AUGUST 2020 SUBJECT MATTER EXPERT PUBLIC REPORT
RE: UNITED STATES V. HARRIS COUNTY, TEXAS, NO. 4:16-CV-02331 (S.D. TEX.)

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Common Acronyms and Abbreviations

+ EDS      Election Day Surveys/Surveyors
+ DOJ      United States Department of Justice
+ HCCO     Harris County Clerk’s Office
+ LOF      Letter of Findings dated September 29, 2014
+ NCNR     Non-compliant, not remediable
+ SME      Subject Matter Expert

Glossary of Terms

<table>
<thead>
<tr>
<th>Attachment A</th>
<th>Polling places and violations identified within the Settlement Agreement taken from the September 29, 2014 Letter of Findings and five expert reports dated August 6, 2018.</th>
</tr>
</thead>
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<td>Reviews.reviewers of implemented remedial measures at polling places during elections.</td>
</tr>
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<td>Agreement between Harris County and DOJ which stipulates the terms in which Harris County must provide accessible polling places.</td>
</tr>
<tr>
<td>Subject Matter Expert</td>
<td>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.</td>
</tr>
<tr>
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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 SME reviewed remedial measures implemented during the March Primary and the July Primary Runoff elections. While a significant proportion of remedial measures were not implemented or not implemented properly during each election, improvement was observed from the March to July elections. See Section 4.0 for an analysis of the March Primary and Section 6.0 for an analysis of the July Primary Runoff.

<table>
<thead>
<tr>
<th>Remediation Status</th>
<th>March Primary Results</th>
<th>July Primary Runoff Results</th>
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<td>Implemented Properly</td>
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<td>25</td>
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<td>Not Implemented Properly</td>
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<tr>
<td>Not Implemented</td>
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<td>5</td>
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</table>

Surveyor training and polling place survey deadlines were adversely affected by the ongoing pandemic. See Section 5.0 for more details. Because polling place surveys only have begun recently, there is not enough data available from which to sufficiently draw conclusions and provide recommendations.

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 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 programs 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 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 election judges, 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 Election Day Surveyors (EDSs), as described in Section 2.4.
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 remedial measures. These polling places are considered non-compliant, not remediable, or NCNR.

Attachment A polling place remedial measures are addressed in Sections 4.1 and 6.1.

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 on election day. If no remedial measures can be identified to remediate violations found during the polling place surveys, the polling place may be identified as NCNR. 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 HCCO since the signing of the Settlement Agreement. Harris County is also required to train election judges, 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 proprietary iPad database tool developed by Jensen Hughes. 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 while during elections EDSs check remedial measures that were developed by the polling place surveyors.

3.0 Polling Place Surveys

3.1 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 developing 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.

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 HCCO’s temporary equipment inventory.

While the tool is still being revised and developed to meet HCCO and SME’s data collection and reporting needs, the SME believes that the survey tool will be effective in helping Harris County fulfill the requirements of the Settlement Agreement.

3.3 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 3.23.1 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 28, eight polling place surveys were submitted to SME for review. Given that only eight out of 900+ surveys have been submitted to the SME for review, there is not enough information yet to make relevant conclusions about the relative quality of HCCO's surveys. Survey results are being marked for SME review daily as this report is being written. Polling place survey results will be analyzed as part of the proceeding monthly and semi-annual reports.

4.0 March Primary Assessment
4.1 REMEDIAL MEASURE DEVELOPMENT
HCCO developed remedial measures for the Attachment A violations at polling places used during the March Primary. See Section 2.2 for an explanation of Attachment A polling places.

Not all Attachment A polling places were used during the March Primary. Of the 189 Attachment A polling places, 61 were originally planned to be used for the March Primary. As it got closer to the primary, we learned that 3 of the Attachment A polling places were no longer being used. This left 58 Attachment A polling places being used for the March Primary. At least one approved remedial measure was developed for 53 of these polling places.

Of 232 violations identified at Attachment A Polling Places used during the March Primary, the County identified 145 remedial actions in the Remediation Plan that, if implemented correctly, would remove the violations during elections.

