶¶ 8 – 11. A mandatory injunction ordering the use of these
 21

22 ¹ Pursuant to R10-3-106 Application for Reconsideration; Reopening of Proceedings, for
 23 ACRD to reopen the case, Plaintiff must include new evidence. New evidence includes, but is
 24 not limited to, additional documentation and witnesses not previously disclosed or considered by
 25 ACRD during its investigation, new arguments, and/or other information concerning the
 complaint. Defendants presume that Plaintiff had no new evidence to present to ACRD, as ACRD
 did not reopen its investigation. Therefore, Plaintiff’s claims of discrimination are presumably
 the same as those that were investigated by ACRD.

1 carts would create an undue burden on the County. This is not a reasonable on its face.
2 Additionally, the carts do not eliminate the liability to the County for potential injury to
3 the poll workers and voters and potential damage to the ExpressVote® machines. If an
4 ExpressVote® machine broke down due to moving it in and out fir curbside voting, that
5 would delay voting and thus harm other voters who choose to vote at that Vote Center.
6

7 More specifically, the touchscreen ExpressVote® machines are very heavy and
8 contain very sensitive components. *Id.*, ¶ 15. To date, The County Elections department
9 had had to have sixty-two (62) ExpressVote® machines repaired under the County's
10 maintenance agreement, which costs the County approximately \$22,000 per year. *Id.*, ¶
11 16. All of these repairs resulted from routine movement for delivery, placement and
12 pickup for use on Election Day. *Id.* Should these sensitive machines be moved more
13 frequently in and out of the seventeen (17) Vote Centers, the number of repairs will
14 exponentially increase, thus creating an additional undue burden on the County.
15

16 The ExpressVote® machines also have limited battery life and need to be
17 connected to an electrical supply. *Id.*, ¶ 18. Even though they are all on portable stands,
18 they are not designed to be moved in and out of the Vote Center facilities repeatedly for
19 curbside voting and tend to tip over, which could cause damage to a disabled voter's
20 vehicle or serious injury to a disabled voter or to the poll worker moving the
21 ExpressVote® machine, which is a liability exposure for the County. *Id.*, ¶ 15. Simply
22 stated, it is not safe for poll works to move these very top-heavy voting machines outside
23 to a vehicle.
24
25

1 Even though the PeakLogix CurbExpress TM by ReadyVote® cart may be easier
2 to move than the portable stands, the issue of the sensitive components remains
3 unchanged. Repeatedly moving the ExpressVote® machines causes technical problems
4 with the machines. *Id.*, ¶ 17. Further, the carts will not always line up with the vehicles
5 causing the disabled voter to get out of the vehicle to use the ExpressVote® machine.
6 Additionally, the fact remains that the vast majority of the County's poll workers are
7 elderly and these elderly poll workers would still be required to physically move the
8 ExpressVote® machines, repeatedly, in and out of the Vote centers, creating the potential
9 for the ExpressVote® machine and cart to tip over, damaging equipment and potentially
10 injuring the poll worker and/or the voter. *Id.*, ¶ 18. Consequently, Plaintiff's proposed use
11 of these carts is not reasonable.
12
13

14 **6. The County already offers a reasonable modification.**

15 The County already offers a reasonable modification to its policies, practices and
16 procedures by providing other form of assistance at to the individuals with disabilities at
17 its Vote Centers. All vote center poll workers are trained to provide assistance to disabled
18 and elderly voters. Any voter requesting assistance is entitled to receive help and for those
19 voters who have difficulty standing in line, although the voter is not entitled to advance to
20 the front of the line, a poll worker will hold the voter's place in line and the voter can be
21 offered a place to sit until it is his or her turn to vote. *See Marra Decl.*, ¶ 19. There is no
22 evidence that Plaintiff ever asked any of the poll workers for this type of assistance as a
23 reasonable modification. Plaintiff only asked for one method if voting – curbside.
24
25

Further, Arizona law allow voters twenty-four (24) days of in-person voting prior to an election, as well as one day of emergency in-person voting prior to an election. Special Election Boards are also available on Election Day to assist voters at home, in hospitals or at assisted living facilities. *Id.*, ¶ 14. Curbside voting is not required during early in-person voting, nor is it required under emergency voting statutes. *Id.*

7. Offering curbside voting would fundamentally alter the nature of the voting system in the County.

Reasonable modification is necessary to avoid discrimination based on disability, unless the public entity can demonstrate that making the modification would fundamentally alter the nature of the service, program or activity. *Crowder v. Kitagawa*, 81 F.3d 1480, 1485 (9th Cir. 1996). Plaintiff proposes that: (1) the ExpressVote® machine be brought out to the voter's vehicle; (2) paper ballots be brought to the voter's vehicle; or (3) the county use ballot printers. *See* Pl. Mot. for Preliminary Injunction, p. 16, 16:5-16:12. However, here, the Court must deny curbside voting as a reasonable modification because Plaintiff's proposed options would fundamentally alter the nature of Cochise County's voting system, as describe directly below:

In 2015, Cochise County (the "County") decided to move to Vote Centers, rather than assigned polling centers/places, and made a significant monetary investment of over \$1 million dollars in touchscreen ExpressVote® machines to utilize for voting at the Vote Centers. *See* Marra Decl., ¶ 2. The County has utilized Vote Centers for its statewide elections, starting in 2016. *Id.*, ¶ 2. No pre-printed paper ballots are used in at the seventeen (17) Vote Centers throughout the County because the specific ballot style can

1 be accessed via the ExpressVote® machines. Further, there are over 300-700 different
2 ballot styles for each election, making it impossible and impracticable for the County to
3 store paper copies of each ballot style at every one of its Vote Centers. *Id.*, ¶ 8.

4 Other Counties have ballot on demand, ballot printers and reliable WIFI or internet,
5 which allows them offer curbside voting as a permissible, not mandatory, alternative.
6 Cochise County does not.

8 The County does not have ballot on demand. Nor does the County have any
9 technology that would allow for specific, individualized ballots to be printed curbside.
10 The County does not have the WIFI or internet capability and/or capacity to have reliable
11 and consistent ballot on demand at its seventeen (17) Vote Centers throughout the mostly
12 rural County. The electronic e-pollbooks used to capture a voter's signature cannot be
13 disconnected from the Vote Centers' circuit to be taken curbside for the voter's signature
14 because when it is disconnected from the system, the *entire voting system* shuts down and
15 has to be restarted before voting can resume, which can take up to twenty (20) minutes.
16 There is no way for the County to offer curbside voting under these circumstances without
17 fundamentally altering its voting system, in which it has invested a significant amount of
18 money. Therefore, curbside voting in Cochise County is not a reasonable modification.
19
20

21 **8. The risk of contracting COVID-19 at a Vote Center can be**
22 **reduced by using one of the alternative methods of voting.**

23 Plaintiff contends that "because of the predicted rise of COVID-19 in the coming
24 months as we approach the General Election on November 3, 2020, she will be taking
25 significant risk to enter the Vote Center to cast he ballot." *See* Pl. Mot. for Preliminary

1 Injunction, p.16, 16:19-16:22, *see also* p.19, 19:6-19:18. However, a more effective way
2 of reducing risk to COVID-19 would be to use one of the alternative methods of voting
3 provided by the County: (1) request an early ballot; (2) asked to ne placed on the
4 Permanent Early Voting List (“PEVL”); (3) vote in-person at the County Recorder’s
5 Office; (4) drop off a ballot at one of the County’s ballot drop off boxes throughout the
6 County. All American citizens have had to make adjustments and alter their usual ways
7 of doing things during the COVID-19 pandemic. One of these alternative methods of
8 voting is lower risk for of contracting COVID-19 for any voter, and especially for any
9 voter who may be vulnerable or at higher risk of contracting COVID-19.
10

11 **C. Plaintiff Will Not Suffer Irreparable Harm in the Absence of an**
12 **Injunction**

13 The function and purpose of a preliminary injunction is to prevent irreparable
14 injury pending an ultimate determination of the action. *Marine Cooks & Stewards, AFL*
15 *v. Panama S. S. Co.*, 268 F.2d 935, 935 (9th Cir. 1959). Here, Plaintiff cannot establish
16 that she has suffered irreparable harm because she did not. By Plaintiff’s own admission,
17 she was able to cast her vote in the 2016 General Election at one of the County’s Vote
18 Centers. *See* Pl. Mot. for Preliminary Injunction, p. 5, 5:21-24. Therefore, she suffered
19 no harm. Further, the County has not denied Plaintiff an opportunity to cast her vote. She
20 has many opportunities to do so, starting from the early voting period, right up until
21 Election Day.
22
23
24
25

D. An Injunction is Not in the Public Interest

Plaintiff contends that issuing the injunction is in the public interest because curbside voting would promote the government interest in preventing the further spread of COVID-19. However, the alternative methods of voting outlined above in Section II.B.i.8, better serve that interest, as the risk of contracting and spreading COVID-19 is lower, if one of those methods is used in lieu of visiting a Vote Center.

E. The Balance of Equities Does Not Tip in Plaintiff's Favor

To determine the balance of equities, the court must “balance the interest of all parties and weigh the damages to each.” *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1138 (9th Cir. 2009). Here, the balance of interest does not tip in Plaintiff's favor. The County has protected Plaintiff's right to vote, has offered various alternative methods of voting, as well as reasonable modification of the County's policies, practices and procedures by allowing any voter with a disability who wishes to vote in-person on Election Day to have a poll worker hold his/her place in line and sit in a chair until it is time for the voter to cast his/her vote on the ExpressVote[®] machines.

On the other hand, should a preliminary injunction issue, Defendants will be faced having to offer a service that fundamentally changes its voting system, which does not support a curbside voting process, as explained in Section II.B.i.7, above, and that will be extremely costly to implement. The County does have ballot on demand. Nor, does it have reliable and consistent WIFI capability and capacity. The County will incur additional costs to repair the ExpressVote[®] machines that are damaged from being

1 repeatedly moved in and out of the Vote Centers. The changes required to the County's
2 system will be extensive and costly. Here, the interest of the County is effectively running
3 its voting system and administering the November 2020 General Election far outweighs
4 Plaintiff's interest in having curbside voting, when there are many other alternative ways
5 to vote.

6 **III. THE COURT SHOULD REQUIRE THAT PLAINTIFF POST A BOND**

7
8 The purpose of an injunction bond is not simply to protect the enjoined party from
9 injury suffered because the trial court may have abused its discretion in granting a
10 preliminary injunction, but to indemnify the enjoined party if ultimately it is held that that
11 party had at all times the right to do the enjoined act. *Wainwright Sec. Inc. v. Wall St.*
12 *Transcript Corp.*, 80 F.R.D. 103, 107 (S.D.N.Y. 1978). Here, if the mandatory
13 preliminary injunction issue, Defendants' will incur costs to comply with the order.
14 Should the case proceed on the merits and Defendants prevail on the merits, Defendants
15 will have suffered harm. Therefore, Plaintiff this Court should require a bond from
16 Plaintiff.
17

18 **IV. CONCLUSION**

19
20 For the reasons stated above, this Court should deny Plaintiff's Motion for
21 Preliminary Injunction and Expedited Hearing and we respectfully ask this Court to do so.

22 ///

23 ///

24 ///

25

1 DATED this 19th day of October, 2020.

2 BRIAN M. MCINTYRE,
3 COCHISE COUNTY ATTORNEY

4 By: /s/ Christine J. Roberts
5 Christine J. Roberts
6 Chief Civil Deputy County Attorney

7 A copy of the foregoing emailed
8 this 19th day of October, 2020, to:

9 Rose Daly-Rooney
10 rdalyrooney@azdisabilitylaw.org
11 Maya Abela
12 mabela@azdisabilitylaw.org
13 Tamaraingsey In
14 sun@azdisabilitylaw.org
15 Meaghan Kramer
16 mkramer@azdisabilitylaw.org
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1 BRIAN M. MCINTYRE
2 COCHISE COUNTY ATTORNEY
3 By: CHRISTINE J. ROBERTS
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8 (520) 432-8700
9 CVAttymeo@cochise.az.gov

10 *Attorney for Cochise County and Lisa Marra, in her official capacity as Cochise County*
11 *Elections Director*

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA, TUCSON DIVISION**

14 Kathleen Hoffard,
15 Plaintiff,
16
17 vs.
18 Cochise County, Arizona; Lisa Marra,
19 In her official capacity as Director of
20 Cochise County Elections Department,
21
22 Defendants.

23 **No. 4:20-CV-00243-SHR**

24 **DECLARATION OF**
25 **LISA MARRA IN**
SUPPORT OF DEFENDANTS'
RESPONSE IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION AND
EXPEDITED HEARING

Assigned to the Honorable
Judge Scott H. Rash

26 I, LISA MARRA, DECLARE:

27 1. I am the Elections Director for Cochise County. I have been employed in
28 this capacity since November 26, 2012. I am over the age of 18, and if called as a witness,
29 I could and would testify competently to the facts stated herein, all of which is my personal
30 knowledge.

1 2. In 2015, Cochise County (the “County”) decided to move to Vote Centers,
2 rather than assigned polling centers/places, and made a significant monetary investment
3 of over \$1 million dollars in touchscreen ExpressVote® machines to utilize for voting at
4 the Vote Centers.

5 3. The County has utilized Vote Centers for its statewide elections, starting in
6 2016.

7 4. Currently, Cochise County has seventeen (17) Vote Centers.

8 5. A Cochise County voter can go into any of the seventeen (17) Vote Centers
9 to cast his or her ballot, rather than having to go to an assigned precinct-based polling
10 center or district.
11

12 6. All of the County’s seventeen (17) Vote Centers are fully ADA accessible
13 and ADA compliant. All equipment utilized at the Vote Centers is fully ADA accessible.
14 This was one important advantage and benefit of moving to Vote Centers. The Vote
15 Centers allow equal access to in-person voting on Election Day.
16

17 7. Physical site assessments, required under Federal and State law, are done on
18 each Vote Center before each election cycle, using the Department of Justice’s required
19 documentation, that can be found at: <https://www.ada.gov/votingchecklist.htm>. A true
20 and correct copy of the ADA checklist is attached hereto, as **Exhibit A**.
21

22 8. No pre-printed paper ballots are used in at the seventeen (17) Vote Centers
23 throughout the County because the specific ballot style can be accessed via the
24 ExpressVote® machines. Further, there are over 300-700 different ballot styles for each
25

1 election, making it impossible and impracticable for the County to store paper copies of
2 each ballot style at every one of its Vote Centers.

3 9. The County does not have ballot on demand. Nor does the County have any
4 technology that would allow for specific, individualized ballots to be printed curbside.

5 10. The County does not have the WIFI or internet capability and/or capacity to
6 have reliable and consistent ballot on demand at its seventeen (17) Vote Centers
7 throughout the mostly rural County.
8

9 11. One additional technological challenge with offering curbside voting in the
10 County is the use of the electronic e-pollbooks that are used to capture the voter's signature
11 and that communicate with each other around the County. These e-pollbooks cannot be
12 disconnected from the Vote Centers' circuit to be taken curbside for the voter's signature
13 because when it is disconnected from the system, the *entire voting system* shuts down and
14 has to be restarted before voting can resume, which can take up to twenty (20) minutes.
15

16 12. Curbside voting is no longer offered because of the potential for injury to
17 voters, poll workers and the voting machine equipment.
18

19 13. Arizona law allows for, but does not mandate, curbside voting.

20 14. Additionally, Arizona law allows voters twenty-four (24) days of in-person
21 voting prior to an election, as well as one day of emergency in-person voting prior to an
22 election. Special Election Boards are also available on Election Day to assist voters at
23 home, in hospitals or at assisted living facilities. Curbside voting is not required during
24 early in-person voting, nor is it required under emergency voting statutes.
25

1 15. The touchscreen ExpressVote® machines are very heavy and contain very
2 sensitive components. Even though they are all on portable stands, they are not designed
3 to be moved in and out of the Vote Center facilities repeatedly for curbside voting and
4 tend to tip over, which could cause damage to a disabled voter's vehicle or serious injury
5 to a disabled voter or to the poll worker moving the ExpressVote® machine. Simply stated,
6 it is not safe for poll workers to move these very top-heavy voting machines outside to a
7 vehicle.
8

9 16. To date, I have had to have sixty-two (62) ExpressVote® machines repaired
10 under the County's maintenance agreement, which costs the County approximately
11 \$22,000 per year. All of these repairs resulted from routine movement for delivery,
12 placement and pickup for use on Election Day.
13

14 17. Even though the PeakLogix CurbExpress™ by ReadyVote® cart may be
15 easier to move than the portable stands, the issue of the sensitive components remains
16 unchanged. Repeatedly moving the ExpressVote® machines causes technical problems
17 with the machines. Further, the carts will not always line up with the vehicles causing the
18 disabled voter to get out of the vehicle to use the ExpressVote® machine. Additionally,
19 the fact remains that the vast majority of the County's poll workers are elderly and these
20 elderly poll workers would still be required to physically move the ExpressVote®
21 machines, repeatedly, in and out of the Vote centers, creating the potential for the
22 ExpressVote® machine and cart to tip over, damaging equipment and potentially injuring
23 the poll worker and/or the voter.
24
25

1 18. All of the County's ExpressVote® Machines are assigned to be used in the
2 Vote Centers and there are no spare ones that can be left outside for curbside voting.
3 Additionally, the ExpressVote® machines have limited battery life and need to be
4 connected to an electrical supply.

5 19. All vote center poll workers are trained to provide assistance to disabled and
6 elderly voters. Any voter requesting assistance is entitled to receive help and those voters
7 who have difficulty standing in line, although not entitled to advance to the front of the
8 line, a poll worker will hold the voter's place in line and the voter can be offered a place
9 to sit until it is his or her turn to vote. There is no evidence that Ms. Hoffard ever asked
10 any of the poll workers for this type of assistance as a reasonable modification.
11

12 20. On May 3, 2018, the County issued a news release informing its residents
13 that all of the County's Vote Centers met the needs of its disabled and elderly citizens
14 because they were now fully ADA accessible and ADA compliant, and as a result, the
15 County would no longer offer curbside voting. Attached hereto, as **Exhibit B**, is a true
16 and correct copy of the May 3, 2018 news release.
17

18 21. The information was also posted on the County's Facebook page and
19 County website. The County updates its poll worker's handbook and website, which both
20 indicate that curbside voting is no longer offered. The website and poll worker handbook
21 also reflect information that was provided in the news release in 2018.
22

23 22. The news release also offered the County's residents other means to vote by
24 using early ballots and registering to be on the Permanent Early Voting List ("PEVL").
25

1 23. Since the implementation of the Vote Centers, the elimination of curbside
2 voting, and over the course of eleven (11) Vote Center and nineteen (19) Vote by Mail
3 elections and nearly 57,414 in-person voters, the County has only received two (2)
4 complaints or concerns, inclusive of Ms. Hoffard's complaint, about the elimination of
5 curbside voting.

6 24. On January 7, 2019, Ms. Hoffard, through the Arizona Center for Disability
7 Law, filed a discrimination claim with the Arizona Secretary of State, under the Help
8 America Vote Act ("HAVA") of 2002, 52 U.S.C. §§ 21081, *et seq.*, alleging that Cochise
9 County discriminated against her based on her disability, by refusing to provide curbside
10 voting at two vote centers in Sierra Vista, Arizona. Attached hereto, as **Exhibit C**, is a
11 true and correct copy of Ms. Hoffard's HAVA Complaint.

12 25. The two (2) Vote centers that Ms. Hoffard visited (VC-8, Shiloh Christian
13 Ministries and VC-9, Methodist Church) on November 6, 2018, as outlined in her HAVA
14 Complaint are both fully ADA accessible and ADA compliant. Attached hereto as
15 **Exhibit D**, are the ADA Checklists and Photos for each of the two (2) Vote Centers.

16 26. Both of the Vote Centers had the required number of handicap (accessible)
17 parking spaces under the ADA.

18 27. The rugs at the Vote Centers are not "small area rugs" or throw rugs like
19 one would buy in a department store, but rather they are industrial, commercial rugs with
20 non-slip rubber backing, designed to prevent slippage and falling, used in churches and
21 similar facilities.

1 28. On January 14, 2019, the Arizona Secretary of State denied Ms. Hoffard's
2 discrimination claim because it was procedurally deficient and notified me of Ms.
3 Hoffard's concerns. Attached hereto, as **Exhibit E**, is a true and correct copy of Letter
4 from Janine Petty, Deputy State Elections Director, Arizona Secretary of State to Arizona
5 Center for Disability Law, dated January 14, 2019

6
7 29. On February 4, 2019, I wrote to Ms. Hoffard about the concerns in her
8 HAVA Complaint, explaining that the vote centers are ADA Compliant and fully ADA
9 Accessible under the federal guidelines established for polling locations and therefore,
10 curbside voting is no longer a requirement. Attached hereto as **Exhibit F**, is a true and
11 correct copy of Letter to Kathleen Hoffard from Lisa M. Marra, dated February 4, 2019.

12
13 30. I further explained that because of the variety of different ballot styles
14 (approximately 300-700 ballot styles), there are no pre-printed paper ballots at the vote
15 centers, any voter who chooses to vote in person is required to come to the ADA accessible
16 Vote Center and cast his/her vote on one of the touchscreen ExpressVote® machines.
17 Additionally, I offered Ms. Hoffard the option of participating in early voting, requesting
18 a paper ballot be mailed to her, and/or voting early, in-person at the Cochise County
19 Recorder's Office.
20

21 31. Ms. Hoffard never contacted me or responded to my letter.

22 32. On May 4, 2019, Ms. Hoffard filed a Complaint of Discrimination with the
23 Arizona Attorney General's Office, Division of Civil Rights Section ("ACRD"). Attached
24 hereto, as **Exhibit G**, is a true and correct copy of Ms. Hoffard's ACRD Complaint.
25

1 33. On May 30, 2019, the County Attorney's Office filed a position statement.
2 Attached hereto as **Exhibit H**, is a true and correct copy of the Defendants' Position
3 Statement dated May 30, 2019.

4 34. In January 2020, in response to ACRD's subpoena and discovery requests,
5 my office produced over 500 pages of documents.

6 35. On May 4, 2020, ACRD closed its investigation and issued a dismissal
7 notice finding that "the information obtained [was] not sufficient to establish violations of
8 the statutes and that further investigation is unlikely to produce such evidence. Attached
9 hereto, as **Exhibit I**, is a true and correct copy of ACRD's May 4, 2020 Dismissal Notice.
10

11 36. On information and belief, Plaintiff requested that ACRD reopen the case.
12 However, ACRD did not reopen the case.
13

14 37. On August 31, 2020, I was served with Ms. Hoffard's First Amended
15 Complaint.

16 Pursuant to 28. U.S.C. § 1746, I declare under penalty of perjury that the foregoing
17 is true and correct.

18 Executed on October 19, 2020, in Bisbee, Arizona.
19

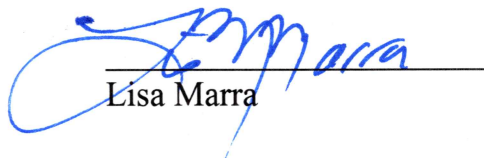
20
21 
22 Lisa Marra
23
24
25

EXHIBIT “A”



ADA Checklist for Existing Facilities

Based on the 2010 ADA Standards for Accessible Design



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Institute for Human Centered Design
www.HumanCenteredDesign.org

www.ADAchecklist.org
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ADA National Network
www.ADAta.org

Questions on the ADA 800-949-4232 voice/tty
Questions on checklist 617-695-0085 voice/tty
ADAinfo@NewEnglandADA.org

ADA Checklist for Existing Facilities

This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or ADAinfo@NewEnglandADA.org

For the full set of checklists, including the checklists for recreation facilities visit www.ADAchecklist.org.

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ADA Checklist for Existing Facilities

The Americans with Disabilities Act (ADA) requires state and local governments, businesses and non-profit organizations to provide goods, services and programs to people with disabilities on an equal basis with the rest of the public.

Some people think that only new construction and alterations need to be accessible and that older facilities are “grandfathered,” but that’s not true. Because the ADA is a civil rights law and not a building code, older facilities are often required to be accessible to ensure that people with disabilities have an equal opportunity to participate.

The ADA has different requirements for state and local governments and for places of public accommodation (businesses and non-profit organizations that serve the public).

Requirements for State and Local Governments

State and local governments must ensure that services, programs and activities, when viewed in their entirety, are accessible to people with disabilities. This is part of public entities’ program accessibility obligations. Alterations to older buildings may be needed to ensure program accessibility. Generally this is a greater obligation than “readily achievable barrier removal” the standard that applies to public accommodations. State and local governments are not required to take any action that would result in undue financial and administrative burdens.

State and local governments’ ADA obligations for program accessibility are in the Department of Justice’s ADA Title II regulations 28 CFR Part 35.150.

How to Use this Checklist

Get Organized

One person can conduct a survey, but it’s easier with two people. One person can take measurements and the other person can fill out the checklist and take photos.

Obtain Floor Plan or Make Sketch

A floor plan helps the surveyors to get organized and to know how many elements there are, such as entrances and toilet rooms. If plans are not available, sketch the exterior and interior layout of interior and exterior spaces and mark the elements on the sketch.

Make Copies of the Checklist

Determine how many copies of each section of the checklist you need. For example, most facilities have more than one toilet room.

Gather Tools

- Checklist
- Clipboard
- Tape measure
- Electronic or carpenter’s level - 24 inches
- Door pressure gauge or fish scale
- Camera
- Bag to hold these items

Requirements for Places of Public Accommodation

Businesses and non-profit organizations that serve the public must remove architectural barriers when it is “readily achievable” to do so; in other words, when barrier removal is “easily accomplishable and able to be carried out without much difficulty or expense.”

The decision of what is readily achievable is made considering the size, type, and overall finances of the public accommodation and the nature and cost of the access improvements needed. Barrier removal that is difficult now may be readily achievable in the future as finances change.

Public accommodations’ ADA obligations for barrier removal are in the Department of Justice’s ADA Title III regulations 28 CFR Part 36.304.

Priorities for Accessibility

The checklist follows the four priorities that are listed in the Department of Justice ADA Title III regulations. These priorities are equally applicable to state and local government facilities.

Priority 1 - Accessible approach and entrance

Priority 2 - Access to goods and services

Priority 3 - Access to public toilet rooms

Priority 4 - Access to other items such as water fountains and public telephones

Conduct the Survey

Start Outside

Start from site arrival points such as drop-off areas and sidewalks. Determine if there is an accessible route to an accessible entrance. If there is a parking lot or garage check for the correct number of accessible parking spaces, including van-accessible spaces. Is there an accessible route from the accessible parking spaces to an accessible entrance? Next survey the entrances. If there is an accessible entrance, determine if there are signs at inaccessible entrances directing people to the accessible entrance. Go inside and continue through the facility.

Keep Good Notes

Write on the front of each checklist where you are surveying. You may end up with six toilet room checklists. When you get back to your office you’ll want to know which one is the checklist for the first floor women’s room. If there isn’t an accessible entrance you’ll want to indicate how many steps there are and how much space is available to install a ramp or lift. This is a good time to take photographs.

Take Good Measurements

When in doubt write it down. It’s better to have too much information than not enough. Even if something is in compliance it’s helpful to have exact measurements.

