



# FEBRUARY 2023 SUBJECT MATTER EXPERT PUBLIC REPORT

RE: UNITED STATES V. HARRIS COUNTY, TEXAS, NO. 4:16-CV-02331 (S.D. TEX.)

## PREPARED FOR

United States Dept. of Justice  
Civil Rights Division

Disability Rights Section

950 Pennsylvania Avenue, NW  
Washington, DC 20530

Project #: 1RWJ20002

Date: 3/9/2023



**JENSEN HUGHES**

Advancing the Science of Safety

Robert Judd, CASp, ICC, RAS  
10 S. Wacker Dr.  
Suite 1300  
Chicago, IL 60606  
rjudd@jensenhughes.com  
+1-312-604-5542

## Table of Contents

TABLE OF CONTENTS.....	II
COMMON ACRONYMS AND ABBREVIATIONS .....	III
GLOSSARY OF TERMS .....	IV
1.0 EXECUTIVE SUMMARY .....	1
2.0 BACKGROUND .....	1
2.1 Subject Matter Expert Role .....	2
2.2 Attachment A Polling Places .....	2
2.3 Polling Place Selection and Surveys .....	2
2.4 Election Day Surveyors.....	3
3.0 POLLING PLACE SURVEYS.....	3
3.2 Survey Tool.....	3
3.3 Polling Place Survey Review Methods .....	4
3.4 Polling Place Survey Results .....	4
3.5 Attachment A Polling Places .....	6
4.0 NOVEMBER 2022 MIDTERM ELECTION ASSESSMENT .....	7
4.1 Introduction .....	7
4.2 SME Review Results .....	7
4.3 Polling Places .....	7
4.4 NCNR Locations .....	12
4.5 Conclusions and Recommendations .....	13
5.0 NOVEMBER 2022 MIDTERM ELECTION HARRIS COUNTY ASSESSMENT.....	13
5.1 Survey Methodology .....	13
5.2 EDS Results .....	13
5.3 Early Voting .....	15
5.4 Election Day.....	28
6.0 SME POLLING PLACE ANALYSIS.....	31
6.1 CE King 9 <sup>th</sup> Grade Center .....	31
6.2 Delmar Tusa Sports Complex .....	34
6.3 First Congregational Church .....	37
6.4 Fountain of Life Center.....	40
6.5 Holiday Inn Express & Suites Houston Memorial - City Centre .....	43
6.6 La Quinta Inn & Suites – Houston Galleria.....	45
6.7 Martin L Flukinger Center.....	46
6.8 Nottingham Park Building.....	47
6.9 NRG Arena .....	49
6.10 Raindrop Turkish House .....	53
6.11 Riley Chambers Community Center .....	54
6.12 San Jacinto Community Center.....	56
6.13 The Community Collective for Houston .....	58
6.14 BBVA Stadium .....	63

6.15	Deepwater Junior High School.....	66
6.16	Denver Harbor Park Community Center.....	68
6.17	Felix L Baldree Building .....	70
6.18	Glenbrook United Methodist Church .....	72
6.19	Little Union Missionary Baptist Church.....	75
6.20	M E Foster Elementary School.....	76
6.21	Parkgate Community Church .....	78
6.22	Reagan Webb Mading Elementary School.....	78
6.23	South Houston Municipal Court.....	80
6.24	Texas Southern University Terry Library .....	81
6.25	Church on the Rock .....	84
6.26	Deerfield Village Recreational Center .....	84
6.27	Econolodge West Energy Corridor .....	86
6.28	Greater Macedonia Baptist Church .....	87
6.29	Iglesia Bautista Redencion.....	89
6.30	John Knox Presbyterian Church.....	92
6.31	Katherin Tyra Branch Library .....	95
6.32	Korean Central Presbyterian.....	97
6.33	Korean Christian Church of Houston.....	100
6.34	Spring Woods Middle Schol .....	102
6.35	Conclusion & Recommendations .....	105
7.0	OVERALL CONCLUSIONS .....	105

### *Common Acronyms and Abbreviations*

+DOJ	United States Department of Justice
+EDS	Election Day Surveys/Surveyors
+EJ	Election Judge
+HCEAD	Harris County Election Administration Division
+LOF	Letter of Findings dated September 29, 2014
+NCNR	Non-compliant, not remediable with temporary remedial measures
+SME	Subject Matter Expert

## Glossary of Terms

---

<i>Attachment A</i>	Polling places and violations identified within the Settlement Agreement taken from the September 29, 2014 DOJ Letter of Findings and DOJ expert reports dated August 9, 2018.
<i>Election Day Surveys/Surveyors</i>	Reviews/reviewers of implemented remedial measures at polling places during elections.
<i>Settlement Agreement</i>	Agreement between Harris County and DOJ which stipulates the terms in which Harris County must provide accessible polling places.
<i>Subject Matter Expert</i>	Person chosen by Harris County and DOJ to provide technical assistance and training to help Harris County comply with the terms of the Settlement Agreement.
<i>Remedial Measures</i>	Actions taken by Harris County at polling places to remediate identified violations during elections.

## 1.0 Executive Summary

This report serves as the Harris County Subject Matter Expert's (SME's) semi-annual public report pursuant to Paragraph 51 of the Settlement Agreement between the United States of America and Harris County, Texas, DJ No. 204-74-351 (Settlement Agreement). This is a report of Harris County's compliance with the Settlement Agreement. It includes SME's reviews of polling place accessibility during elections and of Harris County's progress with polling place surveys.

The Settlement Agreement expires on March 11, 2023. This will be the final SME report for this effort.

Under the DOJ and Harris County's Settlement Agreement, Harris County must survey the accessibility of its polling places, and polling place surveys are underway. Currently, fifteen hundred eighty-five (1,585) surveys have been submitted for SME review. Approximately two-thirds of surveys reviewed have resulted in the polling place or voting room to be categorized as non-compliant, not remediable with temporary remedial measures (NCNR). Please see Sections 2.3 and 3.4 for more information.

Harris County is required under the Settlement Agreement to implement remedial measures to ensure that its polling places are accessible during elections, such as setting up temporary van accessible parking using cones and a sign or installing temporary ramps. The SME reviewed the HCEAD analysis of remedial measures implemented during the November 2022 Midterm Election.

Please see Sections 4.0 through 5.0 for more information.

Remediation Status	November 2020 General (SME Data)	May 2021 Uniform Election (SME Data)	June 2021 Joint Runoff (SME Data)	November 2021 General (SME Data)	December 2021 Joint Runoff (SME Data)	March 2022 Primary (SME Data)	March 2022 Primary (HCEAD Data)	May 7, 2022 Election (HCEAD Data)	November 8, 2022 (SME Data)	November 8, 2022 (HCEAD Data)
Implemented Properly	107 (70%)	88 (92%)	26 (83%)	146 (63%)	37 (77%)	84 (51%)	955 (71%)	810 (65%)	78 (43%)	634 (65%)
Not Implemented Properly	44 (29%)	8 (8%)	4 (13%)	51 (22%)	10 (21%)	37 (23%)	162 (12%)	156 (12%)	47 (26%)	148 (15%)
Not Implemented	1 (<1%)	0 (0%)	0 (0%)	34 (15%)	1 (2%)	43 (26%)	229 (17%)	291 (23%)	55 (31%)	187 (20%)

## 2.0 Background

In August 2016, the United States Department of Justice brought a civil action against Harris County, Texas, alleging that Harris County failed to comply with the Americans with Disabilities Act (ADA) by not making various polling places accessible to persons with disabilities. A Settlement Agreement was signed between the two parties on March 12, 2019. The Settlement Agreement required an independent Subject Matter Expert (SME) to review Harris County's compliance with the ADA in its voting program and to provide training and technical assistance to support Harris County's compliance with its obligations pursuant to the Settlement Agreement.

Robert Judd was selected as the SME in late January 2020, replacing the SMEs named in Paragraph 46 of the Settlement Agreement, Jeromy Murphy and Attila Huszka.

Per the Settlement Agreement, Harris County is also required to train EJs, poll workers, contractors, and staff to ensure that persons with disabilities can vote privately and independently.

## 2.1 SUBJECT MATTER EXPERT ROLE

The SME role is to provide Harris County technical assistance and training throughout the Settlement Agreement. The SME also analyzes and reports on data reflecting Harris County's progress on complying with the polling place physical accessibility aspects of the Settlement Agreement.

Through regular reviews of remedial measures implemented at polling places during elections, the SME is also tasked with assessing the quality and sufficiency of Harris County's survey process and implementation of remedial measures. To accomplish this, the SME visits a sampling of polling places during elections where remedial measures are identified to be implemented and assesses whether they are executed properly. The SME then compares their survey results to that collected by Harris County's Election Day Surveyors (EDSs), as described in Section 5.0.

The SME is required to submit a report to be made public every six (6) months on Harris County's compliance. This report will include recommendations, if any, to facilitate or sustain compliance, as well as information obtained through the above regular reviews of remedial measures and polling place surveys (Section 2.3).

## 2.2 ATTACHMENT A POLLING PLACES

Included in Attachment A of the Settlement Agreement are ADA violations from 189 Harris County polling places that were surveyed by DOJ. Attachment A violations were previously identified by the DOJ in its Letter of Findings (LOF) on September 29, 2014, and in its five expert reports sent on August 9, 2018.

Per Paragraph 17 of the Settlement Agreement, Harris County is required to address the violations listed in Attachment A with remedial measures to make the polling places accessible if these polling places are used in subsequent elections. Some polling places identified in Attachment A were identified as being non-compliant polling places that cannot be made accessible with temporary remedial measures. These polling places are considered non-compliant, not remediable with temporary remedial measures, or NCNR.

Attachment A polling place remedial measures are being included in the overall polling place surveys currently underway. Surveyors conduct full surveys of these polling places and address the Attachment A violations in their notes. If a route, parking area, or entrance has changed from those identified in Attachment A, the surveyors note this and provide photographic evidence. The surveyors also identify which remedial measures address the Attachment A violations. This is ongoing and continual improvements are being made to the Attachment A violation process.

As of March 6, 2023, two hundred two (202) Attachment A polling places have been surveyed and the survey results have been reported to the SME. See Section 3.5 for an analysis of these polling places.

## 2.3 POLLING PLACE SELECTION AND SURVEYS

The Settlement Agreement requires that Harris County select polling places to use in elections that are accessible to persons with disabilities, including mobility and vision disabilities. In order to do this, Harris County is required to survey each polling place using a survey tool based on the DOJ's ADA Checklist for Polling Places ([link](#)). This is accomplished with a team of polling place surveyors to survey each polling place selected to be used in future elections. If violations or barriers to access are found during these surveys, Harris County is required to identify remedial measures to address the violations and bring them into compliance with the ADA

Standards during elections. If no remedial measures can be identified to remediate violations found during the polling place surveys, the polling place may be identified as NCNR. Under the Settlement Agreement, Harris County must relocate NCNR polling places to an accessible location or one that can be made accessible through remedial measures. If remediation or relocation is infeasible and the DOJ approves use of the NCNR polling place, Harris County must provide program access at it using curbside voting and absentee voting. Universal curbside voting and county wide voting has been implemented by HCEAD since the signing of the Settlement Agreement. Harris County is also required to train EJs, contractors, and staff on the ADA requirements.

## 2.4 ELECTION DAY SURVEYORS

Harris County is directed through the Settlement Agreement to review compliance at polling places where remedial measures are implemented. This is done through Election Day Surveyors, or EDSs, who are Harris County employees or contractors. Currently, EDSs review compliance during early voting periods and election days using a web-based database tool developed by ContentActive. The role of the EDS differs from that of the polling place surveyor. Polling place surveyors check the compliance of a polling place anticipated to be used during an election and identify remedial measures to be installed during elections. In contrast, EDSs confirm that the remedial measures identified by the surveyors are implemented and fully address all barriers during elections. EDSs are instructed to correct any remedial measures that are not implemented properly during elections.

## 3.0 Polling Place Surveys

### 3.1.1 Polling Place Accessibility

An ADA Checklist for Polling Places ([link](#)) was developed by DOJ in 2016 to incorporate typical ADA requirements applicable to polling places and to provide Title II entities the information needed to self-survey their facilities for compliance. In order to determine whether a polling place meets the ADA requirements, the Settlement Agreement requires that Harris County conduct surveys to assess the physical accessibility of each polling place and develop a survey instrument to assist in data collection during these surveys. The survey instrument must include measurements of each feature in the survey form (e.g., width of parking space, slope of curb ramp); photographs of each element of the polling place and of each measurement; the identification of all appropriate remedial measures; and measurements (including slope measurements) and photographs of each remedial measure as it will be implemented during the elections.

## 3.2 SURVEY TOOL

Harris County contracted with ContentActive, a local software developer who also developed the Harris County Pollbook, to develop the survey instrument referenced above. The survey instrument is run on an iPad and used in the field to collect survey data required by the Settlement Agreement, Paragraph 24. The survey tool was substantially complete the week of July 17, 2020.

The survey tool incorporates all questions from the ADA Checklist for Polling Places, as modified for use in Harris County. Both survey results and remediation plans are developed simultaneously by the surveyor during the survey. The tool collects measurements, photographs, and notes as well as providing a means for the surveyor to identify all appropriate remedial measures for each violation. It also interfaces with HCEAD's temporary equipment inventory.

While the tool is continually being revised and developed to meet HCEAD and the SME's data collection and reporting needs, the SME believes that the survey tool is effective in helping Harris County fulfill the requirements of the Settlement Agreement and will remain useful beyond the terms of the Settlement Agreement.

### 3.3 POLLING PLACE SURVEY REVIEW METHODS

Harris County sends surveyors in teams of two to document compliance at the polling places using the survey tool described above. Once the polling place is surveyed by Harris County, an internal review is conducted of the survey before submitting it to the SME for review. Within an online portal developed by ContentActive, the SME then reviews each question, any developed remedial measure, and associated photographs for completeness, accuracy, and compliance with the Settlement Agreement. If the SME observes that a violation and associated remedial measure is properly documented, the SME marks the item *Approved*. If there is any missing information or issues with accuracy, clarity of measurements, or if SME request that the surveyors weigh other options for compliance, the SME will mark the item *Return to HC for Edits*. If the SME has a question for DOJ on the specific item, the SME will mark the item *Forward to DOJ for Clarifications*.

Any item marked *Return to HC for Edits* is reviewed by Harris County and updated as requested. Items marked *Forward to DOJ for Clarification* are reviewed by DOJ, who provides their input.

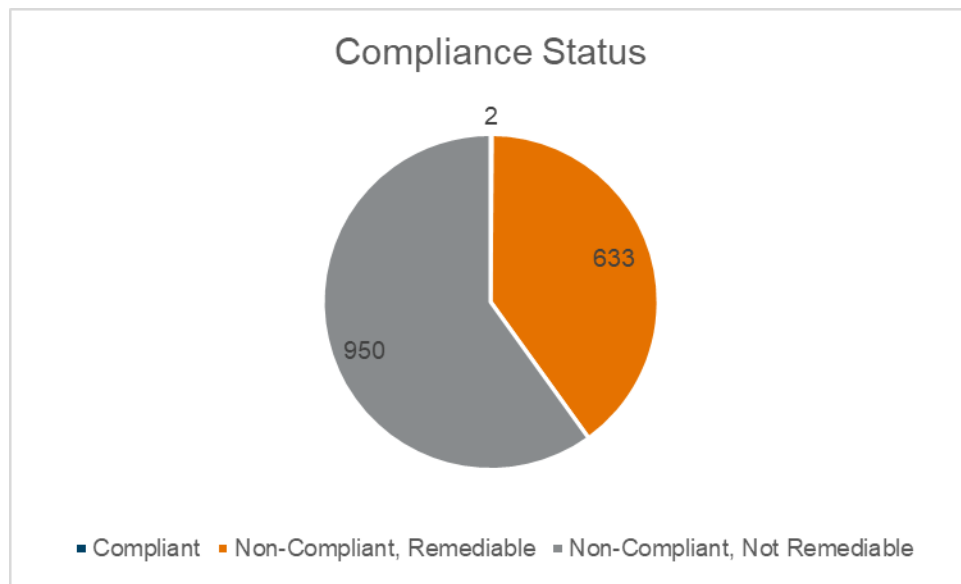
### 3.4 POLLING PLACE SURVEY RESULTS

Harris County completed many polling place surveys in 2019, but those surveys were allegedly deficient. The parties agreed that Harris County must resurvey polling places in 2020. The DOJ and Harris County came to an agreement that polling place surveys required by Paragraph 25 will not be undertaken until the survey tool described in Section 3.2 is ready for field use. Polling place surveys were delayed by Coronavirus. As such, surveys did not substantially start until the third week of August 2020.

Between August 2020 and March 06, 2023, fifteen hundred eighty-five (1,585) polling place surveys were submitted to the SME for review. Eight (8) of these surveys are awaiting a first review by the SME, although surveys are being submitted for the SME review regularly. Three hundred forty-nine (349) of the polling place surveys reviewed by the SME were returned to Harris County for edits. Twelve hundred twenty-eight (1,228) surveys were approved by the SME as complete without requiring Harris County edits, six hundred ninety-nine (699) of these resulting in Non-Compliant Not Remediable status.

Survey Status	Compliant	Non-Compliant, Remediable	Non-Compliant, Not Remediable	Total
Submitted to SME* (not yet reviewed)	0	3	5	8
Reviewed by SME*	0	103	246	349
Approved by SME	2	527	699	1,228
<b>Total</b>	<b>2</b>	<b>633</b>	<b>950</b>	<b>1,585</b>

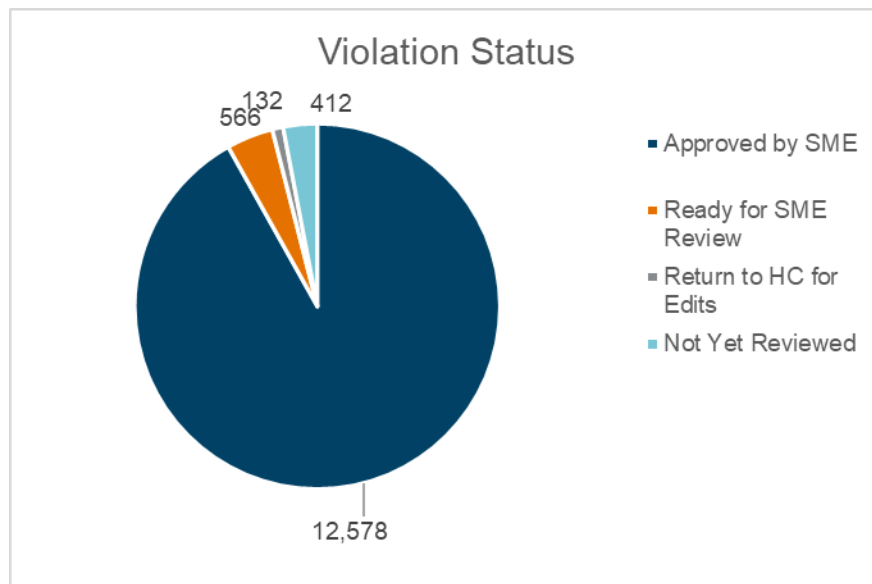




**Figure 1 - Compliance Status**

Roughly two thirds of the surveys resulted in NCNR statuses. Under the Settlement Agreement, Harris County must relocate NCNR polling places to an accessible location or one that can be made accessible through remedial measures. If that is not possible, then Harris County must request DOJ approval to use the NCNR location in future elections. As stated in Section 2.3, if a polling place that is identified as NCNR is approved for use by the DOJ, Harris County must provide program access at it using curbside voting and absentee voting. Universal curbside voting and county wide voting has been implemented by HCEAD since the signing of the Settlement Agreement.

