

19:8-2

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 146

NJSA: 19:8-2 (Promotes improved polling place accessibility for individuals with disabilities and the elderly)

BILL NO: S1387/1389/1410 (Substituted for A3392)

SPONSOR(S): Connors and others

DATE INTRODUCED: March 29, 2004

COMMITTEE: **ASSEMBLY:** State Government
SENATE: State Government

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 30, 2005

SENATE: June 30, 2005

DATE OF APPROVAL: July 12, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute (1R) for S1387/1389/1410 enacted)

S1387/1389/1410

[SPONSOR'S STATEMENT \(S1387\)](#): (Begins on page 3 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1389\)](#): (Begins on page 6 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1410\)](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3392

[SPONSOR'S STATEMENT](#): (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

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IS 7/31/07

P.L. 2005, CHAPTER 146, *approved July 12, 2005*
Senate Committee Substitute (*First Reprint*) for
Senate, Nos. 1387, 1389 and 1410

1 AN ACT to improve polling place accessibility, amending R.S.19:8-2,
2 ¹R.S.19:8-3 and P.L.1974, c.30,¹ and amending and supplementing
3 P.L.1991, c.429.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.19:8-2 is amended to read as follows:

9 19:8-2. The clerk of every municipality, on or before April 1 shall
10 certify to the county board of every county wherein such municipality
11 is located a suggested list of places in the municipality suitable for
12 polling places. The county board shall select the polling places for the
13 election districts in the municipalities of the county for all elections in
14 the municipalities thereof, including all commission government
15 elections in the county. The county boards shall not be obliged to
16 select the polling places so suggested by the municipal clerks, but may
17 choose others where they may deem it expedient. Preference in
18 locations shall be given to schools and public buildings where space
19 shall be made available by the authorities in charge, upon request, if
20 same can be done without detrimental interruption of school or the
21 usual public services thereof, and for which the authority in charge
22 shall be reimbursed, by agreement, for expenses of light, janitorial and
23 other attending services arising from such use. Each polling place
24 selected shall be accessible to individuals with disabilities and the
25 elderly. A polling place shall be considered accessible if ¹it is¹ in
26 compliance with the ¹federal¹ "Americans with Disabilities Act of
27 1990" (¹[42 U.S.C.A. 12102] 42 U.S.C. 12101¹ et seq.). In no case
28 shall the authorities in charge of a public school or other public
29 building deny the request of the county board for the use, as a polling
30 place, of any building they own or lease.

31 Where the county board shall fail to agree as to the selection of the
32 polling place or places for any election district, within five days of an
33 election, the county clerk shall select and designate the polling place
34 or places in any such election district.

35 The county board may select a polling place other than a
36 schoolhouse or public building outside of the district but such polling
37 place shall not be located more than 1,000 feet distant from the
38 boundary line of the district. The Attorney General may, however,
39 permit a polling place to be more than 1,000 feet distant from the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASG committee amendments adopted May 19, 2005.

1 boundary line of the district if there is no suitable polling place
2 accessible to individuals with disabilities and the elderly within the
3 district or 1,000 feet distant from the boundary line of the district.

4 Whenever possible, the county board shall contact the managers or
5 owners of commercial or private buildings that ¹[it] the board¹ deems
6 suitable to use as polling places, and are in or near an election district
7 lacking an accessible polling place, to determine whether a portion of
8 such a building may be used as a polling place on the day of an
9 election. Reimbursement for the use of a portion of such a building
10 shall be the same as provided by this section for schools and public
11 buildings.

12 ¹Neither the owner nor operator of a facility designated as a
13 polling place by the county board is permitted or authorized to
14 relocate the polling place room in the building without the express
15 prior approval of the board.¹

16 (cf: P.L.1989, c.292, s.1)

17
18 ¹2. R.S.19:8-3 is amended to read as follows:

19 19:8-3. The county board may select the schoolhouse or
20 schoolhouses, public building or public buildings as the polling places
21 in any municipality in the county whether or not such schoolhouses or
22 public buildings are located within the election district for which the
23 polling place is established; and shall designate the rooms or places,
24 entrances and exits to be used in the schoolhouses or public buildings.

25 The county board may select a polling place other than a
26 schoolhouse or public building for an election district, when the
27 location of the election district and of the schoolhouses and public
28 buildings in the municipality in which the election district is located is
29 such that inconvenience would be caused the voters of such election
30 district by locating the polling place thereof in a schoolhouse or public
31 building. In the selection of a polling place other than a schoolhouse
32 or public building for an election district, consideration shall be given
33 to the use of buildings accessible to [elderly and physically disabled
34 persons] individuals with disabilities and the elderly.

35 The county board shall determine and certify to the board of
36 chosen freeholders the amount to be paid the several boards of
37 education or municipalities, as the case may be, for expenses in
38 connection with the use of schoolhouses or public buildings for
39 election purposes; not to exceed in any case the amount paid for
40 polling places in private premises.¹

41 (cf: P.L.1977, c.326, s.1)

42
43 ¹[2.] 3.¹ Section 1 of P.L.1991, c.429 (C.19:8-3.1) is amended
44 to read as follows:

45 1. Each polling place selected by the county board of elections for
46 use in any election shall be accessible to [elderly and physically

1 disabled voters] individuals with disabilities and the elderly unless:

2 a. the [Secretary of State] Attorney General determines that a
3 state of emergency exists that would otherwise interfere with the
4 efficient administration of that election; or

5 b. the [Secretary of State] Attorney General grants a temporary
6 waiver based upon a determination that all potential polling places
7 have been surveyed and no accessible polling place is available, nor is
8 the municipality able to make one temporarily accessible in or near the
9 election district involved. Temporary waivers shall be granted no
10 more than twice for any polling place following the effective date of
11 P.L. , c. (now pending before the Legislature as this bill), and
12 each waiver shall be granted for no more than one year. Before the
13 expiration of the waiver, the board shall formulate a plan to establish
14 an accessible location for the polling place in or near the election
15 district. A copy of the waiver and the plan shall be filed with the
16 Voting Accessibility Advisory Committee, established pursuant to
17 section 11 of P.L.1991, c.429 (C.19:8-3.7).

