



AUGUST 2022 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: 9/15/2022



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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.

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, nine hundred two (902) surveys have been submitted for SME review. Approximately half 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 March 2022 Primary and May Joint & General Elections.

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)
Implemented Properly	107 (70%)	88 (92%)	26 (83%)	146 (63%)	37 (77%)	84 (51%)	955 (71%)	810 (65%)
Not Implemented Properly	44 (29%)	8 (8%)	4 (13%)	51 (22%)	10 (21%)	37 (23%)	162 (12%)	156 (12%)
Not Implemented	1 (<1%)	0 (0%)	0 (0%)	34 (15%)	1 (2%)	43 (26%)	229 (17%)	291 (23%)

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 his survey results to that collected by Harris County's Election Day Surveyors (EDSs), as described in Section 4.0.

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 August 29, 2022, one hundred ninety-six (196) Attachment A polling places have been surveyed and the survey results have been reported to the SME. See Section 3.6 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 still 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.

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*.

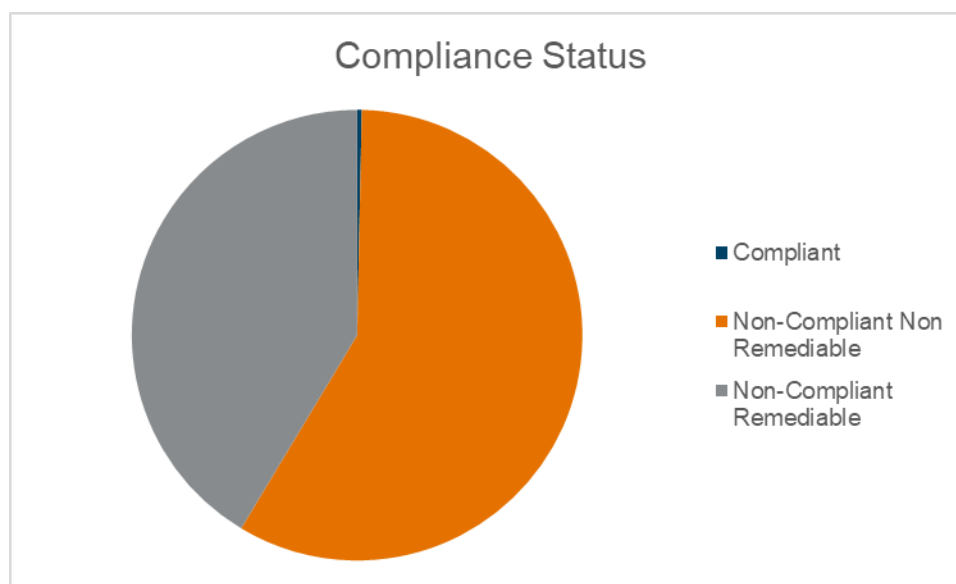
Any item marked *Return to HC for Edits* is reviewed by Harris County and updated as requested. Items marked *Forward to DOJ for Clarification* are reviewed by DOJ, who provides their input.

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.

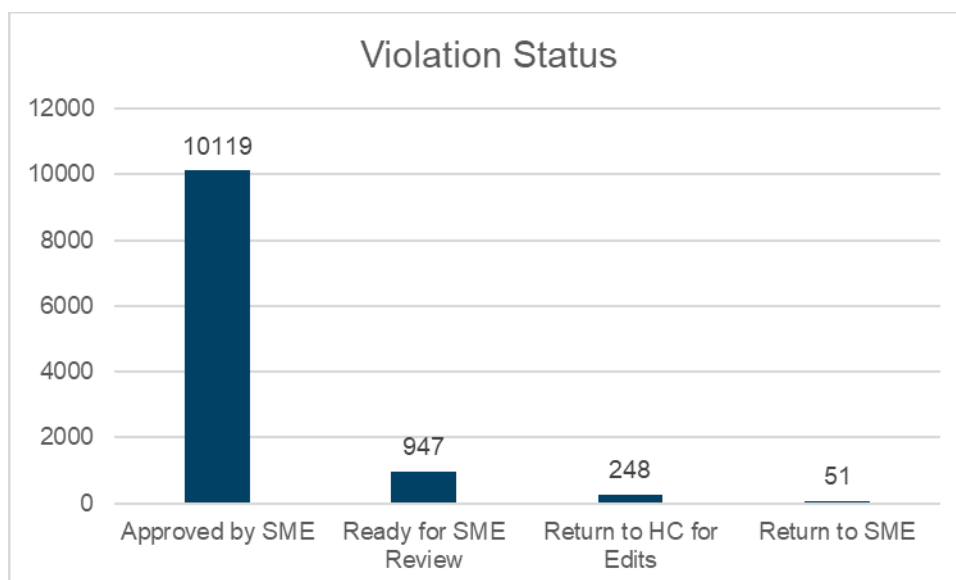
As of August 29, 2022, fourteen hundred seventy-six (1,476) polling place surveys were submitted to the SME for review. Eighty-one (81) of these surveys are awaiting a first review by the SME, although surveys are being submitted for the SME review regularly. Six hundred thirty (630) of the polling place surveys reviewed by the SME were returned to Harris County for edits. Seven hundred sixty-five (765) surveys were approved by the SME as complete without requiring Harris County edits, four hundred three (403) 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)	2	22	57	81
Reviewed by SME*	1	229	400	630
Approved by SME	2	360	403	765
Total	4	534	688	1,476

**Figure 1 - Compliance Status**

More than half of 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.