13,688 violations have been identified by the surveyors to date. Over 90% of these violations have been reviewed and approved by the SME. SME commends the Harris County staff on the incredible effort put forth during the 3+ years SME was involved in this Settlement Agreement. After the conclusion of the Settlement Agreement, Harris County plans to continue the two-step process for reviewing surveys, as described in Section 3.3, using an HCEAD employee to complete the SME review portion of the process. This will help ensure accuracy and completeness of the surveys beyond the Settlement Agreement effective dates.

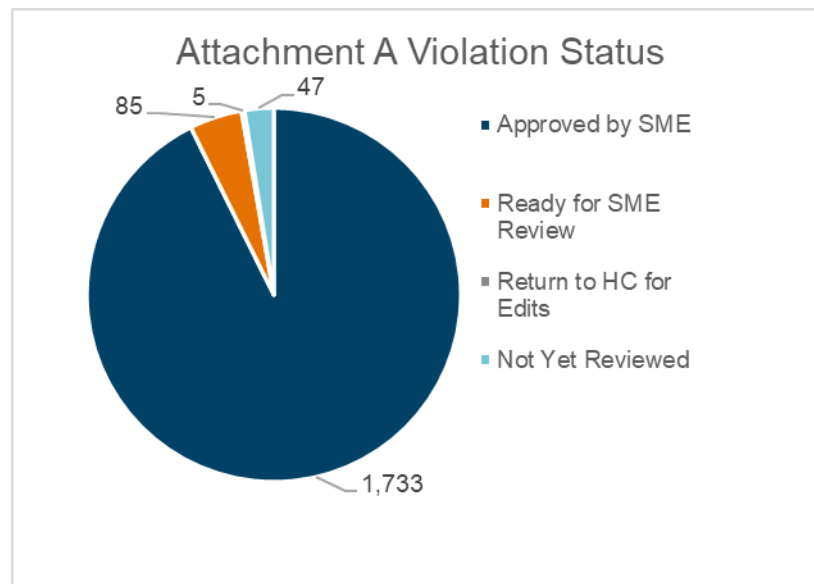
**Figure 2 - Violations Status**

The violations yet to be reviewed by SME, which are a small fraction of the total number of violations identified by Harris County surveyors, are mostly due to additional elements being surveyed and identified during survey revisits. A plan is in place to review these open items beyond the termination of the Settlement Agreement.

### 3.5 ATTACHMENT A POLLING PLACES

Harris County has completed 202 Attachment A polling place surveys, identified 1,868 violations at these polling places, and developed approved remedial measures for the vast majority of violations able to be temporarily remedied. A number of the Attachment A polling places are no longer being used by Harris County for elections. See Section 2.2 for an explanation of Attachment A Polling Places.

Survey Status	Compliant	Non-Compliant, Remediable	Non-Compliant, Not Remediable	Total
Submitted to SME	0	1	1	2
Reviewed by SME	0	6	25	31
Approved by SME	0	101	68	169
<b>Total</b>	<b>0</b>	<b>108</b>	<b>94</b>	<b>202</b>



Harris County plans to continue revisiting and reviewing Attachment A surveys until all violations are identified and remedial measures approved. Over 92% of the identified violations at Attachment A polling places have been approved by SME.

## 4.0 November 2022 Midterm Election Assessment

### 4.1 INTRODUCTION

This section reflects the SME observations and recommendations from the November 2022 Midterm Election analyses on November 1, 2, and 8, 2022.

### 4.2 SME REVIEW RESULTS

The SME surveyed the proposed temporary remedial measures for Harris County polling places, developed by HCEAD and reviewed by the SME. The SME analyzed whether the remedial measures were installed/placed as directed and whether the remedial measures were appropriate for the barrier to access. The SME also analyzed whether the curbside voting call buttons were operational and placed by the EJs as directed by HCEAD at those polling places determined to be NCNR based on the data provided in the Harris County Survey.

The SME utilized a self-developed prototypical database survey tool developed on the Filemaker platform and run on an iPad.

### 4.3 POLLING PLACES

The following polling places were visited by the SME during early voting on November 1 & 2, 2022:

- + C. E. King 9th Grade Center
- + Chinese Civic Center
- + Delmar Tusa Sports Complex
- + First Congregational Church
- + Fountain of Life Center
- + Holiday Inn Express & Suites Houston Memorial - City Centre an IHG Hotel
- + La Quinta Inn & Suites by Wyndham Houston Galleria Area
- + Martin L Flukinger Center

- + Nottingham Park Building
- + NRG Arena
- + Raindrop Turkish House
- + Riley Chambers Community Center
- + San Jacinto Community Center
- + The Community Collective for Houston

SME Teams visited the following polling places on election day, November 8, 2022.

- + BBVA Stadium
- + Deepwater Junior High School
- + Denver Harbor Park Community Center
- + Felix L Baldree Building
- + Glenbrook United Methodist Church
- + Little Union Missionary Baptist Church
- + M E Foster Elementary School
- + Parkgate Community Church
- + Reagan Webb Mading Elementary School
- + South Houston Municipal Court
- + Texas Southern University Terry Library
- + Church on the Rock Katy
- + Deerfield Village Recreation Center
- + Econolodge West Energy Corridor
- + Greater Macedonia Baptist Church
- + Iglesia Bautista Redencion
- + John Knox Presbyterian Church
- + Katherine Tyra Branch Library
- + Korean Central Presbyterian Church of Houston
- + Korean Christian Church of Houston
- + Spring Woods Middle School

SME Teams consisted of

- + Rob Judd and Christina Clementi (Early Voting)
- + Rob Judd and Abel Machado (Election Day)
- + Christina Clementi and Caitlyn Casey (Election Day)

#### **4.3.1 Results**

In general, most remedial measures were not implemented properly.

**Early Voting SME Results**

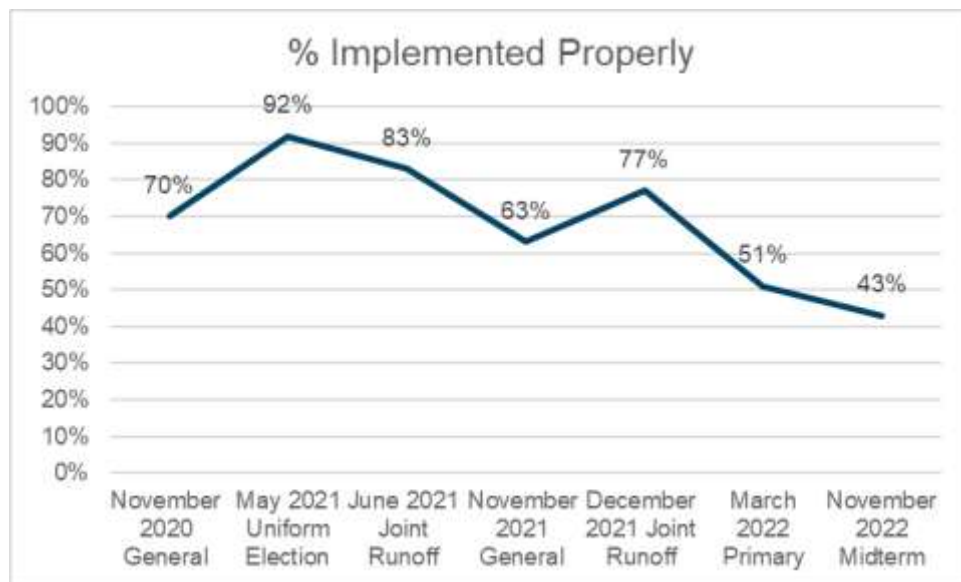
Remediation Status	Early Voting Results
Implemented Properly	28
Not Implemented Properly	16
Not Implemented	20

**Election Day SME Results**

Remediation Status	Election Day Results
Implemented Properly	51
Not Implemented Properly	30
Not Implemented	35

It appears as though fewer items are implemented properly on election day when compared to early voting for each election. From the May 2021 Uniform Election, there has been a decline most elections in the proper implementation of the checklist items. During earlier elections, Harris County installed temporary remedial measures at a limited set or pilot group of polling places. After Harris County installed temporary remedial measures at these pilot locations with relative success, Harris County expanded its efforts to all polling places. Since Harris County uses hundreds of polling places in county-wide elections, this proved to be difficult, but Harris County continues to make changes aimed at improving its systems and procedures for remediating the accessibility of its polling places.

Remediation Status	November 2020 General	May 2021 Uniform Election	June 2021 Joint Runoff	November 2021 General	December 2021 Joint Runoff	March 2022 Primary	November 2022 Midterm
Implemented Properly	107 (70%)	88 (92%)	26 (83%)	146 (63%)	37 (77%)	84 (51%)	78 (43%)
Not Implemented Properly	44 (29%)	8 (8%)	4 (13%)	51 (22%)	10 (21%)	37 (23%)	47 (26%)
Not Implemented	1 (<1%)	0 (0%)	0 (0%)	34 (15%)	1 (2%)	43 (26%)	55 (31%)



### 4.3.2 Specific Remedial Measures

#### 4.3.2.1 Temporary Equipment

At multiple locations on election day, the presiding judges notified the SME and Team that they were not given any or enough equipment to implement the checklist items.

At Deepwater Junior High School, the judge stated they were not given enough cones to place all the directional signage on that was called for in the checklist. They also stated that no mats were delivered to the polling place to remediate excessive openings along accessible routes.

At Felix L Baldree Building, the judge stated they were not given mats to remediate excessive level changes at door thresholds.

At Little Union Missionary Baptist Church, the judge stated they did not receive mats to remediate excessive openings nor cones to place signage on.

At Greater Macedonia Baptist Church, the judge stated they were not given mats to remediate excessive openings along accessible routes. They did receive cones at this polling place.

At Korean Christian Church of Houston, the judge stated that they were not given cones to block off the van accessible parking access aisle and place signage onto. They also stated they did not receive mats to remediate excessive door threshold heights.

During early voting, the judge at C. E. King 9th Grade Center stated they were not given enough cones to create a temporary passenger drop off area and related accessible route.

At San Jacinto Community Center, the judge stated they were not given a van accessible parking sign nor cones to designate the van accessible parking space.

#### 4.3.2.2 Accessible Entrance Doors

A common issue throughout the election was that accessible entrance doors identified to be propped open or operated by poll workers were left closed without poll worker assistance. Recent events in Uvalde, TX have changed the approach to propping open doors at most schools within Harris County. Checklist items calling for exterior doors to be propped open at schools have been changed to include placing poll workers at these doors to open them for everyone entering and exiting, which has been an approved alternative to propping open doors since the beginning of this project.

The following locations failed to prop open doors or place poll workers to operate the doors for everyone entering and exiting.

- + M E Foster Elementary School
- + Felix L Baldree Building
- + South Houston Municipal Court
- + Econolodge West Energy Corridor
- + Greater Macedonia Baptist Church
- + Iglesia Bautista Redencion
- + Spring Woods Middle School
- + C. E. King 9th Grade Center
- + Chinese Civic Center
- + Delmar Tusa Sports Complex
- + The Community Collective for Houston
- + John Knox Presbyterian Church
- + Korean Central Presbyterian Church of Houston

Further emphasis on the requirements for placing poll workers at doors should be added to the judge training. Assigning an additional poll worker at these locations should be considered as well.

#### 4.3.2.3 Temporary Ramps

During early voting, one of the ramps the SME anticipated observing was not installed. This occurred at the Chinese Civic Center, whose checklist was submitted and approved after early voting began.



**Figure 3 - Chinese Civic Center Missing Ramp**

All other ramps observed by SME were installed properly this election.

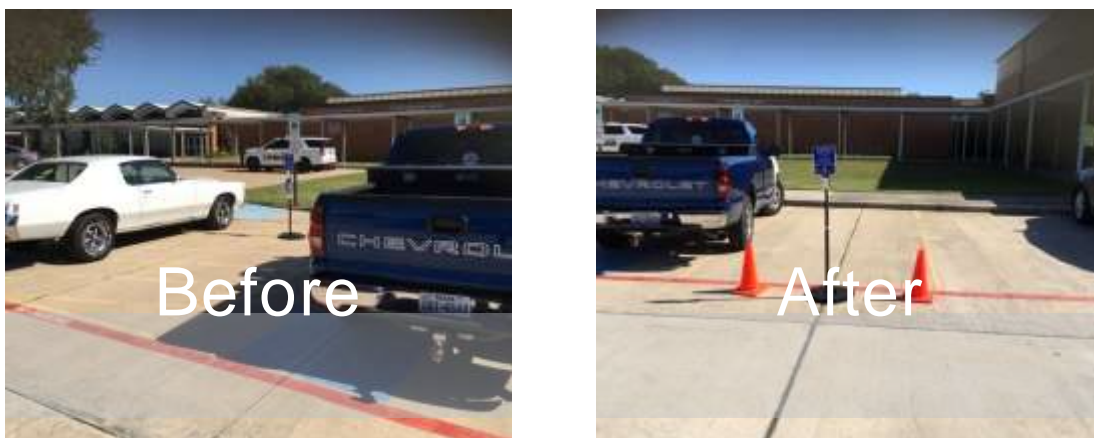
#### 4.4 NCNR LOCATIONS

Under the Settlement Agreement, Harris County must relocate NCNR polling places to an accessible location or one that can be made accessible through remedial measures. If remediation or relocation is infeasible and the DOJ approves use of the NCNR polling place, Harris County must provide program access at it using curbside voting and absentee voting. Universal curbside voting and county wide voting has been implemented by HCEAD since the signing of the Settlement Agreement.

Effective curbside voting includes signage outside of the location informing voters of the availability of curbside voting, the location of the curbside voting, and how voters can notify the official that they are waiting curbside; a method for the voter with a disability to announce their arrival at the curbside voting location without requiring the voter to bring a companion or get assistance from another voter (bell call); and a prompt response from election officials to acknowledge their awareness of the voter.

In general, most of the NCNR polling places provided effective curbside voting during the November 2022 Midterm Election.

At Deepwater Junior High School, the curbside bell was placed in the van accessible parking access aisle. SME relocated it to the drive aisle.



**Figure 4 - Deepwater Junior High School Curbside Bell**



At Church on the Rock Katy, no curbside bell was observed by the SME team.

At Korean Christian Church of Houston, the bell was located on a curb out of reach of someone in a car. The SME team moved the bell to a location more easily reached from a car.



**Figure 5 - Korean Christian Church of Houston Curbside Bell**

#### 4.5 CONCLUSIONS AND RECOMMENDATIONS

The EJs' performance during the November 2022 Midterm Election showed a decrease in implementation when compared to elections from the last 24 months. In order to relieve some of the ADA checklist implementation burden from the judges, the SME recommends that one non-judge poll worker from each polling place also attend the judge training so that they can focus solely on the implementation of checklist items while the judge performs other tasks related to the election. SME also recommends assigning an extra poll worker to those locations where propping open exterior doors are not allowed. Further stressing during the judge training the importance of poll workers opening doors for all people entering and exiting the polling place is recommended.

### 5.0 November 2022 Midterm Election Harris County Assessment

Harris County distributed their EDS survey data for the November 8, 2022 Midterm Election on December 12, 2022. SME utilized the data provided in Harris County's report to conduct this analysis.

#### 5.1 SURVEY METHODOLOGY

Harris County EDSs analyzed whether the remedial measures were installed/placed as directed and whether the remedial measures were appropriate for the identified barrier. Harris County also analyzed whether the curbside voting call buttons were operational and placed by the EJs as directed by Harris County. Curbside voting data analysis is not included in this report.

Harris County utilized a database survey tool developed by ContentActive and run on an iPad.

Harris County EDSs were trained by the SME on October 27 and November 7, 2022. Early voting training included an virtual classroom session covering accessibility requirements and reading, understanding, and analyzing remedial measures. Election day training was conducted in-person.

#### 5.2 EDS RESULTS

Harris County's overall EDS results (both early voting and election day) are below, taken from the data in Harris County's report.

**Table 1 – November 22 Harris County Combined EDS Results**

Remediation Status	HCEAD Results
Implemented Properly	634
Not Implemented Properly	148
Not Implemented	187

When comparing data from the same polling places surveyed by both the SME and Harris County, we notice limited disparities for Early Voting and for Election Day.

**Table 2 – November 22 Early Voting Results Comparison**

Remediation Status	SME Results	HCEAD Results
Implemented Properly	31	39
Not Implemented Properly	16	12
Not Implemented	16	12

**Table 3 – November 22 Election Day Results Comparison**

Remediation Status	SME Results	HCEAD Results
Implemented Properly	9	13
Not Implemented Properly	3	1
Not Implemented	2	0

As mentioned previously, EDSs are instructed to correct any remedial measures that were implemented improperly during the election prior to leaving the polling place. Only three (3) of the twenty-three (23) total inconsistencies between SME and EDS results are due to inaccurate analyses of the remedial measures. Below is an analysis of some of the discrepancies between SME's and Harris County's survey results.

## 5.3 EARLY VOTING

## 5.3.1 C. E. King 9th Grade Center

Item #	Proposed Remedy	SME Results	HCEAD Results
12265	Judge must prop facility entrance open during voting hours.	Not Implemented	Implemented Properly

SME  
Photos



HCEAD  
Photos

(removed from report due to the presence of voters in the photos)

Harris County noted that a poll worker opened the door for everyone. SME observed that the poll worker opened the door for some, but not all, voters, and explained to the poll worker and presiding judge the obligation to open it for everyone. SME believes that HCEAD analyzed this element appropriately.

Item #	Proposed Remedy	SME Results	HCEAD Results
12262	Judge must create an alternate route by placing one cone with a left directional sign across the top of the access aisle and another right directional sign at pole in front of the curb ramp to direct voters to accessible entrance. Judge must also place a mat over the last expansion joint before turning into the accessible entrance and also ensure there is 36" clearance by removing the gutter concrete splash block.	Not Implemented Properly	Not Implemented

SME  
PhotosHCEAD  
Photos

SME noted that the signage was not pointed in the correct direction. Harris County noted that the mat was not placed correctly and that the issue was fixed in the field. The discrepancy between the results could be caused by a cone being moved between the SME and Harris County visits. SME believes that HCEAD analyzed this element appropriately.

