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Mantzavinos, Pettyjohn, Pinkney, Walsh

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

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:

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

3 § 221. Selection of polling facilities.

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

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

9 (1) In the case of an emergency, as determined by the Commissioner.

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

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

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

SYNOPSIS

Federal and Delaware law protect the right to vote and the rights of individuals with disabilities to have equal access to voting places and public facilities. Nonetheless, recent information suggests that a substantial number of polling places in Delaware are either inaccessible to persons with disabilities or lack accessible parking, infringing on the right of all eligible persons to vote in this State.

This Act requires that the Department of Elections ensure that polling places selected for elections are accessible to voters with disabilities and elderly voters. It allows exceptions for states of emergency as determined by the Election Commissioner, or for circumstances in which no accessible polling place in a particular polling area is available and the Election Commissioner ensures that those voters impacted are provided with an alternative accessible polling place or alternative means for casting a ballot upon advance request.