18 (cf: P.L.1991, c.429, s.1)

19

20 ¹[3.] ^{4.} Section 2 of P.L.1991, c.429 (C.19:8-3.2) is amended
21 to read as follows:

22 2. The [Secretary of State] Attorney General shall establish, in
23 accordance with the "Administrative Procedure Act," P.L.1968, c.410
24 (C.52:14B-1 et seq.), the rules and regulations necessary to ¹[insure]
25 ensure¹ that in any election [any elderly or physically disabled voter]
26 ¹[voters] a voter¹ who ¹[are] is¹ elderly or ¹[have] has¹ a disability
27 and ¹[are] is¹ assigned to an inaccessible polling place will, upon
28 advance request of that voter, either be permitted to vote at the
29 alternative, accessible polling place nearest to that voter's residence
30 which has a common ballot or be provided with a civilian absentee
31 ballot, pursuant to section 4 of P.L.1953, c.211 (C.19:57-4), as an
32 alternative means of casting a ballot on the day of the election.

33 (cf: P.L.1991, c.429, s.2)

34

35 ¹[4.] ^{5.} Section 3 of P.L.1991, c.429 (C.19:8-3.3) is amended
36 to read as follows:

37 3. The [Secretary of State] Attorney General shall [use the
38 barrier free sub-code of the State building code to determine the
39 standards of accessibility for polling places] be responsible for
40 ensuring that each polling place is in compliance with ¹["The
41 Americans] the federal "Americans¹ with Disabilities Act of 1990"
42 (¹[42 U.S.C.A. 12102] 42 U.S.C. 12101¹ et seq.) and shall exercise
43 oversight authority over the county boards of elections to ¹[assure]
44 ensure¹ that each polling place is in compliance with that ¹federal¹ act.

45 (cf: P.L.1991, c.429, s.3)

1 ¹[5.] 6.¹ Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended
2 to read as follows:

3 4. No later than May 15th of each year, beginning with May 15
4 next following the enactment of P.L. , c. (now pending before the
5 Legislature as this bill), each [county board of elections] Voting
6 Accessibility Advisory Committee, established pursuant to section 11
7 of P.L.1991, c.429 (C.19:8-3.7) shall report to the [Secretary of
8 State] Attorney General and the county board of elections, on the
9 form provided by the [Secretary of State] Attorney General, a list of
10 all polling places in the county, specifying any found inaccessible. The
11 [county board of elections] committee shall indicate the reasons for
12 inaccessibility, according to guidelines established in ¹["The
13 Americans] the federal "Americans¹ with Disabilities Act of
14 1990¹[.]¹" (42 U.S.C. 12101 et seq.)¹ and shall consult with the
15 county board of elections to determine the efforts made pursuant to
16 [this act] P.L.1991, c.429 (C.19:8-3.1 et seq.) to locate alternative
17 polling places or the actions needed to make the existing facilities
18 accessible. Each county board of elections shall notify the [Secretary
19 of State] Attorney General and the committee of any changes in
20 polling place locations before the next general election, including any
21 changes required due to the alteration of district boundaries.

22 (cf: P.L.1991, c.429, s.4)

23

24 ¹[6.] 7.¹ Section 5 of P.L.1991, c.429 (C.19:8-3.5) is amended
25 to read as follows:

26 5. No later than July 1st of each year, beginning with July 1 next
27 following the enactment of P.L. , c. (now pending before the
28 Legislature as this bill) ¹,¹ the [Secretary of State] Attorney General
29 shall review the reports of the [county boards of elections] Voting
30 Accessibility Advisory Committee and shall ensure that every possible
31 effort has been made to comply with the provisions of this act ¹, as
32 amended¹ .

33 (cf: P.L.1991, c.429, s.5)

34

35 ¹[7.] 8.¹ Section 11 of P.L.1991, c.429 (C.19:8-3.7) is amended
36 to read as follows:

37 11. a. [In order to assist and advise county election officers in
38 implementing the provisions of this 1991 amendatory and
39 supplementary act, the] The county executive in each county in which
40 that office is established, or the governing body of the county in any
41 other county, shall establish a Voting Accessibility Advisory
42 Committee, which shall [be] consist of at least seven and not more
43 than 11 members as follows:

44 (1) The four members of the county board of elections; and

45 (2) Three or more public members, to be appointed by the county

1 executive or county governing body as follows:

2 (a) A representative of the county executive or a member of the
3 county governing body, as appropriate;

4 (b) At least one [elderly and handicapped] individual with a
5 disability [representing one or more organizations of such
6 individuals];

7 (c) At least one [person] individual trained in the provisions of
8 [the barrier free sub-code] ¹["The Americans] the federal
9 "Americans¹ with Disabilities Act of 1990" (¹[42 U.S.C.A. 12102] 42
10 U.S.C. 12101¹ et seq.); and

11 (d) If the county executive or governing body so elects, any other
12 person deemed able by the executive or governing body to be of
13 assistance [in the implementation of the act].