2010 ADA Standards for Accessible Design

The checklist is based on the 2010 ADA Standards for Accessible Design (2010 Standards). The checklist does not include all sections of the 2010 Standards. For example there are no questions about patient rooms in hospitals or guest rooms in hotels. Consult the 2010 Standards for situations not covered in the checklist. Full compliance with the 2010 Standards is required only for new construction and alterations.

Safe Harbor – Construction Prior to March 15, 2012

Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. For example, the 1991 Standards allow 54 inches maximum for a side reach range to a control such as the operating part of a paper towel dispenser. The 2010 Standards lower that side reach range to 48 inches maximum. If a paper towel dispenser was installed prior to March 15, 2012 with the highest operating part at 54 inches, the paper towel dispenser does not need to be lowered to 48 inches.

Elements in the 2010 Standards that aren't in the 1991 Standards

The 2010 Standards contain elements that are not in the 1991 Standards. These elements include recreation facilities such as swimming pools, team and player seating, accessible routes to court sports facilities, saunas and steam rooms, fishing piers, play areas, exercise machines, golf facilities, miniature golf facilities, amusement rides, shooting facilities with firing positions, and recreational boating facilities. Because these elements are not in the 1991 Standards, they are not subject to the safe harbor exemption. State and local governments must make these items



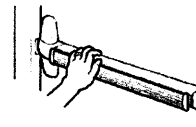
Parking Spaces

Measure from the center of marking lines. If lines are not adjacent to another space or aisle the measurement can be to the full width of the line.



Door Clear Width

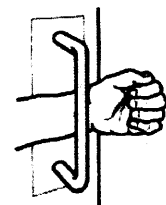
Open the door 90 degrees, measure from the face of the door to the edge of the door stop.



Door Opening Force

Place the door pressure gauge where you would push open the door.

If you're using a fish scale, place it where you would pull open the door.



accessible if necessary to ensure program accessibility, unless an undue burden would result. Public accommodations must remove architectural barriers to these items.

What this Checklist is Not

The ADA Title II and III regulations require more than program accessibility and barrier removal. The regulations include requirements for nondiscriminatory policies and practices and for the provision of auxiliary aids and services, such as sign language interpreters for people who are deaf and material in Braille for people who are blind. This checklist does not cover those requirements.

Since this checklist does not include all of the 2010 Standards it is not intended to determine compliance for new construction or facilities being altered.

What are Public Accommodations?

Under the ADA public accommodations are private entities that own, lease, lease to or operate a place of public accommodation. This means that both a landlord who leases space in a building to a tenant and the tenant who operates a place of public accommodation have responsibilities to remove barriers.

A place of public accommodation is a facility whose operations affect commerce and fall within at least one of the following 12 categories:

- 1) Places of lodging (e.g., inns, hotels, motels, except for owner-occupied establishments renting fewer than six rooms)
- 2) Establishments serving food or drink (e.g., restaurants and bars)
- 3) Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert



Accessible Slopes

You can measure slope with a 24 inch level and a tape measure. Put the level on the surface in the direction you are

measuring. Put one end at the high point of the surface and raise the other end so that the bubble is in the middle of the level's gauge. The level is now level. Measure the distance between the end of the level at its bottom point and the surface.

For a ramp the maximum running slope allowed is 1:12. That means for every inch of height change there should be at least 12 inches of ramp run. If the distance between the bottom of the level and the ramp surface is 2 inches or less, then the slope is 1:12 or less ($2:24 = 1:12$ and $1.5:24 = 1:16$ which is a more gradual slope than 1:12). If the distance is greater than 2 inches, the ramp is too steep. For example, if the distance is 3 inches, then the slope is 1:8 ($3:24 = 1:8$ which is a steeper slope than 1:12).

For the parts of an accessible route that aren't a ramp, the maximum running slope allowed is 1:20. That means for every inch of height change there must be at least 20 inches of route run. The distance from the bottom edge of the level to the surface should be no more than 1.2 inches ($1.2:24 = 1:20$).

halls, stadiums)

- 4) Places of public gathering (e.g. , auditoriums, convention centers, lecture halls)
- 5) Sales or rental establishments (e.g. , bakeries, grocery stores, hardware stores, shopping centers)
- 6) Service establishments (e.g. , laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals)
- 7) Public transportation terminals, depots, or stations (not including facilities relating to air transportation)
- 8) Places of public display or collection (e.g. , museums, libraries, galleries)
- 9) Places of recreation (e.g. , parks, zoos, amusement parks)
- 10) Places of education (e.g. , nursery schools, elementary, secondary, undergraduate, or postgraduate private schools)
- 11) Social service center establishments (e.g. , day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies)
- 12) Places of exercise or recreation (e.g. , gymnasiums, health spas, bowling alleys, golf courses).

For the cross slope of an accessible route the maximum slope allowed is 1:48. The distance from the bottom edge of the level to the surface should be no more than ½ inch (.5:24 = 1:48). The cross slope of an accessible route is the slope that is perpendicular to the direction of pedestrian travel.

Slopes may also be measured using a digital level. Be sure to read the instructions. Measure with the percent calculation rather than the degrees calculation. For a ramp the maximum running slope allowed is 8.33% (8.33% is a 1:12 slope). For an accessible route without a ramp the maximum running slope allowed is 5% (1:20). For the cross slope of an accessible route the maximum slope allowed is 2.083% (1:48).

Check that You Got Everything - Before you leave the site review all the checklists. Make sure you know which checklist goes with which entrance and which toilet room and that you've got all the information you need. It is better to do it now than to have to go back.

After the Survey

List Barriers and Solutions - Consider the solutions listed beside each question on the checklist and add your own ideas. Consult with building contractors and equipment suppliers to estimate the costs for making modifications.

Resources

U.S. Department of Justice ADA Information

800-514-0301 voice
800-514-0383 TTY
www.ada.gov

ADA National Network

800-949-4232 voice/TTY connects to your regional ADA Center
www.adata.org

U.S. Access Board

800- 872-2253 voice
800-993-2822 TTY
www.access-board.gov

ADA Title III Regulations 28 CFR Part 36

www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm

2010 ADA Standards for Accessible Design

www.ada.gov/2010ADASTandards_index.htm

1991 ADA Standards for Accessible Design

www.ada.gov/stdspdf.htm

Tax Deductions and Credits for Barrier Removal

www.ada.gov/taxincent.htm

Acknowledgements

Many of the illustrations are from the U.S. Department of Justice and the U.S. Access Board or are based on illustrations produced by the U.S. Access Board and the U.S. Department of Justice.

Develop a Plan – State and local governments were required to develop a Transition Plan a few years after the ADA went into effect. Conducting a current survey is a good opportunity to update the plan.

Although places of public accommodation are not required to have a plan,, the Department of Justice recommends one: *"...Such a plan...could serve as evidence of a good faith effort to comply..."*

Prioritize items, make a timeline, decide who is responsible to carry out the plan and develop a budget.

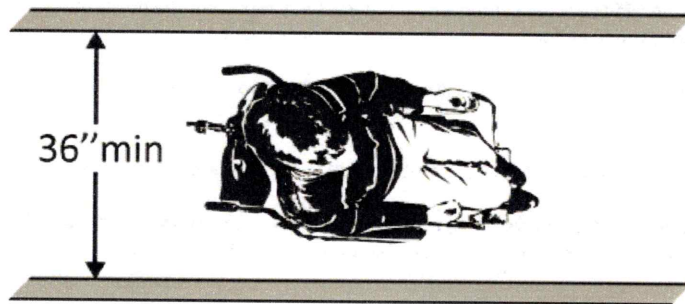
Make Changes - Use the 2010 ADA Standards for Accessible Design. Check whether local and state building codes require greater accessibility when alterations are undertaken.

Follow Up - Review the plan each year to evaluate whether more access improvements can be made.

ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

Based on the 2010 ADA Standards for Accessible Design



Project _____

Building _____

Location _____

Date _____

Surveyors _____

Contact Information _____

An accessible route from site arrival points and an accessible entrance should be provided for everyone.



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ADA National Network
Questions on the ADA 800-949-4232 voice/tty
www.ADAchecklist.org

This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or ADAinfo@NewEnglandADA.org

For the full set of checklists, including the checklists for recreation facilities visit www.ADAchecklist.org.

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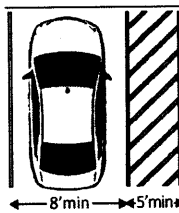
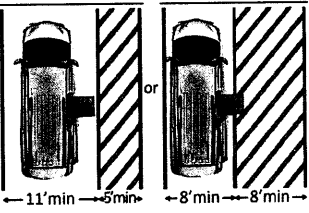

ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

Priority 1 – Approach & Entrance				Comments	Possible Solutions												
1.1	Is there at least one route from site arrival points (parking, passenger loading zones, public sidewalks and public transportation stops) that does not require the use of stairs? [See 2010 ADA Standards for Accessible Design – 206.2.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, location of route:		Photo #:	<ul style="list-style-type: none"> • Add a ramp • Regrade to 1:20 maximum slope • Add a lift if site constraints prevent other solutions 												
Parking Accessible parking spaces should be identified by size, access aisle and signage.																	
1.2	If parking is provided for the public, are an adequate number of accessible spaces provided? [208.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Total #: Accessible #:	<table border="1"> <thead> <tr> <th>Total Spaces</th> <th>Accessible Spaces</th> </tr> </thead> <tbody> <tr> <td>1 - 25</td> <td>1</td> </tr> <tr> <td>26 - 50</td> <td>2</td> </tr> <tr> <td>51 - 75</td> <td>3</td> </tr> <tr> <td>76 - 100</td> <td>4</td> </tr> <tr> <td colspan="2">100+ see 2010 Standards 208.2</td> </tr> </tbody> </table>	Total Spaces	Accessible Spaces	1 - 25	1	26 - 50	2	51 - 75	3	76 - 100	4	100+ see 2010 Standards 208.2		Photo #:	<ul style="list-style-type: none"> • Reconfigure by repainting lines • •
Total Spaces	Accessible Spaces																
1 - 25	1																
26 - 50	2																
51 - 75	3																
76 - 100	4																
100+ see 2010 Standards 208.2																	
1.3	Of the accessible spaces, is at least one a van accessible space?* [208.2.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No	*For every 6 or fraction of 6 parking spaces required by the table above, at least 1 should be a van accessible space.	Photo #:	<ul style="list-style-type: none"> * If constructed before 3/15/2012, parking is compliant if at least 1 in every 8 accessible spaces is van accessible • Reconfigure by repainting lines 												

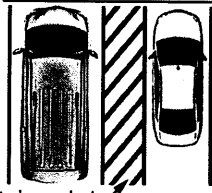
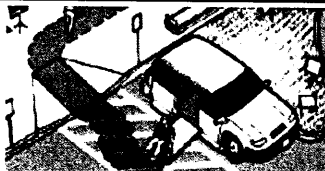
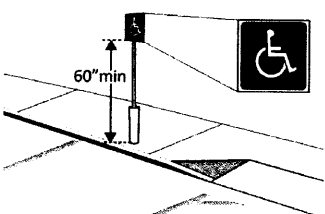
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

<p>1.4 Are accessible spaces at least 8 feet wide with an access aisle at least 5 feet wide? [502.2, 502.3]</p> <p>Note: Two spaces may share an access aisle. Check state/local requirements; some specify that each space have its own aisle.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure by repainting lines • •
<p>1.5 Is the van accessible space:</p> <p>At least 11 feet wide with an access aisle at least 5 feet wide? Or At least 8 feet wide with an access aisle at least 8 feet wide? [502.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure to provide van-accessible space(s) • •
<p>1.6 Is at least 98 inches of vertical clearance provided for the van accessible space? [502.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure to provide van-accessible space(s) • •

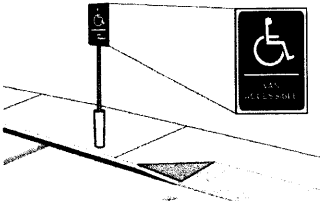

ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

<p>1.7 Are the access aisles marked so as to discourage parking in them? [502.3.3]</p> <p>Note: The marking method and color may be addressed by state/local requirements.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Mark access aisles • •
<p>1.8 Is the slope of the accessible parking spaces and access aisles no steeper than 1:48 in all directions? [502.4]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Regrade surface • •
<p>1.9 Do the access aisles adjoin an accessible route? [502.3]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Create accessible route • Relocate accessible space •
<p>1.10 Are accessible spaces identified with a sign that includes the International Symbol of Accessibility?</p> <p>Is the bottom of the sign at least 60 inches above the ground? [502.6]</p> <p>Note: The International Symbol of Accessibility is not required on the ground.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Install signs • •

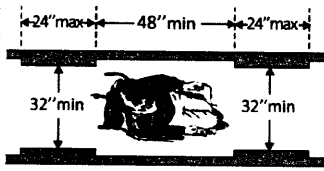
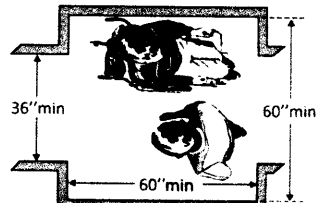
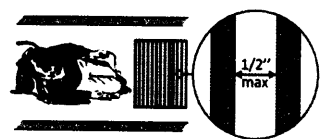
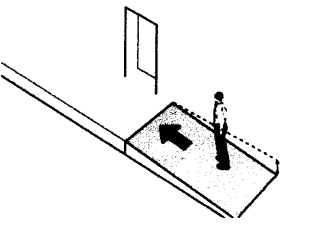
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

1.11 Are there signs reading “van accessible” at van accessible spaces? [502.6]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Install signs • •
1.12 Of the total parking spaces, are the accessible spaces located on the closest accessible route to the accessible entrance(s)? [208.3.1] Note: If parking serves multiple entrances, accessible parking should be dispersed.	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Reconfigure spaces • •
Exterior Accessible Route				
1.13 Is the route stable, firm and slip-resistant? [302.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Repair uneven paving • Fill small bumps and breaks with patches • Replace gravel with asphalt or other surface
1.14 Is the route at least 36 inches wide? [403.5.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:			<ul style="list-style-type: none"> • Change or move landscaping, furnishings or other items • Widen route •

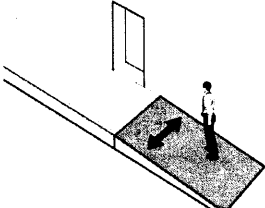
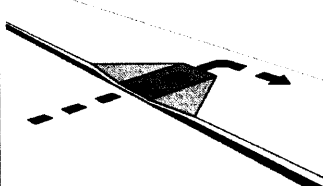
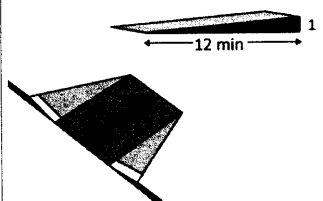
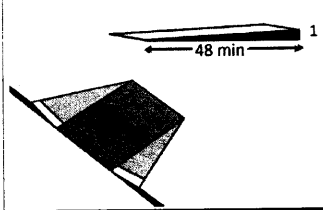
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

<p>Note: The accessible route can narrow to 32 inches min. for a max. of 24 inches. These narrower portions of the route must be at least 48 inches from each other.</p>		<p>Photo #:</p>
<p>1.15 If the route is greater than 200 feet in length and less than 60 inches wide, is there a passing space no less than 60 x 60 inches? [403.5.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> 	<p>Photo #:</p> <ul style="list-style-type: none"> • Widen route for passing space
<p>1.16 If there are grates or openings on the route, are the openings no larger than 1/2 inches?</p> <p>Is the long dimension perpendicular to the dominant direction of travel? [302.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> 	<p>Photo #:</p> <ul style="list-style-type: none"> • Replace or move grate
<p>1.17 Is the running slope no steeper than 1:20, i.e. for every inch of height change there are at least 20 inches of route run? [403.3]</p> <p>Note: If the running slope is steeper than 1:20, treat as a ramp and add features such as edge protection and handrails.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> 	<p>Photo #:</p> <ul style="list-style-type: none"> • Regrade to 1:20 max.

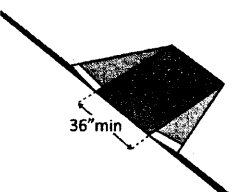
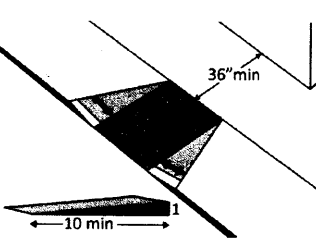
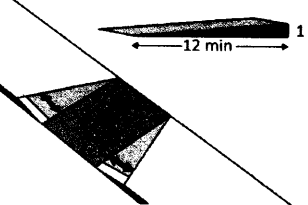
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

1.18 Is the cross slope no steeper than 1:48? [403.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Regrade to 1:48 max. • •
Curb Ramps				
1.19 If the accessible route crosses a curb, is there a curb ramp? [402.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Install curb ramp • •
1.20 Is the running slope of the curb ramp no steeper than 1:12, i.e. for every inch of height change there are at least 12 inches of curb ramp run? [406.1, 405.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Regrade curb ramp • •
1.21 Is the cross slope of the curb ramp, excluding flares, no steeper than 1:48? [406.1, 405.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Regrade curb ramp • •

ADA Checklist for Existing Facilities

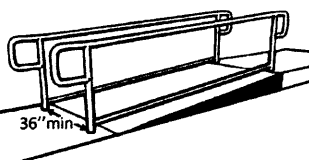
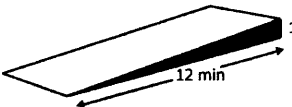
Priority 1 – Approach & Entrance

<p>1.22 Is the curb ramp, excluding flares, at least 36 inches wide? [406.1, 405.5]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	 <p>36" min</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> • Widen curb ramp • •
<p>1.23 At the top of the curb ramp is there a level landing (slope no steeper than 1:48 in all directions) that is at least 36 inches long and at least as wide as the curb ramp? [406.4]</p> <p>If there are curb ramp flares, are the slopes of the flares no steeper than 1:10, i.e. for every inch of height change there are at least 10 inches of flare run? [406.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	 <p>36" min</p> <p>10 min</p> <p>1</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure • Add ramp flares •
<p>1.24 If the landing at the top is less than 36 inches long, are there curb ramp flares?</p> <p>Are the slopes of the flares no greater than 1:12, i.e. for every inch of height change there are at least 12 inches of flare run? [406.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	 <p>12 min</p> <p>1</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> • Add ramp flares • Regrade flares •

ADA Checklist for Existing Facilities

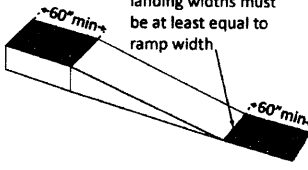
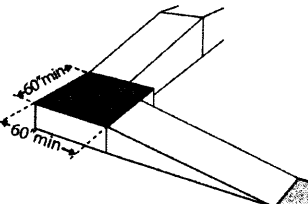
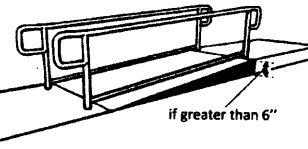
Priority 1 – Approach & Entrance

Ramps If any portion of the accessible route is steeper than 1:20, it should be treated as a ramp.

<p>1.25 If there is a ramp is it at least 36 inches wide? [405.5]</p> <p>Note: If there are handrails, measure between the handrails.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter ramp • •
<p>1.26 Is the surface stable, firm and slip resistant? [405.4]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Resurface ramp • •
<p>1.27 For each section of the ramp, is the running slope no greater than 1:12, i.e. for every inch of height change there are at least 12 inches of ramp run? [405.2]</p> <p>Note: Rises no greater than 3 inches with a slope no steeper than 1:8 and rises no greater than 6 inches with a slope no steeper than 1:10 are permitted when such slopes are necessary due to space limitations.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Relocate ramp • Lengthen ramp to decrease slope •

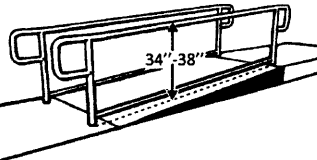
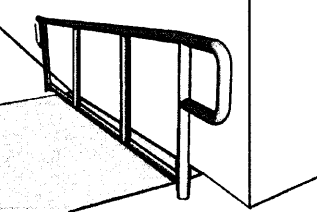
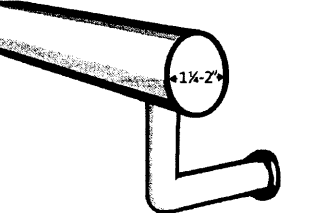
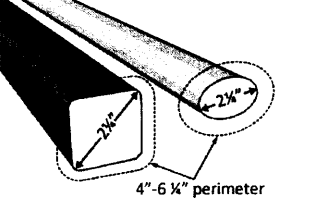
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

<p>1.28 Is there a level landing that is at least 60 inches long and at least as wide as the ramp:</p> <p>At the top of the ramp? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p>At the bottom of the ramp? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>[405.7.2, 405.7.3]</p> <p>Measurement:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	 <p>landing widths must be at least equal to ramp width</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> • Alter ramp • Relocate ramp •
<p>1.29 Is there a level landing where the ramp changes direction that is at least 60 x 60 inches? [405.7.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Alter ramp • Increase landing size •
<p>1.30 If the ramp has a rise higher than 6 inches, are there handrails on both sides? [405.8]</p> <p>Note: Curb ramps are not required to have handrails.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Add handrails • •

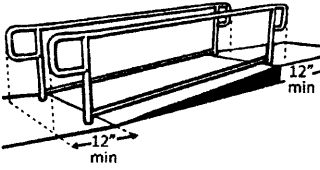
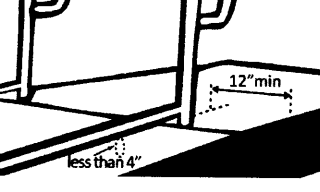
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

1.31 Is the top of the handrail gripping surface no less than 34 inches and no greater than 38 inches above the ramp surface? [505.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Reconfigure or replace handrails • Adjust handrail height •
1.32 Is the handrail gripping surface continuous and not obstructed along the top or sides? [505.3] If there are obstructions, is the bottom of the gripping surface obstructed no greater than 20%? [505.6]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Reconfigure or replace handrails • •
1.33 If the handrail gripping surface is circular, is it no less than 1 1/4 inches and no greater than 2 inches in diameter? [505.7.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Replace handrails • •
1.34 If the handrail gripping surface is non-circular: Is the perimeter no less than 4 inches and no greater than 6 1/4 inches?	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Replace handrails • •

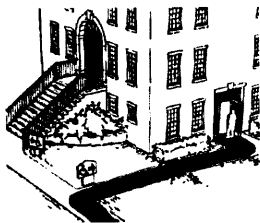
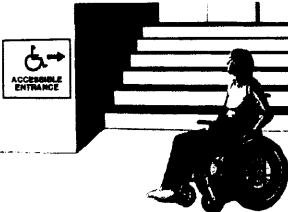

ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

<p>Is the cross section no greater than 2¼ inches? [505.7.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		Photo #:	
<p>1.35 Does the handrail:</p> <p>Extend at least 12 inches horizontally beyond the top and bottom of the ramp?</p> <p>Return to a wall, guard, or landing surface? [505.10.1]</p> <p>Note: If a 12 inch extension would be a hazard (in circulation path) it is not required.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		Photo #:	<ul style="list-style-type: none"> • Alter handrails • •
<p>1.36 To prevent wheelchair casters and crutch tips from falling off:</p> <p>Does the surface of the ramp extend at least 12 inches beyond the inside face of the handrail? Or Is there a curb or barrier that prevents the passage of a 4-inch diameter sphere? [405.9.1, 405.9.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:</p>		Photo #:	<ul style="list-style-type: none"> • Add curb • Add barrier • Extend ramp width •

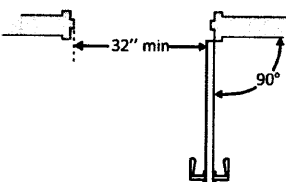
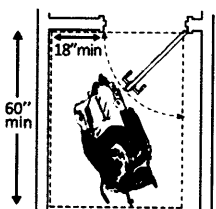
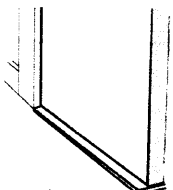
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

Entrance				
1.37	Is the main entrance accessible?	<input type="checkbox"/> Yes <input type="checkbox"/> No		<ul style="list-style-type: none"> • Redesign to make it accessible • •
			Photo #:	
1.38	<p>If the main entrance is not accessible, is there an alternative accessible entrance?</p> <p>Can the alternative accessible entrance be used independently and during the same hours as the main entrance?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No		<ul style="list-style-type: none"> • Designate an entrance and make it accessible • Ensure that accessible entrance can be used independently and during the same hours as the main entrance •
			Photo #:	
1.39	Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance? [216.6]	<input type="checkbox"/> Yes <input type="checkbox"/> No		<ul style="list-style-type: none"> • Install signs • Install signs on route before people get to inaccessible entrances so that people do not have to turn around and retrace route •
			Photo #:	
1.40	If not all entrances are accessible, is there a sign at the accessible entrance with the International Symbol of Accessibility? [216.6]	<input type="checkbox"/> Yes <input type="checkbox"/> No		<ul style="list-style-type: none"> • Install sign • •
			Photo #:	

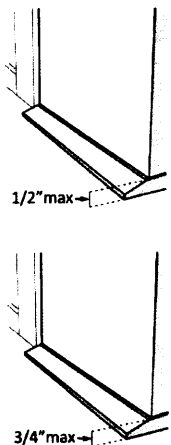

ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

<p>1.41 Is the clear opening width of the accessible entrance door at least 32 inches, between the face of the door and the stop, when the door is open 90 degrees? [404.2.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> • Alter door • Install offset hinges •
<p>1.42 If there is a front approach to the pull side of the door, is there at least 18 inches of maneuvering clearance beyond the latch side plus at least 60 inches clear depth?</p> <p>Note: See 2010 Standards 404.2.4 for maneuvering clearance requirements on the push side of the door and side approaches to the pull side of the door</p> <p>On both sides of the door, is the ground or floor surface of the maneuvering clearance level (no steeper than 1:48)? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> • Remove obstructions • Reconfigure walls • Add automatic door opener
<p>1.43 If the threshold is vertical is it no more than 1/4 inch high?</p> <p>Or</p> <p>No more than 1/2 inch high with the top 1/4 inch beveled no steeper than 1:2, if the threshold was installed on or</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p> <ul style="list-style-type: none"> • Remove or replace threshold • •

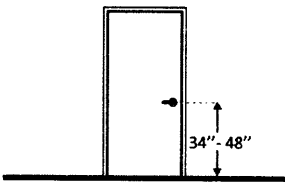
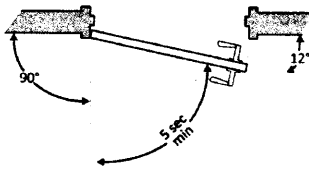
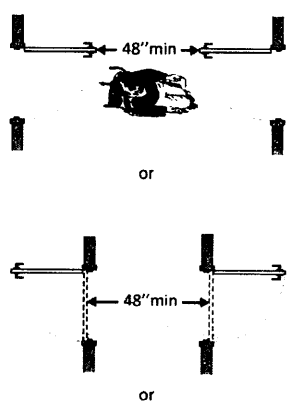
ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

<p>after the 1991 ADA Standards went into effect (1/26/93)?</p> <p>Or</p> <p>No more than ¼ inch high with the top ¼ inch beveled no steeper than 1:2, if the threshold was installed before the 1991 ADA Standards went into effect (1/26/93)? [404.2.5, 303.2]</p> <p>Note: The first ¼ inch of the ½ or ¾ inch threshold may be vertical; the rest must be beveled.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	
<p>1.44 Is the door equipped with hardware that is operable with one hand and does not require tight grasping, pinching or twisting of the wrist?</p> <p>Door handle?</p> <p>Lock (if provided)? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Replace inaccessible knob with lever, loop or push hardware • Add automatic door opener •

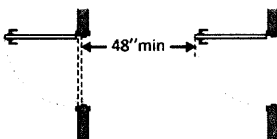

ADA Checklist for Existing Facilities

Priority 1 – Approach & Entrance

1.45 Are the operable parts of the door hardware no less than 34 inches and no greater than 48 inches above the floor or ground surface? [404.2.7]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Change hardware height • •
1.46 If the door has a closer, does it take at least 5 seconds to close from an open position of 90 degrees to a position of 12 degrees from the latch? [404.2.8]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust closer • •
1.47 If there are two doors in a series, e.g. vestibule, is the distance between the doors at least 48 inches plus the width of the doors when swinging into the space? [404.2.6]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Remove inner door • Change door swing •

ADA Checklist for Existing Facilities

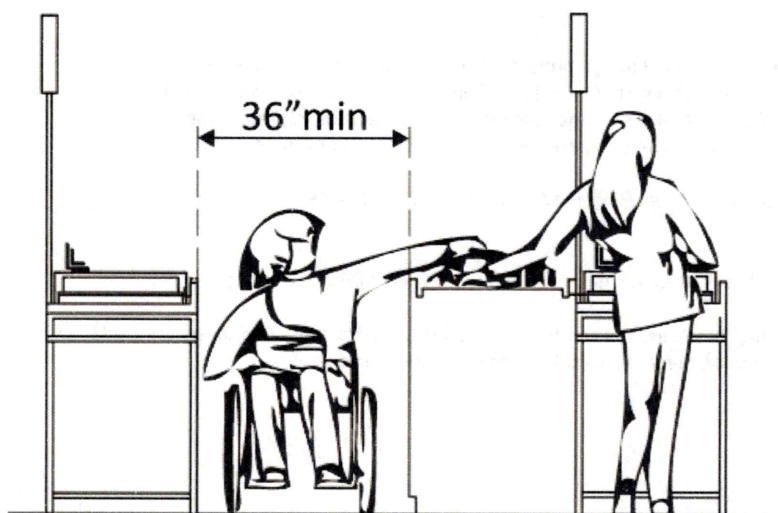
Priority 1 – Approach & Entrance

			Photo #:	
1.48 If provided at the building entrance, are carpets or mats no higher than ½ inch thick? [302.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Replace or remove mats • •
1.49 Are edges of carpets or mats securely attached to minimize tripping hazards? [302.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Secure carpeting or mats at edges • •
	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • • •
	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • • •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

Based on the 2010 ADA Standards for Accessible Design



Project _____

Building _____

Location _____

Date _____

Surveyors _____

Contact Information _____

The layout of the building should allow people with disabilities to obtain goods and services and to participate in activities without assistance.