87 violations were not adequately addressed by the Remediation Plan. Of these 87 violations, Harris County identified 35 that would require a visit by HCCO staff to the polling place to determine remedial measures. Harris County was unable to revisit several polling places to determine compliant remedial measures before the March Primary election.
The remaining 52 violations not included in the remediation plan were due to one of the following reasons:

+ The County was unable to identify a remedial measure that would meet the requirements of the ADA.
+ A remedial measure could not be identified so the polling place was added to the Non-Compliant, Not Remediable list of polling places.
+ The polling place facility staff objected to HCCO providing remedial measures to address violations or prevented HCCO from changing voter rooms, entry doors, or parking areas.

Many of the violations not addressed by the remediation plan were attributable to HCCO's insufficient inventory, much of which failed to meet the ADA requirements, and can no longer be used. For example, of the threshold ramps inventoried by HCCO, most were found by the SME to not meet the ADA requirements and have been discontinued from use.

4.2 SME REVIEW RESULTS

The SME surveyed the proposed remedial measures for the Settlement Agreement Attachment A violations, developed by Harris County Clerk’s Office (HCCO) and accepted by SME and United States Department of Justice (DOJ). The SME analyzed whether the remedial measures were installed/placed as directed and whether the remedial measures remediated the barriers to access. The SME also analyzed whether the curb-side voting call buttons were operational and placed in a location where a voter with a disability can announce her arrival at the curbside voting location without requiring the voter to bring a companion or get assistance from another voter.

To analyze this data, the SME developed a database survey tool on the Filemaker platform for use on an iPad.

4.2.1 Polling Places

The following polling places were visited by the SME during early voting on February 18, 2020:

+ Hardy Street Senior Citizens Center, 11901 West Hardy, Houston, TX
+ Metropolitan MultiService Center / West Gray Adaptive Recreation, 1475 West Gray St, Houston, TX
+ Octavia Fields Branch Library, 1503 South Houston Ave, Humble, TX

The following polling places were visited by the SME on March 03, 2020:

+ Candlelight Park Community Center, 1520 Candlelight Ln, Houston, TX
+ St Timothy Lutheran Church, 14225 Hargrave Rd, Houston, TX
+ Lakes at NorthPointe Clubhouse, 13502 Northpointe Ridge Ln, Cypress, TX
+ Tomball City Hall, 401 Market St, Tomball, TX
+ Greater True Light Baptist Church, 6828 Annunciation St, Houston, TX
+ Alexander Deussen Park Senior Center, 12303 Sonnier St, Houston, TX
+ Anderson Elementary School, 6218 Lynngate Dr, Spring, TX
+ McNabb Elementary School, 743 E Cypresswood Dr, Spring, TX
+ Teague Middle Schools, 21700 Rayford Rd, Humble, TX
+ Beneke Elementary School, 3840 Briarchase Dr, Houston, TX
+ Londonderry Clubhouse, 8331 London Way Dr, Spring, TX
+ Northbrook Senior High School, 1 Raider Cir N, Houston, TX

4.2.2 Results

In general, most remedial measures were not implemented, or not implemented properly.
Of these, Judges were responsible for all remediations implemented properly during both early voting and election day.

<table>
<thead>
<tr>
<th>Remediation Status</th>
<th>Early Voting Results</th>
<th>Election Day Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implemented Properly</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Not Implemented Properly</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Not Implemented</td>
<td>1</td>
<td>14</td>
</tr>
</tbody>
</table>

As set forth in the table above, while judges implemented 10 remedies properly, the overwhelming majority of judge and contractor remedies were either not properly implemented, or they were not implemented at all. For example, at Candlelight Park, one remedial measure instructed the contractor to install a ramp and instructed the judge to reroute the accessible route to the rear entrance. The ramp was not installed, yet the route was rerouted, just not to the correct door. This resulted in the contractor being responsible for not implementing one remedial measure and the judge being responsible for not implementing properly one remedial measure. Overall, the remedial measure was identified in the first table as not being implemented properly, since there was an attempt by the judge to implement the remedial measure. Based on the contractor’s performance during this election, as well as purported issues during prior elections, HCCO decided to cease use of this contractor. The SME only observed one polling place that properly implemented all remedial measures developed for the March Primary: Lakes of Northpointe Clubhouse. That said, at this location there were multiple violations identified in Attachment A (Section 2.2) where remedial measures were unable to be identified. This polling place has since been determined to be non-compliant, not remediable and will no longer be used during elections.