14 b. In order to accurately evaluate the accessibility of all polling
15 locations, the Voting Accessibility Advisory Committee shall
16 undertake a ["walking tour"] physical inspection of each polling
17 [location] place in the county. [Any elderly and handicapped] A
18 committee member who has a disability should participate in any such
19 [tour] inspection. The results shall be used in completing the list of
20 any polling places found inaccessible, pursuant to section 4 of
21 P.L.1991, c.429 (C.19:8-3.4).

22 c. [On and after January 1, 1994, the continuance in any county
23 of a Voting Accessibility Advisory Committee for that county shall be
24 optional] The committee shall receive notice of complaints filed from
25 ¹[their] its¹ county with the Division of Elections in the Department
26 of Law and Public Safety pursuant to section 6 of P.L.2004, c.88
27 (C.19:61-6) that concern the accessibility of polling places to
28 individuals with disabilities and the elderly.

29 (cf: P.L.1991, c.429, s.11)

30

31 ¹9. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read
32 as follows:

33 16. a. The Attorney General shall cause to be prepared and shall
34 provide to each county commissioner of registration forms of size and
35 weight suitable for mailing, which shall require the information
36 required by R.S.19:31-3 in substantially the following form:

37 VOTER REGISTRATION APPLICATION

38 Print clearly in ink. Use ballpoint pen or marker.

39 (1) This form is being used as (check one):

40 New registration

41 Address change

42 Name change

43 (2) Name:.....

44 Last First Middle

45 (3) Are you a citizen of the United States of America? Yes No

1 (4) Will you be 18 years of age on or before election
2 day? Yes No

3 If you checked 'No' in response to either of these questions, do not
4 complete this form.

5 (5) Street Address where you live:

6

7 Street Address Apt. No.

8

9 (6) City or Town County Zip Code

10 (7) Address Where You Receive Your Mail (if different from
11 above):

12

13 (8) Date of Birth:

14

15 Month Day Year

16 (9) Telephone Number (optional)

17 (10) Name and address of Your Last Voter Registration

18

19

20

21 (11) If you are registering by mail to vote and will be voting for the
22 first time in your current county of residence, please provide one of
23 the following:

24 (a) your New Jersey driver's license number:.....

25 (b) the last four digits of your Social Security
26 Number.....

27 OR submit with this form a copy of any one of the following
28 documents: a current and valid photo identification card; a current
29 utility bill, bank statement, government check, pay check or any other
30 government or other identifying document that shows your name and
31 current address. If you do not provide either your New Jersey driver's
32 license number or the last four digits of your Social Security Number,
33 or enclose a copy of one of the documents listed above, you will be
34 asked for identification when voting for the first time, unless you are
35 exempt from doing so under federal or State law.

36 (12) Declaration - I swear or affirm that:

37 I am a U.S. citizen.

38 I live at the above address.

39 I will be at least 18 years old on or before the day of the next
40 election.

41 I am not on parole, probation or serving a sentence due to a
42 conviction for an indictable offense under any federal or State laws.

43 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
44 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
45 \$1,000.00, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
46 PURSUANT TO R.S.19:34-1.

1

2 Signature or mark of the registrant Date

3 (13) If applicant is unable to complete this form, print the name
4 and address of individual who completed this form.

5

6 Name

7

8 Address

9 In addition, the form may include notice to the applicant of
10 information and options relating to the registration and voting process,
11 including but not limited to notice of qualifications required of a
12 registered voter; notice of the final day by which a person must be
13 registered to be eligible to vote in an election; notice of the effect of
14 a failure to provide required identification information; a place at
15 which the applicant may indicate availability for service as a member
16 of the district board of elections; a place at which the applicant may
17 indicate whether he or she requires a polling place which is accessible
18 to [elderly and physically disabled voters] individuals with disabilities
19 and the elderly or whether he or she is legally blind; and a place at
20 which the applicant may indicate a desire to receive information
21 concerning absentee voting. The form may also include a space for the
22 voter registration agency to record whether the applicant registered in
23 person, by mail or by other means.

24 b. The reverse side of the registration form shall bear the address
25 of the Attorney General or the commissioner of registration to whom
26 such form is supplied, and a United States postal permit the charges
27 upon which shall be paid by the State.

28 c. The Attorney General shall cause to be prepared registration
29 forms of the size, weight and form described in subsection a. of this
30 section in both the English and Spanish language and shall provide
31 such forms to each commissioner of registration of any county in
32 which there is at least one election district in which bilingual sample
33 ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or
34 section 2 of P.L.1965, c.29 (C.19:23-22.4).

35 d. The commissioner of registration shall furnish such registration
36 forms upon request in person to any person or organization in such
37 reasonable quantities as such person or organization shall request.
38 The commissioner shall furnish no fewer than two such forms to any
39 person upon request by mail or by telephone.

40 e. Each such registration form shall have annexed thereto
41 instructions specifying the manner and method of registration and
42 stating the qualifications for an eligible voter.

43 f. The Attorney General shall also furnish such registration forms
44 and such instructions to the Director of the Division of Worker's
45 Compensation, the Director of the Division of Employment Services,
46 and the Director of the Division of Unemployment and Temporary

1 Disability Insurance in the Department of Labor and Workforce
2 Development; to the Director of the Division of Taxation in the
3 Department of the Treasury; to the Executive Director of the New
4 Jersey Transit Corporation; to the appropriate administrative officer
5 of any other public agency, as defined by subsection a. of section 15
6 of P.L.1974, c.30 (C.19:31-6.3); to the Adjutant General of the
7 Department of Military and Veterans' Affairs; and to the chief
8 administrative officer of any voter registration agency, as defined in
9 subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11).

10 g. All registration forms received by the Attorney General in the
11 mail or forwarded to the Attorney General shall be forwarded to the
12 commissioner of registration in the county of the registrant.