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ADA National Network
Questions on the ADA 800-949-4232 voice/tty
www.ADAchecklist.org

This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

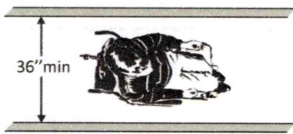
Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or ADAinfo@NewEnglandADA.org

For the full set of checklists, including the checklists for recreation facilities visit www.ADAchecklist.org.

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ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

Priority 2 – Access to Goods & Services		Comments	Possible Solutions
2.1 Does the accessible entrance provide direct access to the main floor, lobby and elevator? [See 2010 ADA Standards for Accessible Design – 206.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No	Photo #:	<ul style="list-style-type: none"> • Create accessible route • •
Interior Accessible Route			
2.2 Are all public spaces on at least one accessible route? [206.2.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No	Photo #:	<ul style="list-style-type: none"> • Create accessible route • •
2.3 Is the route stable, firm and slip-resistant? [40.2, 302.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No	Photo #:	<ul style="list-style-type: none"> • Repair uneven surfaces • •
2.4 Is the route at least 36 inches wide? [403.5.1] Note: The accessible route can narrow to 32 inches min. for a max. of 24 inches. These narrower portions of the route must be at least 48 inches from each other.	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		<ul style="list-style-type: none"> • Widen route • •


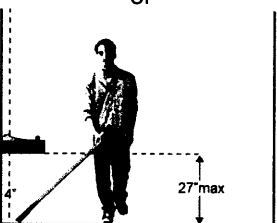
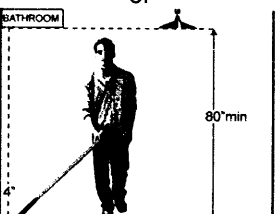
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

			Photo #:	
2.5 If the route is greater than 200 feet in length and less than 60 inches wide, is there a passing space no less than 60 x 60 inches? [403.5.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Widen route for passing space • •
2.6 Is the running slope no steeper than 1:20, i.e. for every inch of height change there are at least 20 inches of route run? [403.3] Note: If the running slope is steeper than 1:20, treat as a ramp and add features such as edge protection and handrails.	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Regrade • •
2.7 Is the cross slope no steeper than 1:48? [403.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Regrade • •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.8 Do all objects on circulation paths through public areas, e.g. fire extinguishers, drinking fountains, signs, etc., protrude no more than 4 inches into the path?</p> <p>Or</p> <p>If an object protrudes more than 4 inches, is the bottom leading edge at 27 inches or lower above the floor? [307.2]</p> <p>Or</p> <p>Is the bottom leading edge at 80 inches or higher above the floor? [307.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	 <p>4" max</p> <p>Or</p>  <p>4" 27" max</p> <p>Or</p>  <p>4" 80" min</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> • Remove object • Add tactile warning such as permanent planter or partial walls •
<p>2.9 Are there elevators or platform lifts to all public stories?</p> <p>Note: Vertical access is not required in new construction or alterations if a facility is less than three stories or has less than 3,000 square feet per story, unless the facility is a shopping center, shopping mall,</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Install if necessary • Offer goods and services on an accessible story •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

professional office of a health care provider, transportation terminal, state facility or local government facility

Photo #:

Ramps

2.10 If there is a ramp, is it at least 36 inches wide?
[405.5]

Note: If there are handrails, measure between the handrails.

☐ Yes ☐ No

Measurement:

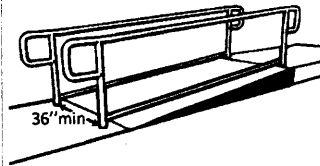


Photo #:

- Alter ramp

2.11 Is the surface stable, firm and slip resistant?
[405.4]

☐ Yes ☐ No

Photo #:

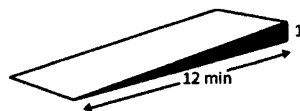
- Resurface ramp

2.12 For each section of the ramp, is the running slope no greater than 1:12, i.e. for every inch of height change there are at least 12 inches of ramp run?
[405.2]

Note: Rises no greater than 3 inches with a slope no steeper than 1:8 and rises no greater

☐ Yes ☐ No

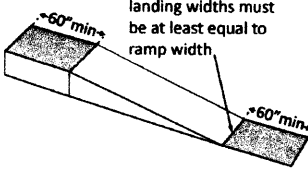
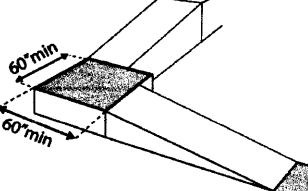
Measurement:



- Lengthen ramp to decrease slope
- Relocate ramp

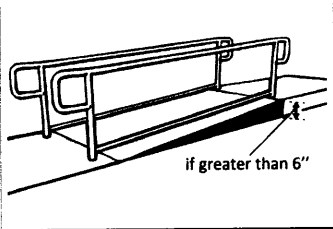
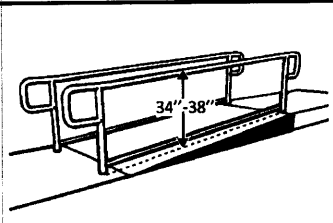
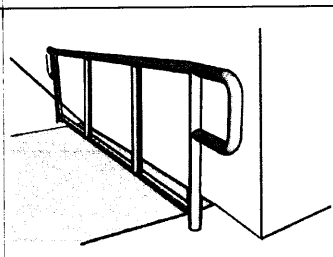
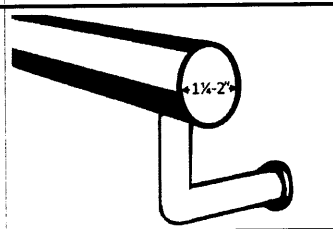
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>than 6 inches with a slope no steeper than 1:10 are permitted when due to space limitations.</p>		Photo #:	
<p>2.13 Is there a level landing that is at least 60 inches long and at least as wide as the ramp:</p> <p>At the top of the ramp?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p>At the bottom of the ramp?</p> <p>[405.7.2, 405.7.3]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		Photo #:	<ul style="list-style-type: none"> • Alter ramp • Relocate ramp •
<p>2.14 Is there a level landing where the ramp changes direction that is at least 60 x 60 inches?</p> <p>[405.7.4]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		Photo #:	<ul style="list-style-type: none"> • Increase landing size • •

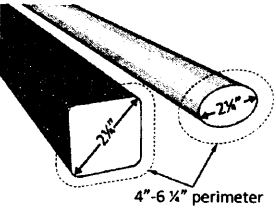
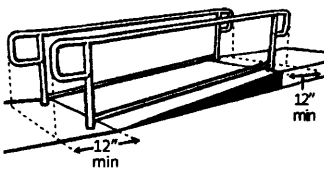
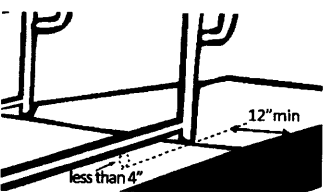
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

2.15 If the ramp has a rise higher than 6 inches are there handrails on both sides? [405.8]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Add handrails • •
2.16 Is the top of the handrail gripping surface no less than 34 inches and no greater than 38 inches above the ramp surface? [505.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust handrail height • •
2.17 Is the handrail gripping surface continuous and not obstructed along the top or sides? [505.3] If there are obstructions, is the bottom of the gripping surface obstructed no more than 20%? [505.6]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Reconfigure or replace handrails • •
2.18 If the handrail gripping surface is circular, is it no less than 1 1/4 inches and no greater than 2 inches in diameter? [505.7.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Replace handrails • •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

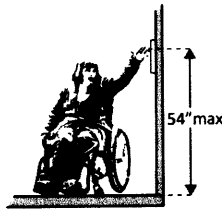
<p>2.19 If the handrail gripping surface is non-circular:</p> <p>Is the perimeter no less than 4 inches and no greater than 6 1/4 inches?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p>Is the cross section no greater than 2 1/4 inches in diameter? [505.7.2]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Replace handrails • •
<p>2.20 Does the handrail:</p> <p>Extend at least 12 inches horizontally beyond the top and bottom of the ramp?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p>Return to a wall, guard, or landing surface? [505.10.1]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Note: If a 12" extension would be hazardous (in circulation path), it is not required</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Alter handrails • •
<p>2.21 To prevent wheelchair casters and crutch tips from falling off:</p> <p>Does the surface of the ramp extend at least 12 inches beyond the inside face of the handrail?</p> <p>Or</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Add curb • Add barrier • Extend ramp width • •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

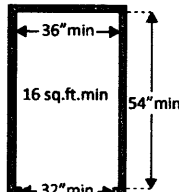
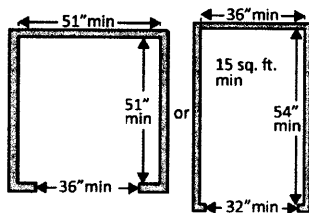
Is there a curb or barrier that prevents the passage of a 4-inch diameter sphere? [405.9.1, 405.9.2]	Measurement:	Photo #:
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Elevators – Full Size & LULA (limited use, limited application) LULA elevators are often used in alterations.

2.22 If there is a full size or LULA elevator, are the call buttons no higher than 54 inches above the floor? [407.2.1.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #: <ul style="list-style-type: none"> • Change call button height • •
2.23 If there is a full size or LULA elevator, does the sliding door reopen automatically when obstructed by an object or person?* [407.3.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No	Photo #:	<ul style="list-style-type: none"> * If constructed before 3/15/2012 and manually operated, the door is not required to reopen automatically • Install opener •

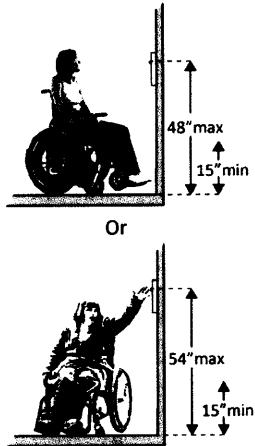
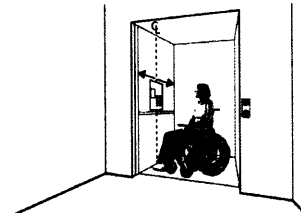
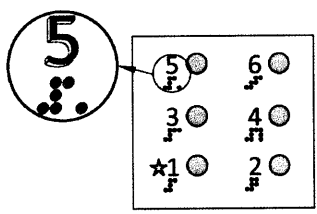
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.24 If there is a LULA elevator with a swinging door:</p> <p>Is the door power- operated? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Does the door remain open for at least 20 seconds when activated? [403.3.2] <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Time:</p>			Photo #:	<ul style="list-style-type: none"> • Add power operated door • Adjust opening time •
<p>2.25 If there is a full size elevator:</p> <p>Is the interior at least 54 inches deep by at least 36 inches wide with at least 16 sq. ft. of clear floor area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p>Is the door opening width at least 32 inches? [407.4.1 Exception] <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>			Photo #:	<ul style="list-style-type: none"> • Replace elevator • •
<p>2.26 If there is a LULA elevator, is the interior:</p> <p>At least 51 inches deep by 51 inches wide with a door opening width of at least 36 inches? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p>Or</p> <p>At least 54 inches deep by at least 36 inches wide with at least 15 sq. ft. of clear floor area and a door opening width of at least 32 inches? [408.4.1 Exceptions 1 and 2] <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>			Photo #:	<ul style="list-style-type: none"> • Replace elevator • •

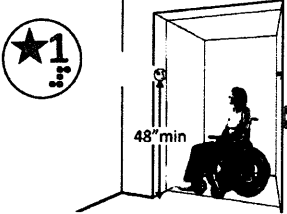
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.27 If there is a full size or LULA elevator, are the in-car controls:</p> <p>No less than 15 inches and no greater 48 inches above the floor?</p> <p>Or</p> <p>Up to 54 inches above the floor for a parallel approach?</p> <p>[408.4.6, 407.4.6.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Change control height • •
<p>2.28 If there is a LULA elevator, are the in-car controls centered on a side wall?</p> <p>[408.4.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure controls • •
<p>2.29 If there is a full size or LULA elevator:</p> <p>Are the car control buttons designated with raised characters?</p> <p>Are the car control buttons designated with Braille?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Add raised characters • Add Braille •

ADA Checklist for Existing Facilities

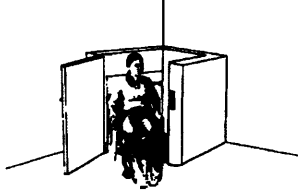
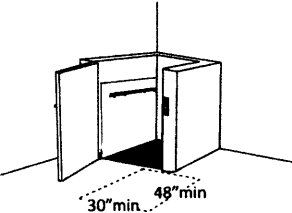
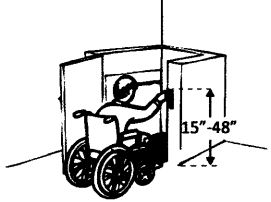
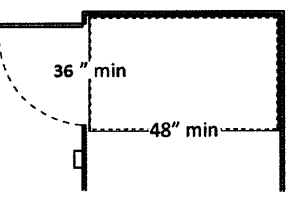
Priority 2 – Access to Goods & Services

[407.4.7.1, 703.2]			Photo #:	
2.30 If there is a full size or LULA elevator, are there audible signals which sound as the car passes or is about to stop at a floor? [407.4.8]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Install audible signals • •
2.31 If there is a full size or LULA elevator: Is there a sign on both door jambs at every floor identifying the floor? Is there a tactile star on both jambs at the main entry level? Do text characters contrast with their backgrounds? Are text characters raised? Is there Braille? Is the sign mounted between 48 inches to the baseline of the lowest character and 60 inches to the baseline of the highest character above the floor?* [407.2.3, 408.2.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Install signs • Change sign height • • <p>* If constructed before 3/15/2012 and mounted no higher than 60 inches to the centerline of the sign, relocation is not required</p>

Platform Lifts

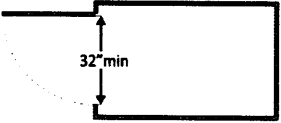
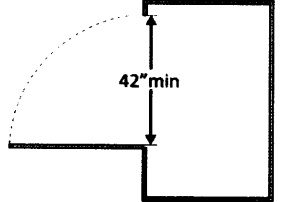
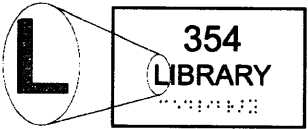
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

2.32 If a lift is provided, can it be used without assistance from others? [410.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Reconfigure so independently operable • •
2.33 Is there a clear floor space at least 30 inches wide by at least 48 inches long for a person using a wheelchair to approach and reach the controls to use the lift? [410.5]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Remove obstructions • •
2.34 Are the lift controls no less than 15 inches and no greater than 48 inches above the floor? [410.5]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Change control height • •
2.35 Is there a clear floor space at least 36 inches wide by at least 48 inches long inside the lift? [410.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Replace lift • •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.36 If there is an end door, is the clear opening width at least 32 inches? [410.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Alter door width • •
<p>2.37 If there is a side door, is the clear opening width at least 42 inches? [410.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Alter door width • •
<p>Signs “Tactile characters” are read using touch, i.e. raised characters and Braille.</p>				
<p>2.38 If there are signs designating permanent rooms and spaces not likely to change over time, e.g. room numbers and letters, room names, and exit signs: [216.2]</p> <p>Do text characters contrast with their backgrounds? [703.5]</p> <p>Are text characters raised? [703.2]</p> <p>Is there Braille? [703.3]</p> <p>Is the sign mounted:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Install tactile sign • Relocate sign •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

On the wall on the latch side of the door?
[703.4.2]

☐ Yes ☐ No

Note: Signs are permitted on the push side of doors with closers and without hold-open devices.

With clear floor space beyond the arc of the door swing between the closed position and 45-degree open position, at least 18 x 18 inches centered on the tactile characters?*

☐ Yes ☐ No

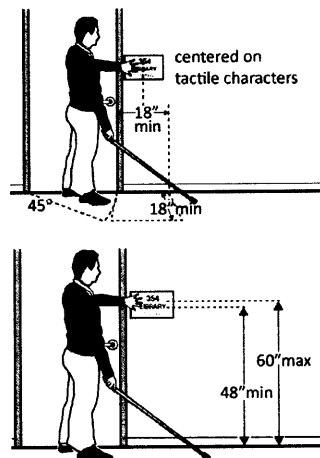
Measurement:

So the baseline of the lowest character is at least 48 inches above the floor and the baseline of the highest character is no more than 60 inches above the floor? *

☐ Yes ☐ No

Measurement:

Note: If the sign is at double doors with one active leaf, the sign should be on the inactive leaf; if both leaves are active, the sign should be on the wall to the right of the right leaf.



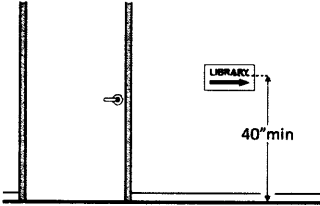
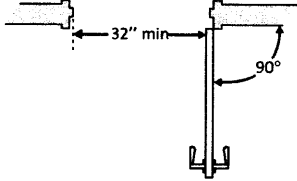
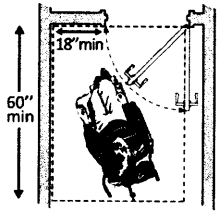
*If constructed before 3/15/2012 and a person may approach within 3 inches of the sign without encountering protruding objects or standing within the door swing, relocation not required

*If constructed before 3/15/2012 and mounted no higher than 60 inches to the centerline of the sign, relocation not required

Photo #:

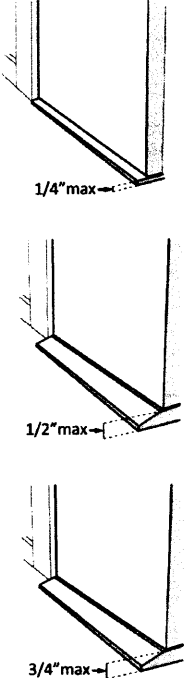
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.39 If there are signs that provide direction to or information about interior spaces:</p> <p>Do text characters contrast with their backgrounds? [703.5.1]</p> <p>Is the sign mounted so that characters are at least 40 inches above the floor? [703.5.6]</p> <p>Note: Raised characters and Braille are not required.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Install signs with contrasting characters • Change sign height •
<p>Interior Doors – to classrooms, medical exam rooms, conference rooms, etc.</p>				
<p>2.40 Is the door opening width at least 32 inches clear, between the face of the door and the stop, when the door is open 90 degrees? [404.2.3]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Install offset hinges • Alter the doorway •
<p>2.41 If there is a front approach to the pull side of the door, is there at least 18 inches of maneuvering clearance beyond the latch side plus at least 60 inches clear depth?</p> <p>Note: See 2010 Standards 404.2.4 for maneuvering clearance requirements on the push side of the door and side approaches to the pull side of the door.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Remove obstructions • Reconfigure walls • Add automatic door opener

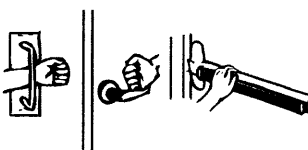
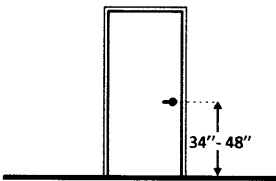
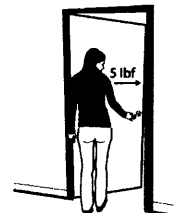
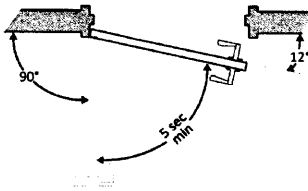
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>On both sides of the door, is the floor surface of the maneuvering clearance level (no steeper than 1:48)? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	
<p>2.42 If the threshold is vertical is it no more than ¼ inch high?</p> <p>Or</p> <p>No more than ½ inch high with the top ¼ inch beveled no steeper than 1:2, if the threshold was installed on or after the 1991 ADA Standards went into effect (1/26/93)?</p> <p>Or</p> <p>No more than ¾ inch high with the top ½ inch beveled no steeper than 1:2, if the threshold was installed before the 1991 ADA Standards went into effect (1/26/93)? [404.2.5, 303.2]</p> <p>Note: The first ¼ inch of the ½ or ¾ inch threshold may be vertical; the rest must be beveled.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	 <p>1/4" max →</p> <p>1/2" max →</p> <p>3/4" max →</p>	<p>Photo #:</p>	<ul style="list-style-type: none"> • Remove or replace threshold • •

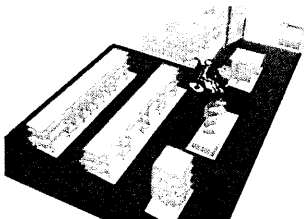

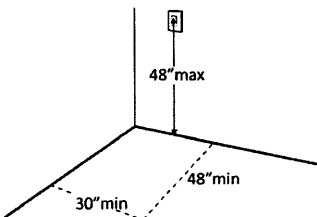
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.43 Is the door equipped with hardware that is operable with one hand and does not require tight grasping, pinching or twisting of the wrist?</p> <p>Door handle?</p> <p>Lock (if provided)? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Replace inaccessible knob with lever, loop or push hardware • Add automatic door opener •
<p>2.44 Are the operable parts of the hardware no less than 34 inches and no greater than 48 inches above the floor? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Change hardware height • •
<p>2.45 Can the door be opened easily (5 pounds maximum force)? [404.2.9]</p> <p>Note: You can use a pressure gauge or fish scale to measure force. If you do not have one you will need to judge whether the door is easy to open.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust or replace closers • Install lighter doors • Install power-assisted or automatic door openers
<p>2.46 If the door has a closer, does it take at least 5 seconds to close from an open position of 90 degrees to a position of 12 degrees from the latch? [404.2.8.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust closer • •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

Rooms and Spaces – stores, supermarkets, libraries, etc.				
2.47 Are aisles and pathways to goods and services, and to one of each type of sales and service counters, at least 36 inches wide? [403.5.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Rearrange goods, equipment and furniture • •
2.48 Are floor surfaces stable, firm and slip resistant? [302.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Change floor surface • •
2.49 If there is carpet: Is it no higher than 1/8 inch? Is it securely attached along the edges? [302.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Replace carpet • •
Controls – light switches, security and intercom systems, emergency/alarm boxes, etc.				
2.50 Is there a clear floor space at least 30 inches wide by at least 48 inches long for a forward or parallel approach? [305.3] Are the operable parts no higher than 48 inches above the floor? * [309.3, 308]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Change height of control • • <p>*If constructed before 3/15/2012 and a parallel approach is provided, controls can be 54 inches above the floor</p>

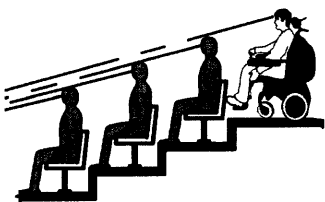
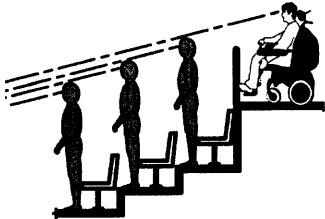

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

			Photo #:													
2.51 Can the control be operated with one hand and without tight grasping, pinching, or twisting of the wrist? [309.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Replace control • • 												
Seating: Assembly Areas – theaters, auditoriums, stadiums, theater style classrooms, etc.																
2.52 Are an adequate number of wheelchair spaces provided? [221.2.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Total #: Wheelchair #:	<table border="1"> <thead> <tr> <th># of Seats</th> <th>Wheelchair Spaces</th> </tr> </thead> <tbody> <tr> <td>4 - 25</td> <td>1</td> </tr> <tr> <td>26 - 50</td> <td>2</td> </tr> <tr> <td>51 - 150</td> <td>4</td> </tr> <tr> <td>151 - 300</td> <td>5</td> </tr> <tr> <td colspan="2">300+ see 2010 Standards 221.2.1.</td> </tr> </tbody> </table>	# of Seats	Wheelchair Spaces	4 - 25	1	26 - 50	2	51 - 150	4	151 - 300	5	300+ see 2010 Standards 221.2.1.		Photo #:	<ul style="list-style-type: none"> • Reconfigure to add wheelchair spaces • •
# of Seats	Wheelchair Spaces															
4 - 25	1															
26 - 50	2															
51 - 150	4															
151 - 300	5															
300+ see 2010 Standards 221.2.1.																
2.53 Are wheelchair spaces dispersed to allow location choices and viewing angles equivalent to other seating, including specialty seating areas that provide distinct services and amenities? [221.2.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No			<ul style="list-style-type: none"> • Reconfigure to disperse wheelchair spaces • • 												