4.2.3 Specific Remedial Measures

4.2.3.1 Ramps

4.2.3.1.1 Temporary Ramps
HCCO stated that they have numerous Gateway 06 ramps in their inventory of temporary equipment. These ramps are 6 feet in length. Because ramp slope depends on both the length of ramp installed and the height of the ramp rise, different ramp lengths are required to maintain a compliant ramp slope for different ramp rises. Other ramps of various lengths were planned to be installed at polling places for the March 3 election day.

Immediately prior to the election, HCCO notified the SME and DOJ that the contractor did not stock any ramps other than the 6-foot ramp. Because this length of ramp would result in excessive slopes when placed on curbs where 7-foot and 8-foot ramps were planned, it was decided that the 6-foot ramps should not be placed because they cannot meet the accessibility requirements.
One 6-foot ramp was installed at Octavia Fields Branch Library for the early voting period. The remedial action and aerial diagram called for the ramp to be installed in the second space towards the entrance from the flagpole on the west side of the building. The contractor failed to follow HCCO’s directions and installed the ramp on the north side of the building in the space adjacent to the permanent van accessible parking.

*Figure 1 - Octavia Fields Ramp Location*

*Figure 2 - Octavia Fields Planned Ramp Location*

*Figure 3 - Octavia Fields Ramp Placement*
The ramp, as placed, was not accessible. The SME recorded excessive slopes on the ramp approach and ramp run and excessive level changes on the top lip. The ramp landing and the route from the ramp to the entrance contained excessive cross slopes.

7-foot and 8-foot ramps planned at Candlelight Park, Londonderry Clubhouse, Northbrook Senior High School were not installed by the contractor. Unfortunately, the polling places that were scheduled for the SME review on March 3 did not include those locations where 6-foot ramps were planned to be installed. That said, it is unlikely that the 6-foot ramps will meet the ADA requirements regardless of placement, due to the design of the ramps.

Since the March Primary, the SME has identified temporary ramps of varying lengths to be used in subsequent elections. These temporary ramps are part of the EZ Access TITAN Series. The ramps were identified for use during the July Primary Runoff. See corresponding sections for the analysis.

4.2.3.1.2 Short Ramps
HCCO notified the SME that 3’ x 36” ramps were included in their inventory.

Based on their schematic drawings, these ramps appear to be appropriate for use on level changes up to 2-3/4” if level landings are provided. 3’ x 36” ramps were planned to be used at Northbrook Senior High School and Candlelight Park on March 3, yet none were placed. The SME learned after the election that the contractor was unable to find the 3’ x 36” in HCCO’s inventory. Since the March Primary, HCCO has discontinued the use of these ramps.

4.2.3.1.3 Threshold Ramps
A threshold ramp was identified to be installed at Londonderry Clubhouse. No ramp was installed.
Based on the SME’s review of the manufacturer’s specifications for the threshold ramps HCCO uses, it is unlikely that these ramps will be accessible no matter how they are installed.

Since the March Primary, the SME identified alternate remedial measures to address excessive threshold height. This system is known as the SafePath EntryLevel Landing System and consists of a 60” deep raised landing at the door with approach ramps leading up to the landing. While the SME has no reason to think this system will not comply with the ADA requirements for door maneuvering clearance dimensions and threshold height, the efficacy of the EntryLevel Landings have yet to confirmed in the field.

4.2.3.2 Mats

HCCO’s equipment inventory contains 24” x 36” door mats from a big box store (link). These flexible rubber mats are used to cover excessive openings along the accessible route.

The SME determined that these mats are not appropriate for excessive openings. At numerous locations, the mat flexed into the surface opening, creating a non-compliant level change/opening.
Since the March Primary, the SME and HCCO have identified the use of mats with 6" x 36" 1/8" thick aluminum plates to bridge excessive openings.

### Figure 7 - Flexible Mat, McNabb Elementary School

4.2.3.3 Signage

Remedial measures developed by Harris County indicated temporary passenger drop off location signage would be provided to polling places where temporary passenger drop off areas were planned. The SME did not observe these signs, and election judges were unaware that the signs exist. Since the March Primary, it is the SME’s understanding that a new passenger drop off area sign is in development by HCCO.

### Figure 8 - Mat and Plate Cross Section

### Figure 9 - Hardy Street Passenger Drop Off
4.2.4 Equipment Distribution
Election judges at multiple polling places did not pick up or were not given temporary equipment for Election Day.

SME was notified by the election judges at Tomball City Hall they were not given cones during material pick up. At Alexander Deussen Park, each election judge stated that they thought the other judge was responsible for picking up the equipment.