13 h. An application to register to vote received from the New Jersey
14 Motor Vehicle Commission or a voter registration agency, as defined
15 in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), shall
16 be deemed to have been timely made for the purpose of qualifying an
17 eligible applicant as registered to vote in an election if the date on
18 which the commission or agency shall have received that document in
19 completed form, as indicated in the lower right hand corner of the
20 form, was not later than the 29th day preceding that election.

21 i. Each commissioner of registration shall make note in the
22 permanent registration file of each voter who is required to provide the
23 personal identification information required pursuant to this section,
24 as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-252 (42
25 U.S.C. 15301 et seq.), to indicate the type of identification provided
26 by the voter and the date on which it is provided. Prior to the June
27 2004 primary election, when such a newly registered voter seeks to
28 vote for the first time following his or her registration, the voter will
29 be required to provide such personal identification information.
30 Beginning with the June 2004 primary election, when such a newly
31 registered voter seeks to vote for the first time following his or her
32 registration, the voter will not be required to provide such information
33 if he or she had previously provided the personal identification
34 information required pursuant to this section. The required
35 information shall be collected and stored for the time and in the
36 manner required pursuant to regulations promulgated by the Attorney
37 General.

38 j. The Attorney General shall amend the voter registration
39 application form if necessary to conform to the requirements of
40 applicable federal or state law.¹

41 (cf: P.L.2004, c.88, s.12)

42

43 ¹[8.] 10.1 (New section) a. There shall be established in the
44 Department of Law and Public Safety a non-lapsing fund to be known
45 as the "Polling Place Accessibility Fund," hereinafter referred to as the
46 fund, to be held separate from all other funds of the State. The money

1 in the fund shall be derived from funds provided by the federal
2 government to improve accessibility to polling places pursuant to
3 section 261 of the ¹federal¹ "Help America Vote Act of 2002,"
4 Pub.L.107-252 (¹[42 U.S.C. 15481] 42 U.S.C. 15421 ¹et seq.),
5 appropriations by the Legislature, any funds donated to the State and
6 designated for purposes prescribed by subsection b. of this section and
7 such other sources as the Legislature shall designate. All earnings
8 received from the investment or deposit of moneys in the fund shall be
9 credited to the fund.

10 b. The money in the fund shall be made available by the Attorney
11 General as grants to the county boards of elections for the purpose of
12 ensuring polling place compliance with ¹["The Americans] the federal
13 "Americans¹ with Disabilities Act of 1990" (¹ [42 U.S.C.A. 12102] 42
14 U.S.C. 12101¹ et seq.), as provided for by P.L.1991, c.429 (C.19:8-
15 3.1 et seq.), as amended and supplemented.

16 c. All grants from the fund shall be awarded pursuant to rules and
17 regulations promulgated by the Attorney General. All monetary
18 awards shall be granted at the discretion of the Attorney General,
19 subject to available moneys in the fund.

20

21 ¹[9.] 11.¹ This act shall take effect immediately.

22

23

24

25

26 Promotes improved polling place accessibility for individuals with
27 disabilities and the elderly.

SENATE, No. 1387

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 29, 2004

Sponsored by:

Senator NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Ensures greater access to polling places for voters who are elderly or have physical disabilities; limits waivers for inaccessible polling places.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning polling place accessibility and amending
2 R.S.19:8-2 and P.L.1991, c.429.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.19:8-2 is amended to read as follows:

8 19:8-2. The clerk of every municipality, on or before April 1 shall
9 certify to the county board of every county wherein such municipality
10 is located a suggested list of places in the municipality suitable for
11 polling places. The county board shall select the polling places for the
12 election districts in the municipalities of the county for all elections in
13 the municipalities thereof, including all commission government
14 elections in the county. The county boards shall not be obliged to
15 select the polling places so suggested by the municipal clerks, but may
16 choose others where they may deem it expedient. Preference in
17 locations shall be given to schools and public buildings where space
18 shall be made available by the authorities in charge, upon request, if
19 same can be done without detrimental interruption of school or the
20 usual public services thereof, and for which the authority in charge
21 shall be reimbursed, by agreement, for expenses of light, janitorial and
22 other attending services arising from such use. Each polling place
23 selected shall be accessible to the elderly and physically disabled
24 voters. A polling place shall be considered accessible if it is in
25 compliance with the barrier free sub-code of the State building code.
26 In no case shall the authorities in charge of a public school or other
27 public building deny the request of the county board for the use, as a
28 polling place, of any building they own or lease.

29 Where the county board shall fail to agree as to the selection of the
30 polling place or places for any election district, within five days of an
31 election, the county clerk shall select and designate the polling place
32 or places in any such election district.

33 The county board may select a polling place other than a
34 schoolhouse or public building outside of the district [but such polling
35 place shall not be located more than 1,000 feet distant from the
36 boundary line of the district].

37 Whenever possible, the county board shall contact the managers or
38 owners of commercial or private buildings that it deems are suitable to
39 use as polling places, and are in or near an election district lacking an
40 accessible polling place, to determine whether a portion of such a
41 building may be used as a polling place on the day of an election.
42 Reimbursement for the use of a portion of such a building shall be the
43 same as provided by this section for schools and public buildings.

44 (cf: P.L.1989, c.292, s.1)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. Section 1 of P.L.1991, c.429 (C.19:8-3.1) is amended to read as
2 follows:

3 1. Each polling place selected by the county board of elections for
4 use in any election shall be accessible to elderly and physically disabled
5 voters unless:

6 a. the ~~Secretary of State~~ Attorney General determines that a
7 state of emergency exists that would otherwise interfere with the
8 efficient administration of that election; or

9 b. the ~~Secretary of State~~ Attorney General grants a waiver based
10 upon a determination that all potential polling places have been
11 surveyed and no accessible polling place is available, nor is the
12 municipality able to make one temporarily accessible in or near the
13 election district involved.