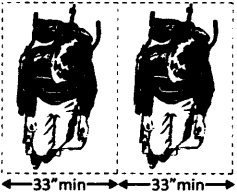
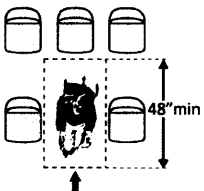
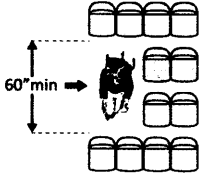
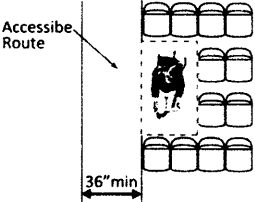
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

			Photo #:	
2.54 Where people are expected to remain seated, do people in wheelchair spaces have a clear line of sight over and between the heads of others in front of them? [802.2.1.1, 802.1.1.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Alter for line of sight • •
2.55 Where people are expected to stand, do people in wheelchair spaces have a clear line of sight over and between the heads of others in front of them? [802.2.2.1, 802.1.2.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Alter for line of sight • •
2.56 If there is a single wheelchair space, is it at least 36 inches wide? [802.1.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter space • •

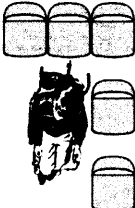

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

2.57 If there are two adjacent wheelchair spaces, are they each at least 33 inches wide? [802.1.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:	 <p>33" min 33" min</p>	Photo #:	<ul style="list-style-type: none"> • Alter spaces • •
2.58 If the wheelchair space can be entered from the front or rear, is it at least 48 inches deep? [802.1.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:	 <p>48" min</p>	Photo #:	<ul style="list-style-type: none"> • Alter space • •
2.59 If the wheelchair space can only be entered from the side, is it at least 60 inches deep? [802.1.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:	 <p>60" min</p>	Photo #:	<ul style="list-style-type: none"> • Alter space • •
2.60 Do wheelchair spaces adjoin, but not overlap, accessible routes? [802.1.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No	 <p>Accessible Route</p> <p>36" min</p>	Photo #:	<ul style="list-style-type: none"> • Alter spaces • •

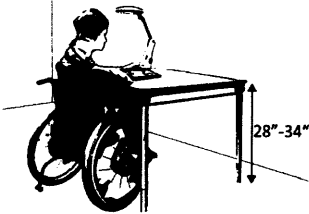
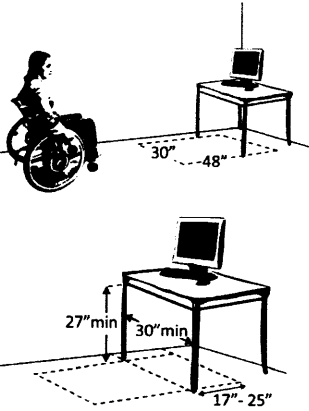
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

2.61 Is there at least one companion seat for each wheelchair space? [221.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add companion seats • •
2.62 Is the companion seat located so the companion is shoulder-to-shoulder with the person in a wheelchair? [802.3.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Alter seating • •
2.63 Is the companion seat equivalent in size, quality, comfort and amenities to seating in the immediate area? [802.3.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add equivalent seating • •
Seating: At dining surfaces (restaurants, cafeterias, bars, etc.) and non-employee work surfaces (libraries, conference rooms, etc.)				
2.64 Are at least 5%, but no fewer than one, of seating and standing spaces accessible for people who use wheelchairs? [226.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Total #: Wheelchair #:		Photo #:	<ul style="list-style-type: none"> • Alter to provide accessible spaces • •
2.65 Is there a route at least 36 inches wide to accessible seating? [403.5.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Widen route • •

ADA Checklist for Existing Facilities

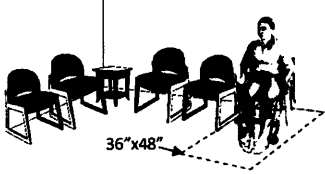
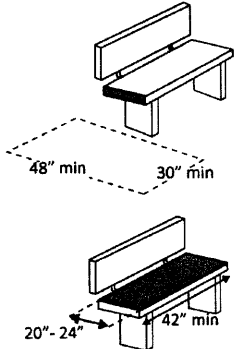
Priority 2 – Access to Goods & Services

<p>2.66 At the accessible space(s), is the top of the accessible surface no less than 28 inches and no greater than 34 inches above the floor? [902.3]</p> <p>Note: If for children, the top should be no less than 26 inches and no greater than 30 inches above the floor.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Alter surface height • •
<p>2.67 Is there a clear floor space at least 30 inches wide by at least 48 inches long for a forward approach? [305.3]</p> <p>Does it extend no less than 17 inches and no greater than 25 inches under the surface?</p> <p>Is there knee space at least 27 inches high and at least 30 inches wide? [306.2, 306.3]</p> <p>Note: If for children, the knee space may be 24 inches high.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Alter table or work surface • Add accessible table or work surface •

Seating: General – reception areas, waiting rooms, etc.

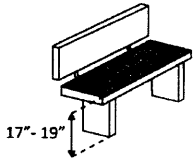
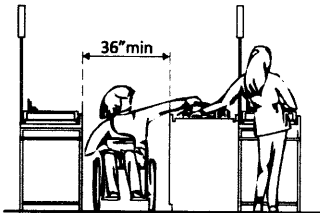
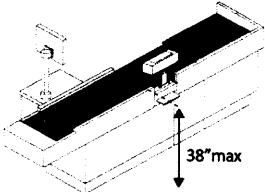
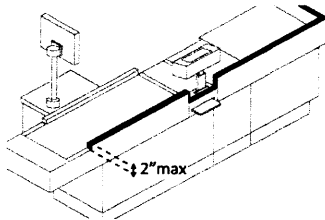
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

2.68 Is there at least one space at least 36 inches wide by at least 48 inches long for a person in a wheelchair? [802.1.2, 802.1.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Move furniture and equipment to provide space • •
Benches – In locker rooms, dressing rooms, fitting rooms. This section does not apply to any other benches.				
2.69 In locker rooms, dressing rooms and fitting rooms, is there at least one room with a bench? [222.1, 803.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No	Photo #:	<ul style="list-style-type: none"> • Add bench • • 	
2.70 Is there a clear floor space at least 30 inches wide by at least 48 inches long at the end of the bench and parallel to the short axis of the bench? Is the bench seat at least 42 inches long and no less than 20 inches and no greater than 24 inches deep? Does the bench have back support or is it affixed to a wall? Is the top of the bench seat no less than 17 inches and no greater than 19 inches above the floor? [903]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Move bench • Replace bench • Affix bench to wall • •

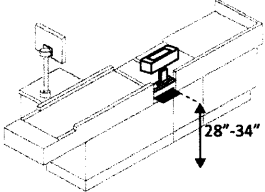

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

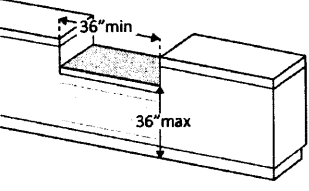
			Photo #:	
Check-Out Aisles – supermarkets, large retail stores, etc.				
2.71 Is the aisle at least 36 inches wide? [904.3.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Widen aisle • •
2.72 Is the counter surface of at least one aisle no higher than 38 inches above the floor? [904.3.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Lower counter • •
2.73 Is the top of the counter edge protection no higher than 2 inches above the counter surface? [904.3.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Lower edge protection • •

ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

2.74 If there is a check writing surface, is the top no less than 28 inches and no greater than 34 inches above the floor? [904.3.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter check writing surface • •
2.75 If there is more than one check-out aisle is there a sign with the International Symbol of Accessibility at the accessible aisle? [216.11]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add sign • •

Sales & Service Counters – banks, stores, dry cleaners, auto repair shops, fitness clubs, etc.

2.76 Is there a portion of at least one of each type of counter that is: No higher than 36 inches above the floor? At least 36 inches long? [904.4.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Lower section of counter • Lengthen section of counter •
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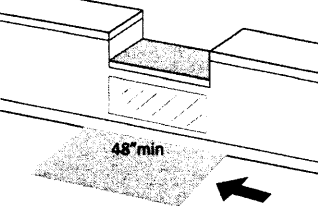
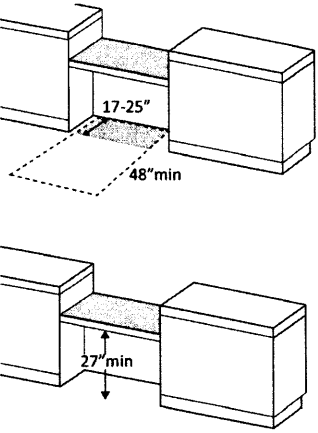
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

2.77 Does the accessible portion of the counter extend the same depth as the counter top? [904.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter accessible portion • •
2.78 Is there a clear floor space at least 30 inches wide by at least 48 inches long for a forward or parallel approach? [904.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Parallel Measurement: <input type="checkbox"/> Forward Measurement:		Photo #:	<ul style="list-style-type: none"> • Reconfigure to provide a parallel or forward approach • •

ADA Checklist for Existing Facilities

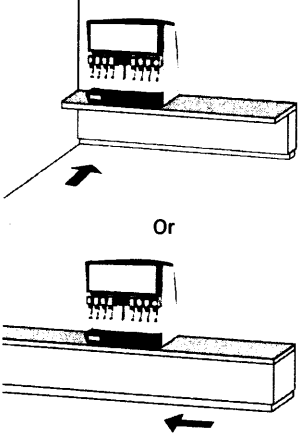
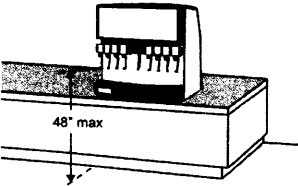
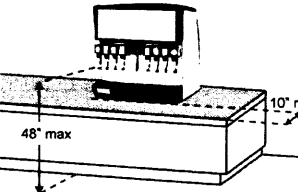
Priority 2 – Access to Goods & Services

<p>2.79 For a parallel approach, is the clear floor space positioned with the 48 inches adjacent to the accessible length of counter? [904.4.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • If a parallel approach is not possible, a forward approach is required • •
<p>2.80 For a forward approach:</p> <p>Do no less than 17 and no greater than 25 inches of the clear floor space extend under the accessible length of the counter? [306.2.2, 306.2.3]</p> <p>Is there at least 27 inches clearance from the floor to the bottom of the counter? [306.3.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure to provide knee clearance • •

Food Service Lines – in cafeterias, salad bars, eat-in fast food establishments, etc.

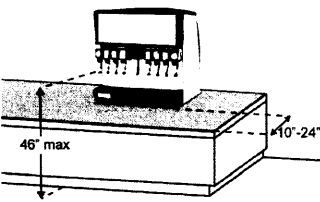
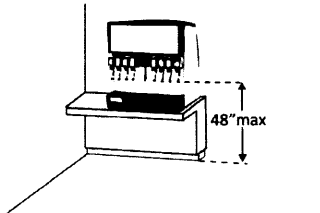
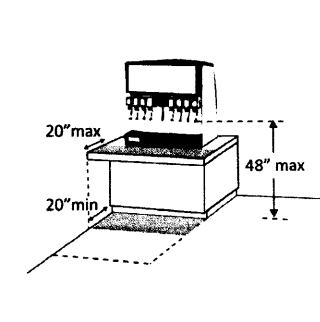
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.81 Does at least one of each type of self-service shelf or dispensing device for tableware, dishware, condiments, food and beverages have a forward or parallel approach? [904.5.1]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Forward <input type="checkbox"/> Parallel		Photo #:	<ul style="list-style-type: none"> • Reconfigure to provide approach • •
<p>2.82 If there is an unobstructed parallel approach, is the shelf or dispensing device no higher than 48 inches above the floor? [308.3.1]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Lower shelf and/or dispensing device • •
<p>2.83 If there is a shallow obstruction no deeper than 10 inches with a parallel approach, is the shelf or dispensing device no higher than 48 inches above the floor? [308.3.1]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Lower shelf and/or dispensing device • •

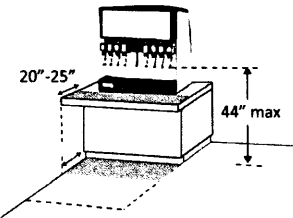
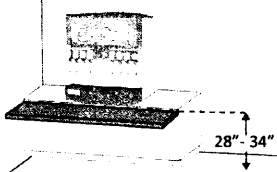
ADA Checklist for Existing Facilities

Priority 2 – Access to Goods & Services

<p>2.84 If there is an obstruction no less than 10 inches and no greater than 24 inches deep with a parallel approach, is the shelf or dispensing device no higher than 46 inches above the floor? [308.3.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Lower shelf and/or dispensing device • •
<p>2.85 If there is an unobstructed forward approach, is the shelf or dispensing device no higher than 48 inches above the floor? [308.2.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Lower shelf and/or dispensing device • •
<p>2.86 If there is an obstruction no deeper than 20 inches with a forward approach:</p> <p>Does clear floor space extend under the obstruction that is at least the same depth as the obstruction?</p> <p>Is the shelf or dispensing device no higher than 48 inches above the floor? [904.5.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure to provide knee space • Lower shelf and/or dispensing device •

ADA Checklist for Existing Facilities

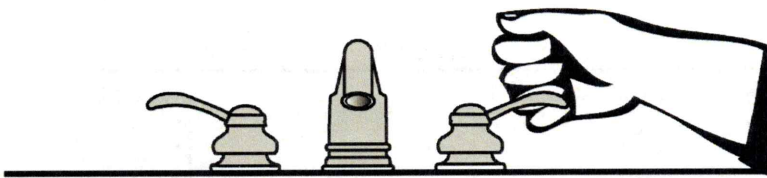
Priority 2 – Access to Goods & Services

<p>2.87 If the obstruction is no less than 20 inches and no greater than 25 inches deep with a forward approach:</p> <p>Does clear floor space extend under the obstruction that is at least the same depth as the obstruction?</p> <p>Is the shelf or dispensing device no higher than 44 inches above the floor? [904.5.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure to provide knee space • Lower shelf and/or dispensing device •
<p>2.88 If there is a tray slide, is the top no less than 28 inches and no greater than 34 inches above the floor? [904.5.2]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure • •
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • • •
	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • • •

The ADA Checklist for Existing Facilities

Priority 3 - Toilet Rooms

Based on the 2010 ADA Standards for Accessible Design



Project _____

Building _____

Location _____

Date _____

Surveyors _____

Contact Information _____

When toilet rooms are open to the public they should be accessible to people with disabilities.



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ADA National Network
Questions on the ADA 800-949-4232 voice/tty
www.ADAchecklist.org

This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.



Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or ADAinfo@NewEnglandADA.org

For the full set of checklists, including the checklists for recreation facilities visit www.ADAchecklist.org.

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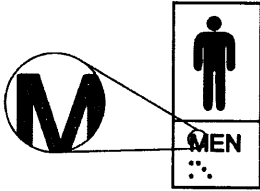
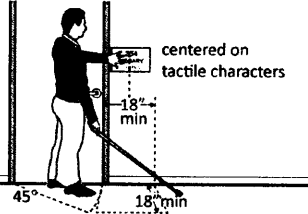
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

Priority 3 – Toilet Rooms		Comments	Possible Solutions
3.1 If toilet rooms are available to the public, is at least one toilet room accessible? (Either one for each sex, or one unisex.) Note: If toilet rooms are chiefly for children, e.g., in elementary schools and day care centers, use the children's specifications in Toilets - 604.1, 604.8, 604.9, 609.4 and Lavatories and Sinks - 606.2.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Photo #:	<ul style="list-style-type: none"> • Reconfigure toilet rooms • Combine toilet rooms to create one unisex accessible toilet room •
3.2 Are there signs at inaccessible toilet rooms that give directions to accessible toilet rooms? [See 2010 ADA Standards for Accessible Design - 216.8]	<input type="checkbox"/> Yes <input type="checkbox"/> No	 Photo #:	<ul style="list-style-type: none"> • Install signs • •
3.3 If not all toilet rooms are accessible, is there a sign at the accessible toilet room with the International Symbol of Accessibility? [216.8]	<input type="checkbox"/> Yes <input type="checkbox"/> No	 Photo #:	<ul style="list-style-type: none"> • Install sign • •
Accessible Route			
3.4 Is there an accessible route to the accessible toilet room? [206.2.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No		<ul style="list-style-type: none"> • Alter route • •

ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

		Photo #:		
Signs at Toilet Rooms				
3.5 Do text characters contrast with their backgrounds? [703.5]	<input type="checkbox"/> Yes <input type="checkbox"/> No		<ul style="list-style-type: none"> • Install tactile sign • Relocate sign • 	
Are text characters raised? [703.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Is there Braille? [703.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Is the sign mounted: On the wall on the latch side of the door? [703.4.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No			
<p>Note: Signs are permitted on the push side of doors with closers and without hold-open devices.</p> <p>With clear floor space beyond the arc of the door swing between the closed position and 45-degree open position, at least 18 x 18 inches centered on the tactile characters? * [703.4.2]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		<p>*If constructed before 3/15/2012 and a person may approach within 3 inches of the sign without encountering protruding objects or standing within the door swing, relocation not required</p>	
So the baseline of the lowest character is at least 48 inches above the floor and the	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:			

ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

baseline of the highest character is no more than 60 inches above the floor? * [703.4.1]

Note: If the sign is at double doors with one active leaf, the sign should be on the inactive leaf; if both leaves are active, the sign should be on the wall to the right of the right leaf.

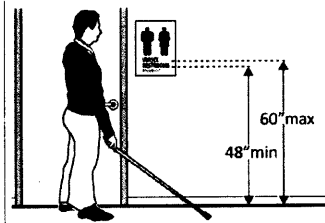


Photo #:

*If constructed before 3/15/2012 and mounted no higher than 60 inches to the centerline of the sign, relocation is not required

Entrance

- 3.6 Is the door opening width at least 32 inches clear, between the face of the door and the stop, when the door is open 90 degrees? [404.2.3]

☐ Yes ☐ No

Measurement:

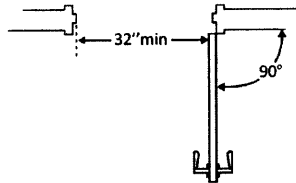


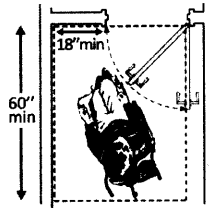
Photo #:

- Install offset hinges
- Alter the doorway
-

- 3.7 If there is a front approach to the pull side of the door is there at least 18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth?

☐ Yes ☐ No

Measurement:



- Remove obstructions
- Reconfigure walls
- Add automatic door opener

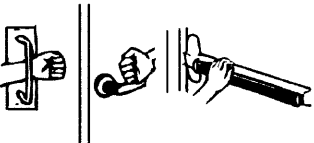
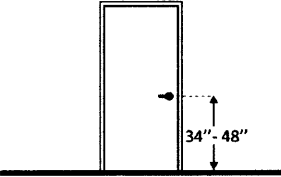
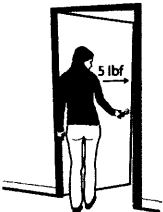
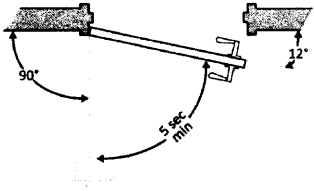
On both sides of the door, is the

Priority 3 – Toilet Rooms

- Remove or replace threshold
-
-

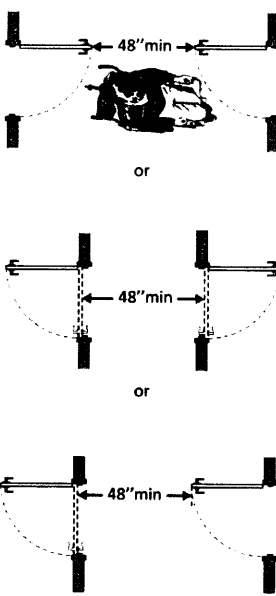
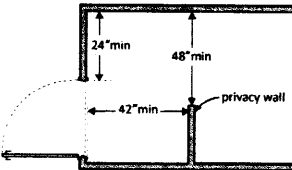
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

<p>3.9 Is the door equipped with hardware that is operable with one hand and does not require tight grasping, pinching or twisting of the wrist? Door handle?</p> <p>Lock (if provided)? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Replace inaccessible knob with lever, loop or push hardware • Add automatic door opener •
<p>3.10 Are the operable parts of the door hardware mounted no less than 34 inches and no greater than 48 inches above the floor? [404.2.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Change hardware height • •
<p>3.11 Can the door be opened easily (5 pounds maximum force)? [404.2.9]</p> <p>Note: You can use a pressure gauge or fish scale to measure force. If you do not have one you will need to judge whether the door is easy to open.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust or replace closers • Install lighter doors • Install power-assisted or automatic door openers
<p>3.12 If the door has a closer, does it take at least 5 seconds to close from an open position of 90 degrees to a position of 12 degrees from the latch? [404.2.8.1]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust closer • •

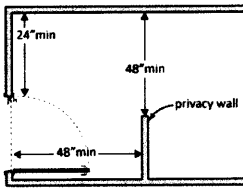

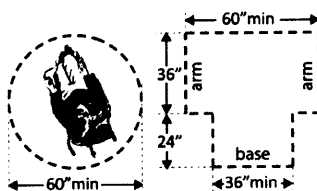
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

<p>3.13 If there are two doors in a series, e.g. vestibule, is the distance between the doors at least 48 inches plus the width of the doors when swinging into the space? [404.2.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Remove inner door • Change door swing •
<p>3.14 If there is a privacy wall and the door swings out, is there at least 24 inches of maneuvering clearance beyond the door latch side and 42 inches to the privacy wall? [404.2.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Reconfigure space • •

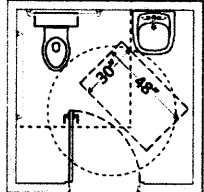
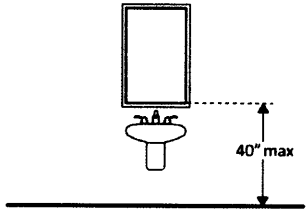
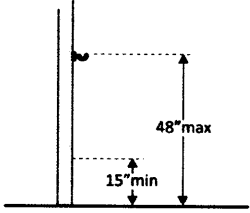
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

3.15 If there is a privacy wall and the door swings in, is there at least 24 inches of maneuvering clearance beyond the door latch side and at least 48 inches to the privacy wall if there is no door closer or at least 54 inches if there is a door closer? [404.2.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Reconfigure space • •
In the Toilet Room				
3.16 Is there a clear path to at least one of each type of fixture, e.g. lavatory, hand dryer, etc., that is at least 36 inches wide? [403.5.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Remove obstructions • •
3.17 Is there clear floor space available for a person in a wheelchair to turn around, i.e. a circle at least 60 inches in diameter or a T-shaped space within a 60-inch square? [603.2.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Move or remove partitions, fixtures or objects such as trash cans • •

ADA Checklist for Existing Facilities

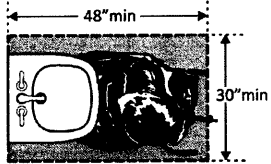
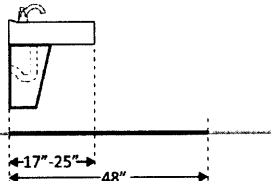
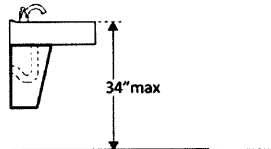
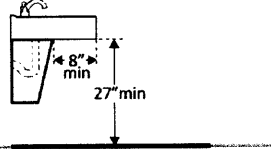
Priority 3 – Toilet Rooms

3.18 In a single user toilet room if the door swings in and over a clear floor space at an accessible fixture, is there a clear floor space at least 30 x 48 inches beyond the swing of the door? [603.2.3 Exception 2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Reverse door swing • Alter toilet room •
3.19 If the mirror is over a lavatory or countertop, is the bottom edge of the reflecting surface no higher than 40 inches above the floor? Or If the mirror is not over the lavatory or countertop, is the bottom edge of the reflecting surface no higher than 35 inches above the floor?*[603.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> * If installed before 3/15/2012 and the bottom edge of the reflecting surface is no higher than 40 inches above the floor, lowering the mirror to 35 inches is not required • Lower the mirror • Add another mirror •
3.20 If there is a coat hook, is it no less than 15 inches and no greater than 48 inches above the floor?*[603.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust hook • Replace with or provide additional accessible hook • * If installed before 3/15/2010 and the clear floor space allows a parallel approach, the coat hook may be 54 inches above the floor.

ADA Checklist for Existing Facilities

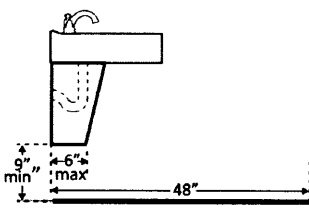
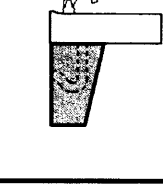

Priority 3 – Toilet Rooms

Lavatories The 2010 Standards refer to sinks in toilet rooms as lavatories.

3.21 Does at least one lavatory have a clear floor space for a forward approach at least 30 inches wide and 48 inches long? [606.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter lavatory • Replace lavatory •
3.22 Do no less than 17 inches and no greater than 25 inches of the clear floor space extend under the lavatory so that a person using a wheelchair can get close enough to reach the faucet? [306.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter lavatory • Replace lavatory •
3.23 Is the front of the lavatory or counter surface, whichever is higher, no more than 34 inches above the floor? [606.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter lavatory • Replace lavatory •
3.24 Is there at least 27 inches clearance from the floor to the bottom of the lavatory that extends at least 8 inches under the lavatory for knee clearance? [306.3.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter lavatory • Replace lavatory •

ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

3.25 Is there toe clearance at least 9 inches high? [306.3.3] Note: Space extending greater than 6 inches beyond the available toe clearance at 9 inches above the floor is not considered toe clearance.	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Alter lavatory • Replace lavatory •
3.26 Are pipes below the lavatory insulated or otherwise configured to protect against contact? [606.5]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Install insulation • Install cover panel •
3.27 Can the faucet be operated without tight grasping, pinching, or twisting of the wrist? Is the force required to activate the faucet no greater than 5 pounds? [606.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Adjust faucet • Replace faucet •

Soap Dispensers and Hand Dryers

ADA Checklist for Existing Facilities

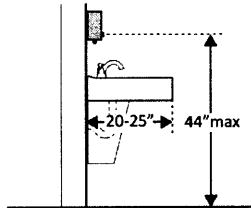
Priority 3 – Toilet Rooms

3.28 Are the operable parts of the soap dispenser within one of the following reach ranges:

Above lavatories or counters no less than 20 inches and no greater than 25 inches deep: no higher than 44 inches above the floor?
[308.2.2]

☐ Yes ☐ No

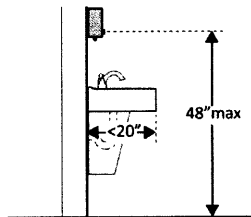
Measurement:



Above lavatories less than 20 inches deep: no higher than 48 inches above the floor?