Since the March Primary, HCCO has implemented an inventory tracking and distribution system that is designed to prevent similar issues from occurring in future elections. Inventory will be automatically identified by the survey instrument described in Section 3.2 when a polling place surveyor identifies a remedial measure to be implemented at a polling place. The instrument will tally all equipment needed at each polling place to make it easy for judges to pick up the correct equipment for each election.

4.3 HCCO EDS RESULTS
HCCO Election Day Surveyors (EDSs) surveyed the proposed remedial measures for the Settlement Agreement Attachment A violations, developed by Harris County Clerk’s Office (HCCO) and accepted by the SME. HCCO analyzed whether the remedial measures were installed/placed as directed and whether the remedial measures were appropriate for the identified barrier. HCCO also analyzed whether the curb-side voting call buttons were operational and placed appropriately, so that they would be accessible to drivers seeking curb-side voting. Curb-side voting data was not included in the report received from HCCO.

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

4.3.1 Polling Places
The following polling places were visited by the HCCO on election day, March 03, 2020:

<table>
<thead>
<tr>
<th>Election Day Polling Places Used During Early Voting</th>
<th>Election Day Polling Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acres Homes Multi-Service Center 6719 W. Montgomery Rd., Houston, TX</td>
<td>Alexander Deussen Park Senior Center 12303 Sonnier Street, Houston, TX</td>
</tr>
<tr>
<td>Alice McKean Young Library 5107 Griggs Road, Houston, TX</td>
<td>Alice Johnson Junior High School 15500 Proctor Street, Channelview, TX</td>
</tr>
<tr>
<td>Alvin D. Baggett Community Center 1302 Keene St., Houston, TX</td>
<td>Anderson Elementary School 6218 Lynngate Dr., Spring, TX</td>
</tr>
<tr>
<td>Bayland Park Community Center 6400 Bissonnet St., Houston, TX</td>
<td>Candlelight Park Community Center 1520 Candlelight Lane, Houston, TX</td>
</tr>
<tr>
<td>Crosby Branch Library 135 Hare Rd, Crosby TX</td>
<td>Cedar Bayou Junior School 2610 East Elvinta Street, Baytown, TX</td>
</tr>
<tr>
<td>Fiesta Mart Inc. 8130 Kirby Rd., Houston, TX</td>
<td>Charlton Park Rec Center 8200 Park Place Boulevard, Houston, TX</td>
</tr>
<tr>
<td>Freeman Branch Library 16616 Diana Ln., Houston, TX</td>
<td>Coady Baptist 5606 Wade Road, Baytown, TX</td>
</tr>
<tr>
<td>Hardy Street Senior Citizens Center 11901 West Hardy, Houston, TX</td>
<td>Cypress Point Baptist Church Blue Lake Dr., Huffman, TX</td>
</tr>
<tr>
<td>Election Day Polling Places Used During Early Voting</td>
<td>Election Day Polling Places</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Hiram Clarke Multi Service Center 3810 W. Fuqua St., Houston, TX</td>
<td>Ginger McNabb Elementary School 743 East Cypresswood Dr., Spring, TX</td>
</tr>
<tr>
<td>Jersey Village City Hall 16327 Lakeview Dr, Jersey Village, TX</td>
<td>Harris County Clear Lake Park Rec Center 4953-4999 East NASA Parkway, Seabrook, TX</td>
</tr>
<tr>
<td>John Phelps Courthouse 101 South Richey St., Houston, TX</td>
<td>Indian Shores Community Center 20700 Block of Appaloosa Trail, Crosby, TX</td>
</tr>
<tr>
<td>Juergen’s Hall Community Center 26026 Hempstead Hwy., Cypress, TX</td>
<td>JP Cornelius Elementary School 7475 Westover Street, Houston, TX</td>
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<tr>
<td>Kashmere Multi Service Center 4802 Lockwood Dr., Houston, TX</td>
<td>Kingwood Branch Library Bens View Ln., Kingwood, TX</td>
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<tr>
<td>Katy Branch, Harris County Public Library 5414 Franz Rd, Katy, TX</td>
<td>Lakes of Northpointe Clubhouse 13502 Northpointe Ridge Ln., Houston, TX</td>
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<tr>
<td>Lone Star College - Cypress Center 19710 Clay Road, Katy, TX</td>
<td>Londonderry Clubhouse 8331 London Way Dr., Houston, TX</td>
</tr>
<tr>
<td>Metropolitan MultiService Center / West Gray Adaptive Recreation 1475 West Gray St., Houston, TX</td>
<td>Meadow Creek Village Park Community Center 5333 Berry Creek Drive, Houston, TX</td>
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<tr>
<td>Moody Park Community Center 3725 Fulton St., Houston, TX</td>
<td>Northbrook Senior High School 1 Raider Circle South, Houston, TX</td>
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<td>Neighborhood Centers Inc Ripley House 4410 Navigation Blvd., Houston, TX</td>
<td>Saint Timothy Lutheran Church 14225 Hargrave Rd., Houston, TX</td>
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<td>North Channel Branch Library Wallisville Rd, Houston, TX</td>
<td>South Belt Elementary School 1801 Riverstone Ranch Road, Houston, TX</td>
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<td>Octavia Fields Branch Library 1503 South Houston Ave, Humble, TX</td>
<td>Sunnyside Park Community Center 3502 Bellfort Street, Houston, TX</td>
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<td>Prairie View A&amp;M University – Northwest 9449 Grant Rd, Houston, TX</td>
<td>Teague Middle School 21700 Rayford Rd., Humble, TX</td>
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<td>Richard &amp; Meg Weekley Community Center 8440 Greenhouse Road, Cypress, TX</td>
<td>Tomball City Hall Council Chamber 401 Market St., Houston, TX</td>
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<td>Scarsdale County Annex, 10851 Scarsdale Blvd. Houston, TX</td>
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<td>Sunnyside Multi-Purpose Center 9314 Cullen Blvd., Houston, TX</td>
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<td>Tracy Gee Community Center 3599 West Center Drive, Houston, TX</td>
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</tbody>
</table>