**5.3.2 Chinese Civic Center**

Item #	Proposed Remedy	SME Results	HCEAD Results
12678	Judge must place 1 mats over 1 plate next to each other as shown in pictures. (2)	Implemented Properly	Not Implemented Properly

SME  
Photos



HCEAD  
Photos



Harris County noted that the mats and plates were placed on the interior of the door and that the issue was fixed in the field. This accounts for the discrepancy between the SME and HCEAD results. SME believes that HCEAD analyzed this element appropriately.



### 5.3.3 Delmar Tusa Sports Complex

Item #	Proposed Remedy	SME Results	HCEAD Results
13036	Judge must place a plate over concrete gap in front door, and also place one mat over plate but pushed up against the exterior threshold of accessible entrance into building. Judge must a mat pushed up against the interior threshold of accessible entrance as well. Judge must also place a poll worker at accessible entrance to open door for all voters during voting hours. Facility does not allow exterior doors to be propped open for long periods of time.	Not Implemented Properly	Implemented Properly

SME  
Photos



HCEAD  
Photos



The SME noted that a poll worker was stationed but did not open the door for everyone when it was approached. The SME explained to the poll workers that the door must be opened for everyone entering and exiting. This accounts for the discrepancy between the SME and HCEAD results. SME believes that HCEAD analyzed this element appropriately.

SME noted that the interior mat should be cut down to fit into the doorframe.

**5.3.4 Fountain of Life Center**

Item #	Proposed Remedy	SME Results	HCEAD Results
12476	Judge must ensure that facility clears mud in the drive aisle along the route from the public sidewalk before elections start.	Not Implemented	Implemented Properly



SME  
Photos



HCEAD  
Photos



The mud and debris were present during the SME visit. HCEAD's notes state that it was not cleaned, yet the item was marked Implemented Properly. SME believes that the HCEAD Results were marked in error.

Item #	Proposed Remedy	SME Results	HCEAD Results
12475	Judge must ensure that the facility clears the mud from the route in front of the van accessible parking space access aisle before voting starts.	Not Implemented	Implemented Properly
<hr/>			
SME Photos			
HCEAD Photos			

The mud and debris were present during the SME visit. HCEAD photos show similar conditions. SME believes that the HCEAD Results were marked in error.



**5.3.5 Holiday Inn Express & Suites Houston Memorial - City Centre an IHG Hotel**

Item #	Proposed Remedy	SME Results	HCEAD Results
13023	Judge must place a temporary Van accessible parking and access aisle on the left hand side of drop off when facing I10 freeway on the first and second parking from first row closest to drop off. Judge must place two cones at the bottom and two cones at the top of the temporary access aisle on the first parking from passenger drop off. Judge must place one cone with ISA Van accessible sign on top of second parking from drop off.	Not Implemented	Not Implemented Properly

SME  
PhotosHCEAD  
Photos

SME noted that none of the instructions were implemented. When questioned about it, HCEAD stated that the property manager would not allow them to use the front entrance for voting nor block any parking spaces in the front. HCEAD stated that the manager removed their implemented remedial measures. SME explained to the manager that this was required for Harris County to be able to use the location as a polling place. The manager did not budge. SME recommends not using this location for future elections unless the property agrees in writing to allow the implementation of all temporary remedial measures throughout the election.

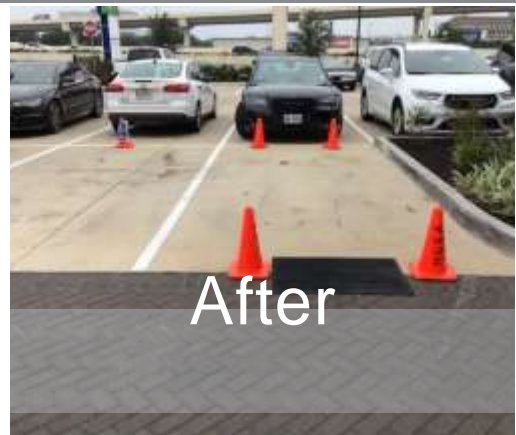
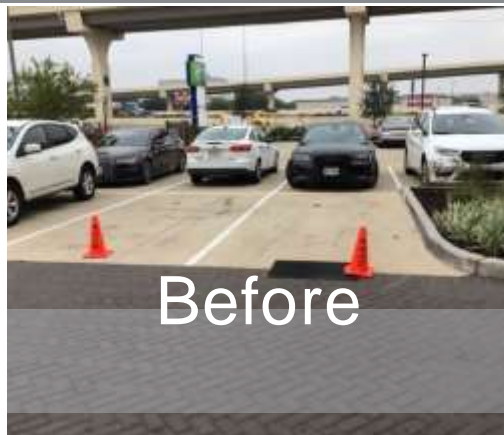
HCEAD photos reflect their results. SME believes that HCEAD analyzed this element appropriately.

Item #	Proposed Remedy	SME Results	HCEAD Results
13026	New route from temporary van accessible parking and access aisle. Judge must place a mat and plate at the end of the first parking standard parking space diagonal to the main entrance. Judge must ensure automatic door is working during elections.	Not Implemented	Not Implemented Properly

SME  
Photos



HCEAD  
Photos



See previous item for analysis. SME believes that HCEAD analyzed this element appropriately.

**5.3.6 La Quinta Inn & Suites by Wyndham Houston Galleria Area**

Item #	Proposed Remedy	SME Results	HCEAD Results
12554	Judge must place one cone with van accessible at the third parking spot from where the la Quinta sign is at. Judge must place two cones at the bottom parking next to the van accessible temporary parking.	Not Implemented Properly	Implemented Properly

SME  
Photos



HCEAD  
Photos



When SME visited the polling place, it appeared as though the cones placed at the bottom of the access aisle were moved and a car was parked in the parking space. The sign was also not placed on the cone as directed by the remedial measure. SME was unable to fix the issue prior to leaving the polling place.

HCEAD's photos show the van accessible parking sign at two different locations on the directional signage at the top of the parking space, but not on the cone as directed by the remedial measure. SME believes that HCEAD analyzed this element appropriately.



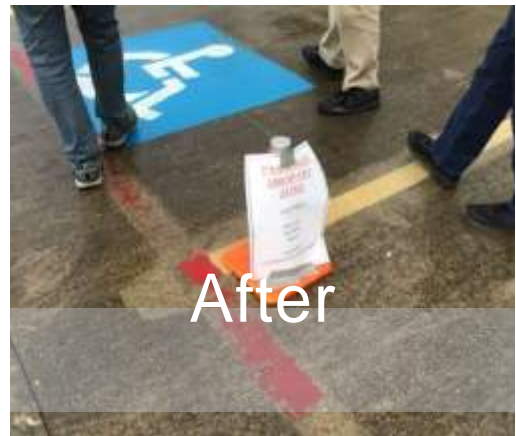
Item #	Proposed Remedy	SME Results	HCEAD Results
12555	Judge must place one thick mat on the joint aligned with the curb right on the red color pavement	Not Implemented	Implemented Properly

SME  
PhotosHCEAD  
Photos

SME was informed by the Presiding Judge that the mat was stolen and a new one was requested but had not arrived. HCEAD photos show the mat placed as directed. SME believes that HCEAD analyzed this element appropriately.

**5.3.7 Martin L Flukinger Center**

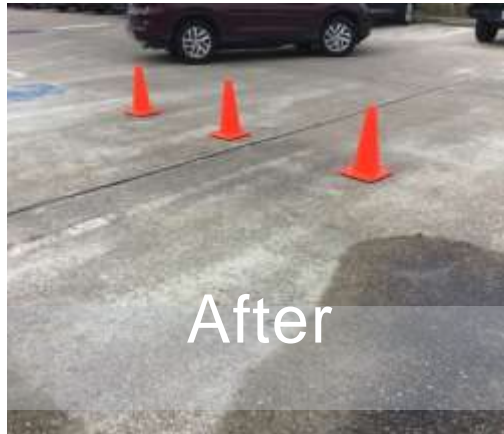
Item #	Proposed Remedy	SME Results	HCEAD Results
12314	Judge will create a temporary passenger drop off zone by placing 2 cones between the 3rd and 4th parking spaces from the right of the accessible aisle and 2 cones between the 6th and 7th parking spaces from the right of the accessible aisle and 1 cone in the center of the 5th parking space to the right of the accessible aisle.	Implemented Properly	Not Implemented Properly

SME  
PhotosHCEAD  
Photos

SME noted that a car was parked in the location where the temporary passenger drop off was directed to be placed, so it appears that the judge shifted the drop off a few parking spaces over to accommodate. SME verified that the relocated location met the requirements and was compliant. HCEAD noted that a drop off sign was not provided, and they fixed it in the field. The signage is a voluntary element provided by HCEAD but is not required by the ADA. Because it wasn't called for in the remedial measure, SME was not checking for signage. This accounts for the discrepancy between the SME and HCEAD results. SME believes that HCEAD analyzed this element appropriately.

**5.3.8 Raindrop Turkish House**

Item #	Proposed Remedy	SME Results	HCEAD Results
12448	Judge must place two cones at the bottom of the parking space to the left of the accessible parking space when facing building.	Not Implemented Properly	Implemented Properly

SME  
PhotosHCEAD  
Photos

SME noted that the cones were moved by the facility when they arrived, but SME moved them back. Unfortunately, no before photo was taken before the issue was fixed. HCEAD noted that everything was implemented properly, which aligns with the photographs. This accounts for the discrepancy between the SME and HCEAD results. SME believes that HCEAD analyzed this element appropriately.

**5.3.9 Riley Chambers Community Center**

This polling place was set up in a different building than what was surveyed and planned for. None of the remedial measures were implemented, other than propping open the voting room door. SME marked the items Not Implemented Properly while HCEAD marked them Not Implemented, which accounts for the discrepancies between the surveys.

### 5.3.10 San Jacinto Community Center

SME noted that a different room was being used for voting than was surveyed to create the remedial measures. HCEAD noted that the room identified was not able to be used for early voting but would be used for election day. SME recommends verifying with the polling locations which rooms will be used for early voting and election day in order to implement the correct checklist for each.

### 5.3.11 The Community Collective for Houston

SME noted that a different room was being used for voting than was surveyed to create the remedial measures. SME recommends verifying with the polling locations which rooms will be used for early voting and election day in order to implement the correct checklist for each.

Item #	Proposed Remedy	SME Results	HCEAD Results
12410	Judge must place van accessible sign on the second accessible parking space to the left of the light post when facing the facility	Not Implemented	Not Implemented Properly

SME  
Photos



HCEAD  
Photos





SME noted that no sign was posted at the parking space. Because a wheel stop was located in the access aisle, blocking its use, SME did not fix the issue in the field. HCEAD marked the item Not Implemented Properly and noted the wheel stop in the access aisle. Because no effort was undertaken to implement the remedial measure, HCEAD should have marked the remedial measure as Not Implemented.

#### 5.4 ELECTION DAY

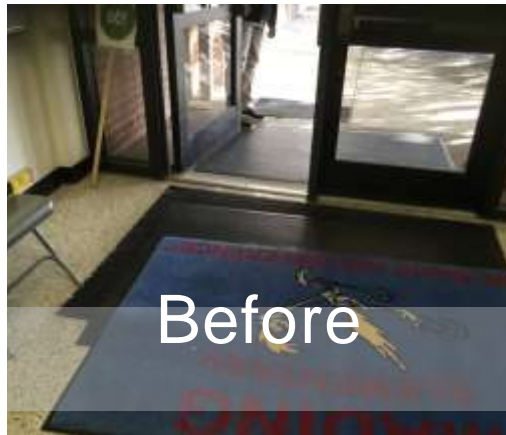
##### 5.4.1 Reagan Webb Mading Elementary School

Item #	Proposed Remedy	SME Results	HCEAD Results
15201	Judge must ensure that all flags on the wall get raised up or removed	Not Implemented	Implemented Properly
SME Photos	None, inside voting room		
HCEAD Photos	None, inside voting room		

SME noted that multiple flags hung over the circulation paths through the voting room. HCEAD noted that they were not present during their survey. This accounts for the discrepancy between the SME and HCEAD results. SME believes that HCEAD analyzed this element appropriately.

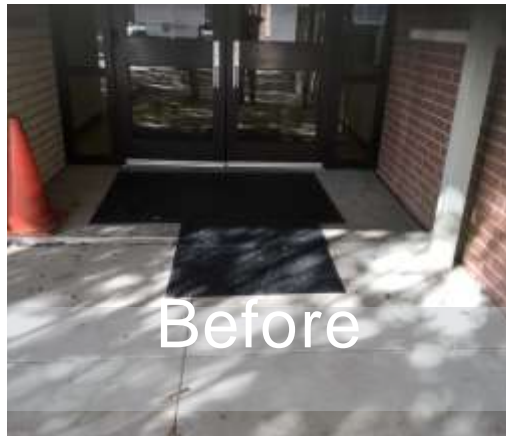
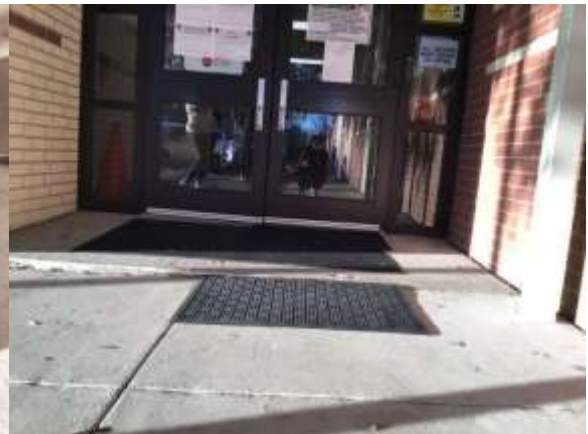


Item #	Proposed Remedy	SME Results	HCEAD Results
15197	Judge must place one mat on the interior and exterior against threshold on accessible entrance. Judge must put one extra mat on the interior left hand side of accessible entrance. Judge must ensure that facility tapes down mats on accessible entrance. Total of 3 mats.	Not Implemented	Implemented Properly


SME  
PhotosHCEAD  
Photos

SME fixed the issues they saw in the field, which accounts for the discrepancy between the SME and HCEAD results. The mat on the interior left-hand side of the threshold is not needed as the center post of the door was not removed. SME believes that HCEAD analyzed this element appropriately.

Item #	Proposed Remedy	SME Results	HCEAD Results
15189	Judge must place one mat and one plate on the level change in front of accessible entrance.	Not Implemented Properly	Implemented Properly

SME  
PhotosHCEAD  
Photos

SME observed the mat placed over the level change, not abutting it, and fixed the issue in the field. This accounts for the discrepancy between the SME and HCEAD results. SME believes that HCEAD analyzed this element appropriately.

Item #	Proposed Remedy	SME Results	HCEAD Results
15194	Judge must place one mat and one plate adjacent to the speed bumps	Not Implemented	Implemented Properly
SME Photos	Unable to take photos due to presence of children at school dismissal.		
HCEAD Photos			

SME observed no mat or plate placed along this route and fixed the issue in the field. This accounts for the discrepancy between the SME and HCEAD results. SME believes that HCEAD analyzed this element appropriately.

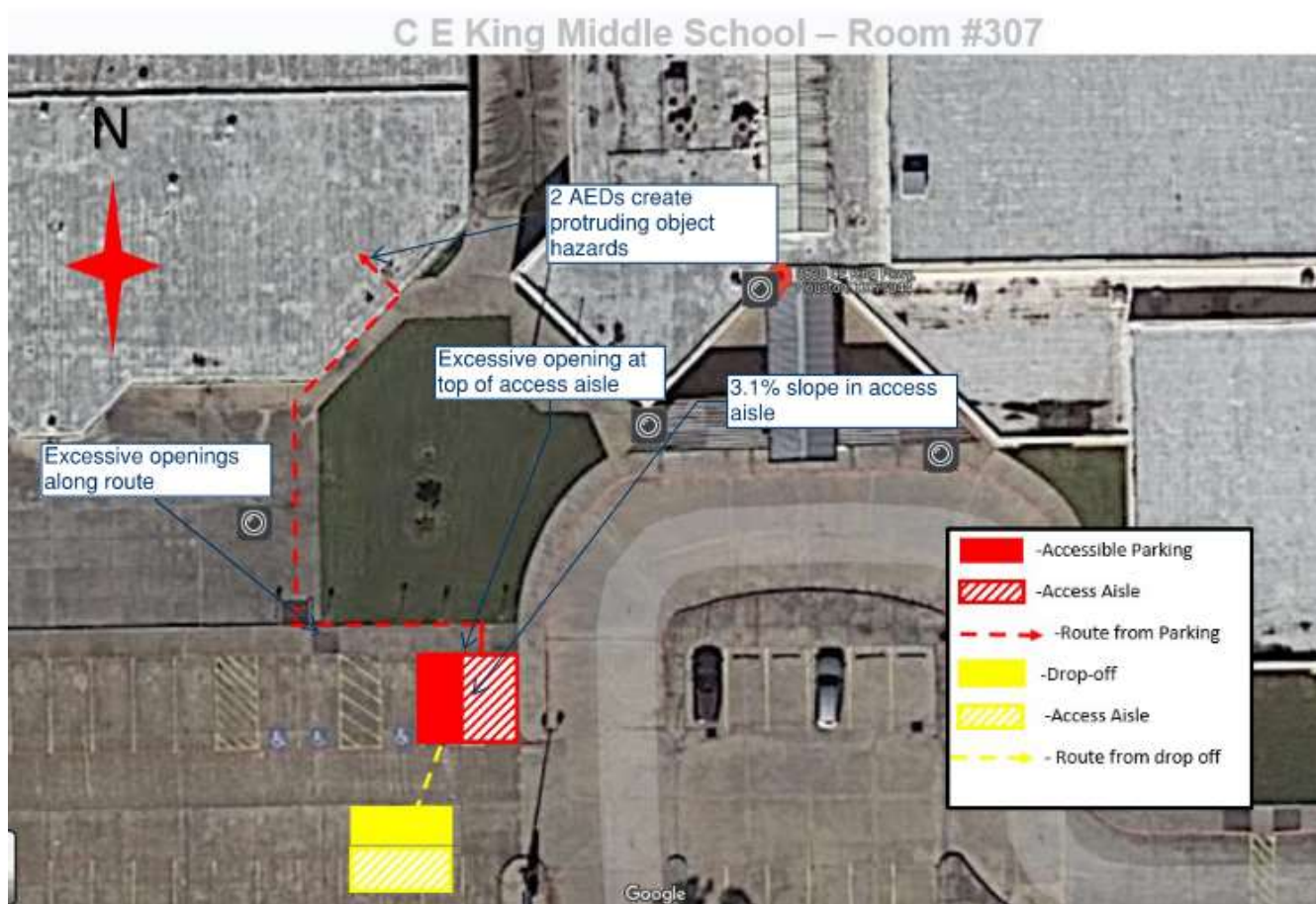
## 6.0 SME Polling Place Analysis

Per paragraph 50 in the Settlement Agreement, the SME is obligated to assess the quality and sufficiency of Harris County's survey process and implementation of remedial measures, by regularly reviewing a representative sample of polling places surveyed by Harris County and temporary measures implemented by Harris County during an election. During the November 2022 election, SME analyzed thirty-four (34) polling places and found violations not identified by Harris County at thirty-three (33) of them. Most photographs found in the proceeding sections are from SME's EDS effort. Below are a sample of discrepancies between the SME's analyzation and Harris County's surveys. All discrepancies will be uploaded to the survey portal for resurveys.