☐ Yes ☐ No

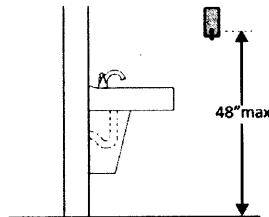
Measurement:



Not over an obstruction: no higher than 48 inches above the floor?
[308.2]

☐ Yes ☐ No

Measurement:

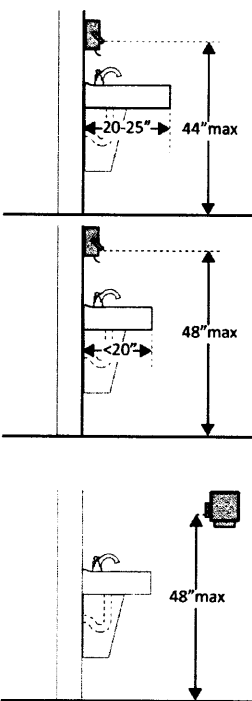


- Adjust dispensers
- Replace with or provide additional accessible dispensers
-

Photo #:

ADA Checklist for Existing Facilities

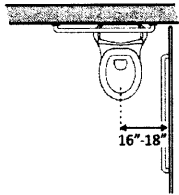
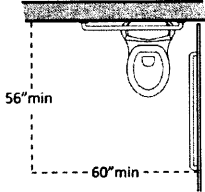
Priority 3 – Toilet Rooms

<p>3.29 Are the operable parts of the hand dryer or towel dispenser within one of the following reach ranges:</p> <p>Above lavatories or counters no less than 20 inches and no greater than 25 inches deep: no higher than 44 inches above the floor?</p> <p>Above lavatories less than 20 inches deep: no higher than 48 inches above the floor?</p> <p>Not over an obstruction: no higher than 48 inches above the floor? [308.2]</p> <p>Can the operable parts of the hand dryer or towel dispenser be operated without tight grasping, pinching or twisting of the wrist?</p> <p>Is the force required to activate the hand dryer or towel dispenser no greater than 5 pounds? [309.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust dispensers • Replace with or provide additional accessible dispensers •
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Water Closets in Single-User Toilet Rooms and Compartments (Stalls) The 2010 Standards refer to toilets as water closets.

ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

3.30 Is the centerline of the water closet no less than 16 inches and no greater than 18 inches from the side wall or partition? [604.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Move toilet • Replace toilet • Move partition •
3.31 Is clearance provided around the water closet measuring at least 60 inches from the side wall and at least 56 inches from the rear wall?* [604.3.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:			<p>* If constructed before 3/15/12, clearances around water closets in single user toilet rooms can be 48 inches wide by 66 inches long or 48 inches wide by 56 inches long (depending on the approach to the water closet, see 1991 Standards Figure 28) and the lavatory may overlap that clearance if the door to the room does not swing into the required clearances at fixtures (such as lavatories, water closet and urinals) and the edge of the lavatory is at least 18 inches from the centerline of the water closet</p> <ul style="list-style-type: none"> • Alter room/compartments for clearance • •

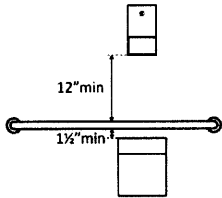
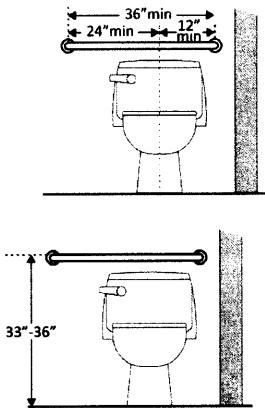
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

			Photo #:	
3.32 Is the height of the water closet no less than 17 inches and no greater than 19 inches above the floor measured to the top of the seat? [604.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust toilet height • Replace toilet •
3.33 Is there a grab bar at least 42 inches long on the side wall? Is it located no more than 12 inches from the rear wall? Does it extend at least 54 inches from the rear wall? [604.5.1] Is it mounted no less than 33 inches and no greater than 36 inches above the floor to the top of the gripping surface? [609.4] Is there at least 12 inches clearance between the grab bar	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement: <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:			<ul style="list-style-type: none"> • Install grab bar • Relocate grab bar • Relocate objects •

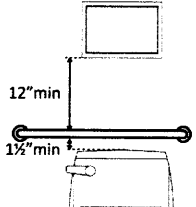
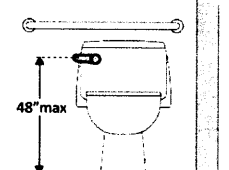
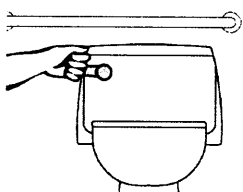
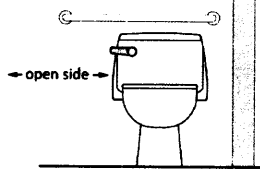
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

<p>and protruding objects above?*</p> <p>Is there at least 1½ inches clearance between the grab bar and projecting objects below?*</p> <p>Is the space between the wall and the grab bar 1 ½ inches? [609.3]</p>	<p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<p>* If constructed before 3/15/2012 grab bars do not need to be relocated; there are no space requirements above and below grab bars in the 1991 Standards</p>
<p>3.34 Is there a grab bar at least 36 inches long on the rear wall?</p> <p>Does it extend at least 12 inches from the centerline of the water closet on one side (side wall)?</p> <p>Does it extend at least 24 inches on the other (open) side? [604.5.2]</p> <p>Is it mounted no less than 33 inches and no greater than 36 inches above the floor to the top of the gripping surface? [609.4]</p> <p>Are there at least 12 inches clearance between the grab bar and protruding objects above?*</p> <p>Are there at least 1½ inches</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Install grab bar • Relocate grab bar • Relocate objects • <p>* If constructed before 3/15/2012 grab bars do not need to be relocated; there are no space</p>

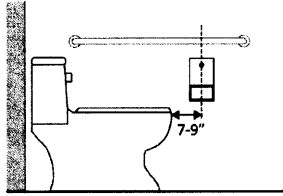
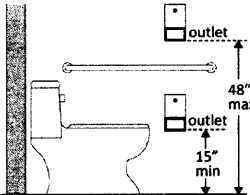
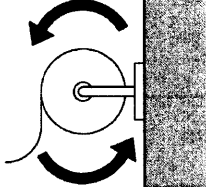
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

<p>clearance between the grab bar and projecting objects below?*</p> <p>Is the space between the wall and the grab bar 1½ inches? [609.3]</p>	<p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<p>requirements above and below grab bars in the 1991 Standards</p>
<p>3.35 If the flush control is hand operated, is the operable part located no higher than 48 inches above the floor? [604.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Move control • Install sensor with override button no higher than 48 inches •
<p>3.36 If the flush control is hand operated, can it be operated with one hand and without tight grasping, pinching, or twisting of the wrist?</p> <p>Is the force required to activate the flush control no greater than 5 pounds? [605.4]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Change control • Adjust control •
<p>3.37 Is the flush control on the open side of the water closet? [604.6]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Move control • •

ADA Checklist for Existing Facilities

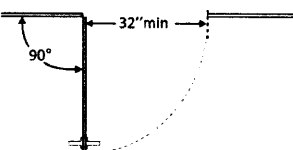
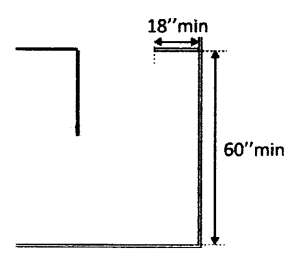
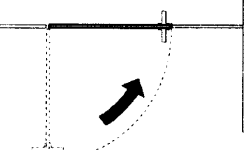
Priority 3 – Toilet Rooms

<p>3.38 Is the toilet paper dispenser located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser?*</p> <p>[604.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<p>* If constructed before 3/15/2012 dispenser does not need to be relocated if it is within reach from the water closet seat; the 1991 Standards do not specify distance from the front of the water closet</p> <ul style="list-style-type: none"> • Relocate dispenser • •
<p>3.39 Is the outlet of the dispenser:</p> <p>Located no less than 15 inches and no greater than 48 inches above the floor?</p> <p>Not located behind grab bars?</p> <p>[604.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Relocate dispenser • •
<p>3.40 Does the dispenser allow continuous paper flow?</p> <p>[604.7]</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust dispenser • Replace dispenser •

Toilet Compartments (Stalls)

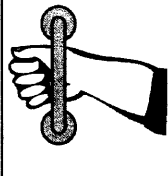

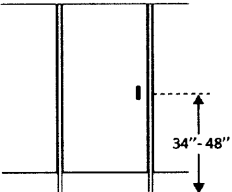
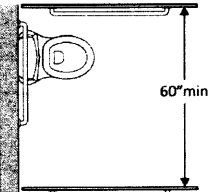
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

3.41 Is the door opening width at least 32 inches clear, between the face of the door and the stop, when the door is open 90 degrees? [604.8.1.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Widen door width • •
3.42 If there is a front approach to the pull side of the door, is there at least 18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth? [604.8.1.2] Note: See 2010 Standards 604.8.1.2 Doors for maneuvering clearance requirements on the push side of the door and side approaches to the pull side of the door	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Remove obstructions • •
3.43 Is the door self-closing? [604.8.1.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add closer • Replace door •

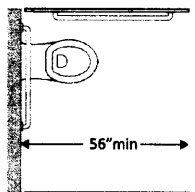
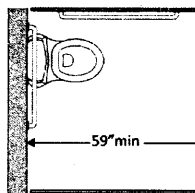
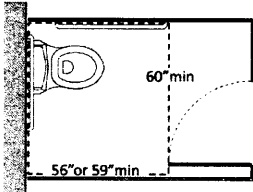
ADA Checklist for Existing Facilities

Priority 3 – Toilet Rooms

3.44 Are there door pulls on both sides of the door that are operable with one hand and do not require tight grasping pinching or twisting of the wrist?*[604.8.1.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	* If constructed before 3/15/2012 door pulls do not need to be added; door pulls are not required in the 1991 Standards • Replace hardware • •
3.45 Is the lock operable with one hand and without tight grasping, pinching or twisting of the wrist?[309.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	• Replace lock • •
3.46 Are the operable parts of the door hardware mounted no less than 34 inches and no greater than 48 inches above the floor?[404.2.7]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	• Relocate hardware • •
3.47 Is the compartment at least 60 inches wide?[604.8.1.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	• Widen compartment • •

ADA Checklist for Existing Facilities

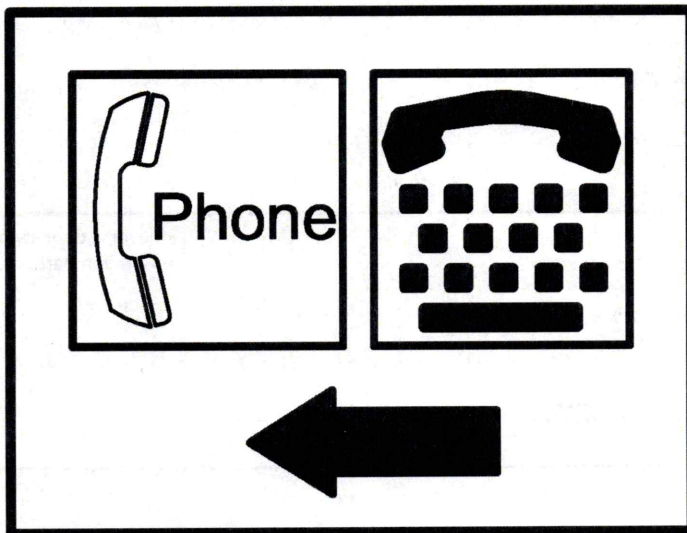
Priority 3 – Toilet Rooms

3.48 If the water closet is wall hung, is the compartment at least 56 inches deep? [604.8.1.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Widen compartment • •
3.49 If the water closet is floor mounted, is the compartment at least 59 inches deep? [604.8.1.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Alter compartment • •
3.50 If the door swings in, is the minimum required compartment area provided beyond the swing of the door (60 inches x 56 inches if water closet is wall hung or 59 inches if water closet is floor mounted)? [604.8.1.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Reverse door swing • Alter compartment •

ADA Checklist for Existing Facilities

Priority 4 – Additional Access

Based on the 2010 ADA Standards for Accessible Design



Project _____

Building _____

Location _____

Date _____

Surveyors _____

Contact Information _____

Amenities such as drinking fountains and public telephones should be accessible to people with disabilities.



Institute for Human Centered Design
www.HumanCenteredDesign.org
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ADA National Network
Questions on the ADA 800-949-4232 voice/tty
www.ADAchecklist.org

ADA Checklist for Existing Facilities

Priority 4 – Additional Access

This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A060092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

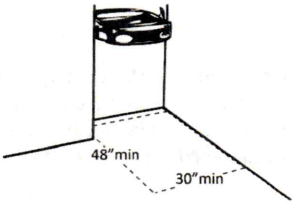
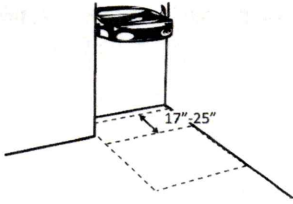
Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or ADAinfo@NewEnglandADA.org

For the full set of checklists, including the checklists for recreation facilities visit www.ADAchecklist.org.

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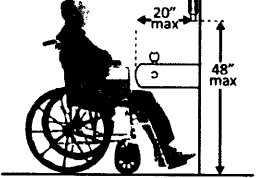
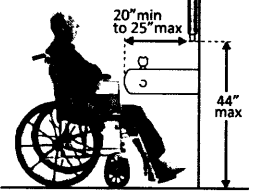

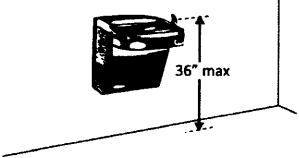
ADA Checklist for Existing Facilities

Priority 4 – Additional Access

Priority 4 – Additional Access		Comments	Possible Solutions
Drinking Fountains			
4.1 Does at least one drinking fountain have a clear floor space at least 30 inches wide x at least 48 inches long centered in front of it for a forward approach?*[See 2010 ADA Standards for Accessible Design – 602.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #: *If installed before 3/15/2012, a parallel approach is permitted and the clear floor space is not required to be centered <ul style="list-style-type: none"> • Alter space • Relocate drinking fountain • Install a drinking fountain in another location
4.2 If there is a forward approach, do no less than 17 inches and no greater than 25 inches of the clear floor space extend under the drinking fountain? [306.2.2, 306.2.3] Note: If the drinking fountain is primarily for children's use and the spout is no more than 30 inches above the floor and no more than 3 ½ inches from the edge of the unit, a parallel approach is permitted.	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #: • Alter space • Replace drinking fountain •

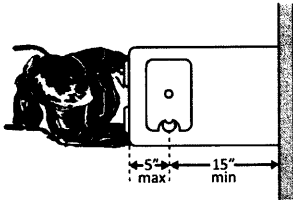
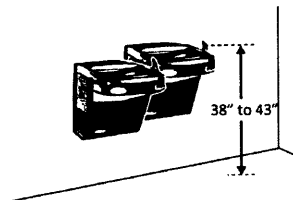
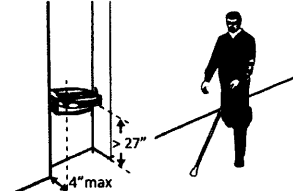
ADA Checklist for Existing Facilities

Priority 4 – Additional Access

4.3 If the drinking fountain is no deeper than 20 inches, are the operable parts no higher than 48 inches above the floor? [308.2.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust drinking fountain • Replace drinking fountain •
4.4 If the drinking fountain is no less than 20 inches and no greater than 25 inches deep, are the operable parts no higher than 44 inches above the floor? [308.2.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust drinking fountain • Replace drinking fountain •
4.5 Can the control be operated with one hand and without tight grasping, pinching or twisting of the wrist? Is the force required to activate the control no more than 5 pounds? [309.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Change control • Adjust control •
4.6 Is the spout outlet no higher than 36 inches above the floor? [602.4]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust drinking fountain • Replace drinking fountain •

ADA Checklist for Existing Facilities

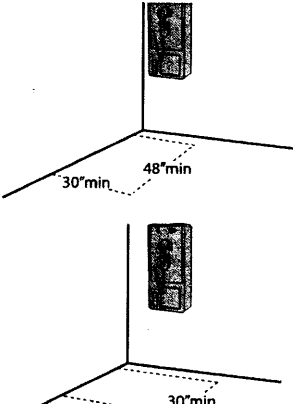
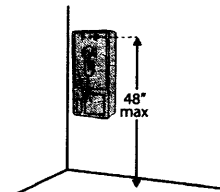
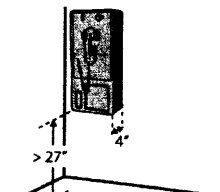
Priority 4 – Additional Access

<p>4.7 Is the spout:</p> <p>At least 15 inches from the rear of the drinking fountain?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p>No more than 5 inches from the front of the drinking fountain? [602.5]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust spout • Replace drinking fountain •
<p>4.8 If there is more than one drinking fountain, is there at least one for standing persons? [211.2]</p> <p>Is the spout outlet no lower than 38 inches and no higher than 43 inches above the floor? [602.7]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust drinking fountain • Install new drinking fountain for standing height •
<p>4.9 If the leading (bottom) edge of the fountain is higher than 27 inches above the floor, does the front of the fountain protrude no more than 4 inches into the circulation path? [307.2]</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Measurement:</p>		<p>Photo #:</p>	<ul style="list-style-type: none"> • Adjust drinking fountain • Replace drinking fountain • Add tactile warning such as permanent planter or partial walls

ADA Checklist for Existing Facilities





Priority 4 – Additional Access

Public Telephones

4.10 Does at least one telephone have a clear floor space at least 30 inches wide x at least 48 inches long for a parallel or forward approach? [704.2.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Move telephone • Install new telephone for clear floor space •
4.11 Is the highest operable part of the telephone no higher than 48 inches above the floor? [704.2.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust telephone • •
4.12 If the leading (bottom) edge of the telephone is higher than 27 inches above the floor, does the front of the telephone protrude no more than 4 inches into the circulation path? [307.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust telephone • •

ADA Checklist for Existing Facilities

Priority 4 – Additional Access

4.13 Does at least one telephone have a volume control? [704.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Install volume control • Replace telephone with one that has volume control •
4.14 Is the volume control identified by a pictogram of a telephone handset with radiating sound waves? [703.7.2.3]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add pictogram • •
4.15 Does at least one telephone have a TTY? [217.4.1] Note: TTY's are devices that employ interactive text-based communication through the transmission of coded signals across the telephone network. They are mainly used by people who are deaf and/or cannot speak.	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Install TTY • •
4.16 Is the touch surface of the TTY keypad at least 34 inches above the floor? [704.4.1] Note: If a seat is provided, the TTY is not required to be 34 inches minimum above the floor.	<input type="checkbox"/> Yes <input type="checkbox"/> No Measurement:		Photo #:	<ul style="list-style-type: none"> • Adjust height of TTY • •

ADA Checklist for Existing Facilities

Priority 4 – Additional Access


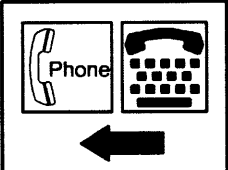
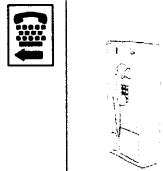

4.17 Is the TTY identified by the International Symbol of TTY? [703.7.2.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add symbol • •
4.18 Do signs that provide direction to public telephones also provide direction to the TTY? [216.9.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add signs • •
4.19 Do telephones that do not have a TTY provide direction to the TTY? [216.9.2]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Add signs • •
Fire Alarm Systems				
4.20 If there are fire alarm systems, do they have both flashing lights and audible signals? [702.1]	<input type="checkbox"/> Yes <input type="checkbox"/> No		Photo #:	<ul style="list-style-type: none"> • Install audible and visual alarms • •

EXHIBIT “B”



NEWS RELEASE

1415 Melody Lane Building G Bisbee AZ 85603

For Immediate Release

May 3, 2018

www.cochise.az.gov

Contact: Amanda Baillie

abaillie@cochise.az.gov

520-432-9214

Cochise County ensures voting process is accessible and convenient

The primary and general elections may still be a few months away, but Cochise County staff are working year-round to ensure the process runs as smoothly as possible.

And that includes confirming all 17 vote centers across the region meet the needs of elderly and disabled voters.

The Elections Department team, accompanied by a Development Services representative, took to the road to visit each center and confirm ADA compliancy. These checks are required by law.

“We are very happy to say that each center passed with flying colors and is fully ADA compliant,” said Elections Director Lisa Marra. “It is vitally important all voters have access to all vote centers and that the process of casting their vote is convenient and easy.”

With all County vote centers meeting ADA requirements, the need for curbside assistance has been eliminated.

“The ease of access and compliancy at our vote centers means all elderly and disabled voters can participate in every election, just like every other voter,” Marra added.

Eligible residents can go to any of the centers across the County to cast their vote. The primary will take place on August 28, and the general election will be on November 6.

Thanks to the cooperation of local communities and organizations, the Elections Department provides access for all voters across the County’s 6,219 square miles.

“We really are grateful to the churches, schools, fire stations, community centers and government offices willing to open their doors and help our residents participate in the democratic process,” said Marra.

Any voters unable to make it to a vote center in person, still have the option of doing so from the convenience of their own home.

Citizens can request an early ballot, register to be on the Permanent Early Voting List, and check their registration status, by calling the Recorder’s Office at (520) 432-8358.

###

COUNTY000776



NEWS RELEASE

1415 Melody Lane Building G Bisbee AZ 85603

For Immediate Release

May 3, 2018

www.cochise.az.gov

Contact: Amanda Baillie

abaillie@cochise.az.gov

520-432-9214

El Condado de Cochise asegura que el proceso de votación sea accesible y conveniente

Las elecciones Primarias y Generales todavía pueden estar algunos meses de distancia, pero el personal del Condado de Cochise está trabajando todo el año para asegurar que el proceso funcione lo más o más suavemente posible.

Y eso incluye confirmar que los 17 Centros de Votación en toda la región satisfacen las necesidades de los votantes mayores y incapacitados.

El equipo del Departamento de Elecciones, acompañado por un representante de Servicio de Desarrollo, tomó al camino para visitar cada centro y confirmar el cumplimiento de ADA. Estos controles son requeridos por la ley “Estamos muy contentos de decir que cada centro pasó con colores voladores y es totalmente compatible con la ADA”, dijo la Directora de Elecciones, Lisa Marra. “Es de vital importancia que todos los votantes tengan acceso a todos los centros de votación y que el proceso de emitir su voto sea conveniente y fácil”.

Con todos los Centros de Votación del Condado que, cumpliendo con los requisitos de la ADA, se ha eliminado la necesidad de asistencia en la acera.

“La facilidad de acceso y cumplimiento en nuestros Centros de Votación significa que todos los votantes mayores y discapacitados pueden participar en todas las elecciones, al igual que cualquier otro votante”, agregó Marra.

Los residentes elegibles pueden ir a cualquiera de los centros en todo el County para emitir su voto. La Primaria ocurrirá el 28 de Agosto, y la Elección General será el 6 de Noviembre. Gracias a la cooperación de las comunidades y organizaciones locales, el Departamento de Elecciones proporciona oportunidades de acceso a todos los votantes en las 6,219 millas cuadradas del Condado.

“Estamos muy agradecidos con las Iglesias, Escuelas, Estaciones de Bomberos, Centros Comunitarios, y Oficinas Gubernamentales que están dispuestos a abrir sus puertas y ayudar a nuestros residentes a participar en el proceso Democrático”, dijo Marra.

Cualquier votante que no pueda llegar a un Centro de Votación en persona, todavía tiene la opción de hacerlo desde la conveniencia de su propia casa.

Los Ciudadanos pueden solicitar una Votación Temprana, registrarse para estar en la Lista Permanente de Votación Temprana, y verificar su estatus de registro, llamando a la Oficina del Registrado al (520) 432-8358.

###

COUNTY000777



NEWS RELEASE

1415 Melody Lane Building G Bisbee AZ 85603

For Immediate Release

May 3, 2018

www.cochise.az.gov

Contact: Amanda Baillie

abaillie@cochise.az.gov

520-432-9214

Cochise County provides regional leadership and effective, high-quality services with personal and professional integrity. Located in the southeast corner of Arizona, Cochise County has natural beauty, world famous history, and a fascinating culture. Covering 6,219 square miles, and with a population of approximately 128,000 people, the County provides vital services to the unincorporated areas of the region. It is home to a diverse range of incorporated cities, including Sierra Vista, Bisbee, Benson, Douglas, Tombstone, Willcox, and Huachuca City. Visit www.cochise.az.gov for more information.

Public Programs...Personal Service

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EXHIBIT “C”



SECRETARY OF STATE

2019 JAN -7 PM 12:11

5025 E. Washington Street, Suite 202
Phoenix, AZ 85034
Phone: 602-274-6287
Fax: 602-274-6779

FAX DOCUMENT INFORMATION

THE PAGES THAT FOLLOW MAY CONTAIN SENSITIVE, PRIVILEGED OR CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE ADDRESSEE NAMED BELOW. IF YOU RECEIVE THIS MESSAGE AND ARE NOT THE AGENT OR EMPLOYEE OF THE ADDRESSEE, AND HAVE, THEREFORE, BEEN SENT OR RECEIVED THIS FACSIMILE COMMUNICATION IN ERROR, YOU ARE ASKED NOT TO DISSEMINATE OR COPY ANY OF THE ATTACHED AND TO NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE. PLEASE ALSO RETURN THE ORIGINAL MESSAGE TO THE SENDER BY MAIL.

TO: ELECTIONS SERVICES – State of Arizona Secretary of State	Recipient's Fax: 602-542-6172
FROM: Sey In	Sender's Fax: 602-274-6779
DATE: 01/07/2019	Approx. Time Sent: 12:05 pm
SUBJECT: HAVA Complaint on behalf of Kathleen Hoffard	

Please find the attached election complaint form and accompanying narrative. The original will follow via USPS.

We are sending you ³4 pages including this cover letter.
If you do not receive all pages, or if you encounter any other difficulty, please telephone (602) 274-6287 at your earliest convenience.

This complaint is made under Title III of the Help America Vote Act (HAVA) of 2002, 52 U.S.C. §§ 21081-21102. Specifically, Kathleen Hoffard alleges a violation of 52 U.S.C. § 21081(a)(3)(A).