14 Such waivers shall be granted no more than twice for any polling
15 place following the effective date of P.L. _____, c. _____ (C. _____)(now
16 pending before the Legislature as this bill).

17 (cf: P.L.1991, c.429, s.1)

18

19 3. Section 3 of P.L.1991, c.429 (C.19:8-3.3) is amended to read as
20 follows:

21 3. The ~~Secretary of State~~ Attorney General shall ~~use~~ be
22 responsible for ensuring that each polling place selected shall be in
23 compliance with the barrier free sub-code of the State building code
24 to determine the standards of accessibility for polling places.

25 (cf: P.L.1991, c.429, s.3)

26

27 4. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 The purpose of this bill is to ensure greater access to polling places
33 for voters who are elderly or have physical disabilities.

34 The bill does so by requiring that:

35 1) each polling place selected by the county board of elections for
36 use in any election must be in compliance with the barrier free sub-
37 code of the State building code;

38 2) whenever possible, the county board must contact the managers
39 or owners of commercial or private buildings it deems are suitable to
40 use as polling places, and are in or near an election district lacking an
41 accessible polling place, to determine whether a portion of such a
42 building may be used as a polling place on the day of an election;

43 3) waivers to use polling places that are not accessible can be
44 granted no more than twice for any polling place following the
45 effective date of this bill; and

46 4) the Attorney General is to be responsible for ensuring that each

S1387 ASSELTA, SINGER

4

- 1 polling place selected shall be in compliance with the State's barrier
- 2 free subcode.

SENATE, No. 1387

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 29, 2004

Sponsored by:

Senator NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Ensures greater access to polling places for voters who are elderly or have physical disabilities; limits waivers for inaccessible polling places.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning polling place accessibility and amending
2 R.S.19:8-2 and P.L.1991, c.429.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.19:8-2 is amended to read as follows:

8 19:8-2. The clerk of every municipality, on or before April 1 shall
9 certify to the county board of every county wherein such municipality
10 is located a suggested list of places in the municipality suitable for
11 polling places. The county board shall select the polling places for the
12 election districts in the municipalities of the county for all elections in
13 the municipalities thereof, including all commission government
14 elections in the county. The county boards shall not be obliged to
15 select the polling places so suggested by the municipal clerks, but may
16 choose others where they may deem it expedient. Preference in
17 locations shall be given to schools and public buildings where space
18 shall be made available by the authorities in charge, upon request, if
19 same can be done without detrimental interruption of school or the
20 usual public services thereof, and for which the authority in charge
21 shall be reimbursed, by agreement, for expenses of light, janitorial and
22 other attending services arising from such use. Each polling place
23 selected shall be accessible to the elderly and physically disabled
24 voters. A polling place shall be considered accessible if it is in
25 compliance with the barrier free sub-code of the State building code.
26 In no case shall the authorities in charge of a public school or other
27 public building deny the request of the county board for the use, as a
28 polling place, of any building they own or lease.

29 Where the county board shall fail to agree as to the selection of the
30 polling place or places for any election district, within five days of an
31 election, the county clerk shall select and designate the polling place
32 or places in any such election district.

33 The county board may select a polling place other than a
34 schoolhouse or public building outside of the district [but such polling
35 place shall not be located more than 1,000 feet distant from the
36 boundary line of the district].

37 Whenever possible, the county board shall contact the managers or
38 owners of commercial or private buildings that it deems are suitable to
39 use as polling places, and are in or near an election district lacking an
40 accessible polling place, to determine whether a portion of such a
41 building may be used as a polling place on the day of an election.
42 Reimbursement for the use of a portion of such a building shall be the
43 same as provided by this section for schools and public buildings.

44 (cf: P.L.1989, c.292, s.1)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. Section 1 of P.L.1991, c.429 (C.19:8-3.1) is amended to read as
2 follows:

3 1. Each polling place selected by the county board of elections for
4 use in any election shall be accessible to elderly and physically disabled
5 voters unless:

6 a. the [Secretary of State] Attorney General determines that a
7 state of emergency exists that would otherwise interfere with the
8 efficient administration of that election; or

9 b. the [Secretary of State] Attorney General grants a waiver based
10 upon a determination that all potential polling places have been
11 surveyed and no accessible polling place is available, nor is the
12 municipality able to make one temporarily accessible in or near the
13 election district involved.

14 Such waivers shall be granted no more than twice for any polling
15 place following the effective date of P.L. , c. (C.)(now
16 pending before the Legislature as this bill).

17 (cf: P.L.1991, c.429, s.1)

18

19 3. Section 3 of P.L.1991, c.429 (C.19:8-3.3) is amended to read as
20 follows:

21 3. The [Secretary of State] Attorney General shall [use] be
22 responsible for ensuring that each polling place selected shall be in
23 compliance with the barrier free sub-code of the State building code
24 to determine the standards of accessibility for polling places.

25 (cf: P.L.1991, c.429, s.3)

26

27 4. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 The purpose of this bill is to ensure greater access to polling places
33 for voters who are elderly or have physical disabilities.