### 6.1 CE KING 9<sup>TH</sup> GRADE CENTER

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





**Figure 6 - CE King Middle School**

SME observed excessive slopes within the van accessible parking space access aisle. Slopes greater than 2.08% are not permitted in the van accessible parking space nor access aisle. The excessive slopes were not identified within the polling place survey.



SME observed excessive openings at the top of the access aisle and along the accessible route to the entrance. The excessive openings were not measured in the survey.







SME observed two AED cabinets creating protruding object hazards along the accessible route from the accessible entrance to the voting room. These items are blocked by the vestibule doors being propped open but are not identified within the survey.



## 6.2 DELMAR TUSA SPORTS COMPLEX

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Excessive slopes were observed by the SME within the van accessible parking space and access aisle. The polling place survey did not identify any excessive slopes within this element.





Excessive running slopes along the accessible route near parking were observed by the SME. The polling place survey did not identify running slopes along this route exceeding 5%.



SME observed excessive openings along the accessible route from the parking to the entrance which were not documented in the polling place survey.





### 6.3 FIRST CONGREGATIONAL CHURCH

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



**Figure 7 - First Congregational Church**

An excessive level change and excessive slopes were observed by the SME at the public sidewalk connection. The SME determined that these violations are not remediable.





SME observed excessive openings along the route from parking that were not captured in the polling place survey.



#### 6.4 FOUNTAIN OF LIFE CENTER

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Fountain of Life Center – Assembly Room



An excessive level change and excessive slopes were observed by the SME at the public sidewalk connection. The SME determined that these violations are not remediable.



SME observed an excessive opening along the route from the public sidewalk that was not captured in the polling place survey.





SME also observed non remediable sediment and aggregate in the van accessible parking space and access aisle.

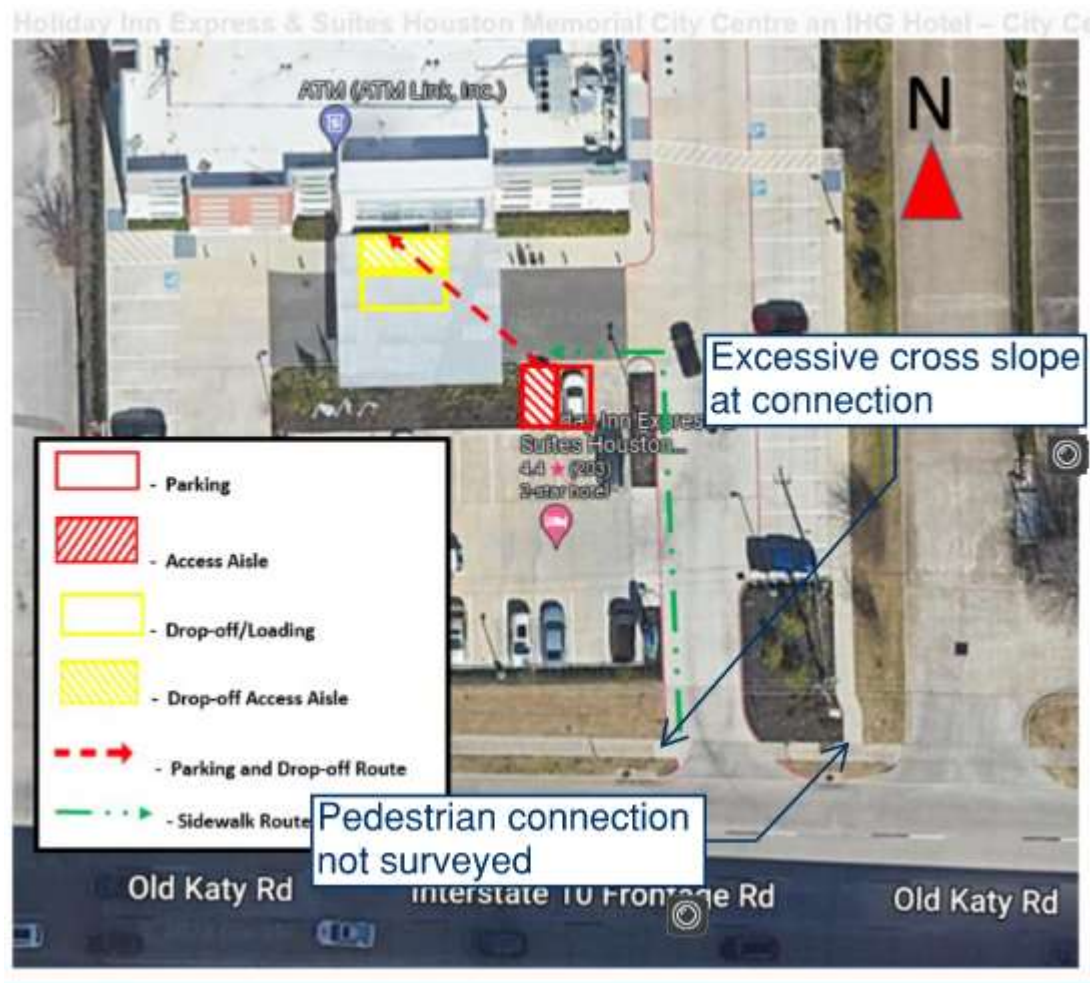


The accessible entrance door identified in the polling place survey was not used during the election.



## 6.5 HOLIDAY INN EXPRESS & SUITES HOUSTON MEMORIAL - CITY CENTRE

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.

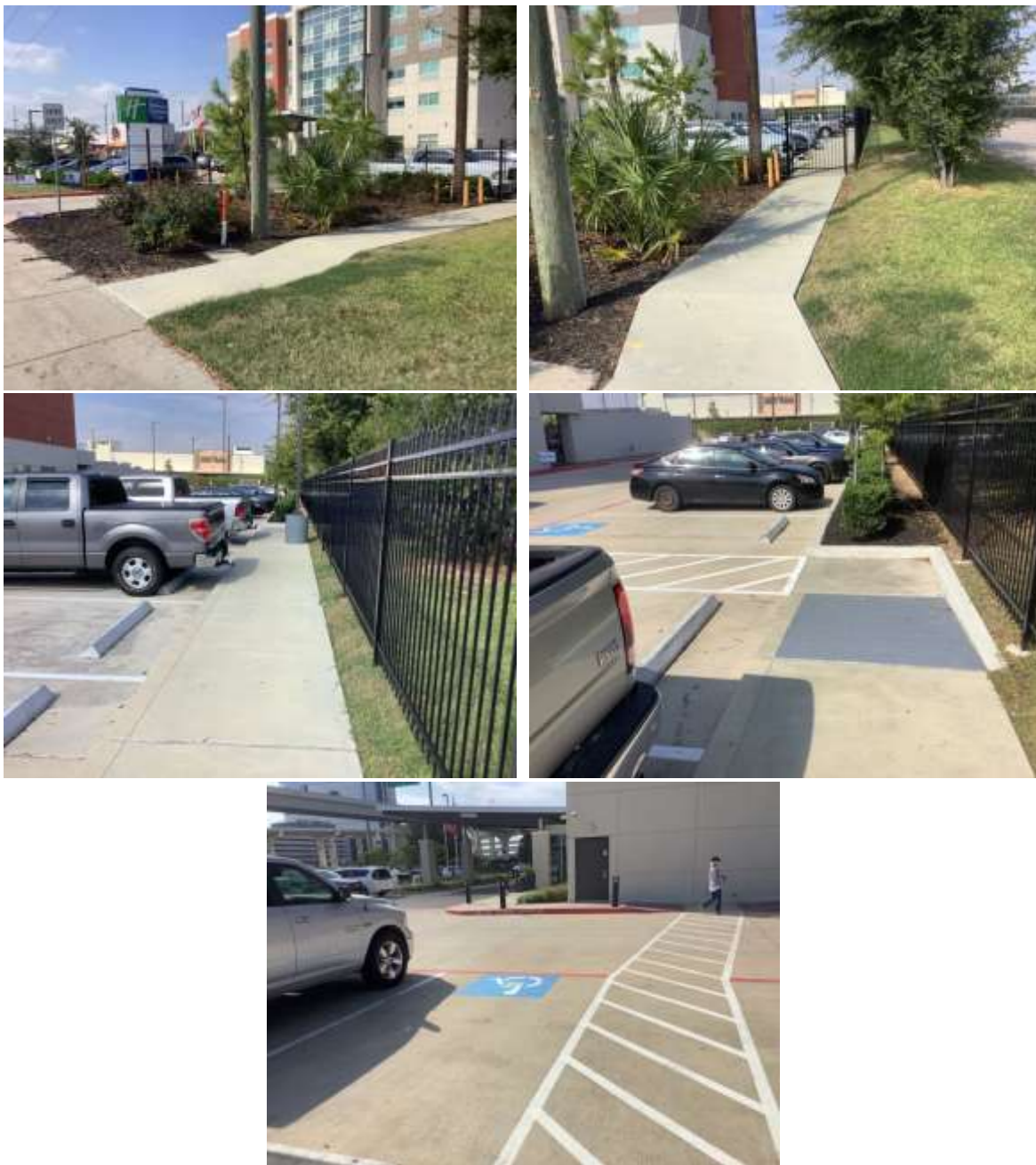


SME observed an excessive cross slope along the accessible route at the surveyed connection to the sidewalk. Cross slopes along accessible routes are not permitted to exceed 2.08%.



SME observed an obvious pedestrian connection to the public sidewalk that was not surveyed by the polling place surveyors. If a pedestrian connection is present, Harris County surveyors are instructed to survey the pedestrian connection to the sidewalk and only are allowed to use the shared driveway as an accessible route if there are non-remediable elements along the pedestrian connection.

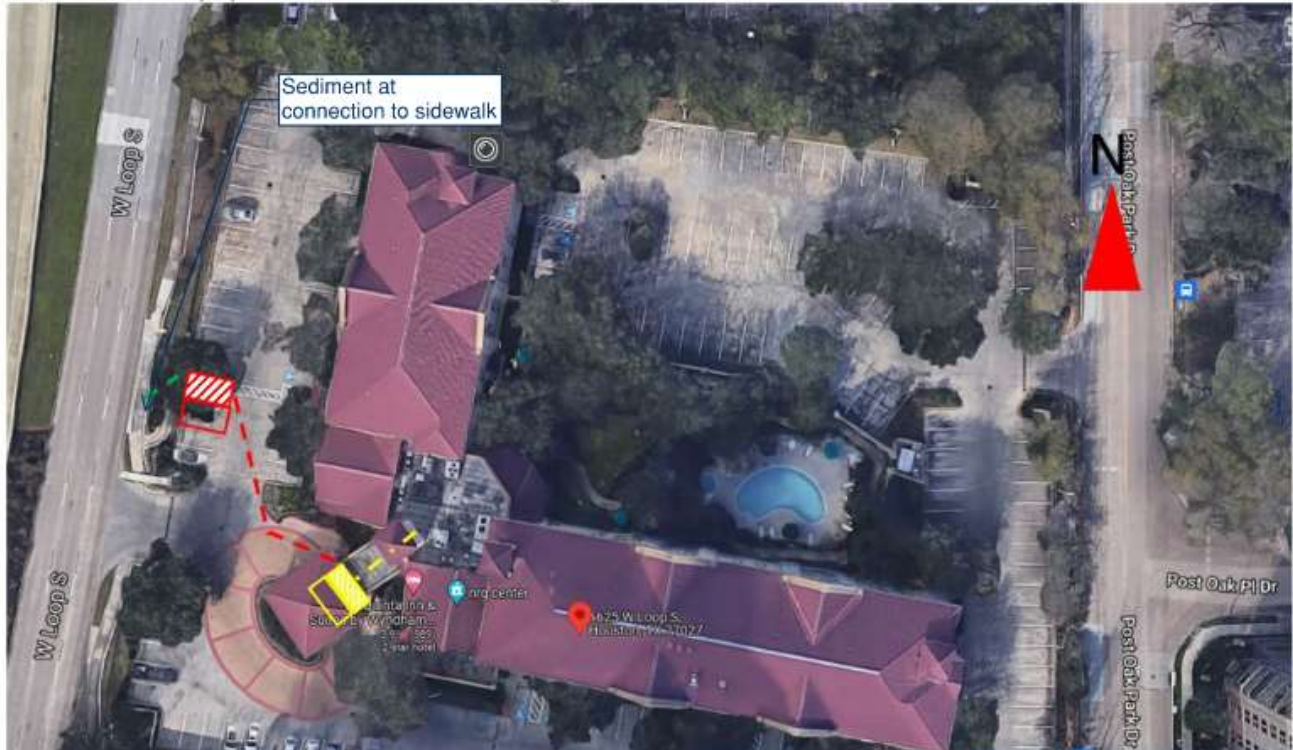




## 6.6 LA QUINTA INN & SUITES – HOUSTON GALLERIA

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.

La Quinta Inn &amp; Suites by Wyndham Houston Galleria Area – Meeting Room C



Sandy sediment runoff from the planter area was observed at the sidewalk connection on the accessible route. This appears to be a temporary issue that was not present during the polling place survey.

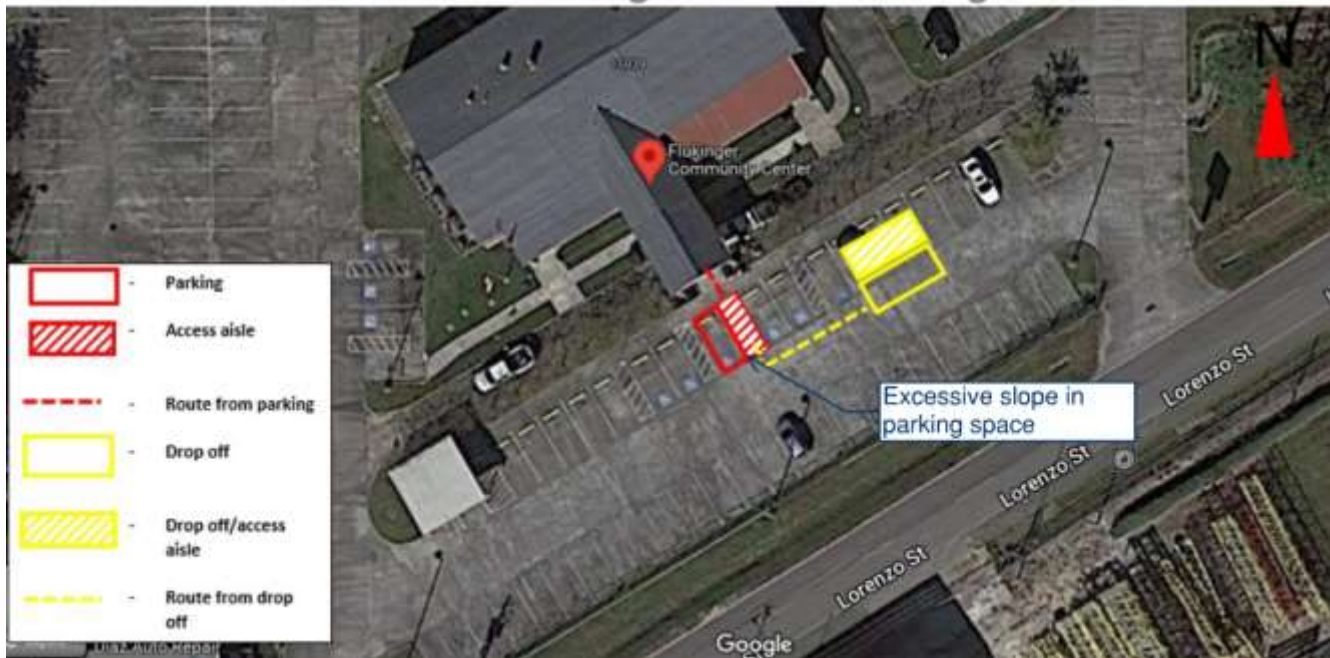


## 6.7 MARTIN L FLUKINGER CENTER

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



### Martin L Flukinger Center – Meeting Room



The SME observed excessive sloping within the van accessible parking space. Slopes are not permitted to exceed 2.08% in any direction within the van accessible parking space or access aisle.



### 6.8 NOTTINGHAM PARK BUILDING

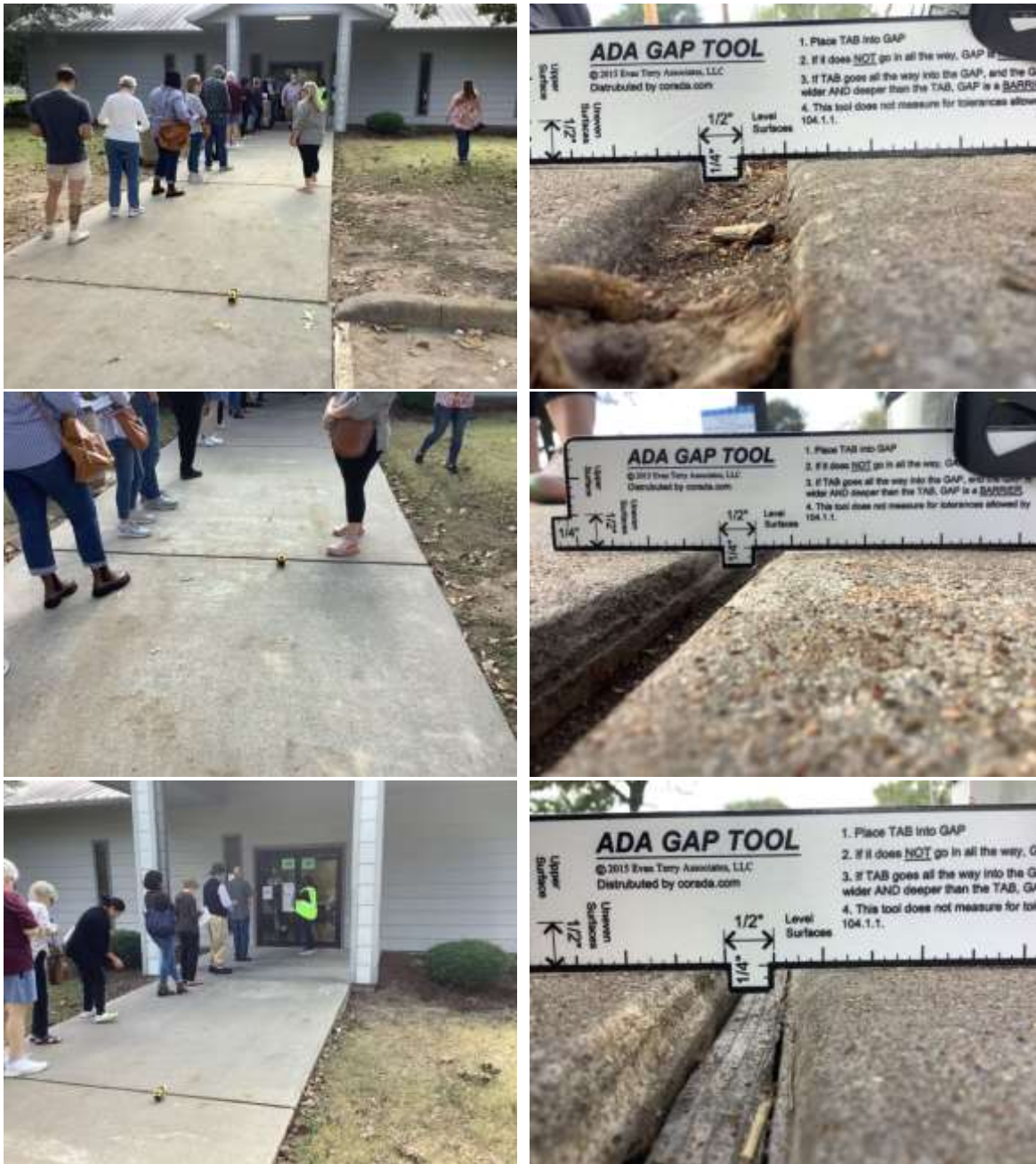
The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.