2019 JAN -7 PM 12:11

FACTS

1. Ms. Hoffard is eligible to vote in the United States, and is registered to vote in Cochise County, Arizona.
2. Ms. Hoffard is a person with disabilities. She was diagnosed with spinal stenosis, a narrowing of space between parts of the spine that places pressure on the nerves. The condition makes it difficult to walk or stand for more than a few minutes at a time. Ms. Hoffard relies on the use of a walker to get around and experiences physical discomfort if she walks for more than a few minutes at a time. Ms. Hoffard also has lumbar and cervical spondylosis, rheumatoid arthritis, osteoarthritis, spondylolisthesis of lumbar region, and degenerative disc disease. These disabilities pose significant problems in mobility.
3. Ms. Hoffard's went to two polling centers on Election Day. The first polling center was at United Methodist Church located at 3225 St Andrews Dr., Sierra Vista, AZ 85650. The second polling center was Shiloh Christian Ministries located at 1519 Avenida del Sol, Sierra Vista AZ 85635 in Cochise County.
4. On Election Day, November 6, 2018, Ms. Hoffard requested a reasonable accommodation at both locations. Specifically, Ms. Hoffard requested curbside voting. Ms. Hoffard was told by workers that since the all polling centers within the County were ADA compliant, they did not have to provide her with the reasonable accommodation.
5. After visiting United Methodist, Ms. Hoffard settled on Shiloh Christian Ministries. When Ms. Hoffard arrived, the handicap parking space was in use, forcing her to park further from the entrance. Ms. Hoffard had to walk approximately 75 feet from her car to the entrance and another 75 feet from the entrance to the polling stations.
6. The polling area was lined with small area rugs that were approximately 4" x 5." Because Ms. Hoffard has difficulty walking, this proved to be an additional hurdle for her because she was afraid that she would trip on the rugs.
7. Once in line, Ms. Hoffard had to wait for 10 minutes to cast her ballot. Standing or even walking is difficult for Ms. Hoffard given her disability.
8. Ms. Hoffard was eventually permitted to vote and cast her ballot after having to endure physical pain to get from the car to the voting booth.

LAW

9. Congress intended for HAVA "to promote the fundamental right to vote by improving access for handicapped" individuals. 52 U.S.C. § 20101.
10. Section 21081 of HAVA requires that each voting system used in an election for Federal office meet certain requirements. 52 U.S.C. § 21081(a). Specifically, the "voting system shall—(A) be accessible for individuals with disabilities... in a

manner that provides the same opportunity for access and participation as for others." 52 U.S.C. § 21081(a)(3)(A).

11. A voting system includes "the practices and associated documentation used - ... to make any materials to the voter (such notices, instructions, forms, or paper ballots)." 52 U.S.C. § 21081 (b)(2)(E).
12. Thus, pursuant to HAVA, the practices used to make materials available to a voter, including paper ballots, must be accessible for individual with disabilities in a manner that provides the same opportunity for participation as for other voters.

ALLEGATIONS

13. In Ms. Hoffard's case, Cochise County failed to observe the requirements of HAVA. The polling workers at Cochise County failed to provide her with curbside voting.
14. Because of their failure to provide an accessible method of voting, Ms. Hoffard had to endure physical discomfort and pain as she made her way from her vehicle into the polling area, only having to wait additional minutes to finally cast her ballot. Although the distance and time may appear relatively short, for an individual with spinal stenosis and conditions Ms. Hoffard has, the time and distance may be physically excruciating and taxing on the body.

SECRETARY OF STATE
2019 JAN -7 PM 12:11

EXHIBIT “D”



**VOTE CENTER
ACCESSIBILITY EVALUATION
(ADA Compliance Worksheet)**

DATE OF EVALUATION: 4/26/18

Evaluator Name(s) Lisa Marra, Director, Martha Rodriguez, Deputy, Sonia Lopez, PnZ Tech Sign Off

Vote Center Name: Sierra Vista East Facility Number: VC 8

Facility Name: Shiloh Christian Ministries

Physical Address: 1519 Avenida Del Sol, SV, AZ 85635

Name of Room or Building: _____

ROOM

1. What is actual square footage? 25 x 34

2. Is seating available for elderly or disabled voters awaiting their turn to vote? ☒ YES ☐ NO

3. Is there more than one (1) working electrical outlet on the same wall?
If YES, how many? ☒ YES ☐ NO

4. Is there sufficient lighting for voting? ☒ YES ☐ NO

5. Will the facility provide chairs?
If NO, enter number to be delivered: Chair(s) # ☒ YES ☐ NO

6. Is there a bathroom available for the workers use?
(a) Is a key necessary? Where do they obtain the key? ☒ YES ☐ NO

(b) Is there a public restroom? ☒ YES ☐ NO

7. Is there a phone in the room? () ☒ YES ☐ NO

Where is the phone located? Cell phone Use only

(a) Outbound Calls? ☒ YES ☐ NO
(b) Inbound Calls? ☐ YES ☒ NO

8. Signal Strength - Speed Test - Mofi 4 bars

1. Verizon

Ping: Download Speed: Upload Speed:

2. AT & T

Ping: Download Speed: Upload Speed:

OTHER ARCHITECTURAL FEATURES**Main Voter / Exterior Entrance:**1. Does the main entrance have steps to inhibit voters entering the building? YES ☒ NO

If YES, height of step(s):

 $\frac{1}{2}$ " 1" 1 $\frac{1}{2}$ " 2" 2 $\frac{1}{2}$ " 3" 3 $\frac{1}{2}$ " 4" 4 $\frac{1}{2}$ " 5" 5 $\frac{1}{2}$ " 6"2. Is the height of the doorway threshold $\frac{1}{2}$ inch or less in either direction?☒ YES ☐ NO**ENTRANCE THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 $\frac{1}{2}$ " 2" 2 $\frac{1}{2}$ " 3" 3 $\frac{1}{2}$ " 4" 4 $\frac{1}{2}$ " 5" 5 $\frac{1}{2}$ " 6"**EXIT THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 $\frac{1}{2}$ " 2" 2 $\frac{1}{2}$ " 3" 3 $\frac{1}{2}$ " 4" 4 $\frac{1}{2}$ " 5" 5 $\frac{1}{2}$ " 6"

3. Is the threshold beveled (have sloped sides)?

☒ YES ☐ NO4. Is door equipped with arch or lever-type handles, push plates or automatic openers which are usable without tight grasping, pinching, or twisting of the wrist?
If NO, how many adapters are needed? _____☒ YES ☐ NO

5. Is door hardware no higher than 48 inches from floor?

☒ YES ☐ NO

6. Is there more than 1 entrance to the building that voters would use?

☐ YES ☒ NO

If YES, how many additional signs required? Orange ID Signs _____

7. Is there an accessible entrance different than the main voter entrance?

☐ YES ☒ NO

If YES, will additional signage be necessary & how many:

Handicapped Access Signs _____ Arrows _____

If YES, will the door be unlocked on Election Day?

☐ YES ☐ NO

8. Is less than 5 pounds force required to push or pull open the door?

☒ YES ☐ NO

COMMENTS:

Interior Doorways: { ☐ NA—Same as Exterior Entrance, skip to next section }

1. Is doorway opening at least 36 inches wide when the door is open 90 degrees?

☒ YES ☐ NO2. Is the height of the doorway threshold $\frac{1}{2}$ inch or less in either direction?☒ YES ☐ NO**ENTRANCE THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 $\frac{1}{2}$ " 2" 2 $\frac{1}{2}$ " 3" 3 $\frac{1}{2}$ " 4" 4 $\frac{1}{2}$ " 5" 5 $\frac{1}{2}$ " 6"**EXIT THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 $\frac{1}{2}$ " 2" 2 $\frac{1}{2}$ " 3" 3 $\frac{1}{2}$ " 4" 4 $\frac{1}{2}$ " 5" 5 $\frac{1}{2}$ " 6"

3. Is the threshold beveled (have sloped sides)? ☐ YES ☒ NO

4. Is door equipped with arch or lever-type handles, push plates or automatic openers which are usable without tight grasping, pinching, or twisting of the wrist?
If NO, how many adapters are needed? ☐ YES ☒ NO

5. Is door hardware no higher than 48 inches from floor? ☒ YES ☐ NO

6. Is less than 5 pounds force required to push or pull open the door? ☒ YES ☐ NO

COMMENTS:

Stairs: { ☐ No Stairs, skip to next section }

1. Do stairs have non-slip surfaces?

2. Do stairs have handrails?

☐ YES ☐ NO
☐ YES ☐ NO

Corridors { ☐ No Corridors, skip to next section }

1. Are corridors free of obstacles or protrusions?

2. Is there sufficient lighting at all points along corridors?

3. Is there sufficient unobstructed space for the movement of voters in wheelchairs?

☒ YES ☐ NO
☒ YES ☐ NO
☒ YES ☐ NO

COMMENTS FOR STAIRS/CORRIDORS:

RAMPS AND ELEVATORS

1. Is the building provided with a ramp?

If NO, skip to #3

☐ YES ☐ NO ☒ NA

(a) Is the incline of the ramp more than 2" on the slope measuring tool? ☐ YES ☐ NO

(b) Does the ramp have a non-slip surface? ☐ YES ☐ NO

(c) Does the ramp have a handrail (only necessary if ramp is greater than 6 feet)? ☐ YES ☐ NO

If YES, are the handrails between 34-36 inches above the ramp surface? ☐ YES ☐ NO

(d) If there is a door at the top of the ramp, is there sufficient clearance for a wheelchair to rest while the door is opened? ☐ YES ☐ NO

(e) Does the ramp have a level landing at the bottom of the ramp? ☐ YES ☐ NO

(f) Is there a level landing (60" X 60") provided where the ramp changes direction? ☐ YES ☐ NO

(g) If the ramp is more than 30 feet long, is a level landing at least 60 inches long every 30 feet of horizontal distance? ☐ YES ☐ NO

(h) If the ramp or landing has a vertical drop-off, is edge protection provided? ☐ YES ☐ NO

COMMENTS:

3. Regarding elevators: { ☐ No elevator, skip to next section }

N/A

(a) Is the elevator in close proximity to the entrance of the building?

☐ YES ☐ NO

If not what is the distance? _____

(b) Do elevator doors provide at least 36 inches clear width?

☐ YES ☐ NO

(c) Are control panels marked with raised lettering and/or Braille characters?

☐ YES ☐ NO

(d) Are the highest buttons in the elevator mounted no more than 54" above the floor?

☐ YES ☐ NO

COMMENTS:

WALKWAYS/SIDEWALK { ☐ No walkway, skip to next section }

1. Is the walkway paved?

☒ YES ☐ NO

If NO, is the walkway still handicapped accessible?

☒ YES ☐ NO

2. Is the walkway at least 36 inches wide?

☒ YES ☐ NO

3. Are there additional curbs/steps along the walkway to the building cut or ramped?

☐ Level location☐ YES ☒ NO

If YES, height of curb/step:

 $\frac{1}{2}$ " ☐ 1" ☐ 1 $\frac{1}{2}$ " ☐ 2" ☐ 2 $\frac{1}{2}$ " ☐ 3" ☐ 3 $\frac{1}{2}$ " ☐ 4" ☐ 4 $\frac{1}{2}$ " ☐ 5" ☐ 5 $\frac{1}{2}$ " ☐ 6"

4. Are walkways free of protrusions, abrupt edges or breaks, overhanging objects?

☒ YES ☐ NO

5. Are walkways well lit?

☒ YES ☐ NO

6. Is the incline of the walkway more than 2" on the slope measuring tool?

☐ YES ☒ NO

COMMENTS:

PARKING

1. Are designated HC marked parking spaces available?
- a. Are HC parking spaces marked with a sign visible when the space is occupied? ☒ YES ☐ NO
- b. Are VAN HC parking spaces marked with a sign visible when the space is occupied? ☒ YES ☐ NO

2. Is there more than one parking lot that the voters will be using?

If YES, will additional signage be necessary & how many:

Yellow Board Signs _____ Red Arrows _____

If YES, is that where the handicapped parking is located?

If YES, extra HC directional signage is required (triangular signs w HC symbol)

☒ YES ☐ NO
☒ YES ☐ NO

3. Are parking spaces at least 8 feet wide?

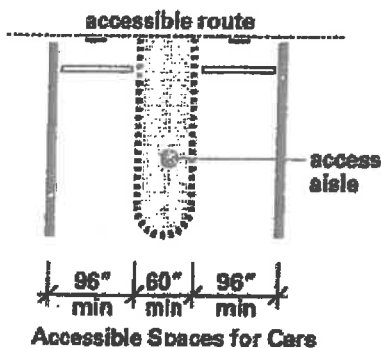
☒ YES ☐ NO

4. Is the adjacent access aisle at least 5 feet wide?

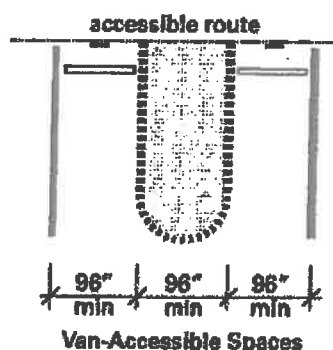
☒ YES ☐ NO

If YES, height of curb/step:

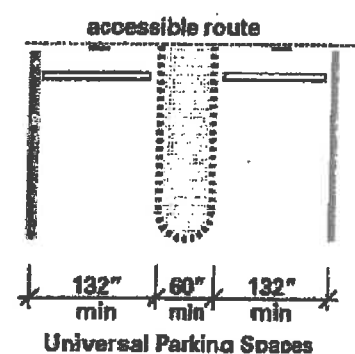
$\frac{1}{2}$ " 1" $1\frac{1}{2}$ " 2" $2\frac{1}{2}$ " 3" $3\frac{1}{2}$ " 4" $4\frac{1}{2}$ " 5" $5\frac{1}{2}$ " 6"



Spaces: 8



Spaces: 5



Spaces: 20
 Ample Parking

5. Parking Surface:

Loose Gravel _____ Hard Pack Gravel _____ Dirt _____ Concrete _____ Asphalt ☒ Black Top _____

6. Distance from the building. (76 ft) to HC Parking

7. Is there a curb cut or ramp for access to walkway from parking?

If YES, is the number on the slope measuring tool less than 2"?

☒ N/A ☐ YES ☐ NO
☐ YES ☐ NO

If NO, height of curb:

$\frac{1}{2}$ " 1" $1\frac{1}{2}$ " 2" $2\frac{1}{2}$ " 3" $3\frac{1}{2}$ " 4" $4\frac{1}{2}$ " 5" $5\frac{1}{2}$ " 6"

8. Is the curb cut surface at least 36" wide, excluding flared sides?

☒ YES ☐ NO

9. Is there sufficient lighting in all areas of the parking lot?

☒ YES ☐ NO

COMMENTS:

10. Are there outside sprinklers that could come on?

____ YES ☒ NO

11. Any planned construction or remodel that could impact election dates?

____ YES ☒ NO

ADDITIONAL COMMENTS OR DESCRIPTIONS CONCERNING ACCESSIBILITY:

All elements Compliant

☒ YES _____ NO


Non-Complaint elements remediable with temporary measures _____

What are they?

Non-Complaint elements NOT remediable with temporary measures – Must Relocate Polling

Place _____ **YES** _____ **NO** _____

SIGNED by County Employee:

 4/05/18



































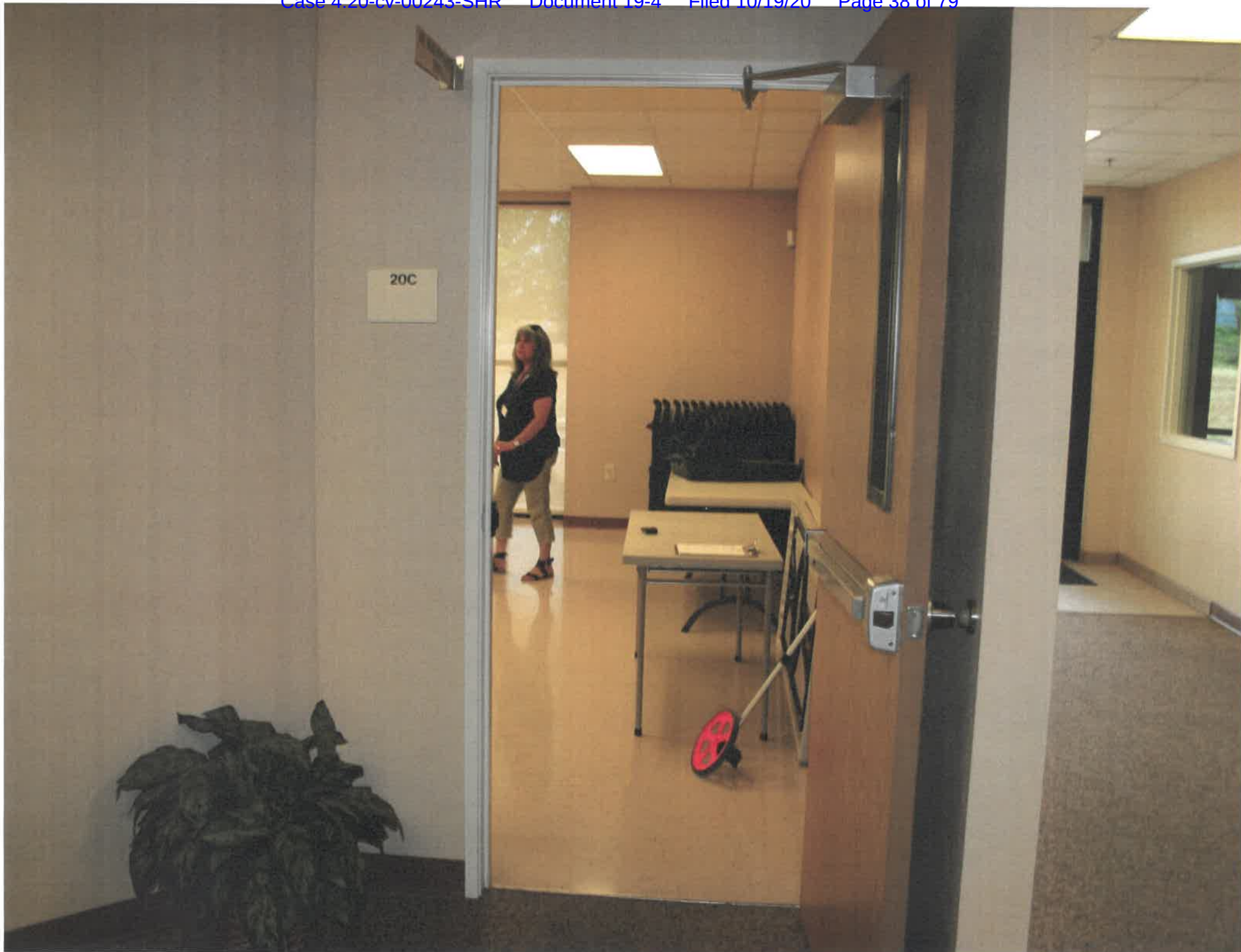




























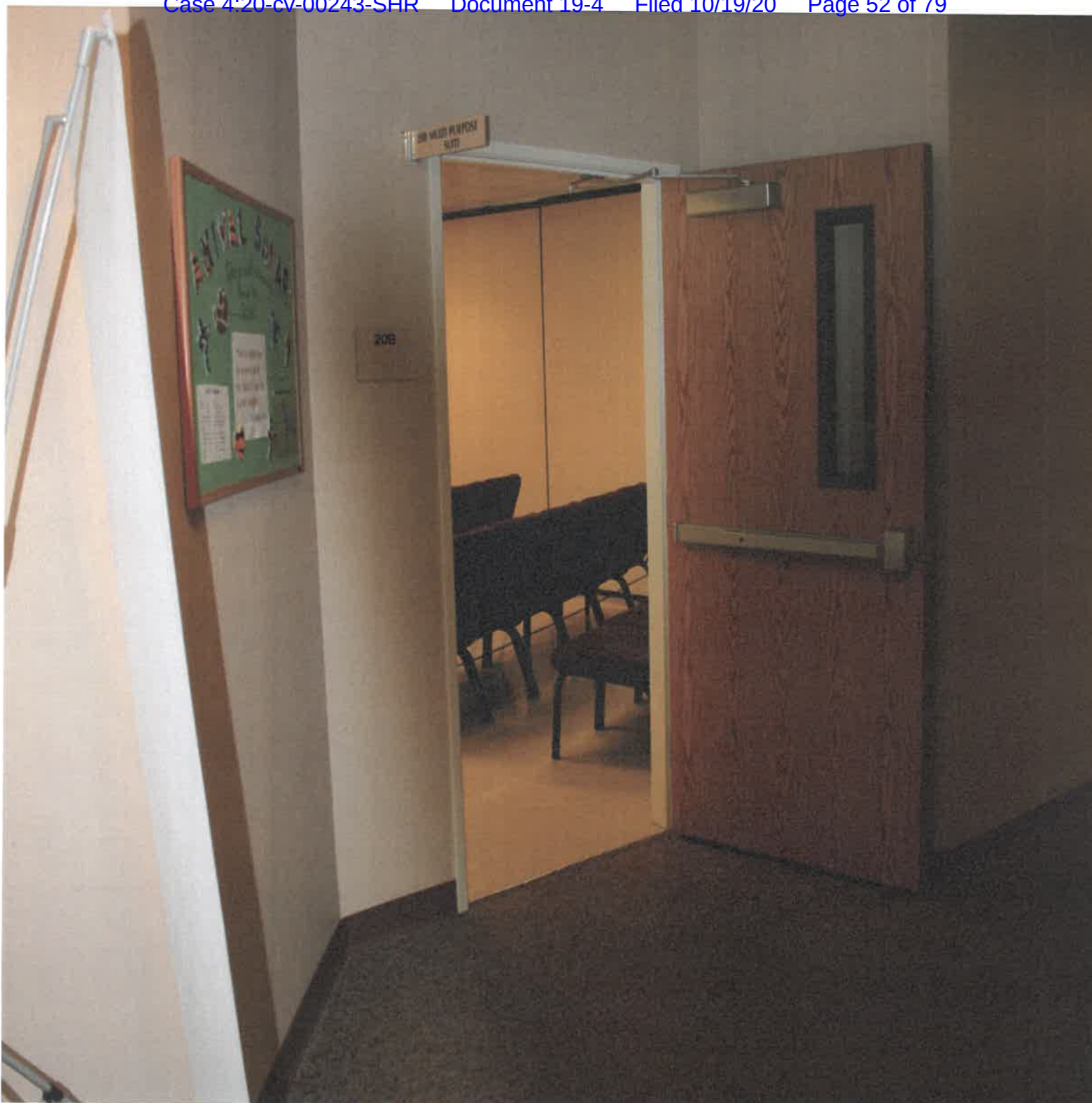


















**VOTE CENTER
ACCESSIBILITY EVALUATION
(ADA Compliance Worksheet)**

DATE OF EVALUATION: 4/18/18

Evaluator Name(s) Lisa Marra, Director; Martha Rodriguez, Deputy; Sonia Lopez, PnZ Tech

Vote Center Name: Sierra Vista - Central **Facility Number:** VC 9

Facility Name: Methodist Church

Physical Address: 325 S. St Andrews Dr.

Name of Room or Building: Activity Center

ROOM

1. What is actual square footage? 95 x 65

2. Is seating available for elderly or disabled voters awaiting their turn to vote? YES NO

3. Is there more than one (1) working electrical outlet on the same wall?
If YES, how many? YES NO

4. Is there sufficient lighting for voting? YES NO

5. Will the facility provide chairs?
If NO, enter number to be delivered: Chair(s) # YES NO

6. Is there a bathroom available for the workers use?
(a) Is a key necessary? Where do they obtain the key? YES NO

(b) Is there a public restroom? YES NO

7. Is there a phone in the room? () YES NO

Where is the phone located?

In Kitchen, Cell phone use

(a) Outbound Calls? YES NO

(b) Inbound Calls? YES NO

8. Signal Strength - Speed Test - Mofi 4 bars

1. Verizon

Ping: **Download Speed:** **Upload Speed:**

2. AT & T

Ping: **Download Speed:** **Upload Speed:**

OTHER ARCHITECTURAL FEATURES**Main Voter / Exterior Entrance:**1. Does the main entrance have steps to inhibit voters entering the building? YES ☒ NO

If YES, height of step(s):

 $\frac{1}{2}$ " 1" 1 1/2" 2" 2 1/2" 3" 3 1/2" 4" 4 1/2" 5" 5 1/2" 6"2. Is the height of the doorway threshold 1/2 inch or less in either direction? YES ☒ NO**ENTRANCE THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 1/2" 2" 2 1/2" 3" 3 1/2" 4" 4 1/2" 5" 5 1/2" 6"**EXIT THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 1/2" 2" 2 1/2" 3" 3 1/2" 4" 4 1/2" 5" 5 1/2" 6"3. Is the threshold beveled (have sloped sides)? YES ☒ NO4. Is door equipped with arch or lever-type handles, push plates or automatic openers which are usable without tight grasping, pinching, or twisting of the wrist?
If NO, how many adapters are needed? YES ☒ NO5. Is door hardware no higher than 48 inches from floor? YES ☒ NO

6. Is there more than 1 entrance to the building that voters would use?

If YES, how many additional signs required? Orange ID Signs YES ☒ NO7. Is there an accessible entrance different than the main voter entrance? YES ☒ NO

If YES, will additional signage be necessary & how many:

Handicapped Access Signs Arrows If YES, will the door be unlocked on Election Day? YES ☒ NO8. Is less than 5 pounds force required to push or pull open the door? YES ☒ NO

COMMENTS:

Interior Doorways: { NA—Same as Exterior Entrance, skip to next section }1. Is doorway opening at least 36 inches wide when the door is open 90 degrees? YES ☒ NO2. Is the height of the doorway threshold 1/2 inch or less in either direction? YES ☒ NO**ENTRANCE THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 1/2" 2" 2 1/2" 3" 3 1/2" 4" 4 1/2" 5" 5 1/2" 6"**EXIT THRESHOLD:**

If NO, threshold height:

 $\frac{1}{2}$ " 1" 1 1/2" 2" 2 1/2" 3" 3 1/2" 4" 4 1/2" 5" 5 1/2" 6"

3. Is the threshold beveled (have sloped sides)?

☒ YES ☐ NO

4. Is door equipped with arch or lever-type handles, push plates or automatic openers which are usable without tight grasping, pinching, or twisting of the wrist?
If NO, how many adapters are needed? _____

☒ YES ☐ NO

5. Is door hardware no higher than 48 inches from floor

☒ YES ☐ NO

6. Is less than 5 pounds force required to push or pull open the door?
COMMENTS:

☒ YES ☐ NO

Stairs: NA No Stairs, skip to next section}

1. Do stairs have non-slip surfaces?

☐ YES ☐ NO

2. Do stairs have handrails?

☐ YES ☐ NO

Corridors: NA No Corridors, skip to next section}

1. Are corridors free of obstacles or protrusions?

☐ YES ☐ NO

2. Is there sufficient lighting at all points along corridors?

☐ YES ☐ NO

3. Is there sufficient unobstructed space for the movement of voters in wheelchairs?

☐ YES ☐ NO

COMMENTS FOR STAIRS/CORRIDORS:

RAMPS AND ELEVATORS

1. Is the building provided with a ramp? NA
If NO, skip to #3

☐ YES ☐ NO ☐ NA

(a) Is the incline of the ramp more than 2" on the slope measuring tool?