The first column in the table above indicates that the polling place was used for both early voting and election day. The second column signifies that the polling place was used solely on election day (March 03, 2020).
Four (4) Attachment A polling places that had identified remedial measures were not surveyed by HCCO on March 3:

+ Greater True Light Baptist Church, 6828 Annunciation St, Houston, TX
+ Harris County Public Health Building, 2223 West Loop South Fwy, Houston, TX
+ Northeast Multi-Service Center, 9720 Spaulding St., Building #4, Houston, TX
+ Trini Mendenhall Community Center, 1414 Wirt Road, Houston, TX

4.3.2 Results

From the analysis provided by HCCO, out of forty-seven (47) polling locations that Election Day Surveyors visited on March 3, 2020, there were twenty-three (23) polling locations where the election officials fully implemented the measures. Out of 90 remedial measures analyzed by HCCO, most of the measures were identified as “Implemented Properly.”

<table>
<thead>
<tr>
<th>Remediation Status</th>
<th>HCCO Election Day Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implemented Properly</td>
<td>55</td>
</tr>
<tr>
<td>Not Implemented Properly</td>
<td>19</td>
</tr>
<tr>
<td>Not Implemented</td>
<td>16</td>
</tr>
</tbody>
</table>

A total of ten (10) of the polling places were surveyed by HCCO EDSs and the SME on March 3, 2020. The results are inconsistent.

<table>
<thead>
<tr>
<th>Remediation Status</th>
<th>HCCO Election Day Results</th>
<th>SME Election Day Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implemented Properly</td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>Not Implemented Properly</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Not Implemented</td>
<td>9</td>
<td>13</td>
</tr>
</tbody>
</table>

All nine measures that HCCO identified as Not Implemented were identified similarly by the SME. One measure identified by the SME as Implemented Properly which HCCO identified as Not Implemented Properly was remediated by HCCO’s EDSs in the field and one measure appears to have been addressed between the time SME observed it and HCCO’s survey. The remainder of the conflicting remediation statuses between the SME and HCCO, as well as a review of a sampling of other polling places, are addressed in the following sections.

4.3.3 Conclusions and Recommendations

A significant proportion of the EDS survey results for the March 3, 2020 Primary election were inaccurate. Out of the thirty-three (33) remedial measures reviewed in this report, the SME found that thirteen (13) remedial measures, or approximately 40%, were either analyzed incorrectly or were not surveyed completely. These results do not include the few conflicts between the SME and HCCO results whose differences are explained in the section above.