## Nottingham Park Building-Meeting Room



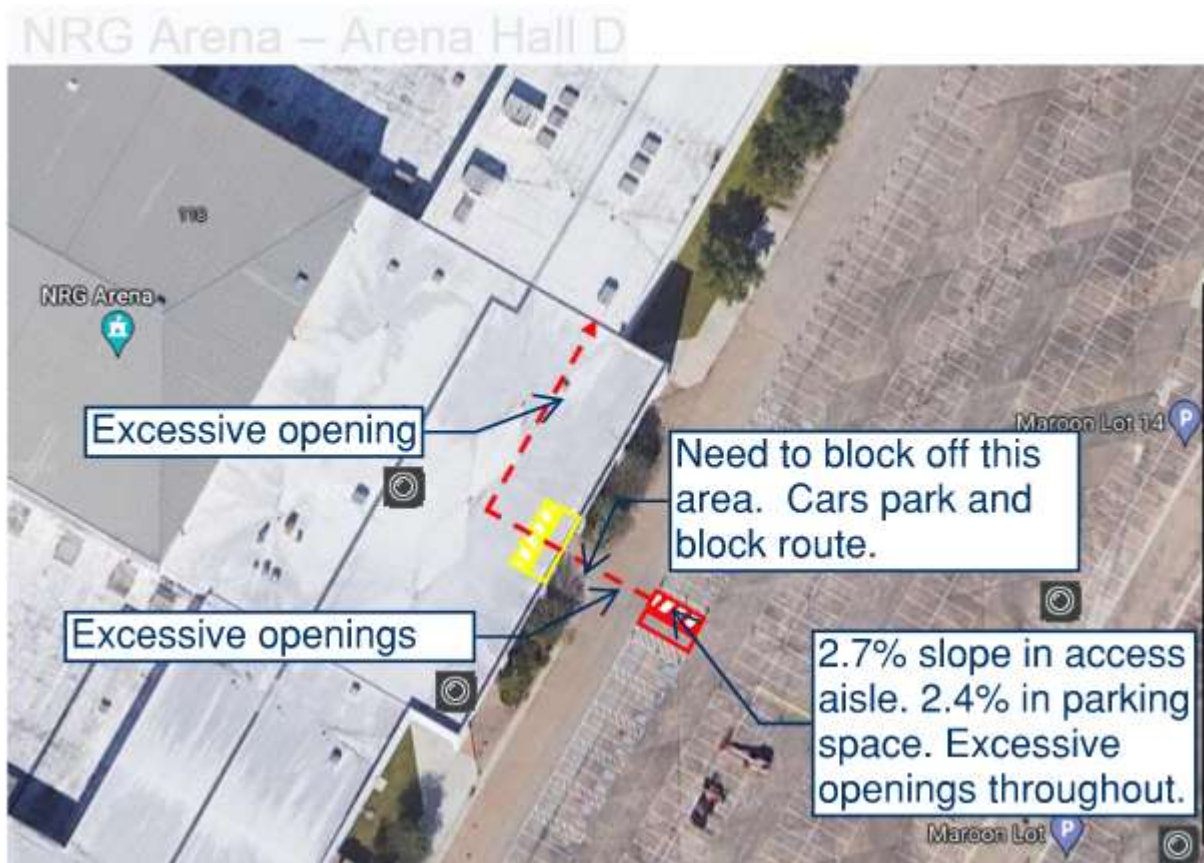
The SME observed excessive openings along the route from the van accessible parking space that were not captured in the polling place survey. Openings greater than  $\frac{1}{2}$ " wide and  $\frac{1}{4}$ " deep are not permitted along accessible routes.





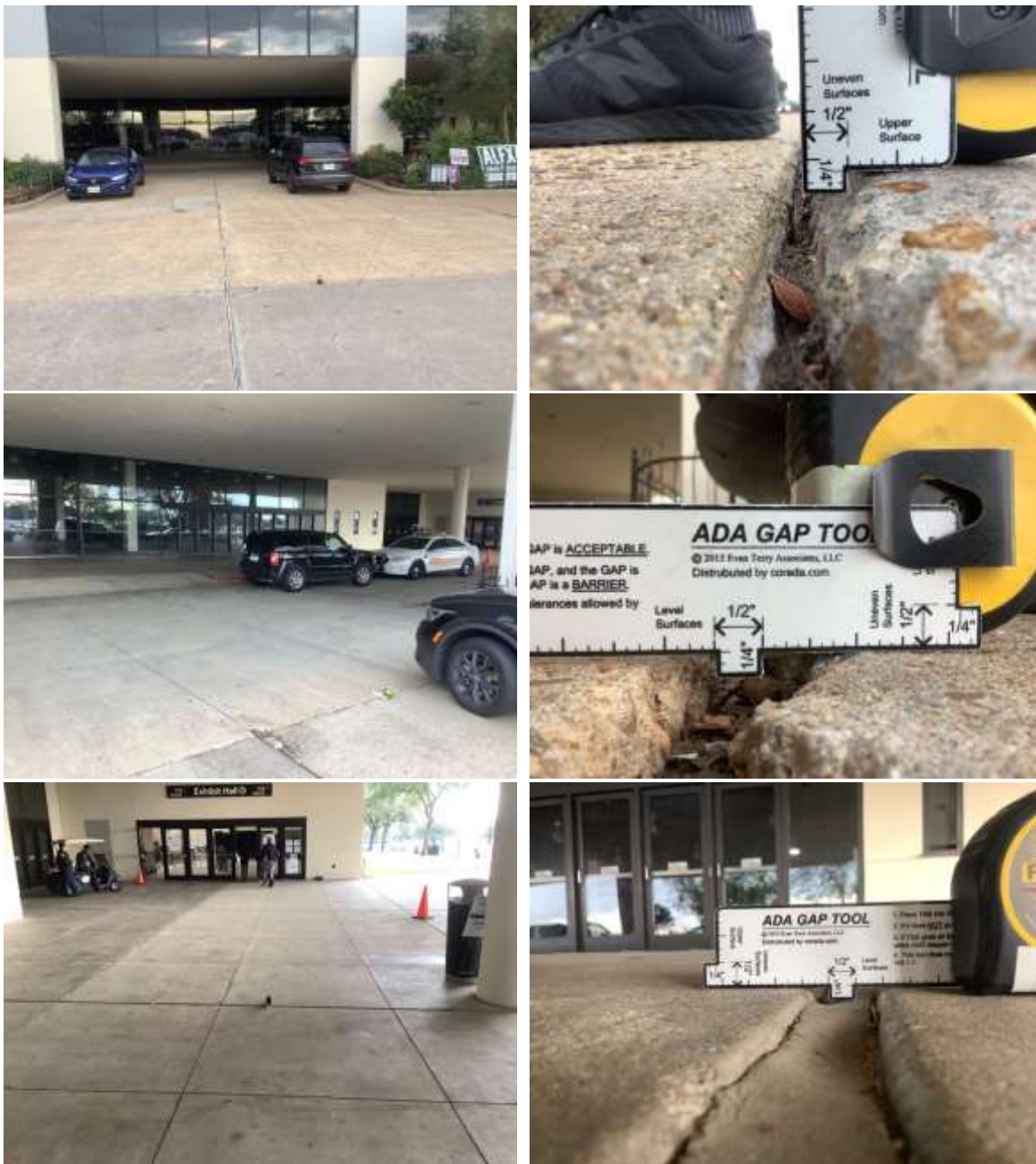
## 6.9 NRG ARENA

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Excessive openings were observed by the SME along the route from the van accessible parking space. These openings were not captured during the polling place survey.





Multiple cars were parked along the accessible route from the van accessible parking. The route needs to be marked with cones so that cars do not block the route.



The SME observed excessive slopes and openings within the van accessible parking space and access aisle that were not captured during the polling place survey. Note that the temporary access aisle was not blocked with cones to prevent cars from parking in it. Slopes may not exceed 2.08% in any direction in accessible parking spaces and openings greater than ½" wide and ¼" deep are not permitted along accessible routes.







#### 6.10 RAINDROP TURKISH HOUSE

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Raindrop Turkish House – Turkistan Room



SME observed a car parked, blocking the accessible route from the public sidewalk. Based on the satellite imagery in the aerial diagram, this should not have been a surprise. A checklist item specifying placing cones to block a car from parking in that area should be created.



#### 6.11 RILEY CHAMBERS COMMUNITY CENTER

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Riley Chambers Community Center -- Grand Assembly Room 2021



The building that is shown in the aerial and the building surveyed by Harris County is not the same building that is used for voting. The building shown and surveyed is Barrett Station Community Center. Riley Chambers is an older, less accessible facility located behind Barrett Station.



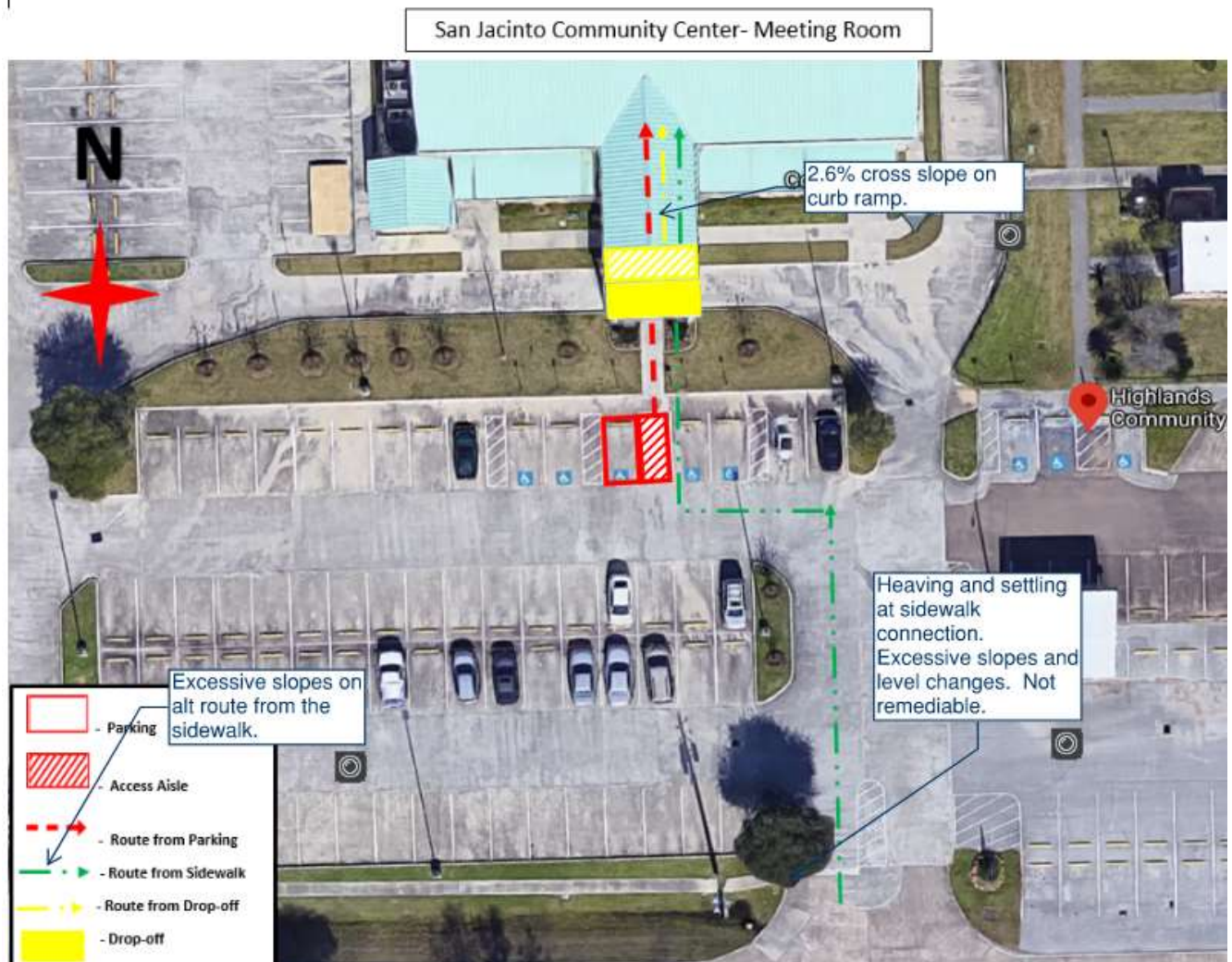
At Barrett Station, the SME observed an excessive opening in front of the accessible entrance that was not captured in the survey.



## 6.12 SAN JACINTO COMMUNITY CENTER

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





The SME observed an excessive cross slope on the curb ramp near the accessible entrance. Cross slopes exceeding 2.08% are not permitted along any part of an accessible route.



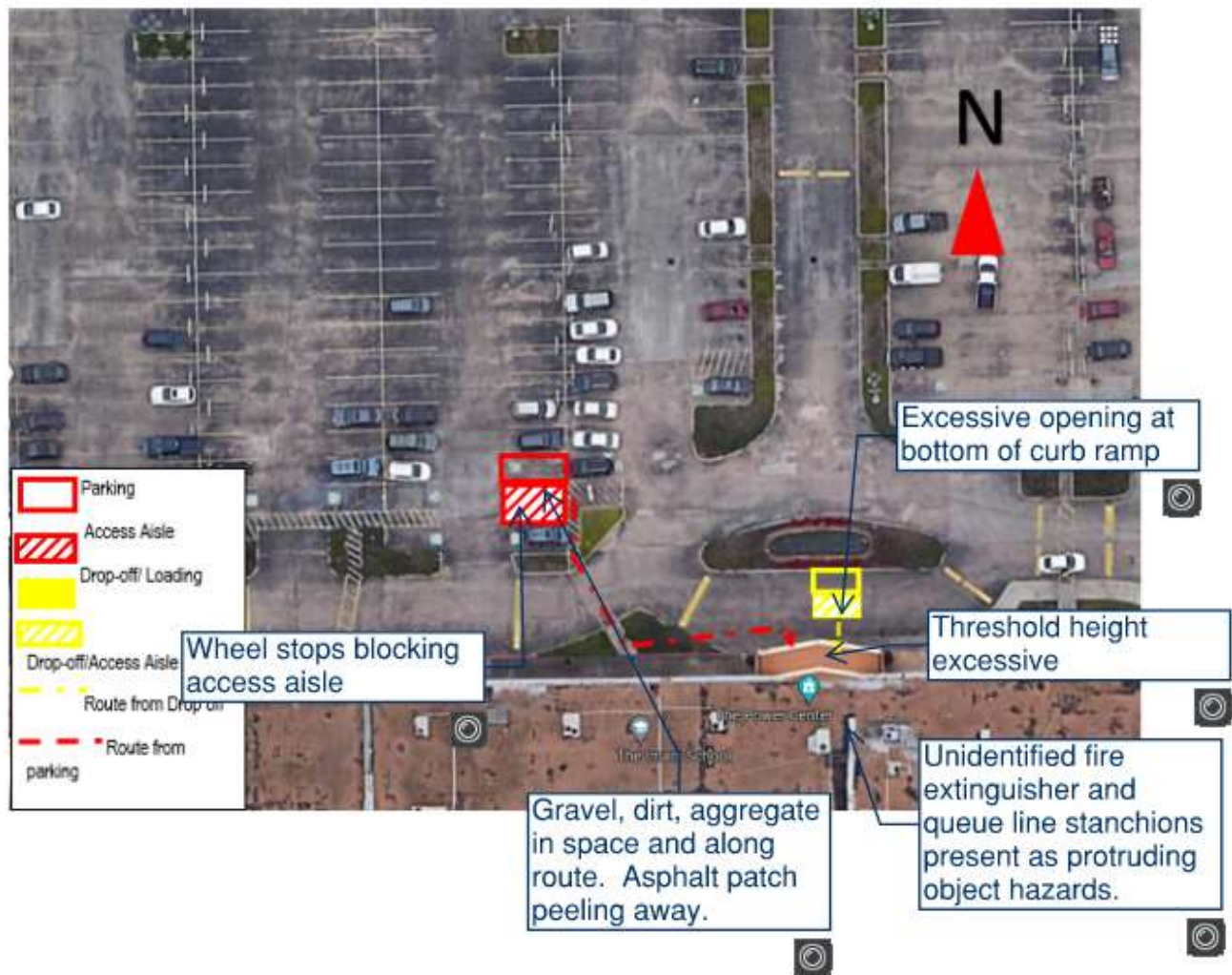
The sidewalk leading to the polling place has heaved and settled, creating a non-compliant and unsafe route for persons with disabilities. The alternate connection to the public sidewalk also contains excessive cross slopes. These items were not captured in the polling place survey and are not remediable.





#### 6.13 THE COMMUNITY COLLECTIVE FOR HOUSTON

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



SME observed mislocated wheel stops within the van accessible parking access aisle. These were not present during the polling place survey. A checklist item for the Election Judge to ensure the van accessible parking access aisle is clear should be developed for future elections.





SME observed loose aggregate, gravel, and dirt within the van accessible parking access aisle. A peeling asphalt patch was also observed along the route to the entrance. These were not observed or captured in the polling place survey.