☐ YES ☐ NO

(b) Does the ramp have a non-slip surface?

☐ YES ☐ NO

(c) Does the ramp have a handrail (only necessary if ramp is greater than 6 feet)?

☐ YES ☐ NO

If YES, are the handrails between 34-36 inches above the ramp surface?

☐ YES ☐ NO

(d) If there is a door at the top of the ramp, is there sufficient clearance for a wheelchair to rest while the door is opened?

☐ YES ☐ NO

(e) Does the ramp have a level landing at the bottom of the ramp?

☐ YES ☐ NO

(f) Is there a level landing (60" X 60") provided where the ramp changes direction?

☐ YES ☐ NO

(g) If the ramp is more than 30 feet long, is a level landing at least 60 inches long every 30 feet of horizontal distance?

☐ YES ☐ NO

(h) If the ramp or landing has a vertical drop-off, is edge protection provided?

☐ YES ☐ NO

COMMENTS:

3. Regarding elevators ~~(N/A)~~ {No elevator, skip to next section}

(a) Is the elevator in close proximity to the entrance of the building? _____ YES _____ NO

If not what is the distance? _____

(b) Do elevator doors provide at least 36 inches clear width? _____ YES _____ NO

(c) Are control panels marked with raised lettering and/or Braille characters? _____ YES _____ NO

(d) Are the highest buttons in the elevator mounted no more than 54" above the floor? _____ YES _____ NO

COMMENTS:

WALKWAYS/SIDEWALK {_____ No walkway, skip to next section}

1. Is the walkway paved?

If NO, is the walkway still handicapped accessible?

2. Is the walkway at least 36 inches wide?

3. Are there additional curbs/steps along the walkway to the building cut or ramped?

_____ Level location

☒ YES _____ NO☒ YES _____ NO☒ YES _____ NO_____ YES ☒ NO

If YES, height of curb/step:

 $\frac{1}{2}$ " _____ 1" _____ $1\frac{1}{2}$ " _____ 2" _____ $2\frac{1}{2}$ " _____ 3" _____ $3\frac{1}{2}$ " _____ 4" _____ $4\frac{1}{2}$ " _____ 5" _____ $5\frac{1}{2}$ " _____ 6"

4. Are walkways free of protrusions, abrupt edges or breaks, overhanging objects?

☒ YES _____ NO

5. Are walkways well lit?

☒ YES _____ NO

6. Is the incline of the walkway more than 2" on the slope measuring tool?

_____ YES ☒ NO

COMMENTS:

PARKING

1. Are designated HC marked parking spaces available? ☒ YES ☐ NO
 a. Are HC parking spaces marked with a sign visible when the space is occupied? ☒ YES ☐ NO
 b. Are VAN HC parking spaces marked with a sign visible when the space is occupied? ☒ YES ☐ NO

2. Is there more than one parking lot that the voters will be using? ☐ YES ☒ NO

If YES, will additional signage be necessary & how many:

Yellow Board Signs _____ Red Arrows _____

If YES, is that where the handicapped parking is located?

If YES, extra HC directional signage is required (triangular signs w HC symbol)

☐ YES ☒ NO
☒ YES ☐ NO

3. Are parking spaces at least 8 feet wide? 2

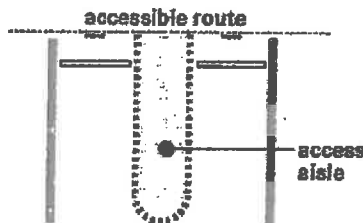
☒ YES ☐ NO

4. Is the adjacent access aisle at least 5 feet wide?

☒ YES ☐ NO

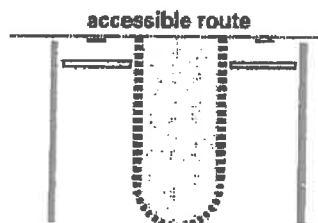
If YES, height of curb/step:

$\frac{1}{2}$ " 1" 1 1/2" 2" 2 1/2" 3" 3 1/2" 4" 4 1/2" 5" 5 1/2" 6"



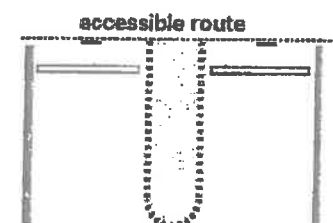
96" min 60" min 96" min
 Accessible Spaces for Cars

Spaces: 2



96" min 96" min 96" min
 Van-Accessible Spaces

Spaces: 2



132" min 60" min 132" min
 Universal Parking Spaces

Spaces: 40 marked

Ample Parking

5. Parking Surface:

Loose Gravel _____ Hard Pack Gravel _____ Dirt _____ Concrete _____ Asphalt ☒ Black Top _____

6. Distance from the building. (18 ft) to HC Parking

7. Is there a curb cut or ramp for access to walkway from parking?

If YES, is the number on the slope measuring tool less than 2"?

_____ N/A ☒ YES ☐ NO
☒ YES ☐ NO

If NO, height of curb:

$\frac{1}{2}$ " 1" 1 1/2" 2" 2 1/2" 3" 3 1/2" 4" 4 1/2" 5" 5 1/2" 6"

8. Is the curb cut surface at least 36" wide, excluding flared sides?

☒ YES ☐ NO

9. Is there sufficient lighting in all areas of the parking lot?

☒ YES ☐ NO

COMMENTS:

10. Are there outside sprinklers that could come on?

____ YES ☒ NO

11. Any planned construction or remodel that could impact election dates?

____ YES ☒ NO

ADDITIONAL COMMENTS OR DESCRIPTIONS CONCERNING ACCESSIBILITY:

All elements Compliant

☒ YES _____ NO


Non-Complaint elements remediable with temporary measures _____

What are they?

Non-Complaint elements NOT remediable with temporary measures – Must Relocate Polling

Place _____ **YES** _____ **NO**

SIGNED by County Employee:

 4/18/18

ACTIVITY CENTER

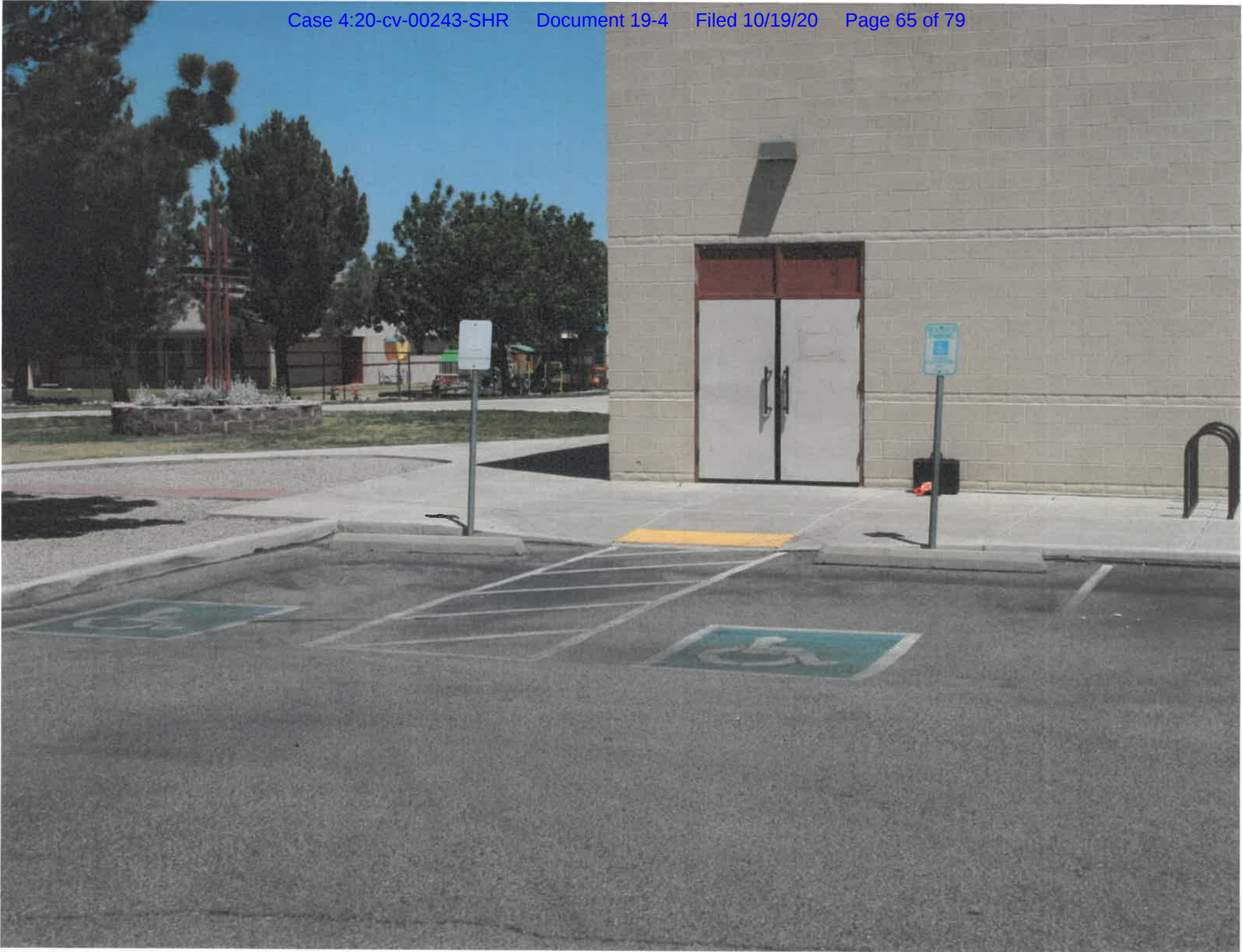
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HISE



































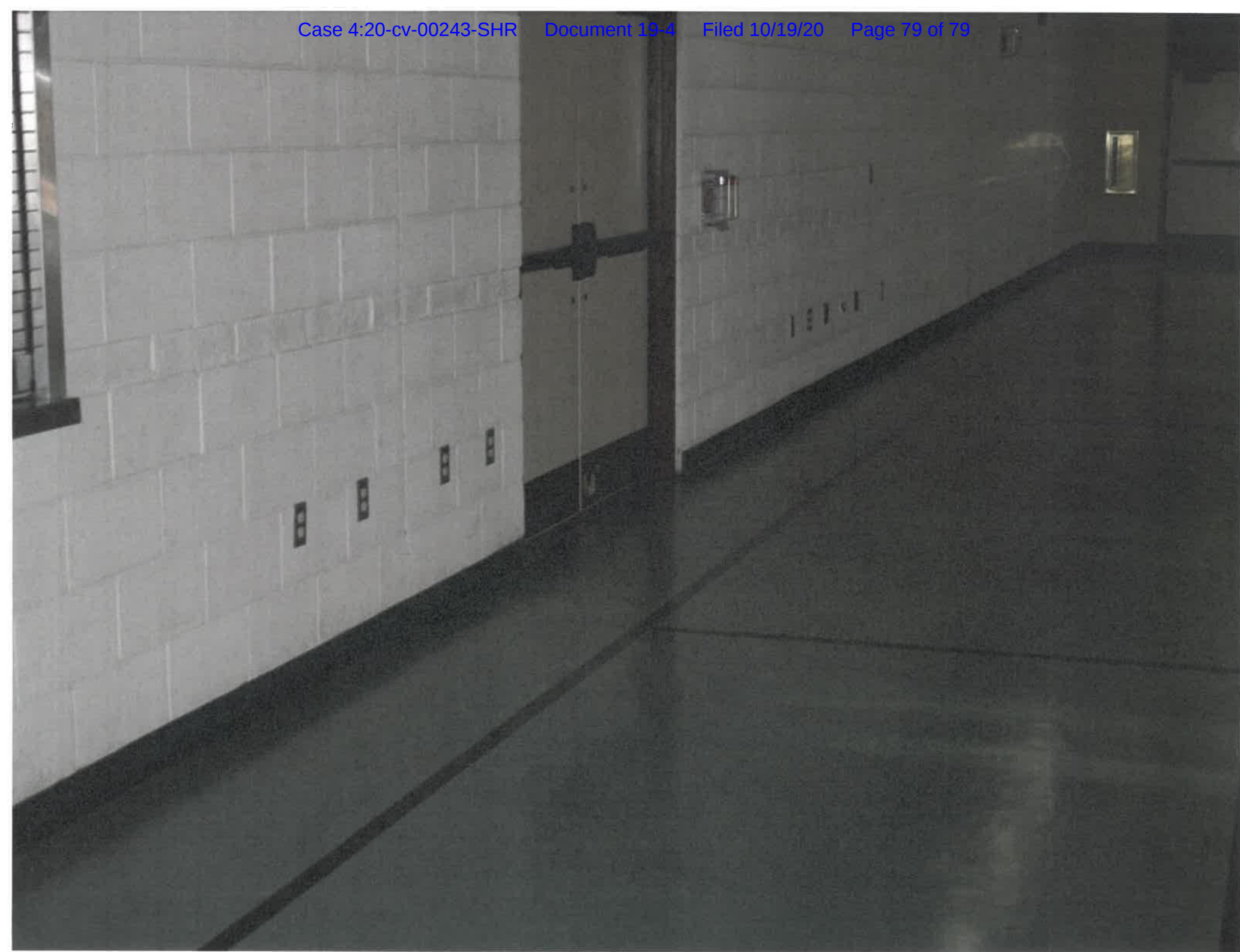


EXHIBIT “E”

facsimile transmission

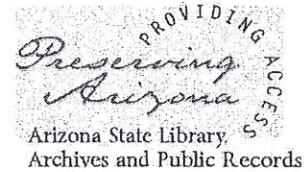
ARIZONA DEPARTMENT OF STATE

OFFICE OF THE



SECRETARY OF STATE

KATIE HOBBS
SECRETARY OF STATE



- ☐ Administration fax (602) 542-1575 ☒ Election Services fax (602) 542-6172 ☐ Business Services fax (602) 542-4366 ☐ Public Services fax (602) 542-4366
- ☐ Customer Service Center fax (602) 542-7386 ☐ Tucson Office fax (520) 628-6968

To: **Arizona Center for Disability Law** Fax: **(602) 274-6779**

From: **Arizona Center for Disability Law** Date: **January 14, 2019**

Re: **Hoffard, Kathleen - HAVA Complaint** Pages: **3 pages (incl. cover sheet)**

Cc:

☒ Urgent ☐ For Review ☐ Per Your Request ☐ Please Reply ☐ Please Recycle

COMMENTS:

SECRETARY OF STATE'S OFFICE MAILING ADDRESS
State Capitol: 1700 W. Washington Street, Fl 7
Phoenix, Arizona 85007
Telephone (602) 542-4285



KATIE HOBBS
SECRETARY OF STATE
State of Arizona

January 14, 2019

BY FAX AND U.S. MAIL

Arizona Center for Disability Law
5025 East Washington Street, Suite 202
Phoenix, Arizona 85034
Fax: (602) 274-6779

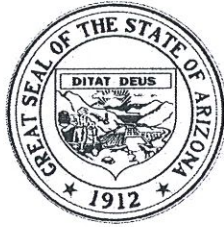
RE: HAVA-18-148 – Kathleen Hoffard HAVA Complaint

To Whom It May Concern:

The Arizona Secretary of State's Office received an Election Administrative Complaint sent from the Arizona Center for Disability Law by facsimile transmission to our office on behalf of a voter, Kathleen Hoffard, alleging a violation of Title III of the Help America Vote Act of 2002 (HAVA). Specifically, Ms. Hoffard alleges "a violation of 52 U.S.C. § 21081(a)(3)(A)."

After careful review of the complaint, we have determined that our office cannot initiate the administrative complaint process due to the complaint being filed out of accordance with the established procedure for filing a HAVA complaint in the State of Arizona.

Ms. Hoffard's complaint was sent to the Secretary of State's Office via fax transmission. The State of Arizona requires that an Election Administrative Complaint be received by "the Secretary of State's office either by mail or hand delivery [...]." *See* State of Arizona Procedures Manual (2014), Ch. 19 § 1. Further, administrative complaints are required to be filed "in writing, notarized, signed, and sworn to." *See* Manual, Ch. 19 § 3(1). The Arizona Notary Public Reference Manual states that an official notarial certificate "bears the notary public's wet signature and seal." *See* Arizona Notary Public Reference Manual, Ch. 3, Pg. 16. Accordingly, because the Secretary of State's Office received a faxed copy of the complaint and not an original document bearing a wet notary signature and wet notary seal, it cannot be accepted.



KATIE HOBBS
SECRETARY OF STATE
State of Arizona

Despite this deficiency, our office does understand the difficulties faced by Ms. Hoffard in casting her ballot on Election Day. We take matters like this under consideration as we provide guidance to county election officials regarding training and conduct at polling places and early voting locations. We have made the Cochise County Elections Department aware of Ms. Hoffard's experience, and our offices will continue to work to make improvements in this area.

Please contact our office if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, reading "Janine Petty".

Janine Petty
Deputy State Election Director
Arizona Secretary of State Katie Hobbs

CC: Lisa Marra, Cochise County Elections Director

EXHIBIT “F”



Cochise County Elections Department

Public Programs...Personal Service
www.cochise.az.gov

LISA M. MARRA
Director

MARTHA L. RODRIQUEZ
Deputy Director

February 4, 2019

5/6/19
h.1 p.w.

Ms. Kathleen Hoffard
5423 S. Sioux Ave
Sierra Vista, AZ 85650

RE: HAVA Complaint 2018 General Election

Dear Ms. Hoffard

This letter is response to a claim you made through the Arizona Center for Disability Law to the Arizona Secretary of State's Office for a Help America Vote Act (HAVA) Complaint for issues you allegedly experienced in Cochise County on November 6, 2018. Although the claim was not accepted because it was not filed in accordance with the procedures established by the State of Arizona, I do think it's important to address your concerns as we take the right to vote for every resident very seriously.

I am sorry you experienced some difficulty when casting your vote in the 2018 General Election. Cochise County moved to a Vote Center model in 2015, where any eligible voter could vote at any of the 17 established locations. One of the major improvements in the Vote Center model is that each facility is fully ADA accessible under the Federal guidelines established for polling locations. That means every voter can access a facility and cast their vote in person just like everyone else. As such, curbside voting is no longer a requirement when a facility is ADA accessible under voting regulations. We would not utilize a Vote Center that didn't meet those stringent federal guidelines. A comprehensive assessment is performed at each site prior to an election cycle by this office in conjunction with a building/planning and zoning technician for expertise.

The Board of Supervisors invested over a million dollars in electronic technology for voter convenience and accessibility when they adopted this new model for our voters. Our county can have upwards of 500 different ballot styles during an election, and it's not possible to have actual printed paper ballots available on election day as we did in the past when we had a polling location assigned for voters in each precinct. All voters who chose to vote in person are required to come into the ADA accessible Vote Center and cast their votes on one of the touch screen ExpressVote machines. These machines are large and not meant to be mobile to move in and out of a facility as they have sensitive electronic components inside. Moving them in and out would be dangerous for the expensive equipment, the poll workers and the disabled voter.

We train poll workers extensively on how to assist all disabled voters when they are asked by the voter. As we move into the next election cycle, we will continue to train and inform our poll workers to be on the lookout for anyone who needs or asks for assistance at any of our Vote Centers.

Because the right to vote in the method a voter selects is critical to us, I do offer some additional suggestions on casting your vote in the future, should you choose to consider the many and various options you have in Cochise County.

Nearly 70% of our eligible voters cast their ballots early, or by mail each election. That number continues to grow every year. I have enclosed a request for Permanent Early Voting List (PEVL) should you decide to join the many others in our County who vote that way for convenience. Once on the list, you automatically receive a ballot for every election you are eligible to vote in. You can return your ballot by US Postal Service mail or drop it off in one of the secure drop boxes located inside County service centers. These ballots are always processed and counted prior to election day and are the first results released on election night. I've enclosed a self-addressed, stamped envelope for your added convenience in returning that form to us.

If you do not wish to be on the Permanent Early Voting List, you can always request a ballot be mailed to you for any election you wish by simply calling the County Recorder's Office at 432-8358 at least 12 days prior to any election you are eligible to vote in.

The other option available is in person early voting at the Recorder's Office in Bisbee. That takes place starting 27 days prior to an election, during business hours. They also offer Saturday in person voting during the larger election cycles. You would still be required to come into their office to cast your ballot on the machine, but that is an option you can consider as they are not normally as busy as a Vote Center would be on an election day.

In closing, I am sorry your election day experience was frustrating, and we'll continue to move forward to make improvements in the voting experience for all our residents. We are fortunate in Arizona to have so many options in place for all voters who wish to participate in elections. Please contact my office if you have any additional questions or concerns.

Sincerely



Lisa M. Marra, CPM
Elections Director

CC: Arizona Secretary of State
Arizona Center for Disability Law

Ms. Kathleen Hoffard
5423 S. Sioux Ave
Sierra Vista, AZ 85650



Cochise County
Elections Department
1415 Melody LN, BLDG A
Bisbee, AZ 85603

Attn: Lisa Myers



**Cochise County Recorder
David W. Stevens
1415 Melody Lane, Building B
Bisbee, Arizona 85603
520-432-8358
Toll Free 1-888-457-4513**

PERMANENT EARLY VOTING LIST REQUEST

Dear Cochise County voter:

Any registered voter may request to be included on the "Permanent Early Voting List" in order to automatically receive an early ballot by mail, for all elections they are eligible to participate, that are governed by state law. In order to be included on the "Permanent Early Voting List", the voter must make a written request specifically asking that their name be added to the permanent list. The request must include the voter's name, residence address, mailing address within the county you reside, date of birth and your signature.

The voter will remain on this list until the voter's registration is cancelled, moved to inactive status, or until the voter requests in writing to be removed from the list. Removal requests must include: voter's name, residence address, date of birth, and signature. A voter's failure to vote and return an early ballot does not remove the voter from the permanent early voting list.

Eligible voters added to the "Permanent Early Voting List" will receive a notice, not less than ninety days (90) days prior to any election in March or August. The notice will include the dates of the elections that the notice is regarding, the dates that the voter's ballot is expected to be mailed (27 days prior to any given election) and the address where the ballot will be mailed. The notice will also include a means for the voter to: change their mailing address, update their residence address, and/or allow for the voter to request that a ballot not be sent for the upcoming election or elections indicated on the notice. If the election is a partisan (political party specific) open primary election and the voter is not registered as a member of one of the political parties participating in the election, the notice will include information for the voter on how to select a specific political party ballot to receive.

-----CUT HERE-----

PERMANENT EARLY VOTING LIST REQUEST

____ Check here if you wish to be included on the Permanent Early voting List. You will automatically receive an early ballot by mail without having to request for each election.

REGISTRATION UPDATE SECTION

NAME: _____ DATE OF BIRTH: _____

RESIDENCE ADDRESS: _____

MAILING ADDRESS: _____

SIGN HERE: _____

I swear or affirm under penalty of perjury that the above information is true and correct.

If you elect to be on the Permanent Early voting List, please return completed request to County Recorder, 1415 Melody Ln., Bldg. B, Bisbee, Arizona 85603

EXHIBIT “G”



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
DIVISION OF CIVIL RIGHTS SECTION

REBEKAH BROWDER
ANGELINA NGUYEN
CHIEF COUNSEL

May 9, 2019

Cochise County Recorder's Office
c/o Management
1415 Melody Ln., Bldg B
Bisbee, AZ 85603

Re: Ms. Kathleen Hoffard v. Cochise County Recorder's Office
CRD No. : TCRD-2019-0166

Dear Sir/Madam:

This letter is addressed to you as agent of the above-named organization.

A complaint alleging that you have committed an unlawful discriminatory practice or act under the Arizona Civil Rights Act has been filed with this Division. This complaint was filed by Ms. Kathleen Hoffard, on May 04, 2019, and alleges being discriminated against because of her Disability.

On the Notice of Charge of Discrimination, your organization may have been asked to contact a Mediation Program Coordinator if it wanted to participate in the Arizona Civil Rights Division's mediation program. If the parties do not agree to participate in the mediation process or if the matter was not referred to mediation, the Attorney General's Office will immediately begin its investigation into the allegations in the Charging Party's allegations and the Division requests that your organization provide a position statement by the date reflected on the Notice of Charge of Discrimination. Please follow the instructions and submit the requested information on or before the date shown on the request.

We would like to remind you of your obligation to preserve relevant documents and data in this. The claims asserted by the Charging Party herein require the preservation and retention of all documents and data, including electronically stored information ("ESI"), from all sources, relating in any way to the Charging Party's claims until further notice from the Division. The law requires that you take all steps necessary to protect and preserve such information until further notice from the Division.

Please review the description of documents and data set forth below, and if you have possession or control of, or know of the existence of, any responsive documents, whether in hard copy or electronic form, please follow the instructions provided below for ensuring that you preserve copies of all responsive documents.

Please also take all necessary steps to ensure that any of your employees, agents, or other representatives with relevant information takes the steps described herein to preserve relevant evidence until further notice from the Division.

“Documents and data” as used herein means not only hard copy documents and handwritten notes, but audio recordings, videotape, e-mail, instant messages, text messages, social media postings, voice mails, word documents, spreadsheets, databases, calendars, internet usage files, and all other electronic information maintained, created, and/or received by you or your employees.

“Sources” include all hard copy files, computer hard drives, removable media (DVDs, CDs, flash drives, external hard drives, etc.), laptops, tablets, cell phones, and any other locations where hard copy and electronic data is stored. Please bear in mind that any of the above-mentioned sources of relevant information may include personal computers and cell phones you use or have access to at home, or at other locations.

Specific Steps You Must Take: To comply with the foregoing requirements, unless a proper forensic copy has first been made, and is adequately documented and retained, please: 1) preserve (do not erase, overwrite or otherwise alter) any documents and ESI within your possession, custody or control, relating or referring in any way to matters that are the subject of the Charging Party’s claim; and 2) do not transfer, sell, destroy or otherwise dispose of any computer equipment, including personal computers, tablets, hand held devices, laptops, smart phones, or any hard drives or other memory devices that may contain relevant ESI.

Upon completion of its investigation, the Division will make a determination either finding there is reasonable cause to believe the complaint is true or dismissing the complaint. You will be given written notice of the determination of the Division.

In the event the Division finds there is reasonable cause, the Division will seek to conciliate the matter with you on a voluntary basis, or you may initiate settlement discussions with the Complainant at any time.

If you have any questions pertaining to your case **please contact Assigned Investigator Linda Bohlke, at (520) 628-6789 or by email Linda.Bohlke@azag.gov**.

Sincerely,



Patricia G. Bianchi
Compliance Manager

PGB/lcr
Enclosures
Public Accommodation Discrimination Complaint
Request for Position Statement



CIVIL RIGHTS MEDIATION INFORMATION SHEET

Office of the Arizona Attorney General

Civil Rights Division, Conflict Resolution Program

2005 N. Central Avenue, Phoenix 85004 ♦ 602-542-7657

400 West Congress S-315, Tucson 85701 ♦ 520-628-6782

The Office of the Arizona Attorney General's Civil Rights Division offers a voluntary service for resolving discrimination complaints prior to, or during, the investigation process. This service is called mediation and is offered at no cost through the Conflict Resolution Program.

WHAT IS MEDIATION?