This high error rate could be the result of several factors. What is clear is that a different approach needs to be taken for the November 2020 General Election.
For the July Primary Runoff, the EDS training was updated to incorporate a few of these recommendations. Unfortunately, due to Coronavirus, in-person field training by the SME was not possible. Once HCCO’s EDS report from the July Primary Runoff is received, the SME will determine whether additional changes to training are required for the November General Election. HCCO’s EDS report from the July Primary Runoff is not due until October 12, 2020, the day before early voting begins for the November General Election.

4.4 OVERALL CONCLUSIONS

The results of the SME and EDSs assessments highlight issues needing to be addressed in upcoming elections. The overwhelming majority of judge and contractor remedies were either not properly implemented, or they were not implemented at all. Many remedial measures identified by EDSs as being implemented properly were inaccurate. Harris County has taken steps to address some of these issues by partnering with a ramp manufacturer and installer to supply and install ADA compliant temporary ramps, hiring a different contractor to assist in the installation of ramps, and changing the installation of mats to include stiff plates to help bridge excessive openings along accessible routes.

5.0 Effect of Coronavirus on Settlement Agreement

To protect the health and safety of all involved, many deadlines and benchmarks had to be pushed back. Most obvious was the delay in the 2020 Primary Runoff. Initially scheduled for May 26, the Governor postponed it until July 14 with early voting starting June 29, 2020.

5.1 POLLING PLACE SURVEYS AND REMEDIAL MEASURES DEVELOPMENT

Harris County was under a stay-at-home order beginning March 24, 2020 which was extended and renewed multiple times. The orders prevented HCCO employees from traveling to the Attachment A polling places listed in the Settlement Agreement to develop and verify remedial measures per Paragraph 17 of the Settlement Agreement for the Primary Runoff scheduled for May and postponed until July. It also prevented HCCO from hiring and onboarding temporary employees to conduct polling place surveys as required in Paragraph 25 of the Settlement Agreement.

5.2 EDS SURVEYOR TRAINING

Election Day Surveyor (EDS) training for the July Primary Runoff occurred June 30, 2020. Instead of the SME conducting training in-person, an online training occurred with the EDSs participating virtually from their respective homes. No field training occurred due to concerns regarding the pandemic.

5.3 POLLING PLACE SURVEYOR TRAINING

Once anticipated to occur in May 2020, the polling place surveyor training was delayed multiple times due to travel restrictions and ballooning COVID-19 cases, both in the SME’s location of Chicago, Illinois and Harris County, Texas. Polling place surveyor training began on July 20, 2020. Three different training modules were conducted between July 20 and August 17, 2020. They include, initial training for HCCO experienced staff, training for the “core” surveyor teams (four teams of two), and training for the second wave of surveyor teams (six teams of two). The in-class surveyor training was conducted remotely over Microsoft Teams.

Because of mandatory quarantines in Chicago after travel to certain states, including Texas, the SME was unable to travel to Harris County to conduct in-person in-field training. A solution where the SME could train remotely was developed through collaboration among the SME, HCCO, and DOJ.

Due to social distancing and the desire to avoid crowds, one survey team at a time was trained in-field (one team per day). In addition to the survey team, one HCCO experienced staff and one Jensen Hughes (JH) Associate were a part of each field team. The SME utilized Microsoft Teams to connect with the field team. Using a smart phone camera connected to the meeting, the JH Associate was present to show the SME the survey team. Each member of the field team and the HCCO experienced surveyor were connected to the
meeting audio through their individual smartphones. Hands-free technology was utilized so the field team could listen to direction from the SME while conducting the field survey training. DOJ representatives observed remotely both the in-class and in-field training.

**Figure 10 - Remote Field Training Setup**

### 6.0 July Primary Runoff Assessment

#### 6.1 REMEDIAL MEASURE DEVELOPMENT

HCCO developed remedial measures for the remaining Attachment A violations polling places not used during the March Primary. Due to the stay-at-home order in Harris County, HCCO addressed the violations where information was available to develop remedial measures without field verification.

Of the 189 Attachment A polling places, 61 were originally planned to be used for the March Primary. The remaining 128 Attachment A polling places were included in this analysis.

The Parties engaged in a similar process as described in Section 4.1 to determine remedial measures to be implemented during the July Primary Runoff.