34 The bill does so by requiring that:

35 1) each polling place selected by the county board of elections for
36 use in any election must be in compliance with the barrier free sub-
37 code of the State building code;

38 2) whenever possible, the county board must contact the managers
39 or owners of commercial or private buildings it deems are suitable to
40 use as polling places, and are in or near an election district lacking an
41 accessible polling place, to determine whether a portion of such a
42 building may be used as a polling place on the day of an election;

43 3) waivers to use polling places that are not accessible can be
44 granted no more than twice for any polling place following the
45 effective date of this bill; and

46 4) the Attorney General is to be responsible for ensuring that each

S1387 ASSELTA, SINGER

4

- 1 polling place selected shall be in compliance with the State's barrier
- 2 free subcode.

SENATE, No. 1410

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 29, 2004

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

Establishes mandatory Voting Accessibility Advisory Committees.

CURRENT VERSION OF TEXT

As introduced.



S1410 CONIGLIO

2

1 AN ACT establishing mandatory Voting Accessibility Advisory
2 Committees and amending P.L.1991, c.429

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 11 of P.L.1991, c.429 (C.19:8-3.7) is amended to read
8 as follows:

9 11. a. In order to assist and advise county election officers in
10 implementing the provisions of this 1991 amendatory and
11 supplementary act, the county executive in each county in which that
12 office is established, or the governing body of the county in any other
13 county, shall establish a Voting Accessibility Advisory Committee,
14 which shall [be] consist of at least seven and not more than 11
15 members as follows:

16 (1) The four members of the county board of elections; and

17 (2) Three or more public members, to be appointed by the county
18 executive or county governing body as follows:

19 (a) A representative of the county executive or a member of the
20 county governing body, as appropriate;

21 (b) At least one elderly [and handicapped] or physically disabled
22 individual representing one or more organizations of such individuals;

23 (c) At least one person trained in the provisions of the barrier free
24 sub-code; and

25 (d) If the county executive or governing body so elects, any other
26 person deemed able by the executive or governing body to be of
27 assistance in the implementation of the act.

28 b. In order to accurately evaluate the accessibility of all polling
29 locations, the Voting Accessibility Advisory Committee shall
30 undertake a "walking tour" of each polling location in the county. Any
31 elderly [and handicapped] or physically disabled committee member
32 should participate in any such tour.

33 c. [On and after January 1, 1994, the] The establishment and
34 continuance in [any] each county of a Voting Accessibility Advisory
35 Committee for that county shall be [optional] mandatory .

36 (cf: P.L.1991, c.429, s.11)

37

38 2. This act shall take effect immediately, but if a regularly
39 scheduled election shall occur within 90 days after this effective date,
40 the act shall be inoperative until the day following that election.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 STATEMENT

2

3 The bill requires each county executive or freeholder board to
4 establish and continue a "Voting Accessibility Advisory Committee"
5 to assist and advise county election officers. The committee was
6 originally implemented in 1991 for a two-year period. The
7 continuance of the committee was optional. In light of the recent
8 changes to election laws, in particular the federal Help America Vote
9 Act, there is a renewed need for the committee. This bill would
10 reestablish the committee and make it mandatory.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1387, 1389 and 1410**

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2005

The Assembly State Government Committee reports favorably and with committee amendments the Senate Committee Substitute for Senate, Nos. 1387, 1389 and 1410.

The purpose of this committee substitute is to facilitate polling place accessibility for individuals with disabilities and the elderly.

Specifically, as amended, the substitute:

1) requires polling places to conform with the standards for accessibility set forth in the federal "Americans with Disabilities Act of 1990;"

2) grants the Attorney General authority to permit a polling place to be more than 1,000 feet from the boundary line of an election district if there is no other suitable polling place accessible to individuals with disabilities and the elderly;

3) permits the county boards of elections to use accessible commercial or private buildings as polling places, if those buildings are in or near an election district lacking an accessible polling place;

4) permits temporary waivers for inaccessible polling places to be granted no more than twice for any polling place, and stipulates that each waiver can be granted for no more than one year; and

5) states that the Attorney General is responsible for ensuring that each polling place is in compliance with the federal "Americans with Disabilities Act of 1990," and that the Attorney General will exercise oversight authority over the county boards of elections to ensure that each polling place is in compliance with that act.

The bill also establishes as a permanent entity in each county the Voting Accessibility Advisory Committee, provided for by P.L.1991, c.429. The committees would be comprised of at least seven members, four of whom would be members of the county board of elections. Additionally, the county executive or county governing body would appoint three or more public members, including a representative of the county executive or a member of the county governing body, an individual with a disability, and an individual trained in the provisions of the federal "Americans with Disabilities

Act of 1990."

Each committee will undertake a physical inspection of each polling place in their county. The results will be used to complete a list of inaccessible polling places, to be submitted to the county board of elections and the Attorney General. The committee will also receive notice of complaints filed from their county with the Division of Elections in the Department of Law and Public Safety that concern the accessibility of polling places to individuals with disabilities and the elderly.

The substitute also establishes the "Polling Place Accessibility Fund." The money in the fund will include funds provided by the federal government to improve accessibility to polling places pursuant to the federal "Help America Vote Act of 2002," appropriations by the Legislature, any funds donated to the State and other sources. The money in the fund will be made available by the Attorney General as grants to the county boards of elections for the purpose of ensuring polling place compliance with the federal "Americans with Disabilities Act of 1990."

Senate Committee Substitute for Senate, Nos. 1387, 1389 and 1410 (1R) is the same as Assembly, No. 3392 (1R).

COMMITTEE AMENDMENTS

The committee amended the substitute to (1) provide that neither the owner nor operator of a facility designated as a polling place by a county board is permitted or authorized to relocate the polling place room in the building without the express prior approval of the board; (2) make corrections to certain citations; and (3) reword some provisions to improve the clarity thereof.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1387, 1389 and 1410**

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Senate State Government Committee reports favorably Senate Committee Substitute for Senate, Nos. 1387, 1389 and 1410.

