

Service Animals in the Polling Place

Under the Americans with Disabilities Act (ADA), a service animal is defined as a dog (of any breed or size) or a miniature horse that has been individually trained to do work or perform tasks for an individual with a disability. The task performed by the animal must be directly related to the person's disability. *An emotional support or therapy animal who only provides comfort to the person is not considered a service animal under the ADA or the Virginians with Disabilities Act (VDA).*

Under the ADA as it relates to elections, service animals must be allowed to accompany people with disabilities in all areas of a facility where the public is allowed to go. Pursuant to Federal Regulation 28 CFR [35.136](#), a public entity may ask 2 questions to assess if an animal qualifies as a service animal:

1. Is the dog (or miniature horse) a service animal required because of a disability?
2. What work or task has the animal been trained to perform?

Under no circumstances can a public entity require documentation of training, require the demonstration of a task, or inquire about the nature of someone's disability.

While a service animal is *not* required to wear a vest or other ID that indicates they are a service animal, 28 CFR 35.136(d) states, "A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means)."

A public entity may ask someone to remove their service animal if the animal is out of control and the handler does not take effective action to control the animal, or if the animal is not housebroken. In situations where the service animal is removed, the individual with a disability must still be provided with the opportunity to vote or otherwise engage in the elections process without the service animal.

Learn more about [the ADA and Service Animals](#) and [ADA requirements regarding Service Animals](#)