12,564 violations have been identified by the surveyors to date. Of these violations, 10,119 (81%) had remedial measures that were approved by the SME. Of the violations that have yet to be approved by the SME, 947 (38%) have been addressed by Harris County and are awaiting an additional review by the SME, 51 (2%) have been flagged by DOJ for additional SME review, and 248 (10%) have been returned to Harris County for edits.

**Figure 2 - Violations Status**

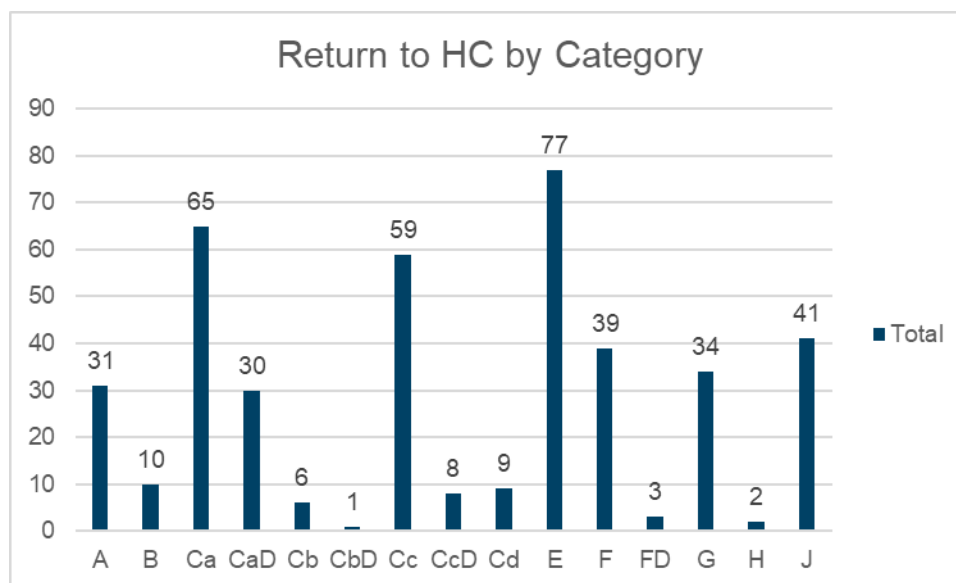
Around 25% of those items returned to Harris County involved missing measurement photographs or situations where the SME requested that the surveyor change their measurement method for a specific element. 10 of the items returned to Harris County were the SME requesting the surveyors check other elements for possible remedial measures.

Of the 51 items flagged by DOJ, 45 (88%) of them are approvals of NCNR status and are awaiting status updates. The remaining 6 items include questions about alternate routes that could potentially be used, comments on the use of digital level tool error during surveys, and the misidentification of public transportation stops.

Overall, the quality of surveys is good and continuously improving. Every survey is reviewed by SME before being finalized. Harris County is showing diligence when addressing any comments and questions on items the SME returns for edits.

3.5 FURTHER ANALYSIS

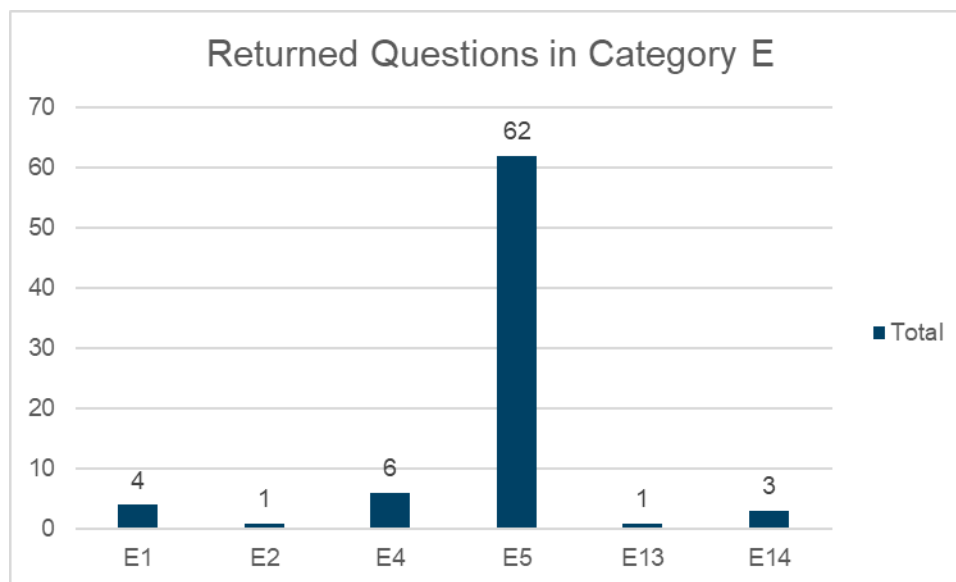
As of August 29, 2022, 415 questions were marked “Return to HC for Edits.” This includes both questions that are marked as violations and those that are not. The breakdown of the categories is below.