SME observed an excessive opening at the bottom of the curb ramp at the passenger drop off area that was not captured in the polling place survey.



SME observed that the accessible entrance threshold height was excessive. The polling place survey failed to measure the threshold height from the inside floor, which extends above the top of the threshold.



SME observed multiple protruding objects along the interior accessible route, including fire extinguisher cabinets and queue line stanchions, that were not captured in the polling place survey.



#### 6.14 BBVA STADIUM

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





The left photograph shows the construction site at sunset. The sun is low on the horizon, casting a warm glow over the scene. In the foreground, there are orange traffic cones and a large orange barrier. A white car is parked in the background. The right photograph shows the same site during the day. The ground is paved, and there are orange traffic cones and a large orange barrier. A white car is parked in the background. The site is surrounded by trees and a fence.

jensenhughes.com



Excessive cross slopes and openings not identified in the survey were also found along the accessible route from the public sidewalk and transportation stop. Openings greater than  $\frac{1}{2}$ " wide and  $\frac{1}{4}$ " deep and cross slopes greater than 2.08% are not allowed along accessible routes.

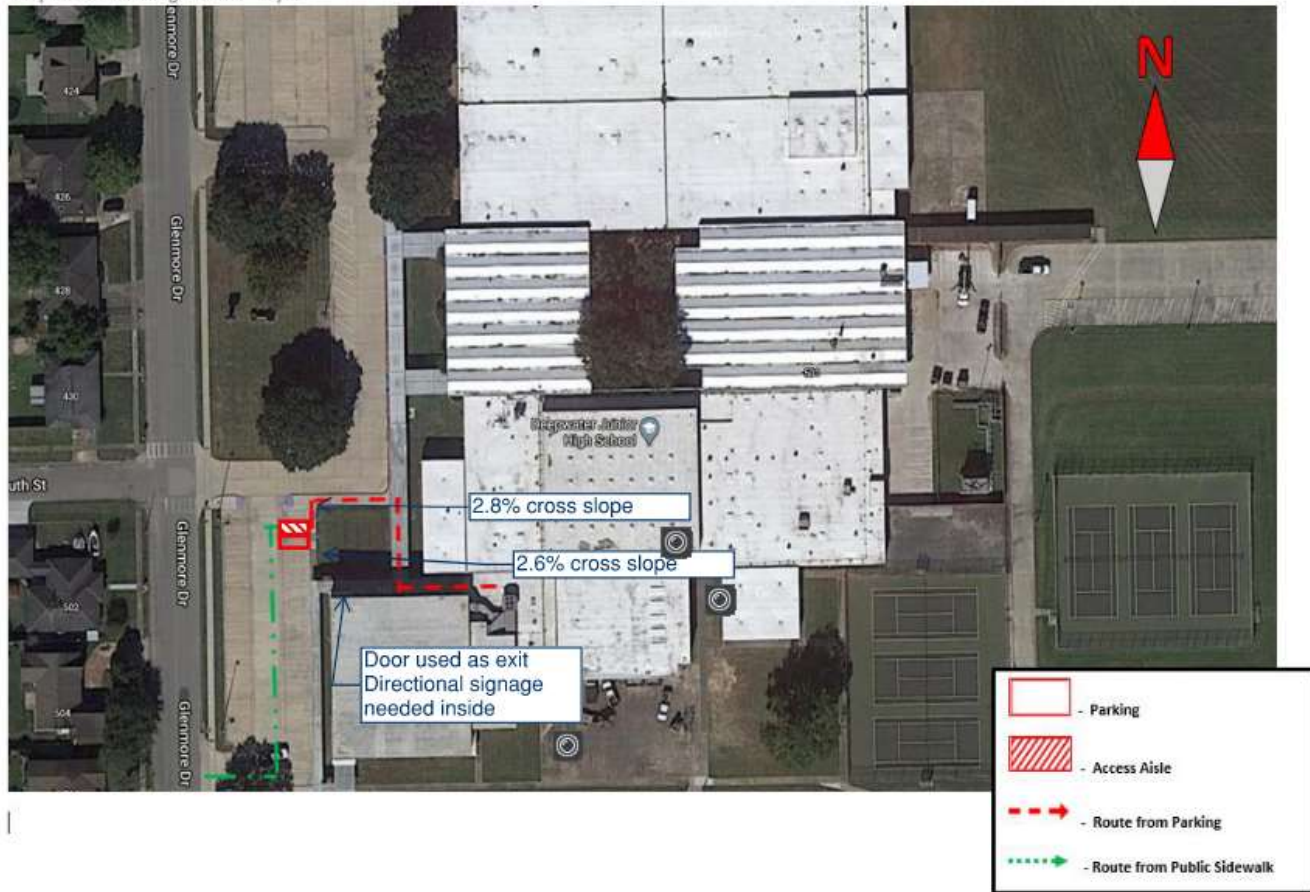


#### 6.15 DEEPWATER JUNIOR HIGH SCHOOL

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Deepwater Junior High School – Gym



SME observed excessive cross slopes along both of the possible accessible routes from the van accessible parking space to the entrance.



On election day, voters were directed out the gymnasium side door, which requires voters to utilize stairs. Directional signage should be placed inside the voting room directing voters with disabilities to exit through the entrance door.



#### 6.16 DENVER HARBOR PARK COMMUNITY CENTER

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





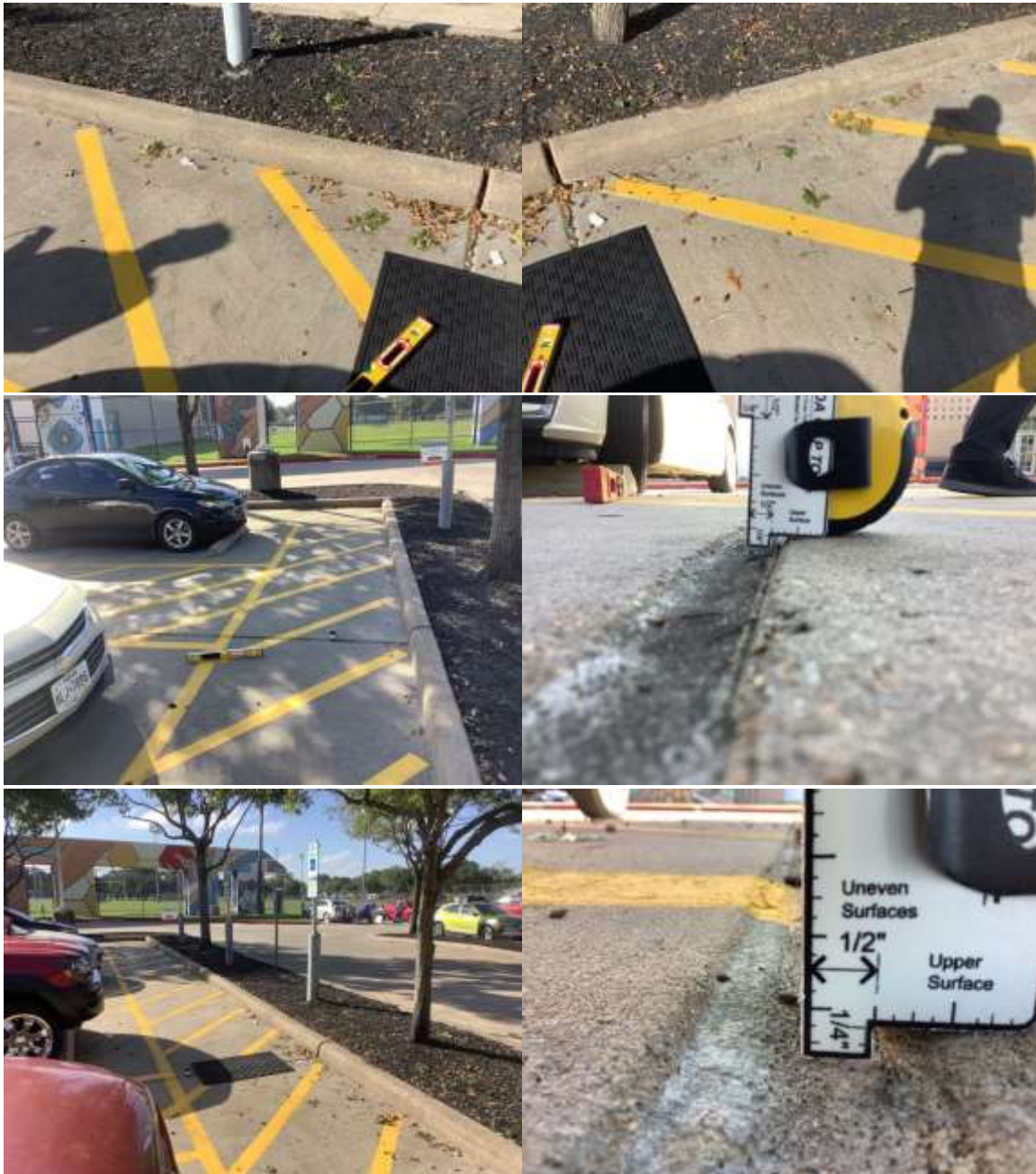
SME observed excessive cross slopes along the route from the public sidewalk that were not captured during the polling place survey. Excessive cross slopes were also observed by the SME along all other alternate accessible routes, making these cross slopes are not remediable.





SME noted that the route from the public sidewalk indicated in the aerial diagram is incorrect. The route should follow the orange dotted line in the diagram above.

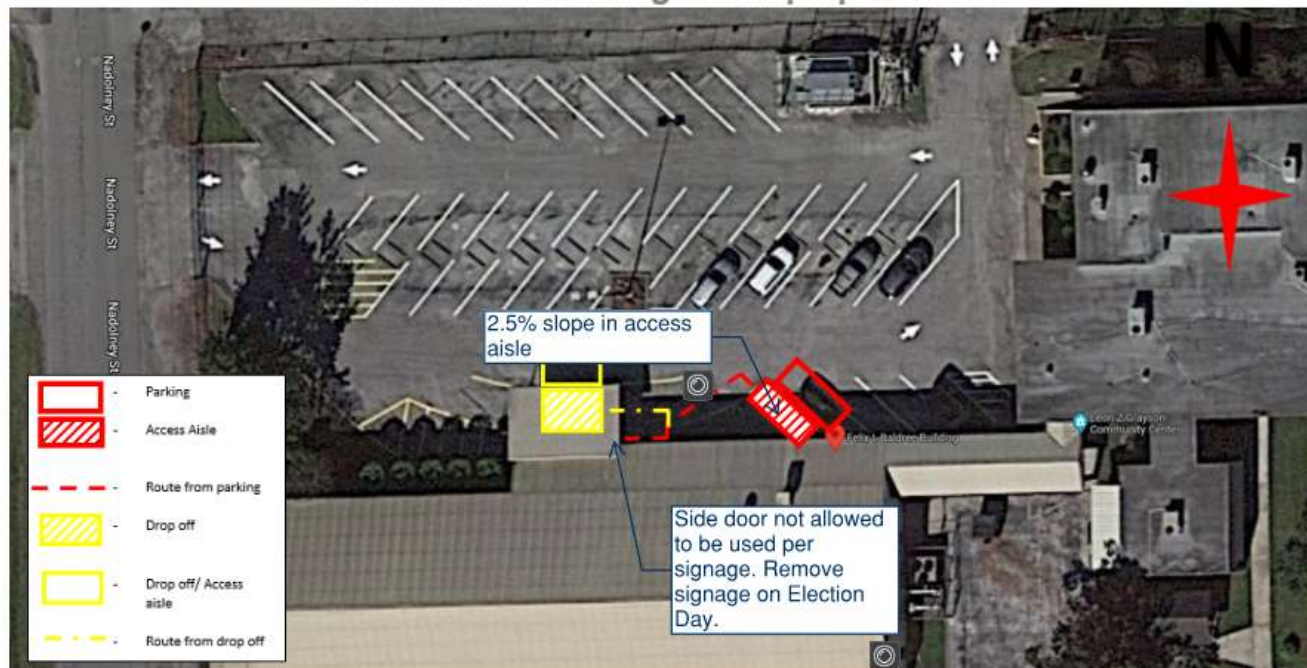
SME observed loose debris and excessive openings along the route from the public sidewalk in front of the accessible parking spaces.



#### 6.17 FELIX L BALDREE BUILDING

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.

## Felix L Baldree Building – Multipurpose Room



SME observed an excessive slope within the van accessible parking space access aisle. This condition was not captured during the polling place survey. Slopes greater than 2.08% in any direction are not permitted within the van accessible parking space and access aisle.



SME observed signage on the accessible entrance door stating that the door was not to be used as an entrance and that visitors must use the front door. Because the front door is non-compliant, voters with disabilities must be able to use the side door. A checklist items should be developed to remove any signage from the accessible entrance door saying it cannot be used. Coordination with the polling place may be necessary.





#### 6.18 GLENBROOK UNITED METHODIST CHURCH

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



SME observed an excessive opening along the route from the drop off area. This issue was not captured in the polling place survey.

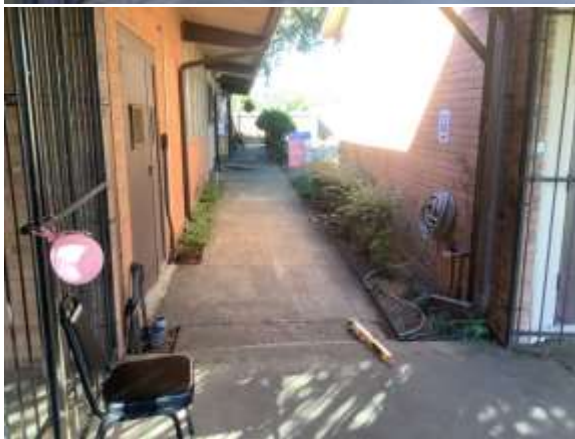




SME observed that the clear width along the route from the van accessible parking space was 35-3/4". This issue was not captured in the polling place survey. Clear width along accessible routes are not permitted to reduce below 36" for a distance of more than 24".



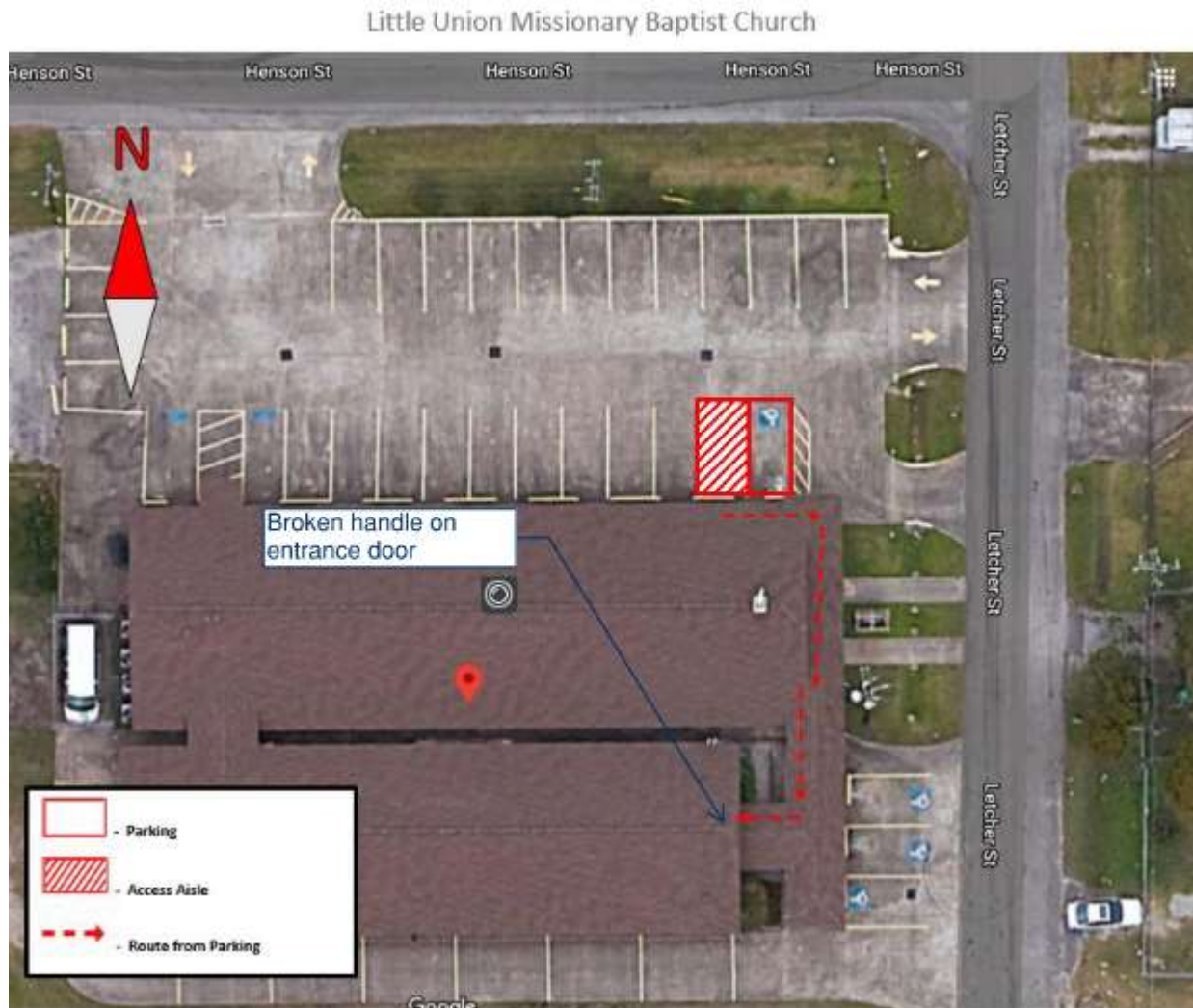
The route used on election day was different from the route surveyed. A locked gate was observed by the SME along the route surveyed. The route used contains excessive slopes and level changes. When notified of the issue, the presiding judge stated that he was unaware of the route and was unable to unlock the gate. It is imperative that election judges are notified that they must ensure the route identified in the aerial and on the judge checklist.





## 6.19 LITTLE UNION MISSIONARY BAPTIST CHURCH

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



SME observed a broken door handle on the accessible entrance door. The handle does not appear broken in the polling place survey, so it may be a recent event. Because the door swings into the ramp landing, it is unadvised to prop open this door. SME recommends that Harris County ensure the handle is fixed prior to the next election.





## 6.20 M E FOSTER ELEMENTARY SCHOOL

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.

M E Foster Elementary School – Multipurpose Room/Cafeteria/Gym



SME observed excessive openings along the route from the van accessible parking space to the accessible entrance. These openings were not captured in the polling place survey.