#### 6.2 SME RESULTS

Due to Coronavirus, the SME was unable to travel to Harris County for the July Primary Runoff. A team of Associates from the Jensen Hughes Houston office performed the SME fieldwork under the remote supervision of the SME. The SME Team consisted of Lexi Thompson and Chris Hall.

##### 6.2.1 Polling Places

The following polling places were visited by the SME Team during early voting on July 8 and 9, 2020:
The following polling places were visited by the SME Team on July 14, 2020:
+ Alvin D. Baggett Community Center, 1302 Keene St., Houston, TX
+ Bayland Park Community Center, 6400 Bissonnet St., Houston, TX
+ Crosby Branch Library, 135 Hare Rd, Crosby TX
+ Freeman Branch Library, 16616 Diana Ln., Houston, TX
+ Hardy Street Senior Citizens Center, 11901 West Hardy, Houston, TX
+ Hiram Clarke Multi Service Center, 3810 W. Fuqua St., Houston, TX
+ Jersey Village City Hall, 16327 Lakeview Dr, Jersey Village, TX
+ John Phelps Courthouse, 101 South Richey St., Houston, TX
+ Kashmere Multi Service Center, 4802 Lockwood Dr., Houston, TX
+ Katy Branch, Harris County Public Library, 5414 Franz Road, Katy, TX
+ Lone Star College - Cypress Center, 19710 Clay Road, Katy, TX
+ Metropolitan MultiService Center / West Gray Adaptive Recreation, 1475 West Gray St., Houston, TX
+ Moody Park Community Center, 3725 Fulton St., Houston, TX
+ Neighborhood Centers Inc Ripley House, 4410 Navigation Blvd., Houston, TX
+ Northeast Multi-Service Center, 9720 Spaulding St., Bldg 4, Houston, TX
+ Scarsdale County Annex, 10851 Scarsdale Blvd., Houston, TX
+ Tracy Gee Community Center, 3599 West Center Drive, Houston, TX
+ Trini Mendenhall Community Center, 1414 Wirt Road, Houston, TX

6.2.2 Results

<table>
<thead>
<tr>
<th>Remediation Status</th>
<th>Early Voting Results</th>
<th>Election Day Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implemented Properly</td>
<td>21</td>
<td>9</td>
</tr>
<tr>
<td>Not Implemented Properly</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>Not Implemented</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Many of the polling places surveyed on election day were the same as early voting. This is due to the SME prioritizing polling places where temporary ramps were identified to be placed. All but two (2) “Not Implemented Properly” results on Election Day were the same items surveyed during early voting. Combining the early voting and election day results while removing duplicate items shows a better picture.
The SME found that overall, 57% of remedial measures analyzed were “Implemented Properly.” This is an improvement over the March Primary where only 26% of remedial measures were found to be “Implemented Properly.” Many of the “Not Implemented Properly” remedial measures are the result of ramp installation, which is discussed in later sections.

### 6.2.3 Temporary Ramps

The ramps used during the July Primary Runoff are different than those used during the March Primary. HCCO contracted with EZ Rampz out of Roanoke, VA to install the ramps. The ramps specified for most of the polling places ended up being too short for the rise the ramps were required to overcome, which results in the slope of the ramp being greater than the maximum slope allowed by the ADA. The ramp length issue was due to HCCO not having the appropriate surveying equipment to accurately determine ramp rise. Since the July Primary Runoff, HCCO, based on the SME’s recommendation, has acquired laser levels for the purpose of specifying appropriate temporary ramp lengths and configurations.

To provide level landings and compliant slopes at each temporary ramp, EZ Rampz and HCCO utilized stacked and staggered mats at some polling places to provide raised bottom landings at these ramps. The use of staggered mats creates level changes which are not compliant with the ADA requirements. Because the ramp lengths were unable to be lengthened or shortened, EZ Rampz prioritized providing compliant ramp slopes over compliant ramp landings. Although the resulting ramp configuration did not fully meet the ADA requirements, due to time constraints, limited inventory, and pandemic restrictions, the approach by EZ Rampz appears to provide the most usable and compliant ramps feasible.

