



The Commonwealth of Massachusetts

Office of the Secretary of State
Michael Joseph Connolly, Secretary

John P. Cloonan
Director of Elections

June 10, 1986

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CAMBRIDGE MA.

Susan Arthur, Executive Secretary
Cambridge Election Commission
362 Green Street
Cambridge, MA 02139

Dear Ms. Arthur:

I have received and considered your applications to exempt the polling places for eleven precincts from the requirements of the federal Voting Accessibility for the Elderly and Handicapped Act.

For the reasons stated in your applications, and based on your plans for compliance by 1988 and your representation that you will continue to seek accessible locations in 1986, I have for each of the following precincts determined that all potential polling places have been surveyed and that no accessible place is available, nor can you make a place temporarily accessible in the area involved. Therefore, under section 3(b)(2)(A) of the Act, 42 U.S.C. § 1973ee-1(b)(2)(A), and 950 CMR 56.03, I have decided to allow exemption for ward 2, precinct 1; ward 4, precincts 2 and 4; ward 6, precinct 2; ward 7, precincts 1 and 2; ward 8, precincts 1, 4, and 5; ward 9, precinct 4; ward 11, precinct 3.

All exemptions expire as of December 31, 1987. Except for the precincts exempted above, all polling places must be fully accessible in time for the September 16, 1986 state primary.

In addition, the following are my answers to the questions asked by your Board in its letter dated May 17:

1. The Secretary's regulations, 950 CMR 56.02(2), require handicapped parking spaces at a polling place only if a parking lot already exists on the premises and has twenty-five or more parking spaces. Therefore, handicapped

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parking spaces are not required at polling places which have no parking available or only street parking.

2. The same regulation, 950 CMR 56.02(2)(d), requires curb cuts (sidewalk ramps) only where handicapped parking spaces must be provided in an existing parking lot, and then only if a sidewalk is provided at those handicapped parking spaces.

3. The regulation, 950 CMR 56.02(3)(a), requires only one entrance to a building containing a polling place to be accessible. Non-disabled voters may use a non-accessible entrance that is more convenient for them. An otherwise accessible entrance at the rear of a building or through a firehouse engine door satisfies the regulation.

4. The same regulation requires signs directing persons to the accessible entrance if it is not the main entrance. This requirement applies only on election day when the polls are open.

The above answers are based only on the requirements of the Secretary's election regulations. Other state or federal law may, in some cases, contain additional accessibility requirements. Of course, this office encourages you to provide accessibility beyond what the law requires.

Please contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "John P. Cloonan".

John P. Cloonan
Director of Elections

cc: Paul Healy, City Clerk
Robert Healy, City Manager
Gail Enman, Director, Commission on Handicapped Persons

1.

S-411

Comm. from John P. Cloonan, Dir. of Elections, Sec. of State's Office, transmitting a letter to the Election Commission Re: exempting various polling places from requirements of the federal Voting Accessibility for the Elderly & Handicapped Act.

In City Council,

June 16, 1986

Placed on file