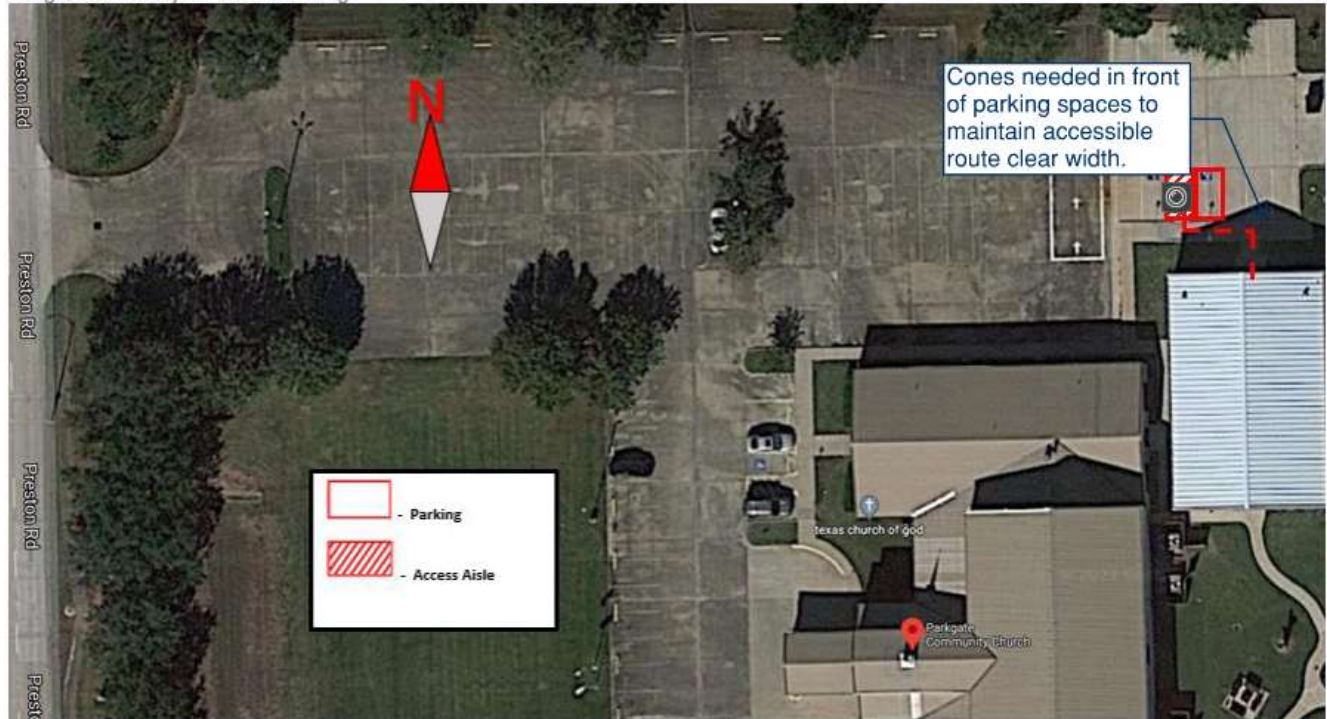




## 6.21 PARKGATE COMMUNITY CHURCH

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.

Parkgate Community Church- Kix Building



The accessible route from the van accessible parking spaces to the accessible entrance travels in front of parking spaces without wheel stops, which allow parked cars to block the route. SME recommends placing cones at the front of these spaces, as shown in the photos below, to protect the accessible route.



## 6.22 REAGAN WEBB MADING ELEMENTARY SCHOOL

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





SME observed an excessive cross slope on the curb ramp at the pedestrian connection to the public sidewalk. This was not captured in the polling place survey. Cross slopes greater than 2.08% are not permitted on curb ramps. SME recommends Harris County explore alternate routes to the polling place from the public sidewalk.



SME also observed an excessive cross slope on the aluminum plate used for a corrective action. SME recommends Harris County explore a different placement of the plate at the level change in front of the accessible entrance to ensure that compliant cross slopes are maintained.



### 6.23 SOUTH HOUSTON MUNICIPAL COURT

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



SME observed excessive slopes within the van accessible parking space. Slopes greater than 2.08% in any direction are not permitted within the van accessible parking space or access aisle.





SME observed an excessive running slope on the ramp leading to the accessible entrance. Running slopes greater than 8.33% are not permitted on ramps along accessible routes.



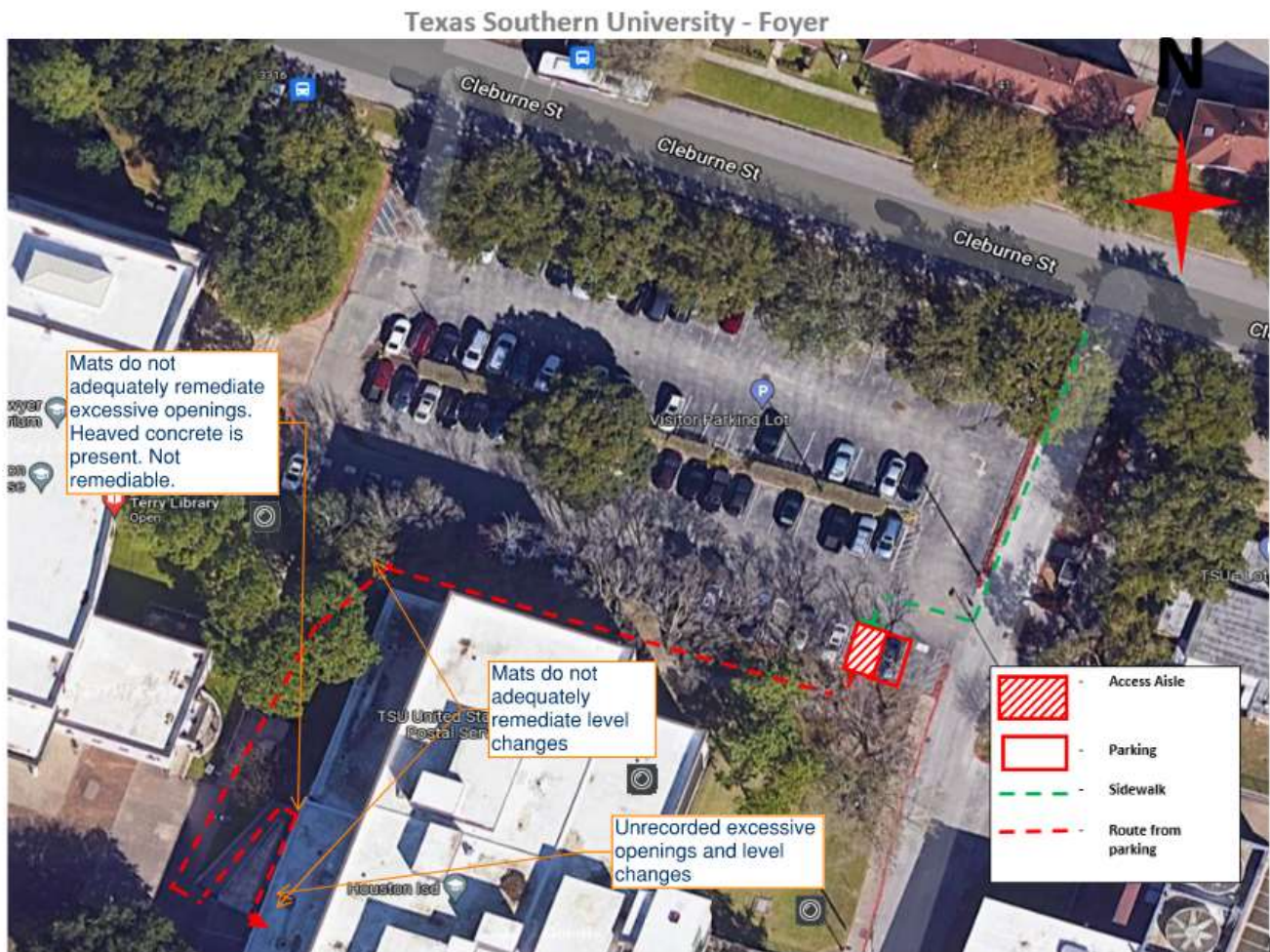
SME observed deficient vertical clearance along the interior accessible route. Vertical clearances less than 80" are not permitted along accessible routes or circulation paths.



#### 6.24 TEXAS SOUTHERN UNIVERSITY TERRY LIBRARY

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





SME observed additional excessive openings and level changes along the accessible route from the van accessible parking space that were not captured in the polling place survey. Some of these are due to heaved concrete, which may be not remediable with Harris County's current remediable measures.



SME also observed that some mats placed as remedial measures for level changes do not adequately remediate the violations. Remedied level changes must be ½" high or less.





#### 6.25 CHURCH ON THE ROCK

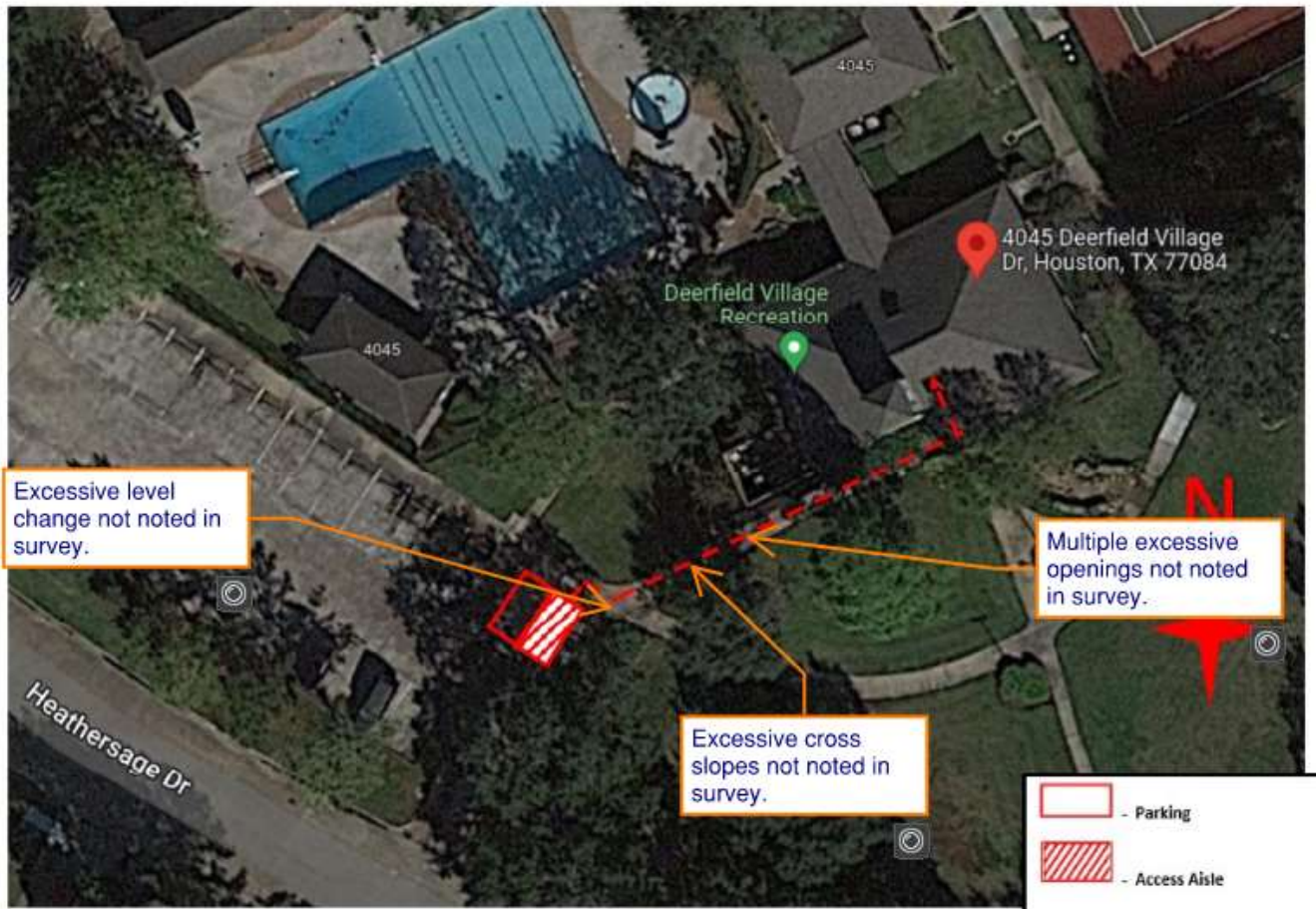
The SME did not note any deficiencies with the Harris County polling place survey at this location.

#### 6.26 DEERFIELD VILLAGE RECREATIONAL CENTER

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Deerfield Village Recreation Center - Clubhouse



An excessive level change along the route from the van accessible parking space was observed by the SME. Level changes greater than  $\frac{1}{2}$ " high are not permitted along accessible routes. This was not captured in the polling place survey.



SME also noted excessive cross slopes along the same route that were not captured in the polling place survey.





Multiple excessive openings not captured in the polling place survey were also observed by the SME.



#### 6.27 ECONOLIDGE WEST ENERGY CORRIDOR

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



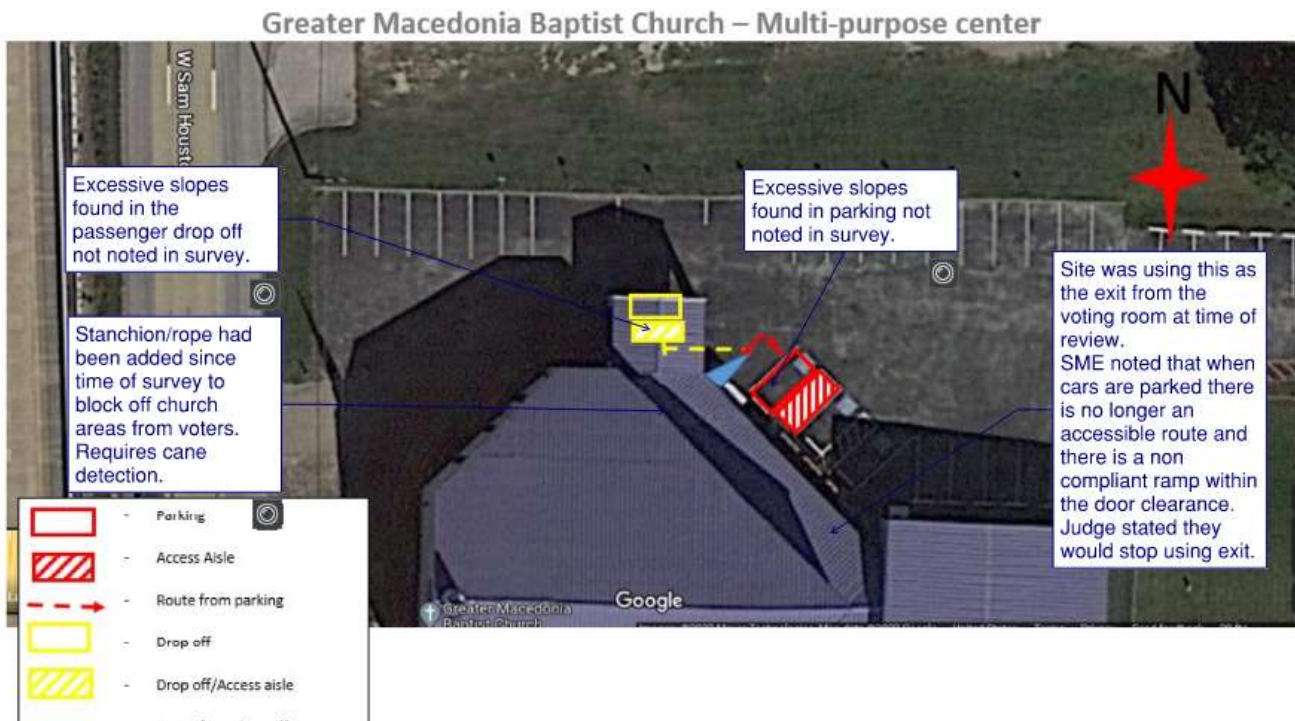
The thick mat placed at the accessible entrance door threshold does not adequately address the violation of the threshold height being excessive. The top of the interior floor surface is greater than  $\frac{1}{2}$ " above the top of the mat when placed, which is not permitted.



#### 6.28 GREATER MACEDONIA BAPTIST CHURCH

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





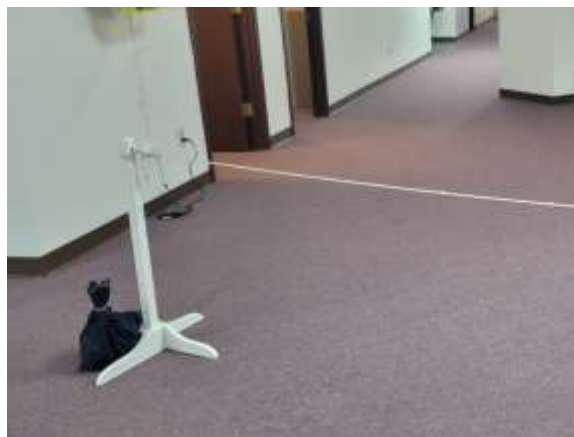
The SME observed excessive slopes within the designated van accessible parking space. Slopes greater than 2.08% in any direction are not permitted.



Excessive slopes within the passenger drop off area were also observed.