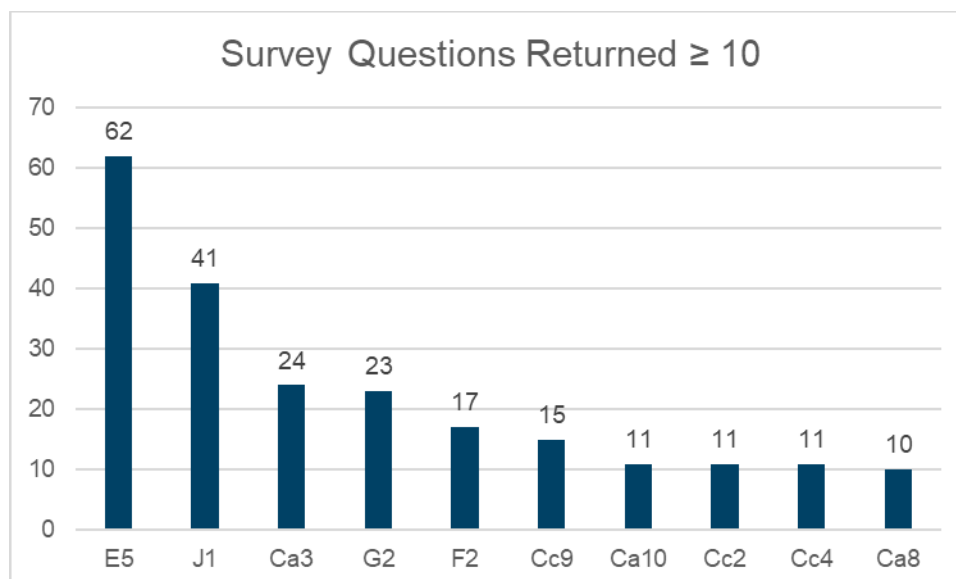
Many of these questions are found in the Exterior Route from Parking (Ca), Exterior Route from Public Street and Sidewalks (Cc), and Accessible Entrance (E) categories.

Abbreviation	Category
A	Parking
B	Passenger Drop-Off Area
Ca	Exterior Route from Parking
CaD	Ramp(s) Along Exterior Route from Parking
Cb	Exterior Route from Drop Off
CbD	Ramp(s) Along the Exterior Route from Drop Off
Cc	Exterior Route from Public Street and Sidewalks
CcD	Ramp(s) Along Exterior Route from Public Street and Sidewalks
Cd	Exterior Route from Public Transportation
CdD	Ramp(s) Along Exterior Route from Public Transportation
E	Accessible Entrance
F	Route from Entrance into Voting Area
Fd	Ramp(s) along Interior Route
G	Within the Voting Area
H	Lift
I	Elevators
J	Surveyor Assessment

For Accessible Entrances (Category E), the majority (62) of the items returned for edits involve the threshold height (E5). In eighteen (18) of these instances, the surveyor recommended that a noncompliant threshold be remediated by adding a plate and/or mat at the threshold, and the SME directed that the judge should be instructed to also prop the door open.



Forty-one (41) questions were returned for Question J1, which determines the compliance status of the survey. Some of these were errors in selecting the correct answers based on the survey. Over one half (27) of these returned questions are contingent on resurveying alternate elements or analyzing alternate remedial measures. Thirteen (13) incorrect compliance statuses were identified and marked Return to HC for Edits.



Question G2 relates to objects protruding from walls within the voting room. Many of those returned relate to inaccurate or missing descriptions of remedial measures. Some questions returned relate to missing or inadequate measurements of elements projecting off of walls.

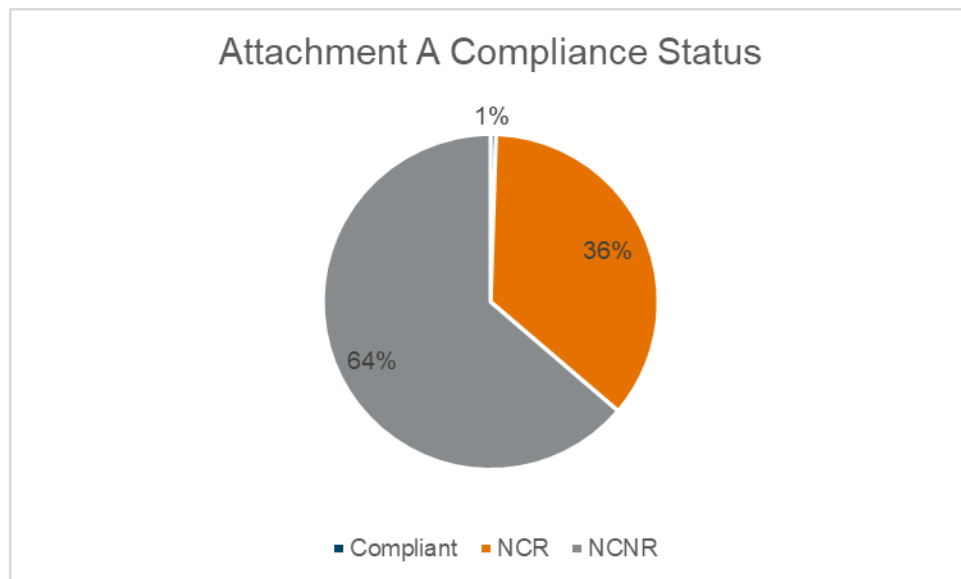
Question Ca3 relates to openings in the accessible route from the van accessible parking space to the polling place entrance; "Is the route free of surface openings greater than 1/2", such as grates or holes in the pavement?" The majority of these returned questions were due to inadequate survey techniques (i.e., not demonstrating with photographs that openings had been surveyed) or incomplete remedial measure verifications (i.e., not recording slope measurements on the plates placed over excessive openings).