Mediation is an informal, confidential process where a trained, impartial person – the mediator – facilitates discussions between complainants and respondents to help them clarify issues and negotiate an agreement. The mediator does not act as a judge and will not make a decision. The parties retain control of the outcome. The mediation generally takes place either in the Phoenix or Tucson office of the Civil Rights Division and takes between one and four hours.

If the parties reach a resolution, the terms are included in a formal, written mediation agreement that must be approved by the Civil Rights Division. If an agreement is reached, the case will be closed. If the parties are unable to reach an agreement through the mediation process, the Compliance Section of the Civil Rights Division will pursue its investigation of the complaint. The Conflict Resolution Program is separate from the Compliance Section and no information will be shared with the investigators about anything that occurs during the mediation.

BENEFITS OF PARTICIPATING IN A MEDIATION

One of the primary benefits of mediation is that it provides complainants and respondents with an opportunity to resolve their disputes early in the case, without the time, cost, and stress of having to participate in the full investigation process (potentially involving interviews, responding to document requests and subpoenas, on-site investigations of property, etc.). It also allows the parties to create their own solutions to the issues – which may be different from those achievable as a result of litigation. Other benefits include:

- | | |
|---|---|
| <input type="checkbox"/> Participants retain control of the outcome | <input type="checkbox"/> Confidential process |
| <input type="checkbox"/> Builds communication skills | <input type="checkbox"/> Minimizes time and expense |
| <input type="checkbox"/> Non-threatening environment | <input type="checkbox"/> Clarifies the issues |
| <input type="checkbox"/> Convenient | <input type="checkbox"/> Efficient |
| <input type="checkbox"/> Non-judgmental -- No blame | <input type="checkbox"/> Preserves relationships |

One of the most significant indicators of the success of this service is the high satisfaction rate of parties who have participated in the Attorney General's mediation program. In the 2012 fiscal year, 95% of the surveyed mediation participants reported that they would recommend mediation to others.

TIMING OF MEDIATION

Cases that the Civil Rights Division deems appropriate for mediation are generally referred to the Conflict Resolution Program within approximately ten days after the complaint is filed. Conflict Resolution staff may then contact both parties to ask if they are interested in participating in a mediation session. If and when both parties agree to mediate, the investigation will be on hold (for up to **two weeks** if it is a housing discrimination case or for up to **thirty days** if it is any other type of discrimination case) so that mediation attempts can be made. **Mediation attempts must be completed within these time periods.** Due to the Division's statutory and contractual deadlines, if the mediation does not occur or no agreement is reached during these time periods, the case will be returned to the Compliance Section immediately for continuation of the investigation. If the respondent has not yet submitted a position statement, it will be due within **seven days** of the return to the Compliance Section. (**Note:** If a party is interested in participating in mediation and does not wish to wait to be contacted by Conflict Resolution staff, he or she may contact them directly by calling either of the telephone numbers listed above.)



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
DIVISION OF CIVIL RIGHTS SECTION

REBEKAH BROWDER
ANGELINA NGUYEN
CHIEF COUNSEL

REQUEST FOR POSITION STATEMENT
(Public Accommodation / Arizonans with Disabilities Act / Voting)

You are asked to send us a statement responding to the enclosed charge. Please state your position concerning each of the allegations made in the charge. You are encouraged to include any and all information and documents that you consider to be important. In addition, please provide the following information:

1. Number and location of offices or places of business.
2. Type of entity (Corporation, Partnership, Sole Proprietorship, etc.).
3. Names of all persons or entities with ownership interest in Respondent (and contact information).

Please provide this information on or before May 19, 2019 to the Tucson office at the address listed below, to the attention of the undersigned Compliance Officer Linda Bohlke at (520) 628-6789.

The position statement must be signed and affirmed by a representative of Respondent. Pursuant to Arizona Administrative Code R10-3-306(B) and R10-3-409(A), the affirmation must state: "I declare under penalty of perjury that the foregoing is true and correct."

Requests for extensions of time to provide the position statement will be granted only upon a showing of good cause. In addition, please note that the Division has the authority under A.R.S. § 41-1403 (B) to issue a subpoena for the information listed above. Such action may be taken if the information is not provided to the Division in a timely manner. Furthermore, the Division may issue a determination regarding the merits of the charge based on the information it has gathered to date, whether or not the Respondent has provided a position statement or any other requested information. However, prior to making a determination, the Division will accept any supplemental information provided by either party.

The Division anticipates and appreciates your cooperation with this request.



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
DIVISION OF CIVIL RIGHTS SECTION

REBEKAH BROWDER
ANGELINA NGUYEN
CHIEF COUNSEL

Effective Position Statements

An effective position statement is **clear, concise, complete, and responsive**.

What should a position statement include?

At a minimum, it should include specific, factual responses to every allegation of the charge. The position statement should clearly explain the respondent's version of the facts and identify the specific documents and witnesses supporting the position. A well drafted position statement can help us accelerate the investigation and limit requests for additional information. Keep the following points in mind as you prepare the position statement:

- ❖ Address each alleged discriminatory act and your position regarding it and provide copies of documents supporting your position and/or version of the events.
- ❖ Provide a description of the respondent company; include legal name and address; name, address, title and phone number of the person responsible for responding to the charge; primary function of the business; and the number of employees. A staffing or organizational chart is also useful in helping to focus the investigation.
- ❖ Provide copies or descriptions of any applicable anti-discrimination practices, policies or procedures.
- ❖ Identify any other individuals who have been similarly affected by these practices, policies or procedures; describe the circumstances in which the practices, policies, or procedures have been applied.
- ❖ Explain why individuals who were in a similar situation to the Charging Party were not similarly affected.
- ❖ Identify person(s) who made decisions or took action relating to the matter(s) raised in the charge.
- ❖ Be specific about date(s), action(s) and location(s) applicable to this case.
- ❖ Provide copies of internal investigations of the alleged incidents or grievance hearing reports.
- ❖ Inform the assigned compliance officer if the matter has been resolved or can be resolved; if it can be resolved, please indicate your proposal for resolution.

How much time is allowed for preparation of a position statement?

Fourteen calendar days is normally allowed for responding to the charge. A brief extension of time may be allowed in particular cases, but only if good cause exists and it is clear that the employer is working in good faith to supply all of the necessary information. Position statements may also be supplemented if new information is obtained by the respondent after the initial position statement is submitted to the Division.

ARIZONA CIVIL RIGHTS DIVISION

Cochise County Recorder's Office
c/o Management
1415 Melody Ln., Bldg B
Bisbee, AZ 85603

PERSON FILING CHARGE

Ms. Kathleen Hoffard

THIS PERSON (check one or both)

☒ Claims to be Aggrieved☐ Is filing on Behalf of Other(s)

CHARGE NO.

TCRD-2019-0166**NOTICE OF CHARGE OF DISCRIMINATION***(See the enclosed for additional information)*

This is notice that a charge of discrimination has been filed against your organization under the Arizona Civil Rights Act, involving the following:

☐ Employment☐ Public Accommodations☐ Fair Housing☐ Arizonans with Disabilities Act☒ Voting

The boxes checked below apply to our handling of this charge:

1. ☒ **ACRD has a Mediation program** that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. Please refer to the enclosed Mediation Information Sheet for more information about the program. If you would like to participate, please respond by **May 23, 2019** to:

☐ PHOENIX Office – Keena Patel, Mediation Coordinator Phone: (602) 542-7657

☐ TUCSON Office – Adam Glaser, Mediation Coordinator Phone: (520) 628-6782

If you do not wish to try Mediation, you must respond to any request(s) made below by the dates specified there.

2. ☒ Please provide by **May 19, 2019** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the ACRD representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

3. ☐ Please respond fully by _____ to the enclosed request for information and send your response to the ACRD representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information or any inquiry you may have should be directed to:

Arizona Civil Rights Division
Attorney General's Office – Tucson
400 West Congress S-315
Tucson, Arizona 85701

Enclosure(s): ☒ Copy of Charge ☐ Other: _____

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NAT ORIGIN ☐ AGE ☒ DISABILITY ☐ RETALIATION ☐ OTHER

See enclosed copy of charge of discrimination.

Date
May 9, 2019

Name / Title of Authorized Official
Patricia G. Bianchi, Compliance Manager

Signature
Patricia G. Bianchi

OFFICE OF THE ARIZONA ATTORNEY GENERAL
Civil Rights Division

COMPLAINT OF DISCRIMINATION

PAGE 1 OF 1

COMPLAINT NUMBER

TERD-2019-0144

Name (Indicate Mr., Ms., Mrs.)

Ms. Kathleen Hoffard

HOME TEL. NO. (Include Area Code)

520-508-7464

STREET ADDRESS

5423 S. Sioux Ave.

CITY, STATE AND ZIP CODE

Sierra Vista, AZ 85650

COUNTY

Cochise

Show below the name of the government entity, business entity, individual, property owner, etc., against whom this complaint is being filed.

NAME

Cochise County Recorder's Office

TELEPHONE NUMBER (Include Area Code).

520-432-8350

STREET ADDRESS

1415 Melody Lane, Building B

CITY, STATE AND ZIP CODE

Bisbee, AZ 85603

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

RECEIVED

MAY 04 2019

DISCRIMINATION IN:

☐ Public Accommodations☒ Voting Rights☐ Public Accommodations☐ Retaliation

Pursuant to the Arizona Civil Rights Act, as amended:

Access to Public Services

DISCRIMINATION BECAUSE OF:

☐ RACE☐ COLOR☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEX☒ DISABILITYDATE MOST RECENT OR CONTINUATION
DISCRIMINATION TOOK PLACE (Month, Day, Year)

11/06/2018

EXPLAIN THE PARTICULARS OF WHAT TOOK PLACE (If additional space is needed, attach extra sheet(s):

I. PERSONAL HARM: A. I requested and was denied reasonable accommodations necessary to afford me equal access to voting.

II. RESPONDENT'S REASON FOR ADVERSE ACTION: A. None given.

III. DISCRIMINATION STATEMENT: For the following reasons I believe I have been discriminated against because of my disability; in violation of the Arizona Civil Rights Act, as amended. The particulars are:

A. I am registered voter in Cochise County; eligible and qualified to vote in the United States. I am a person with apparent disabilities.

B. On Election Day, November 6, 2018, I visited two polling centers. The polling center was located at 3225 St. Andrews Dr., Sierra Vista, AZ 85650. The second polling center was located at Shiloh Christian Ministries located at 1519 Avenida del Sol, Sierra Vista, AZ 85635. I requested at both locations that as a reasonable accommodation, I be permitted to vote curbside because barriers; including but not limited inadequate handicap parking and small area rugs posed significant disability-related hurdles for me. Respondent's polling workers denied my requests because the polling places were allegedly already ADA compliant.

B. I believe and therefore allege that but for my disabilities; I would not have been denied full and equal access to voting.

I believe, under penalty of perjury, that the foregoing is true and correct.

I will advise the Civil Rights Division if I change my address or telephone number and I will cooperate fully with them in the processing of my complaint in accordance with their procedures.

Signature Of Complainant and Date

X Kathleen Hoffard

Subscribed and sworn to before me this date (Month, Day, Year)

I.X.B.7872208

OFFICIAL SEAL
ANDREW STEVENS
Notary Public-State of Arizona
COCHISE COUNTY
MY COMM#: 522902
EXPIRES: January 24, 2021

Exp. 01/24/2021

4 May 2019

EXHIBIT “H”



**Cochise County
Attorney's Office**

Civil Division

Public Programs...Personal Service
www.cochise.az.gov

BRIAN M. McINTYRE
Cochise County Attorney

May 30, 2019

Linda Bohlke, Investigator
Office of the Arizona Attorney General
Civil Litigation Division & Division of Civil Rights Section
400 W. Congress Street
South Bldg., Suite S-315
Tucson, AZ 85701

Re: Kathleen Hoffard v. Cochise County Recorder's Office CRD No.: TCRD-2019-0166

Dear Ms. Bohlke:

Cochise County hereby submits its Position Statement in response to the May 4, 2019 Complaint of Discrimination filed by Ms. Kathleen Hoffard (also referred to as "Claimant"). As set forth below, Cochise County respectfully submits that the Complaint is without merit and should be dismissed.¹ Cochise County denies that it discriminated against Ms. Hoffard based on her disability.

I. BACKGROUND INFORMATION

Cochise County is a governmental body organized as a political subdivision of the State of Arizona. It serves a largely rural community in southeast Arizona, with the County seat located in Bisbee, Arizona. Cochise County encompasses 6,250 square miles and has a population of approximately 140,000 people. Incorporated cities or towns in Cochise County include Bisbee, Sierra Vista, Huachuca City, Benson, Tombstone, Douglas, and Willcox.

As of November 1, 2018, Cochise County employed 838 people. Cochise County maintains various office locations within the county limits. Cochise County is a governmental entity and therefore, is not "owned" like a corporation, partnership or sole proprietorship. Rather, Cochise County is governed under the Arizona statutory system of county government, which allocates statute-based duties among appointed department heads and elected officials.

¹ This position statement is based upon the undersigned's knowledge of the facts at the time of its submission.

Main Office
150 Quality Hill Road
PO Drawer CA
Bisbee, Arizona 85603
520-432-8700
Attorney@cochise.az.gov

Juvenile Division
100 Colonia de Salud, Suite 104
Sierra Vista, Arizona 85635
520-803-3160

Division Fax Numbers
Civil 520-432-8778
Drug Unit 520-432-2487
General Crimes 520-432-4208
Juvenile 520-417-0895
Misdemeanor 520-432-8729
Victim Witness 520-432-8777

Cochise County has seventeen (17) vote centers across the region that are American Disability Act (“ADA”) Compliant and Accessible, that meet the needs of elderly and disabled voters. *See Exhibit A*, attached hereto, News Release, Cochise County ensures voting process is accessible and convenient, May 2, 2018; *Exhibit B*, attached hereto, ADA Checklist for Existing Facilities. Because all of the vote centers meet ADA requirements, the need for curbside voting was eliminated. *See Exhibit C*, attached hereto, Cochise County Poll Worker Handbook 2018, Assisting Disabled and Elderly Voters; *Exhibit D*, attached hereto, PowerPoint Slides re: Cochise County Poll Worker Handbook 2018 (Page 22), American Disability Act (ADA).

Curbside voting is no longer offered because of the potential for injury to voters, poll workers and the voting machine equipment. The touchscreen ExpressVote machines are large, contain sensitive components, and are not designed to be moved repeatedly in and out of the vote center facility for curbside voting. The machines tend to tip over and could cause injury to the disabled voter in his/her car or the poll worker. Simply stated, it is not safe for poll works to move these very top-heavy voting machines outside to a vehicle. Further, all vote center poll workers are trained to provide assistance to disabled and elderly voters. *See Exhibits C, D*. Any voter requesting assistance is entitled to receive help and those voters who have difficulty standing in line, although not entitled to advance to the front of the line, can be offered a place to sit until it is his or her turn to vote. (*Id.*).

On January 7, 2019, Ms. Hoffard, through the Arizona Center for Disability Law, filed a discrimination claim with the Arizona Secretary of State, under the Help America Vote Act (“HAVA”) of 2002, 52 U.S.C. §§ 21081, *et seq.*, alleging that Cochise County discriminated against her based on her disability, by refusing to provide curbside voting at two vote centers in Sierra Vista, Arizona. *See Exhibit E*, attached hereto, HAVA Complaint of Behalf of Kathleen Hoffard. Ms. Hoffard also alleged that the number of handicapped parking spaces were inadequate and that she was afraid that she would trip on the area rugs at the vote centers. Ms. Hoffard further alleges that standing in line and walking were difficult for her due to her disability.

On January 14, 2019, the Arizona Secretary of State denied Ms. Hoffard’s discrimination claim because it was procedurally deficient, and notified Lisa M. Marra, Director of Cochise County Elections of Ms. Hoffard’s concerns. *See Exhibit F*, Letter from Janine Petty, Deputy State Elections Director, Arizona Secretary of State to Arizona Center for Disability Law, dated January 14, 2019.

On February 4, 2019, Lisa M. Marra, Cochise County Elections Director, wrote to Ms. Hoffard about the concerns in her HAVA Complaint, explaining that the vote centers are ADA Compliant and fully ADA Accessible under the federal guidelines established for polling locations and therefore, curbside voting is no longer a requirement. *See Exhibit G*, attached hereto, Letter to Kathleen Hoffard from Lisa M. Marra, dated February 4, 2019. Ms. Marra further explained that because of the variety of different ballot styles (approximately 500 ballot styles), there are no paper ballots at the vote centers. Any voter who chooses to vote in person is required to come to the ADA accessible vote center and cast his/her vote on one of the touchscreen ExpressVote machines. Additionally, Ms. Marra offered Ms. Hoffard the option of participating in early voting, requesting a paper ballot be mailed to her, and/or voting early, in-person at

the Cochise County Recorder's Office. Ms. Hoffard never contacted Ms. Marra or responded to Ms. Marra's letter. On May 4, 2019, Ms. Hoffard filed the instant Complaint of Discrimination.

The persons primarily tasked with collecting and responding to the Complaint are:

Lisa M. Marra, CPM, Director
Cochise County Elections
1415 Melody Lane, Building A
Bisbee, Arizona 85603
Office: (520) 432-8975
Fax: (520) 432-8995
lmarra@cochise.az.gov

Christine J. Roberts, Civil Deputy County Attorney
Cochise County Attorney's Office
P.O. Drawer CA
Bisbee, Arizona 85603
Office: (520) 432-8754
Fax: (520) 432-8778
croberts@cochise.az.gov

II. ALLEGED PERSONAL HARM

Cochise County denies discriminating against Ms. Hoffard based on her disability. Based on the Complaint of Discrimination, it appears that Ms. Hoffard believes that she was discriminated against based on her disability due to the County's refusal to provide her with a reasonable accommodation to afford her equal voting access. Specifically, *inter alia*, Ms. Hoffard alleges that the County refused to provide her with curbside voting.

A. Curbside Voting Is No Longer Available in Cochise County

Ms. Hoffard alleges that on November 6, 2018, she visited two polling centers in Sierra Vista, where she requested, and was denied, curbside voting. *See* Complaint of Discrimination.

Curbside voting is no longer available in Cochise County. *See* Exhibits A, C & D. Cochise County's 17 vote centers are ADA Compliant and ADA Accessible. Cochise County invested over one million dollars in technology to make these vote centers fully ADA Accessible. Exhibit G. The touchscreen ExpressVote machines are heavy and contain very sensitive components. *Id.* They are not designed to be moved in and out of the vote center facilities for curbside voting and tend to tip over, which could cause serious injury to a disabled voter at his/her car or to the poll worker moving the ExpressVote machine. *Id.* Moreover, Cochise County residents and voters were notified that the County would no longer offer curbside voting via a press release on May 2, 2018 (over 6 months before the November 6, 2018 Election), and through

various Facebook posts. Exhibit A. Cochise County issued the press release and posted information on its Facebook page so that the County's residents and voters would know that curbside voting would not be available at the vote centers. In over two (2) elections and nearly 20,000 in-person voters since the elimination of curbside voting, Cochise County has had only one (1) other concern about its elimination. See Exhibit H, attached hereto, Vote Center Survey, General Election November 6, 2018, VC-8. Because the vote centers are ADA Compliant and ADA Accessible, Cochise County did not discriminate against Ms. Hoffard based on her disability by refusing her request for curbside voting.

Moreover, Ms. Hoffard had several options available to her to cast her vote. First, Ms. Hoffard had an opportunity to participate in early voting, by joining the Permanent Early Voting List. See Exhibit G. Ms. Hoffard would automatically receive a ballot by mail for every election in which she is eligible to vote. She would then have the option of returning the ballot by mail or dropping it off in one of the secure drop boxes located inside the County service centers. Second, Ms. Hoffard could request a ballot be mailed to her for any election by calling the Cochise County Recorder's Office at least 12 days before the election. *Id.* Finally, Ms. Hoffard could vote early, in-person, at the Recorder's Office in Bisbee, starting 27 days before the election. *Id.* Because Cochise County offers these alternatives to in-person voting at votes centers, Ms. Hoffard has full and equal access to voting. Consequently, the County did not deny Ms. Hoffard her right to vote, nor did the County discriminate against her based on her disability.

B. Handicap Parking Spaces Comply with Building, Zoning Codes and ADA Checklist

Ms. Hoffard alleges that the handicap parking spaces at the vote centers are inadequate. However, the number of handicap parking spaces is controlled by the building and zoning codes. Further, the ADA Checklist for Existing Facilities (Exhibit B, page 3) outlines the required number of handicap parking spaces at a vote center. Both of the vote centers that Ms. Hoffard visited met the requirement for the number of handicap parking (accessible parking) spaces under the ADA. See Exhibit I, attached hereto, Vote Center Accessibility Evaluation (ADA Compliance Worksheet) for VC-8, Shiloh Christian Ministries; Exhibit J, attached hereto, Vote Center Accessibility Evaluation (ADA Compliance Worksheet) for VC-9, Methodist Church. Unfortunately, Ms. Hoffard may have come to the vote centers at a busy time and the handicapped parking spots may have been filled. Ms. Hoffard may have had to wait for a handicapped parking space, but that does not mean that the number of handicapped parking spaces were inadequate.

C. Area Rugs at the Vote Centers Have Non-Slip Rubber Backing

Ms. Hoffard alleges that "small area rugs" caused significant disability hurdles for her and she was afraid that she would slip or trip on the rugs. However, the rugs at the vote centers are not "small area rugs" or "throw rugs" like those you could buy at a department store that tend to slip. Rather, they are industrial, commercial rugs with non-slip rubber backing, designed to prevent slippage and falling, used in churches and similar facilities. Further, had Ms. Hoffard asked any of the poll workers for assistance, or expressed to one of the poll workers that she was afraid she may trip or fall on the area rugs, someone would have helped her to safely navigate over the rugs, and provided her with a place to sit, if standing was too much for her. There is no indication that she did so.

III. CONCLUSION

Cochise County denies discriminating against Ms. Hoffard on the basis of her disability, as alleged in the Complaint of Discrimination. The facts establish that the vote centers that Ms. Hoffard visited were both ADA Compliant and ADA Accessible and Cochise County notified its residents and voters that curbside voting would no longer be offered at these vote centers. Further, there is no indication that after Ms. Hoffard was informed that curbside voting was no longer offered, that she requested any other type of assistance from the poll workers. Moreover, Ms. Hoffard had at least three other options available to her for her to cast her vote: Permanent Early Voting List; requesting a ballot be mailed for a specific election; and/or in-person, early voting at the Cochise County Recorder's Office. Ms. Hoffard did not avail herself of any of these options.

Based on the foregoing, Cochise County respectfully requests complete dismissal of the Complaint of Discrimination.

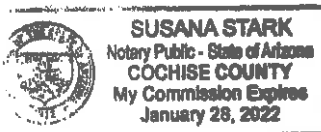
As to matters contained herein, I swear or affirm that I have read the information and that it is true to the best of my knowledge, information and/or belief. I declare under penalty of perjury that the foregoing is true and correct.


Sincerely,

COCHISE COUNTY ATTORNEY'S OFFICE


Christine J. Roberts
Civil Deputy County Attorney
Cochise County Attorney's Office

SUBSCRIBED AND SWORN to before me this 30th day of May 2019.





Notary Public

My Commission Expires:

1-28-2022

Encl: Exhibits A-J

EXHIBIT “I”



RECEIVED
Civil Division

MAY 11 2020

**COCHISE COUNTY
ATTORNEY'S OFFICE**

**MARK BRNOVICH
ATTORNEY GENERAL**

**OFFICE OF THE ARIZONA ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
DIVISION OF CIVIL RIGHTS SECTION**

**REBEKAH BROWDER
CHIEF COUNSEL**

Dismissal Notice

To: Kathleen Hoffard
c/o Sey In, Esq.
Arizona Center for Disability Law
5025 E. Washington St., Suite 202
Phoenix, AZ 85034


Cochise County Recorder's Office
c/o Christine Roberts, Deputy County Attorney
150 Quality Hill Rd.,
P.O. Drawer CA
Bisbee, AZ 85603

Re: Kathleen Hoffard v. Cochise County Recorder's Office
AZDA CRD No.: TCRD-2019-0166


The Division of Civil Rights Section is closing its file on this charge.

Based upon its investigation, the Division of Civil Rights Section concludes that the information obtained is not sufficient to establish violations of the statute(s) and further investigation is unlikely to produce such evidence. This does not certify that the Respondent is in compliance with the statute(s). No finding is made as to any other issues that might be construed as having been raised by this charge/complaint. The notice of Charging Party's appeal rights is included on the reverse or following page.

On behalf of the Division,



Rebekah Browder, Chief Counsel



(Date)

R10-3-106 APPLICATION FOR RECONSIDERATION; REOPENING OF PROCEEDINGS

The Charging Party may apply for reconsideration of dismissal of the charge. The application shall be in writing, must be made under oath stating that it is accurate under penalty of perjury, must specifically state the grounds upon which it is based, and shall be filed within twenty (20) days from Charging Party's receipt of the Division's decision.

A Charging Party's application must include any new evidence the Charging Party believes should be considered by the Division. New evidence includes, but is not limited to, additional documentation and witnesses not previously disclosed or considered by the Division during its investigation, new arguments, and/or other new information concerning the charge. If the Charging Party identifies new witnesses, he/she must describe in detail what these new witnesses will testify to regarding the Charging Party's allegations of discrimination and/or retaliation, and the witnesses' last known addresses, telephone numbers, or other contact information.

The application may be granted or denied at the Division's discretion. The Division may, on its own motion, reconsider a dismissal of a charge or any finding of fact it has issued.

A Charging Party's application for reconsideration does not affect the running of any statute of limitations, or deadline, for filing a lawsuit in court on any claims under the Arizona Civil Rights Act. Charging Parties should consult with a private attorney if they have questions concerning the statute of limitations and/or their rights under state and federal law.

All applications for reconsideration of dismissal of the charge must be submitted to Chief Counsel, Division of Civil Rights Section, Office of the Arizona Attorney General, 2005 North Central Avenue, Phoenix, Arizona 85004.

1 BRIAN M. MCINTYRE
2 COCHISE COUNTY ATTORNEY
3 By: CHRISTINE J. ROBERTS
4 Chief Civil Deputy County Attorney
5 Arizona Bar No. 033718
6 P.O. Drawer CA
7 Bisbee, AZ 85603
8 (520) 432-8700

9 CVAttyme@cochise.az.gov

10 *Attorney for Cochise County and Lisa Marra, in her official capacity as Cochise County*
11 *Elections Director*

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA, TUCSON DIVISION**

14 Kathleen Hoffard,

15 Plaintiff,

16 vs.

17 Cochise County, Arizona; Lisa Marra,
18 In her official capacity as Director of
19 Cochise County Elections Department,

20 Defendants.

21 **No. 4:20-CV-00243-SHR**

22 **[PROPOSED] ORDER DENYING**
23 **PLAINTIFF'S MOTION FOR**
24 **PRELIMINARY INJUNCTION**

25 **Assigned to the Honorable**
Judge Scott H. Rash

Pursuant to Defendants' Response in Opposition to Plaintiff's Motion for
Preliminary Injunction and Expedited Hearing,

And good cause appearing therefore,

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