



SPONSOR: Rep. Carson & Rep. Dorsey Walker & Rep. Bush & Sen. Hoffner  
Reps. Baumbach, Bolden, Cooke, Harris, Heffernan, K. Johnson, Lambert, Lynn, S. Moore, Morrison, Osienski, Parker Selby, Phillips, Ramone, Romer, Yearick; Sens. Gay, Hansen, Huxtable, Lawson, Mantzavinos, Pettyjohn, Walsh

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

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:

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, that all polling places for any election conducted in this State are accessible to persons with  
6     disabilities, and that the accessibility features of such places are available to voters for any election, in compliance with the  
7     Americans with Disabilities Act [42 U.S.C. § 12101 et seq.], except as specified in 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 a natural disaster or other emergency that renders a polling site unsafe or unusable, as  
10     determined by the Commissioner.

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

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

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

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

## 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 substitute, like House Bill No. 293, requires that the Department of Elections ensure that polling places selected for elections are accessible to voters with disabilities and elderly voters. This substitute adds a provision that in addition to being accessible, the accessibility features are available to voters in any election. Like House Bill No. 293, this substitute allows certain exceptions for states of emergency, 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. This substitute limits the states of emergency that would allow an exception to natural disasters or other emergencies that render a polling place unsafe or unusable. This substitute also adds a provision allowing any person with information that the Department has not complied with this section to file an administrative complaint with the Department.