The purpose of this committee substitute is to facilitate polling place accessibility for individuals with disabilities and the elderly.

Specifically, the substitute:

1) requires polling places to conform with the standards for accessibility set forth in the federal "Americans with Disabilities Act of 1990;"

2) grants the Attorney General authority to permit a polling place to be more than 1,000 feet from the boundary line of an election district if there is no other suitable polling place accessible to individuals with disabilities and the elderly;

3) permits the county boards of elections to use accessible commercial or private buildings as polling places, if those buildings are in or near an election district lacking an accessible polling place;

4) permits temporary waivers for inaccessible polling places to be granted no more than twice for any polling place, and stipulates that each waiver can be granted for no more than one year; and

5) states that the Attorney General is responsible for ensuring that each polling place is in compliance with "The Americans with Disabilities Act of 1990," and that the Attorney General will exercise oversight authority over the county boards of elections to assure that each polling place is in compliance with that act.

The bill also establishes as a permanent entity in each county the Voting Accessibility Advisory Committee, provided for by P.L.1991, c.429. The committees would be comprised of at least seven members, four of whom would be members of the county board of elections. Additionally, the county executive or county governing body would appoint three or more public members, including a representative of the county executive or a member of the county governing body, an individual with a disability, and an individual trained in the provisions of "The Americans with Disabilities Act of 1990."

Each committee will undertake a physical inspection of each polling place in their county. The results will be used to complete a

list of inaccessible polling places, to be submitted to the county board of elections and the Attorney General. The committee will also receive notice of complaints filed from their county with the Division of Elections in the Department of Law and Public Safety that concern the accessibility of polling places to individuals with disabilities and the elderly.

The substitute also establishes the "Polling Place Accessibility Fund." The money in the fund will include funds provided by the federal government to improve accessibility to polling places pursuant to section 261 of the "Help America Vote Act of 2002," appropriations by the Legislature, any funds donated to the State and other sources. The money in the fund will be made available by the Attorney General as grants to the county boards of elections for the purpose of ensuring polling place compliance with "The Americans with Disabilities Act of 1990."

ASSEMBLY, No. 3392

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED OCTOBER 18, 2004

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Assemblyman CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Promotes improved polling place accessibility for individuals with disabilities and the elderly.

CURRENT VERSION OF TEXT

As introduced.



A3392 RUMPF, CONNORS

2

1 AN ACT to improve polling place accessibility, amending R.S.19:8-2,
2 and amending and supplementing P.L.1991, c.429.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.19:8-2 is amended to read as follows:

8 19:8-2. The clerk of every municipality, on or before April 1 shall
9 certify to the county board of every county wherein such municipality
10 is located a suggested list of places in the municipality suitable for
11 polling places. The county board shall select the polling places for the
12 election districts in the municipalities of the county for all elections in
13 the municipalities thereof, including all commission government
14 elections in the county. The county boards shall not be obliged to
15 select the polling places so suggested by the municipal clerks, but may
16 choose others where they may deem it expedient. Preference in
17 locations shall be given to schools and public buildings where space
18 shall be made available by the authorities in charge, upon request, if
19 same can be done without detrimental interruption of school or the
20 usual public services thereof, and for which the authority in charge
21 shall be reimbursed, by agreement, for expenses of light, janitorial and
22 other attending services arising from such use. Each polling place
23 selected shall be accessible to individuals with disabilities and the
24 elderly. A polling place shall be considered accessible if in compliance
25 with the "Americans with Disabilities Act of 1990" (42 U.S.C.A.
26 12102 et seq.). In no case shall the authorities in charge of a public
27 school or other public building deny the request of the county board
28 for the use, as a polling place, of any building they own or lease.

29 Where the county board shall fail to agree as to the selection of the
30 polling place or places for any election district, within five days of an
31 election, the county clerk shall select and designate the polling place
32 or places in any such election district.

33 The county board may select a polling place other than a
34 schoolhouse or public building outside of the district but such polling
35 place shall not be located more than 1,000 feet distant from the
36 boundary line of the district. The Attorney General may, however,
37 permit a polling place to be more than 1,000 feet distant from the
38 boundary line of the district if there is no suitable polling place
39 accessible to individuals with disabilities and the elderly within the
40 district or 1,000 feet distant from the boundary line of the district.

41 Whenever possible, the county board shall contact the managers or
42 owners of commercial or private buildings that it deems suitable to use
43 as polling places, and are in or near an election district lacking an

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 accessible polling place, to determine whether a portion of such a
2 building may be used as a polling place on the day of an election.
3 Reimbursement for the use of a portion of such a building shall be the
4 same as provided by this section for schools and public buildings.

5 (cf: P.L.1989, c.292, s.1)

6
7 2. Section 1 of P.L.1991, c.429 (C.19:8-3.1) is amended to read as
8 follows:

9 1. Each polling place selected by the county board of elections for
10 use in any election shall be accessible to [elderly and physically
11 disabled voters] individuals with disabilities and the elderly unless:

12 a. the [Secretary of State] Attorney General determines that a
13 state of emergency exists that would otherwise interfere with the
14 efficient administration of that election; or

15 b. the [Secretary of State] Attorney General grants a temporary
16 waiver based upon a determination that all potential polling places
17 have been surveyed and no accessible polling place is available, nor is
18 the municipality able to make one temporarily accessible in or near the
19 election district involved. Temporary waivers shall be granted no
20 more than twice for any polling place following the effective date of
21 P.L. , c. (now pending before the Legislature as this bill), and
22 each waiver shall be granted for no more than one year. Before the
23 expiration of the waiver, the board shall formulate a plan to establish
24 an accessible location for the polling place in or near the election
25 district. A copy of the waiver and the plan shall be filed with the
26 Voting Accessibility Advisory Committee, established pursuant to
27 section 11 of P.L.1991, c.429 (C.19:8-3.7).