![Figure 11 - Stacked and Staggered Mats in Ramp Landing](image)

The polling place surveyor training, which was conducted after the July Primary Runoff, included additional tools, instructions, and strategies to ensure that surveyors can more accurately identify temporary ramps for specific polling place field conditions.
6.2.4 Parking

Most remedial measures related to parking were implemented properly. One remedial measure was not implemented properly, yet it was a relatively minor error that did not result in a non-ADA compliant situation. When setting up the designated van accessible parking space and access aisle, the judge switched the space and access aisle. They also set up one cone at the bottom and one at the top of the access aisle, instead of two cones at the bottom of the access aisle. The cone and signage placement by the judge was technically compliant with the ADA as the cones effectively blocked the access aisle to discourage parking in it, yet it did not meet the configuration as described in the remedial measure and shown on the aerial diagram provided to the judge.

![Figure 12 - Judge Configuration](image1.jpg)

![Figure 13 - Configuration Described in Remedial Measure](image2.jpg)

The SME recommends during training reiterating to the judges the importance of reading the remedial measure carefully and following the directions verbatim.

6.2.5 Signage

6.2.5.1 Directional Signage

The SME Team found that when directional signage was required to direct voters to the accessible route, required directional signage was not placed at one reviewed polling place. This appears to be a failure on the judge's part to place it during the election because it is the SME's understanding that directional signage is provided within all election judge packets regardless of the need. SME recommends reiterating to the judges during training the importance of placing temporary equipment, including signage, as directed.
6.2.5.2 Parking Signage

During the assessment, the SME Team was notified by the judges that the van accessible parking signage was too low and unable to be seen by voters, resulting in the designated van accessible parking space going unused for the last two years. While the remedial measure for providing van accessible signage at the designated accessible parking space was implemented properly, the SME recommends that HCCO identify a means of raising the temporary van accessible parking signage if located in an area where a sign post is not already present.

6.3 HCCO EDS RESULTS

Per the Settlement Agreement, HCCO has 90 days from the election to provide their EDS results to the SME and DOJ. That time has not elapsed as of the date of this report.

7.0 Surveyor Training

7.1 ELECTION DAY SURVEYOR TRAINING

The SME conducted Election Day Surveyor (EDS) training for the March Primary on February 18, 2020. The training consisted of a morning, in-class training covering accessibility requirements; reading, understanding, and analyzing remedial measures to ensure all action items are captured; and the use of the iPad Filemaker application. The afternoon session included in-field training of the EDSs at three polling places:

+ Hardy Street Senior Citizens Center, 11901 West Hardy, Houston, TX
+ Metropolitan MultiService Center / West Gray Adaptive Recreation, 1475 West Gray St, Houston, TX
July Primary Runoff Training was conducted remotely by the SME on June 30, 2020. The training consisted of solely an in-class portion covering accessibility requirements; reading, understanding, and analyzing remedial measures to ensure all action items are captured; and the use of the iPad Filemaker application. Due to travel restrictions, no in-field training was conducted by the SME. Many HCCO EDSs during the July Primary Runoff also served as EDSs during the March Primary Election.

7.2 POLLING PLACE SURVEYOR TRAINING

As covered in previous sections, training for polling place surveyors began on July 20, 2020. The SME delivered three rounds of surveyor training in the months of July and August; one for HCCO experienced surveyors, one for the “core” set of surveyors (four teams of two), and one for the second wave of surveyors (six teams of two).

Training consisted of a multi-day in-class PowerPoint training via Microsoft Teams and at least one day per team of in-field training. The training deck was developed by the SME and approved for use by DOJ.

In-class training included:

+ A brief overview of the ADA
+ A demonstration on how to use the survey instrument
+ Instruction on survey tools and how to use them
+ Overview of accessibility requirements
+ Instruction on how to survey accessible elements per the survey instrument
+ Developing remedial measures for violations identified during the survey

The in-class training included knowledge checks throughout to gauge the surveyors’ understanding and retention of the information.

**Van Accessible Parking Pop Quiz**

- What’s the maximum slope allowed within a van accessible parking space and access aisle?
- What is the total width required for a van accessible parking space and access aisle?

![Van Accessible Parking Diagram]

- What’s the minimum vertical clearance (height) required at the van accessible parking space and access aisle, and the vehicular route to and from it?
- What signage is required for a van accessible parking space?
- Where is van accessible parking required to be located?

**Figure 17 - Example Surveyor Training Quiz**

In-field surveyor training was a bit different. Because of mandatory quarantines in Chicago after travel to certain states, including Texas, the SME was unable to travel to Harris County to conduct in-person in-field training as is the norm for this type of training. Details on conducting in-field surveyor training is described in detail in Section 5.3.