

0. S.B. No. 285 (Polling Place Accessibility)

This legislation is a top priority of the Council and other advocacy organizations.

As background, federal laws require polling sites used in federal elections to be accessible. See, e.g., the attached March 4, 2005 guidance from the U.S. Department of Justice. See also 42 U.S.C. 15481(a)(3) and 42 U.S.C. 1973ee-1(a). Delaware State law is consistent and explicitly requires county departments of election to designate only “readily accessible polling places”. Title 15 Del.C. §4512(b). Despite federal and State law, there are occasions in which once-accessible sites have deteriorated (e.g. concrete ramp develops holes or loose railing from use of salt in winter) or building configurations have changed.

This bill would provide an additional resource to promote accessibility. If a department of election were uncertain of the accessibility of a polling place, it could send a referral to the expert Architectural Accessibility Board (“AAB”). The Board would conduct a site review and share its findings with the department. Departments of election would likewise send a referral to the AAB upon receipt of a written notice of a deficiency from the State Council for Persons with Disabilities or a registered voter. This bill leverages resources by having an existing Board with expertise in accessibility conduct an assessment at no additional public cost. To ensure the Board’s capacity to absorb the potential extra work, referrals are capped at 5 per department per year. Departments could exceed the cap only with the consent of the Board. There is no opposition to the bill from the State Election Commissioner and it enjoys the full endorsement of the AAB.

The Council strongly endorses this initiative which would facilitate access to polling sites by the elderly and persons with disabilities.

Thank you for your consideration.

Attachment (1)