Question F2 relates to protruding objects along the interior accessible route to the voting room.

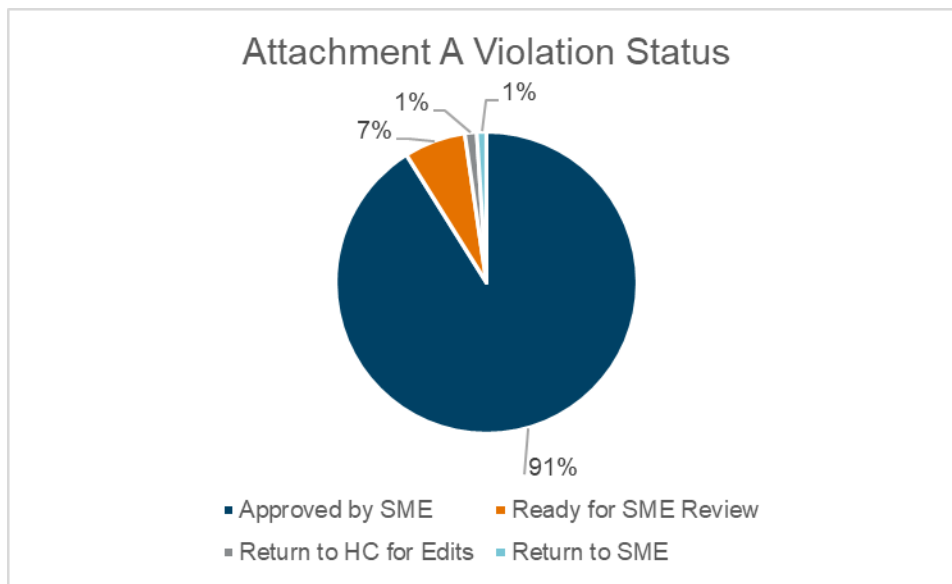
3.6 ATTACHMENT A POLLING PLACES

To date, the SME has received 196 Attachment A polling place surveys. 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* (not yet reviewed)	0	0	4	4
Reviewed by SME*	0	25	54	79
Approved by SME	1	47	65	113
Total	1	69	123	196



1,832 violations at these polling places have been identified by the surveyors to date. Of these violations, 1,283 (87%) had remedial measures that were approved by the SME. Of the violations that have yet to be approved by the SME, zero (0%) are pending DOJ review, 124 (8%) have been addressed by Harris County and are awaiting an additional review by the SME, 30 (2%) have been flagged by DOJ for additional SME review, and 43 (3%) have been returned to Harris County for edits. This aligns with the overall survey trends.



4.0 March 2022 Primary Election Harris County Assessment

Harris County distributed their EDS survey data for the March 1, 2022 Primary Election on June 22, 2022. SME utilized the data provided in Harris County's report to conduct this analysis.

4.1 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 prototypical database survey tool developed by the SME on the Filemaker platform and run on an iPad.

Harris County EDSs were trained by the SME on February 16 and 28, 2022. Training included a virtual classroom session covering accessibility requirements and reading, understanding, and analyzing remedial measures.

4.2 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 – March 22 Harris County Combined EDS Results

Remediation Status	HCEAD Results
Implemented Properly	955
Not Implemented Properly	162
Not Implemented	229

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

Table 2 – March 22 Early Voting Results Comparison

Remediation Status	SME Results	HCEAD Results
Implemented Properly	42	56
Not Implemented Properly	15	6
Not Implemented	7	2

Table 3 – March 22 Election Day Results Comparison

Remediation Status	SME Results	HCEAD Results
Implemented Properly	12	18
Not Implemented Properly	7	3
Not Implemented	26	24

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 thirty-three (33) total inconsistencies between SME and EDS results are due to incorrect analyses of the remedial measures. Below is an analysis of some of the discrepancies between SME's and Harris County's survey results.

4.3 EARLY VOTING

4.3.1 Evelyn Kennedy Civic Center

Item #	Proposed Remedy	SME Results	HCEAD Results
6360	Judge must place 3 cones at the bottom of the existing van accessible space to extend access aisle and place one temporary van accessible sign on the reserved parking space to the left of the van accessible space.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME observed the cones placed in the incorrect parking space. SME fixed the issue in the field. Harris County's photographs show that the cones were set up properly.

Item #	Proposed Remedy	SME Results	HCEAD Results
6361	Judge must place one mat at the bottom of the curb ramp on access aisle. Judge must place one mat and plate over each of the first 2 gaps after the existing ramp by accessible entrance. Judge must place one mat over the gap before accessible entrance door and prop door open with built in doorstop during voting hours.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the third mat was not installed (a facility mat was in place, but not covering the gap) and the door was not propped open. Harris County's photos show the same facility mat in place and the door not propped open. In item 6366, the HCEAD EDS notes that a poll worker is stationed at the door, which, if they open the door for all voters entering and exiting, is an acceptable alternative to propping open the door.

