

TITLE OF BILL: An act to amend the election law, in relation to requiring polling places to be accessible to physically disabled voters

PURPOSE: The purpose of this bill is to update the state election law to be consistent with federal accessibility requirements, eliminate state polling place accessibility waiver language and include provisions to the election law to reduce confusion regarding polling places access requirements and increase the likelihood of substantial compliance.

SUMMARY OF PROVISIONS:

Section 1: Amends a clear standard that all polling places must be accessible to citizens with disabilities per the accessibility guidelines of the federal Americans with Disabilities Act (ADA) of and New York State Uniform Fire and Building Codes. This will eliminate any confusion and direct the appropriate parties to the relevant laws and agencies for guidance. The bill repeals an outdated waiver process that was used to operate inaccessible polling places. This past practice and language must be deleted because it is illegal. All polling places must now be accessible by federal law. The State Board of Elections shall publish a concise, non-technical guide to describe polling site accessibility standards and distribute them to all board of elections and local governments with the power to designate poll sites. The Guide will also include a polling site access survey instrument and uniform procedures to be followed by boards of elections to hear and remedy polling site accessibility complaints. The guide will be developed in consultation with appropriate stakeholders. Additional provisions were included to help reduce confusion regarding polling places access requirements and increase the likelihood of substantial compliance. They include: completion of an access survey for every polling place to verify compliance, submission of completed surveys to the State Board of Elections, specifications about qualifications of persons conducting the surveys as well as their frequency. To ensure enforcement, a provision was added to support a party's right to pursue the matter in court.

JUSTIFICATION: Many polling sites across the state are ill equipped to provide basic access to people with disabilities. In turn, this has severely affected their ability to go out and vote. Often times, such barriers as steep steps and narrow doorways impede the only available routes to these buildings. Entrances that are more accommodating to those with disabilities are frequently obscured from view, due to a lack of proper signage. Furthermore, many polling sites are located in basements, which can only be reached by stairway. A lack of adequate handicapped parking spaces has been a deterrent as well. By mandating that all polling sites comply with these accessibility guidelines, this law will help ensure that all people with disabilities can be accommodated in a fair and equitable fashion at all polling sites.