

LAWS OF DELAWARE
VOLUME 84
CHAPTER 506
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 293

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 2, Title 15 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 221. Selection of polling facilities.

(a) The Department shall ensure that all polling places for any election conducted in this State have adequate and accessible parking spaces, that all polling places for any election conducted in this State are accessible to persons with disabilities, and that the accessibility features of such places are available to voters for any election, in compliance with the Americans with Disabilities Act [42 U.S.C. § 12101 et seq.], except as specified in subsection (b) of this section.

(b) Subsection (a) of this section does not apply to polling places under the following circumstances:

(1) In the case of a natural disaster or other emergency that renders a polling site unsafe or unusable, as determined by the Commissioner.

(2) If the Commissioner does both of the following:

a. Determines that all potential polling places in the polling area involved have been surveyed and no accessible place is available, nor is the Department of Elections able to make one temporarily accessible.

b. Ensures that any voter with a disability assigned to an inaccessible polling place, upon advance request of such voter, will be assigned to an accessible polling place or will be provided with an alternative means for casting a ballot on the day of the election.

(c) Any person with information that the Department has not complied with subsection (a) or (b) of this section may file an administrative complaint with the Department.

Approved October 23, 2024