Item #	Proposed Remedy	SME Results	HCEAD Results
6364	Judge must place one mat and plate against the level change of the second joint when coming from the public sidewalk towards the facility.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the mat and plate were placed over the level change, not abutting it. SME fixed the item in the field, which could explain the difference between the statuses. Regardless, HCEAD EDS photos are not sufficient to determine compliance. The mat in question in the HCEAD photos is the furthest one shown. SME recommends additional training for the HCEAD EDS.

Item #	Proposed Remedy	SME Results	HCEAD Results
6366	Judge must prop facility entrance open during voting hours.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

The SME noted that a poll worker was stationed but did not open the door when it was approached. The HCEAD EDS noted "Poll workers are stationed at accessible entrance" but did not indicate whether they opened the doors for voters.

4.3.2 Pipers Meadow Community Center

Item #	Proposed Remedy	SME Results	HCEAD Results
6675	Contractor must place 8ft ramp with landing on the left side of the curb ramp when facing the entrance. Parallel to the curb	Not Implemented Properly	Implemented Properly

SME
Photos



HCEAD
Photos



SME observed excessive ground slopes in the bottom landing at the installed ramp. The maximum slope permitted in the bottom landing of the installed ramp is 2.08% but SME observed slopes up to at least 3.3%. It appears that the HCEAD EDS surveyed the bottom landing appropriately and observed a complaint slope in the same location. SME is unsure why this would have occurred. SME will emphasize digital level calibration instructions in future EDS trainings.

4.3.3 City of Jersey Village City Hall

Item #	Proposed Remedy	SME Results	HCEAD Results
6097	Judge must place 1 mat against the interior side of the threshold. Judge must place 1 mat against the exterior side of the threshold. Judge must prop facility entrance open during voting hours.	Not Implemented	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the door was not propped open and the greeter positioned at the door was not opening the door for voters. SME explained to the Election Judge that if the door is not propped open, a poll worker would need to open the door for all voters entering and exiting. The HCEAD EDS noted "Facility has a poll worker inside to open door for voters."

4.3.4 Bammel Church of Christ

Item #	Proposed Remedy	SME Results	HCEAD Results
6245	Judge must place 1 cone at the top of parking with van accessible sign that is located directly adjacent to accessible entrance. Judge must place 2 cones at the bottom of parking as designated access aisle that is located to the right of ISA parking space.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the cones and signage were not placed in the correct spot and fixed the issue while on site. The EDS photos demonstrate that they analyzed the remedial measure correctly.

Item #	Proposed Remedy	SME Results	HCEAD Results
6246	Judge must prop both doors open during voting hours.	Not Implemented	Not Implemented Properly

SME Photos



HCEAD Photos



SME noted that the door was not propped open, and a poll worker was not placed to open the door for all voters. The SME notified the Election Judge that the door has to be propped open or a poll worker needs to be placed at the door to open it for all voters entering and exiting the polling place. The EDS noted that a poll worker was placed at the door but didn't open it for voters. The EDS appears to have analyzed the remedial measure correctly.

4.3.5 Green House International Church

Item #	Proposed Remedy	SME Results	HCEAD Results
5936	Starting from bottom landing, Contractors must install a 12' ramp connecting to a 5' X 5' platform, connecting to a 6' ramp to meet sidewalk for the top landing. Contractor must place cones to help protect the ramp. Please reference photos. Judge must ensure that the ramp stays out for entire election period.	Not Implemented Properly	Implemented Properly

SME
Photos



HCEAD
Photos







SME observed excessive ground slopes in the bottom landing at the installed ramp. It appears that the HCEAD EDS surveyed the bottom landing appropriately and observed a complaint slope in the same location. SME is unsure why this would have occurred. SME will emphasize digital level calibration instructions in future EDS trainings.

A note: the level in the HCEAD photograph above showing the level placed on the ground is not the same direction as the HCEAD photograph showing the 1.3% slope measurement. SME instructs the HCEAD EDSs to only take one photograph showing where the level is placed before taking running and cross slope

measurements, which is reflected in these photos. The HCEAD EDS demonstrated through their documentation that they adequately analyzed the ramp.

4.3.6 Judson Robinson Senior Community Center

Item #	Proposed Remedy	SME Results	HCEAD Results
6521	Judge must create temporary van accessible access aisle by placing two cones at the bottom of the 3rd reserved parking spot to the left of facility when facing the building. Judge must also place one cone on top of reserved parking with a temporary van accessible sign.	Not Implemented Properly	Implemented Properly
<div> <div>SME Photos</div> <div>   </div> </div>			
<div> <div>HCEAD Photos</div> <div>   </div> </div>			

SME noted that the cones were not placed as described in the remedial measure. SME fixed the issue while on site. The EDS photos show the cones in the proper location.

