



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Third Floor, Suite 1
410 Federal Street
Dover, Delaware 19901
302-739-3621


The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: February 27, 2024

TO: Representative William J. Carson
Senator Kyra Hoffner

FROM: Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: HB 293: AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE
RELATING TO ELECTIONS.

The State Council for Persons with Disabilities (SCPD) has reviewed proposed Delaware House Bill 293 seeking to add a provision to Chapter 2 of Title 15, Elections, requiring the Department of Elections (DOE) to ensure that polling places are accessible.

SCPD has the following comments:

- Currently there is a vague provision at 15 Del Code § 4512 which generally requires that polling places be “readily accessible.”¹ Federal law (the Americans with Disabilities Act and Help America Vote Act, among others) currently requires the DOE provide accessible polling places and accessible voting equipment. The Disabilities Law Program has conducted surveys which suggest that about 25% to 30% of polling places are not fully accessible on any given election day.²
- Proposed Section 221(a) requires the DOE ensure polling places have adequate and accessible spaces and that all polling places in Delaware be accessible to persons with

¹ 4512. Polling places; designation and preparation.

(b) The Department shall designate only conveniently located and readily accessible polling places for each election district.

² The DLP’s report on our 2022 Polling Place Survey can be found here: <http://www.declasi.org/clasi-disabilities-law-program-report-finds-widespread-accessibility-violations-at-delaware-polling-places/>

disabilities, in compliance with the ADA. Subsection (b) makes exceptions in two circumstances: first, in an emergency, and second, if the Commissioner of Elections determines that all polling places in a polling area have been surveyed and none are accessible or can be made accessible, and that any voter in that polling area has been reassigned to an accessible polling place or has been given an alternative means of voting.

- Of note: Emergency is not defined in the recommended change. **SCPD suggests a definition** to include that the Governor has issued an Order declaring an emergency, or a specific polling place is unusable on Election Day due to circumstances beyond the DOE's control and that cannot be remediated.
- **SCPD suggests an enforcement provision be included in the bill.** Adding language that provides a complaint process or some type of judicial enforcement is suggested.
- **SCPD further asks DOE to add language requiring polling locations ensure accessible features are fully available on Election Day.**

SCPD supports the changes to ensure all Delawareans can exercise their right to vote.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendations on the proposed regulation.

cc: Ms. Marissa Band, Esquire CLASI, DLP
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council