



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

**MEMORANDUM**

DATE: June 11, 2010

TO: All Members of the Delaware State Senate  
and House of Representatives

FROM: Ms. Daniese McMullin-Powell *DMP/LLP*  
Chairperson  
State Council for Persons with Disabilities

RE: S.B. 285 [Polling Place Accessibility]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 285 which would promote accessibility of polling locations. The Council strongly endorses this initiative since it would facilitate access to polling sites by the elderly and persons with disabilities. This letter has also been formally endorsed by AARP, Easter Seals, United Cerebral Palsy, MS Society and the Arc of Delaware.

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”. See attached 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.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Jack A. Markell  
Mr. Brian Hartman, Esq.  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

Sb 285 polling access 6-10.doc