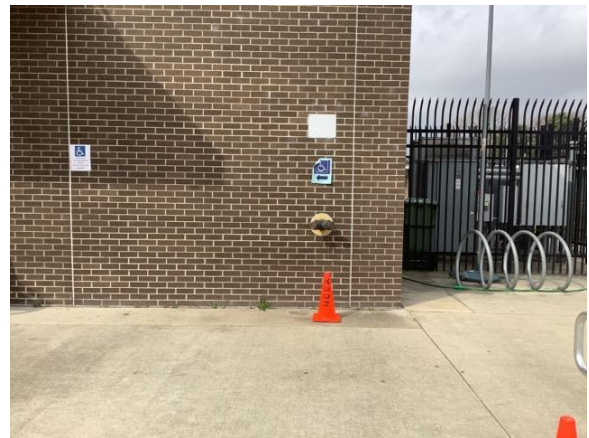
Item #	Proposed Remedy	SME Results	HCEAD Results
6523	Judge must place one thick mat at the bottom of the curb ramp that's located next to drop off.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
PhotosChecklist
Photos

SME noted that the mat was not placed as shown in the checklist photos, abutting the level change at the curb ramp. It is understandable how the mat was replaced in the incorrect position as the remedial measure does not specify that the mat should be placed abutting the bottom of the curb ramp, however, the checklist photos show it in a specific position. SME will update the EDS training to emphasize that EDSs should refer to the checklist photos when analyzing remedial measures.

Item #	Proposed Remedy	SME Results	HC Results
6530	Judge must place a left directional sign on a cone just left of the curb ramp when facing it. Judge must place a left directional sign over the fire connection. Judge must place a up arrow on the accessible door.	Not Implemented Properly	Implemented Properly

SME
Photos



HCEAD
Photos



SME noted that the arrow at the curb ramp was not in place at the time of survey. SME fixed the issue while on site. The EDS photos show that the remedial measure was properly analyzed.

4.3.7 Baytown Community Center

Item #	Proposed Remedy	SME Results	HCEAD Results
6235	Judge must create a temporary van accessible parking area in the loading zone area in front of facility. Judge will place two cones on the grass spot in front of no parking poles, also must place a temporary van accessible parking sign and voter parking sign onto 2 more cones at the top area near left side when facing building. Judge must place one cone on the left side 20ft away from first top cone near the wooden line in concrete. Judge must place a cone to the right of bottom cone in grass area. Judge must place a cone on dirt area in right side lined up to first bottom cone in grass. Judge must place one cone in the middle of the second and third bottom cone on right side when facing facility. Reference photos for cone placement.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the cones were not setup to provide an access aisle. While the EDS photos show a mirrored parking space and access aisle configuration, the functionality is essentially the same as what's shown in the SME "After" photo. This is because for perpendicular parking, the ADA allows the access aisle to be on either the driver or passenger side of the vehicle.

Item #	Proposed Remedy	SME Results	HCEAD Results
6236	Judge must place a corrugated PARKING sign arrow towards the right in front of the tree next to the "Community Center 2407 Market St" located at corner of the intersection of Market Street and Velma Ansley Circle. Judge must place a corrugated PARKING sign Arrow pointing to the left at the corner of Velma Ansley Circle and Velma Ansley Circle. Judge must place a corrugated PARKING sign arrow towards the building where the temporary parking and access aisle will be during elections. Judge must place a corrugated PARKING sign arrow towards the left at the original van accessible and access aisle area under the SPEED LIMIT 20 and UTILITY BILLING DRIVE THRU signs.	Not Implemented	Not Implemented Properly

SME
PhotosHCEAD
Photos





SME noted that no parking directional signage was placed. SME fixed the issue while on site. The EDS also noted that no signs were posted, but poll workers were there to direct voters. Based on the notes and photos provided, the EDS analyzed this remedial measure correctly.

Item #	Proposed Remedy	SME Results	HCEAD Results
6239	Judge must prop facility entrance open during voting hours.	Not Implemented	Not Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the door was not propped open nor did the poll worker stationed at the welcome desk open the door for voters. The EDS noted that a poll worker was stationed at the door but did not open the door for voters. Photos and notes show that the EDS analyzed the remedial measure correctly.

4.3.8 Finnigan Park Community Center

Item #	Proposed Remedy	SME Results	HCEAD Results
6685	Judge must place nine cones aligned to the fire line next to the flagpole. The first cone with an ISA directional signage arrow Up. Judge must place third cone with ISA sign pointing left at edge of the grass to the left of metal gate. Judge must place an isa directional sign pointing left on ninth cone closest to carport.	Not Implemented Properly	Implemented Properly
SME Photos			
			
HCEAD Photos			
			

SME noted that no left arrow was placed closest to the Porte Cochere (carport) and fixed the issue while on site. The EDS photographed the directional signage in the correct location.

4.3.1 Grand Tuscany Hotel

Item #	Proposed Remedy	SME Results	HCEAD Results
5912	Judge must place two cones at the bottom of van accessible parking on left side when facing building. Judge must tape ISA van accessible parking and voter parking sign on green fence.	Not Implemented Properly	Implemented Properly

SME
Photos



HCEAD
Photos



SME noted that the cones do not effectively block the access aisle and fixed the issue while on site. The EDS photos show the correct cone configuration.

4.4 ELECTION DAY

4.4.1 Memorial Elementary School

Item #	Proposed Remedy	SME Results	HCEAD Results
6398	Judge will place one mat against the exterior side of the threshold at facility entrance. Judge must prop facility entrance open during voting hours.	Not Implemented	Implemented Properly

SME
PhotosHCEAD
Photos

SME observed no mat at the door and the door not propped open and fixed the issue in the field. The EDS photos show a mat placed properly and the door propped open.