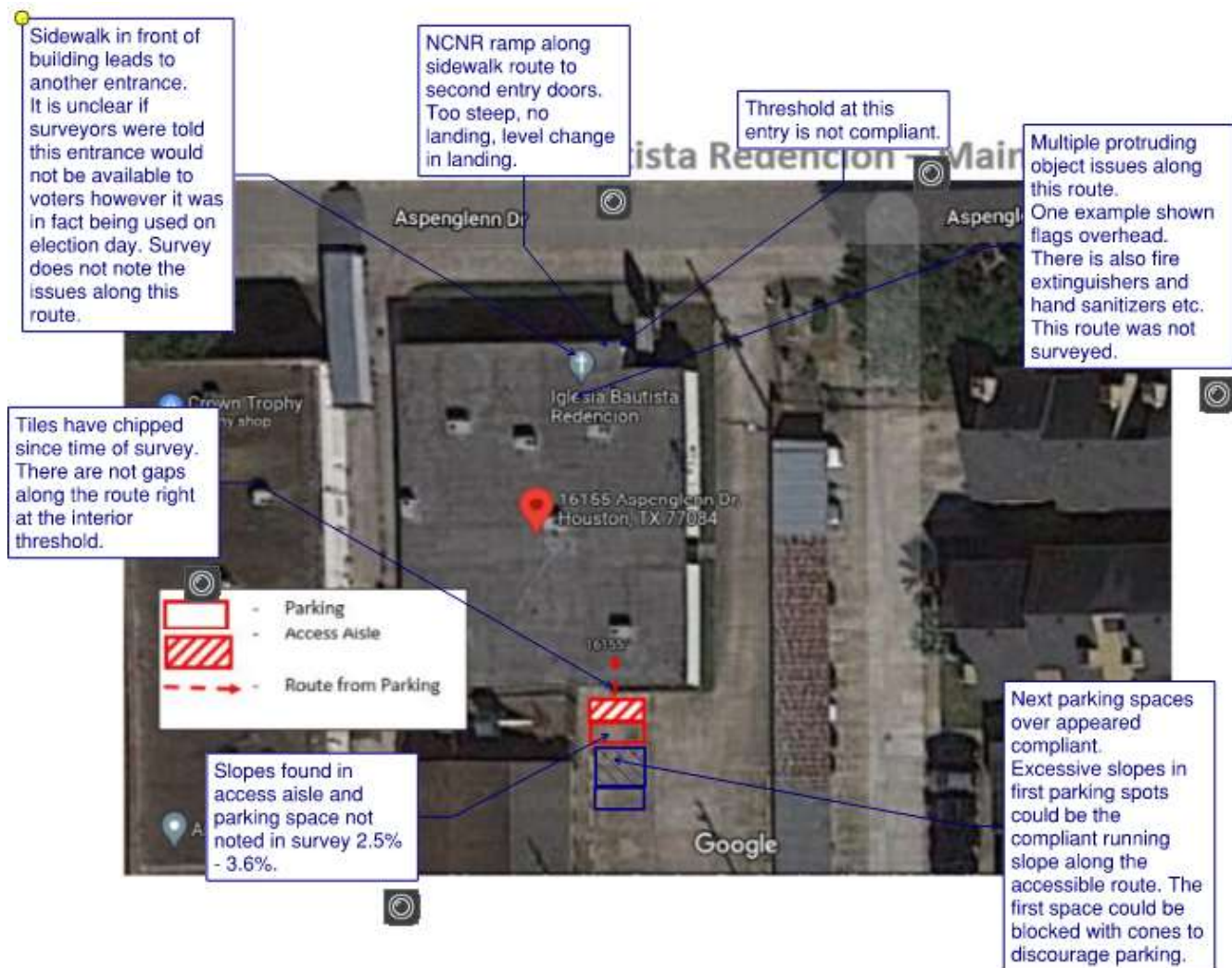


Queue line stanchions not present during the survey were observed within the polling place. These create protruding object hazards and should be removed or protected using cones. Objects are not permitted to project from posts more than 12" between 27" and 80" above the floor.



#### 6.29 IGLESIA BAUTISTA REDENCION

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



An entrance on the north side of the building was used during the election that was not surveyed. It is the closest entrance to the public sidewalk. The SME team noted multiple violations along the route to the north entrance from the public sidewalk, including some that are not remediable.





The SME team observed excessive slopes within the designated van accessible parking space and access aisle.



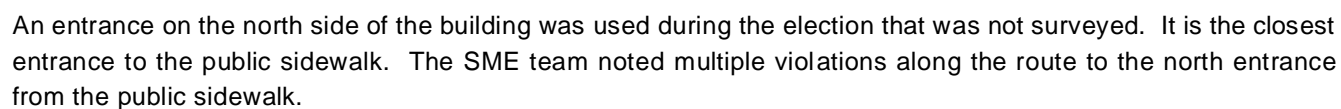
Since the polling place survey was completed, some of the tiles along accessible routes have deteriorated, creating excessive openings.



#### 6.30 JOHN KNOX PRESBYTERIAN CHURCH

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.









The SME team observed excessive slopes in the designated van accessible parking space. An excessive level change not noted in the polling place survey was also observed along the accessible route from parking.



The SME team also noted that a facility mat was in place at the accessible entrance, remediating a non-identified excessive threshold height. A Harris County mat should be placed at the threshold. A checklist item for this needs to be developed.



### 6.31 KATHERIN TYRA BRANCH LIBRARY

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





The SME observed that the threshold at the accessible entrance became loose since the polling place survey was completed, creating an excessive height.



The SME team also observed an exit door being used by voters that was not surveyed. Multiple violations occur at the exit door and along the route from it. Directional signage is needed to direct voters with disabilities out the entrance door.



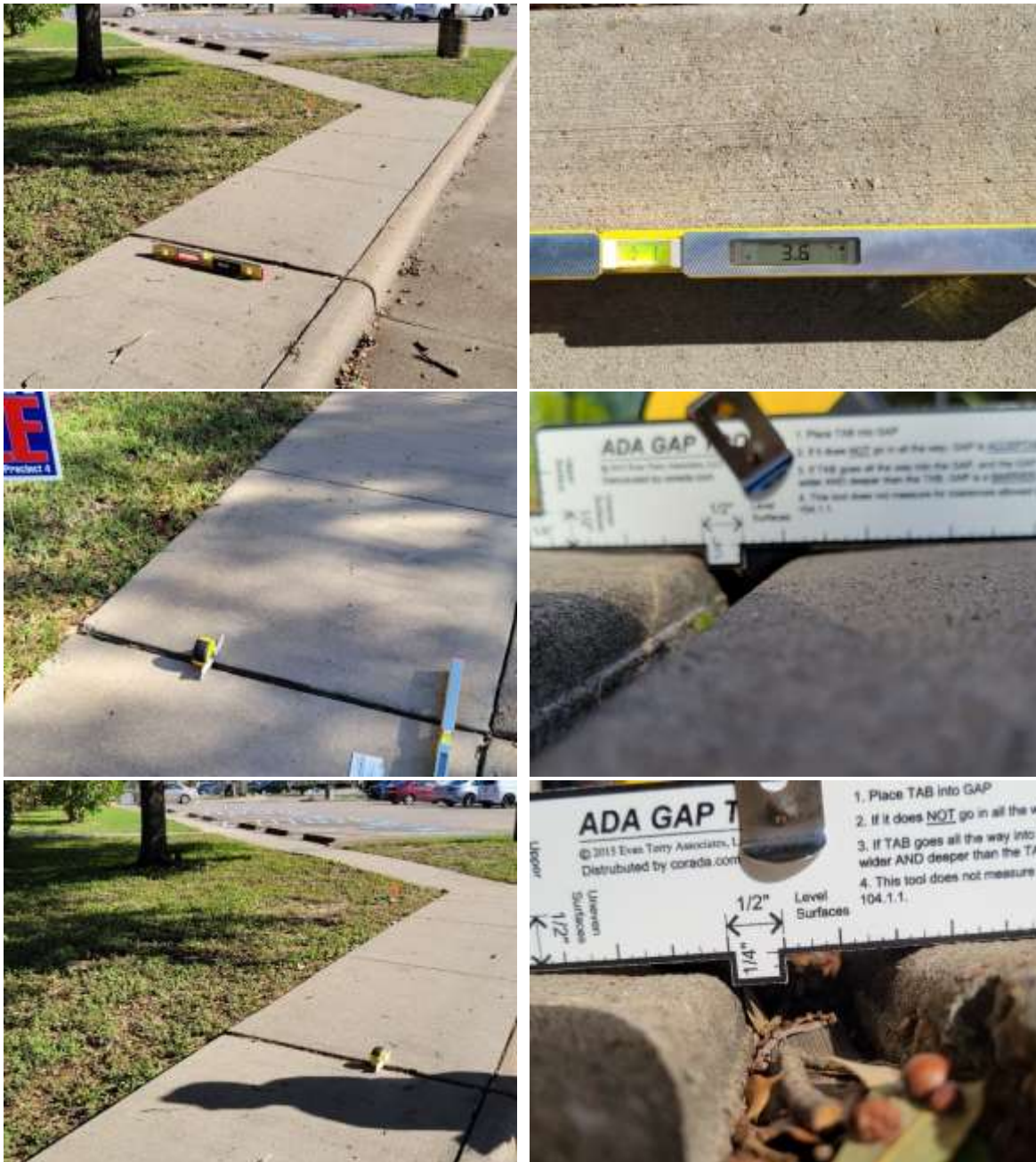


#### 6.32 KOREAN CENTRAL PRESBYTERIAN

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



Multiple obvious violations along the accessible route from the public sidewalk were observed by the SME team. No violations along this route were identified in the polling place survey. SME recommends resurveying this polling place.

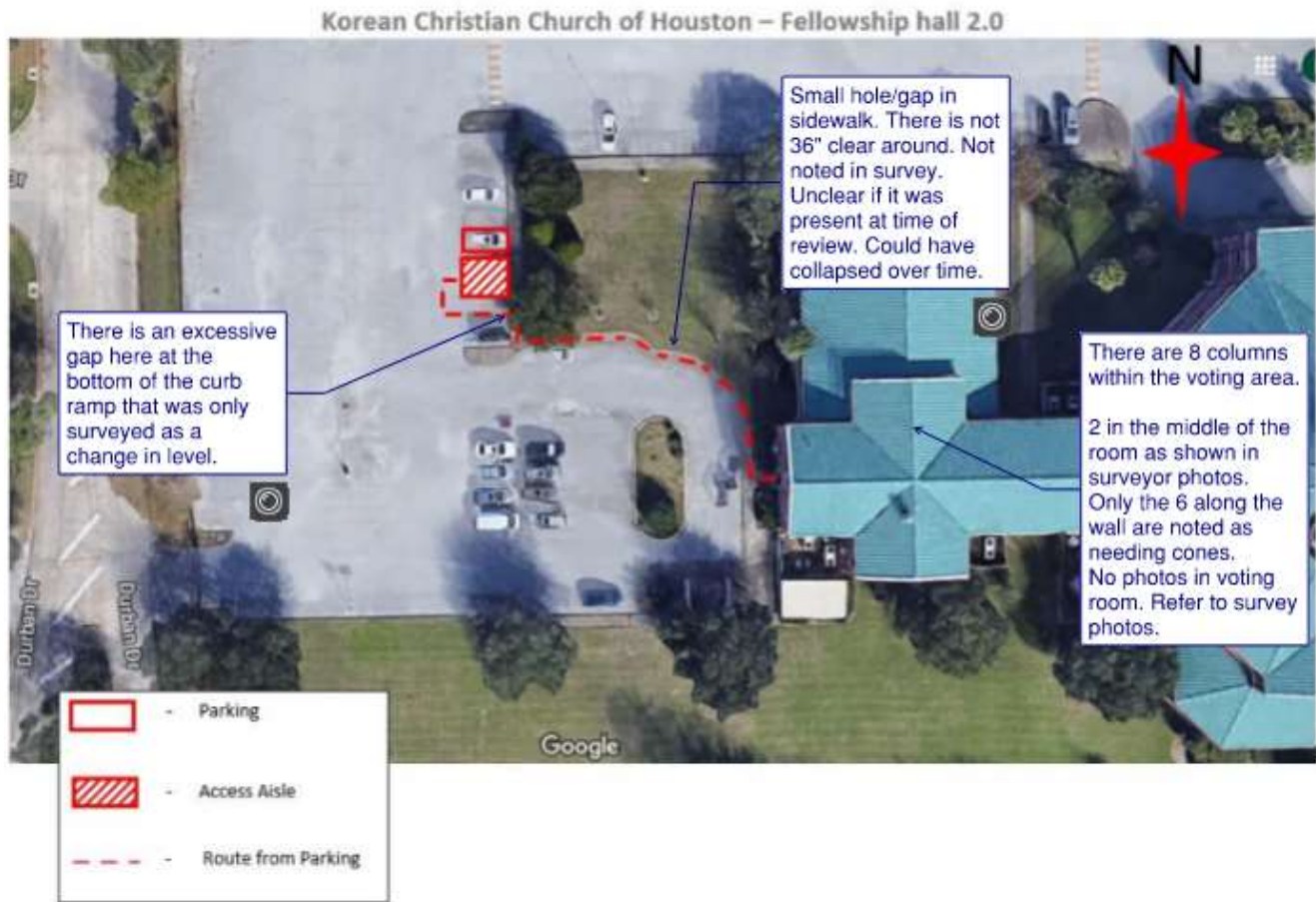






#### 6.33 KOREAN CHRISTIAN CHURCH OF HOUSTON

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.



The SME team observed an excessive opening at the bottom of the curb ramp near the designated van accessible parking space. This was surveyed as a level change in the polling place survey, but not identified as an excessive opening.



The SME team observed an additional excessive opening along the accessible route that was not identified in the survey.

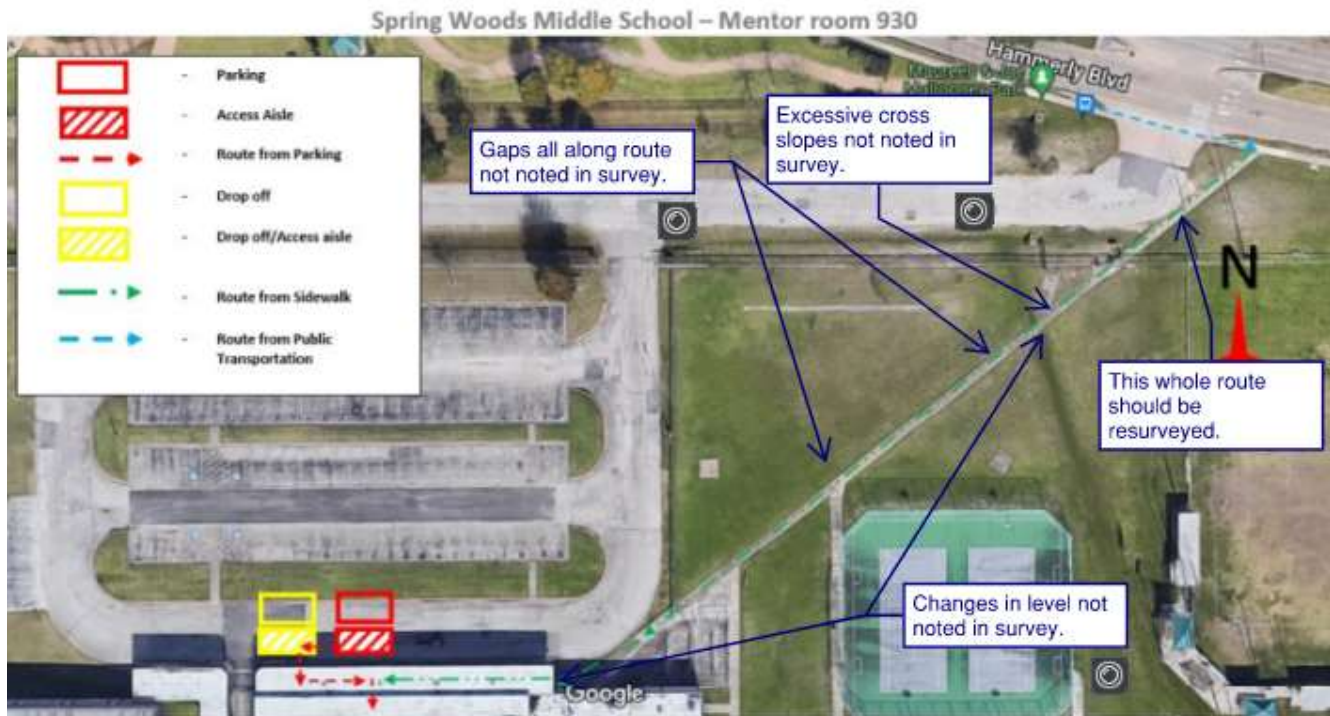


Two additional columns within the voting room will need to be protected by cones as they are protruding object/overhead clearance hazards. Photographs of these additional columns were not taken as photos are not permitted within the voting room.

#### 6.34 SPRING WOODS MIDDLE SCHOL

The SME noted issues with the survey results at this polling place. The diagram below shows the locations where SME identified violations that were not found in the Harris County survey.





Multiple violations not captured in the polling place survey were observed by the SME team along the accessible route from the public sidewalk. These include excessive openings, excessive cross slopes, and excessive level changes. This entire route should be surveyed again.



### 6.35 CONCLUSION & RECOMMENDATIONS

The results of the polling place analysis were disappointing. Many polling places contained violations that are difficult to explain how they were missed by the surveyors.

Where the SME measurements are severely different from the surveyors, or where the SME identifies obvious barriers at the polling place not identified by the surveyors, there is cause for concern. For example, at Spring Woods Middle School, there were so many glaring violations that were not captured along the route from the public sidewalk that it is hard to believe all of the omissions were due to honest mistakes. At least some of these violations should have been identified by the surveyors, but none of the violations along the route were identified, even when multiple opening and level change measurements were taken along the route.

The nature of these surveys is such that the more violations surveyors uncover during the survey, the more work is required to complete the survey because remedial measures must be identified and confirmed for each violation by the surveyor.

It is the SME's opinion that there are only two reasons why multiple obvious violations would not be documented by the surveyors. The first is briefly stated above: that the surveyors are purposefully evading their survey obligations to reduce their workload. The other is that the surveyors do not fully understand the ADA requirements and how they apply to polling places. Either reason should lead to a conversation with the surveyor, and HCEAD should consider termination where appropriate.

The SME recognizes that mistakes happen, but they also recognize that Harris County has some very capable surveyors who demonstrate enough understanding, and even mastery, of the ADA survey concepts, both during training and in their survey work, to not be making these blatant omissions.

## 7.0 Overall Conclusions

Harris County has put forth a tremendous effort to improve accessibility at polling places during this Settlement Agreement. Over 1,500 polling place surveys have been completed since August 2020. During the November 2022 Midterm Election, over 4,000 individual temporary measures were implemented at over 620 polling places. To date, remedial measure checklists have been developed for close to 900 polling places.

Not only has Harris County developed an effective process for surveying polling places, identifying violations, and implementing remedial measures, they also devoted an incredible amount of resources procuring and testing those remedial measures.

Over 100 surveyors and contractors were trained by the SME in ADA requirements, survey techniques, identifying violations, developing remedial measure, and verifying remedial measures during elections. The County developed and provided ADA training to thousands of poll workers and election judges during this term.

During the early stages of the Settlement Agreement, Harris County and the SME discovered that no readily available temporary ramp systems would meet the requirements of the DOJ ADA Polling Place Checklist. Harris County and the SME worked closely with a ramp manufacturer to redesign ramp sections so they meet the ADA requirements when installed at polling places. This redesign will improve accessibility wherever these ramps are implemented throughout the US. Harris County has since successfully installed hundreds of compliant ramp configurations at polling places throughout the County. Harris County and SME trained contractors to install and verify compliance of temporary ramps with limited in-field assistance from the County.

An inventory management system was developed to track temporary equipment, a warehouse was leased to house said equipment, and staff was hired to maintain the warehouse.



While continual training and implementation improvements are needed to ensure all polling places in the County are accessible on election days, Harris County has made incredible strides in putting together a successful ADA election program that will continue to increase access to polling places well beyond this Settlement Agreement. The impact of this effort can be seen and felt not only in the County, but beyond this jurisdiction. A number of voting authorities throughout the country are already using Harris County's approach as guidance on how to make their voting programs more accessible. Harris County should be proud of their accomplishments over the course of this Settlement Agreement.