Item #	Proposed Remedy	SME Results	HCEAD Results
6399	Judge will place one cone directly under the fire alarm pull located to the left as entering the voting room. Judge will place one cone directly under each of the two fire alarm pulls located on the wall opposite the accessible entrance.	Not Implemented	Implemented Properly
SME Photos	None (in voting room)		
HCEAD Photos	None (in voting room)		

SME noted that none of the cones were placed within the voting room and fixed the issue in the field. The EDS noted that cones were in place.

4.4.2 West End MultiService Center

Item #	Proposed Remedy	SME Results	HCEAD Results
5875	Judge must ensure facility entrance is propped open during voting hours	Implemented Properly	Not Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the door identified in the checklist item was propped open and noted that the entrance was not being used. The EDS showed in photos that it was not propped open and that another entrance was being used. Both remedial measure statuses appear to be accurate based on the supplied photographs.

4.4.3 Willbern Elementary School

Item #	Proposed Remedy	SME Results	HCEAD Results
7171	Contractor must install an 8' ramp with a landing in front of the double doors that are labelled with the number 8. Refer to pictures for more info.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the top transition plate on the ramp was loose. The Election Judge indicated that the school had moved the ramp after it was installed by Harris County contractors and reinstalled without notifying the County. SME notified Harris County of this and they fixed it shortly thereafter. The EDS analysis show it in place properly.

Item #	Proposed Remedy	SME Results	HCEAD Results
7172	Judge must place a right ISA arrow at the post to the right of the red curb ramp that's in front of double doors numbered 9. Judge must place an up ISA arrow at the post before arriving to the temporary ramp as shown in pictures. Judge must make sure temporary ramp stays in place.	Not Implemented Properly	Implemented Properly

SME
Photos



HCEAD
Photos



SME noted that the up arrow was not placed and fixed the issue in the field. The EDS photos show it in place.

Item #	Proposed Remedy	SME Results	HCEAD Results
7173	Judge must place one mat over one plate at the concrete joint gap that's in the middle of the existing access aisle. Judge must place one mat over 3 plates at the top of the existing access aisle in order to cover most of the gap as shown in pictures, tape both plates together onto concrete. Judge must place one mat over 3 plates at the top of the walkway concrete connected to the driveway in order to cover most of the gap as shown in pictures, tape down both plates onto concrete.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the Election Judge set up the mats at the incorrect cut-through in the parking lot and fixed the issue in the field. The EDS photos show them in the correct location.

Item #	Proposed Remedy	SME Results	HCEAD Results
7170	Judge must plate one right arrow on the right side of the double doors labelled as 9 in order to lead them to doors number 8. Judge must place an up arrow on the left side of the double doors that are labelled with the number 8. Judge must place an up arrow on the left side of the double doors that are labelled with the number 7. Judge must place a left arrow on the blocks of concrete to the left side of door 6 in order to lead them to double doors labelled as 7.	Not Implemented Properly	Implemented Properly

SME
Photos



HCEAD
Photos



SME noted that there was no arrow at door 7. The EDS did not provide photographs of door 7. The EDS photos show door 8 without directional signage, which was a result of Item 7174, described below.

Item #	Proposed Remedy	SME Results	HCEAD Results
7174	Judge must ensure that a mat is placed flush to the interior threshold of double doors labelled with the number 8. Judge must prop door number 8 open during voting hours.	Not Implemented Properly	Not Implemented

SME
PhotosHCEAD
Photos

SME noted that door 8 was being used as an exit. It was not propped open, and the mat was not placed properly. The school did not want the door propped open and the mat placed at the threshold would not allow the door to swing. SME instructed the Election Judge to utilize door 7 for both entry and exiting. The EDS noted that door 8 was not being used during voting hours. It appears that the EDS analyzed the remedial measure correctly.

Item #	Proposed Remedy	SME Results	HCEAD Results
7175	Judge must place one cone under each fire alarm in the Gym (2). Judge must place one cone underneath each soap dispenser in the Gym (2). Judge must place one cone underneath the fire extinguisher in the Gym. Judge must place 3 cones at the bottom of the coat hanger. Judge must place 3 cones at the bottom of the basketball hoop. Judge must place 3 cones at the bottom of the hula hoops. Total of 14 cones.	Not Implemented Properly	Implemented Properly
SME Photos	None (in voting room)		
HCEAD Photos	None (in voting room)		

SME noted that cones were not placed under one hand sanitizer dispenser and one fire alarm. SME fixed these issues in the field.

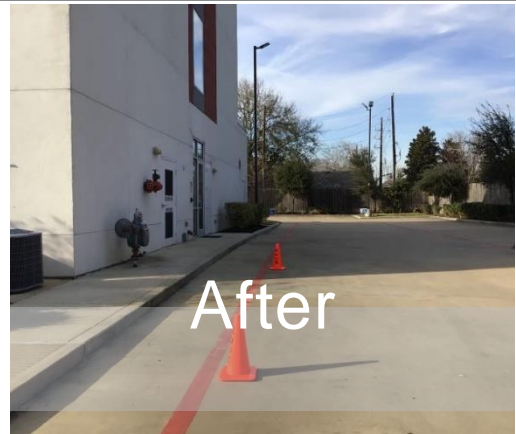
4.4.4 Spring Hill Suites Northwest Cypress

Item #	Proposed Remedy	SME Results	HCEAD Results
7582	Judge must place one mat over one plate over joint at accessible entrance. Reference photos	Implemented Properly	Not Implemented Properly



SME
PhotosHCEAD
Photos

The EDS noted that the mat and plate were not placed and fixed the issue in the field. SME observed the mat and plate in place.

Item #	Proposed Remedy	SME Results	HCEAD Results
7580	Judge must place two cones 20 feet apart, 5 feet from the curb to alternative create drop off area. reference photos	Implemented Properly	Not Implemented

SME
PhotosHCEAD
Photos

The EDS noted that the cones were not placed and fixed the issue in the field. SME observed the cones in place.

Item #	Proposed Remedy	SME Results	HCEAD Results
7583	Judge must place one mat over one plate in first joint next to tree when coming from sidewalk. Judge must place one mat over one plate on the third joint when coming from sidewalk connection transition. Judge must place one mat over one plate in joint after previous gap. Both are to the left of the connection transition when walking towards the facility. Reference photos	Implemented Properly	Not Implemented Properly
SME Photos			
HCEAD Photos			

The EDS noted that the mats and plates were not placed and fixed the issue in the field. SME observed the mats and plates in place.

4.4.5 Emmott Elementary School

Item #	Proposed Remedy	SME Results	HCEAD Results
7148	Judge must place one mat over one plate at the concrete joint gap that's between the drop off access aisle and the red landing.	Not Implemented Properly	Implemented Properly

SME
PhotosHCEAD
Photos

SME noted that the mat and plate were not correctly placed and fixed the issue in the field. The EDS documented the mat and plate in the correct location.

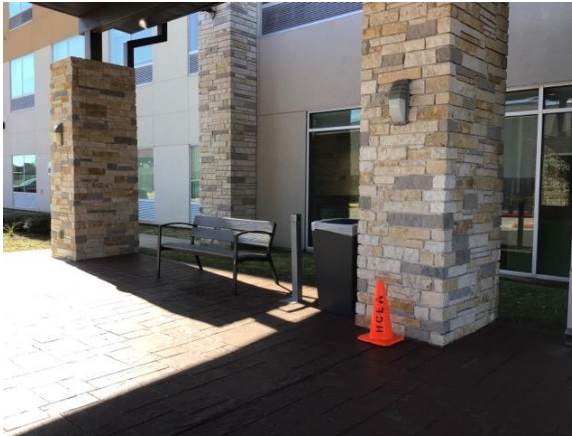
Item #	Proposed Remedy	SME Results	HCEAD Results
7151	Judge must place one cone underneath each fire pull (2). Judge must place one cone underneath each soap dispenser (2). Judge must place one cone underneath the fire extinguisher in the voting room. Judge must place two cones at each edge of the wooden coat hanger.	Not Implemented	Implemented Properly
SME Photos	None (in voting room)		
HCEAD Photos	None (in voting room)		

SME noted that no cones were set up in the voting room. SME fixed the issue while on site. The EDS noted that all cones were placed.

4.4.6 Holiday Inn Express & Suites Houston SW Galleria Area

Item #	Proposed Remedy	SME Results	HCEAD Results
6648	Judge must place one cone under each of the lights that are on the stanchions. Starting to the left and to the right of accessible entrance and the stanchion next to reserved parking.	Not Implemented Properly	Implemented Properly

SME
Photos



HCEAD
Photos



SME noted that no cones were placed and fixed the issue while on site. The EDS photos show the cones in place.

5.0 May Joint General and Special Election

5.1 HARRIS COUNTY RESULTS

Harris County distributed their EDS survey data for the May 7, 2022 Joint General and Special Election on August 12, 2022. SME was unable to perform an in-person analysis of election day polling places. Because of this, a data comparison is not possible. Below is a summary of the results from Harris County's Election Day Surveys.

Harris County surveyed fifty (50) polling locations during early voting, analyzing a total of 277 checklist items.

Early Voting

Remediation Status	Election Day Results
Implemented Properly	242 (87%)
Not Implemented Properly	11 (4%)
Not Implemented	24 (9%)

Harris County surveyed one hundred seventy-three (173) polling locations on May 7, 2022, analyzing a total of 980 checklist items.

Election Day

Remediation Status	Election Day Results
Implemented Properly	568 (58%)
Not Implemented Properly	145 (15%)
Not Implemented	267 (27%)

According to Harris County's analysis, during early voting, only one (1) judge did not implement any remedial measures. This was due to the voting room being changed last minute. On election day, eighteen (~10%) of the election judges did not attempt to implement any remedial measures.

Compared to the March 2022 Primary Election, a higher rate of judges did not implement remedial measures during this election. 10 of 146 election day (~6.8%) and none of the 85 (0%) early voting polling places did not implement any remedial measures in March.

These results show that there is still a long way to go to ensure all election day judges implement all remedial measures. Harris County is currently altering their judge training modules to help address these issues. Harris County plans on developing training videos for the judges that will be readily available.