28 (cf: P.L.1991, c.429, s.1)

29
30 3. Section 2 of P.L.1991, c.429 (C.19:8-3.2) is amended to read as
31 follows:

32 2. The [Secretary of State] Attorney General shall establish, in
33 accordance with the "Administrative Procedure Act," P.L.1968, c.410
34 (C.52:14B-1 et seq.), the rules and regulations necessary to insure that
35 in any election [any elderly or physically disabled voter] voters who
36 are elderly or have a disability and are assigned to an inaccessible
37 polling place will, upon advance request of that voter, either be
38 permitted to vote at the alternative, accessible polling place nearest to
39 that voter's residence which has a common ballot or be provided with
40 a civilian absentee ballot, pursuant to section 4 of P.L.1953, c.211
41 (C.19:57-4), as an alternative means of casting a ballot on the day of
42 the election.

43 (cf: P.L.1991, c.429, s.2)

44
45 4. Section 3 of P.L.1991, c.429 (C.19:8-3.3) is amended to read as
46 follows:

1 3. The [Secretary of State] Attorney General shall [use the barrier
2 free sub-code of the State building code to determine the standards of
3 accessibility for polling places] be responsible for ensuring that each
4 polling place is in compliance with "The Americans with Disabilities
5 Act of 1990" (42 U.S.C.A. 12102 et seq.) and shall exercise oversight
6 authority over the county boards of elections to assure that each
7 polling place is in compliance with that act.

8 (cf: P.L.1991, c.429, s.3)

9
10 5. Section 4 of P.L.1991, c.429 (C.19:8-3.4) is amended to read as
11 follows:

12 4. No later than May 15th of each year, beginning with May 15
13 next following the enactment of P.L. , c. (now pending before the
14 Legislature as this bill), each [county board of elections] Voting
15 Accessibility Advisory Committee, established pursuant to section 11
16 of P.L.1991, c.429 (C.19:8-3.7) shall report to the [Secretary of
17 State] Attorney General and the county board of elections, on the
18 form provided by the [Secretary of State] Attorney General, a list of
19 all polling places in the county, specifying any found inaccessible. The
20 [county board of elections] committee shall indicate the reasons for
21 inaccessibility, according to guidelines established in "The Americans
22 with Disabilities Act of 1990," and shall consult with the county board
23 of elections to determine the efforts made pursuant to [this act]
24 P.L.1991, c.429 (C.19:8-3.1 et seq.) to locate alternative polling
25 places or the actions needed to make the existing facilities accessible.
26 Each county board of elections shall notify the [Secretary of State]
27 Attorney General and the committee of any changes in polling place
28 locations before the next general election, including any changes
29 required due to the alteration of district boundaries.

30 (cf: P.L.1991, c.429, s.4)

31
32 6. Section 5 of P.L.1991, c.429 (C.19:8-3.5) is amended to read as
33 follows:

34 5. No later than July 1st of each year, beginning with July 1 next
35 following the enactment of P.L. , c. (now pending before the
36 Legislature as this bill) the [Secretary of State] Attorney General shall
37 review the reports of the [county boards of elections] Voting
38 Accessibility Advisory Committee and shall ensure that every possible
39 effort has been made to comply with the provisions of this act.

40 (cf: P.L.1991, c.429, s.5)

41
42 7. Section 11 of P.L.1991, c.429 (C.19:8-3.7) is amended to read
43 as follows:

44 11. a. [In order to assist and advise county election officers in
45 implementing the provisions of this 1991 amendatory and

1 supplementary act, the] The county executive in each county in which
2 that office is established, or the governing body of the county in any
3 other county, shall establish a Voting Accessibility Advisory
4 Committee, which shall [be] consist of at least seven and not more
5 than 11 members as follows:

6 (1) The four members of the county board of elections; and

7 (2) Three or more public members, to be appointed by the county
8 executive or county governing body as follows:

9 (a) A representative of the county executive or a member of the
10 county governing body, as appropriate;

11 (b) At least one [elderly and handicapped] individual with a
12 disability [representing one or more organizations of such
13 individuals];

14 (c) At least one [person] individual trained in the provisions of
15 [the barrier free sub-code] "The Americans with Disabilities Act of
16 1990" (42 U.S.C.A. 12102 et seq.); and

17 (d) If the county executive or governing body so elects, any other
18 person deemed able by the executive or governing body to be of
19 assistance [in the implementation of the act].

20 b. In order to accurately evaluate the accessibility of all polling
21 locations, the Voting Accessibility Advisory Committee shall
22 undertake a ["walking tour"] physical inspection of each polling
23 [location] place in the county. [Any elderly and handicapped] A
24 committee member who has a disability should participate in any such
25 [tour] inspection. The results shall be used in completing the list of
26 any polling places found inaccessible, pursuant to section 4 of
27 P.L.1991, c.429 (C.19:8-3.4).

28 c. [On and after January 1, 1994, the continuance in any county of
29 a Voting Accessibility Advisory Committee for that county shall be
30 optional] The committee shall receive notice of complaints filed from
31 their county with the Division of Elections in the Department of Law
32 and Public Safety pursuant to section 6 of P.L.2004, c.88 (C.19:61-6)
33 that concern the accessibility of polling places to individuals with
34 disabilities and the elderly.

35 (cf: P.L.1991, c.429, s.11)

36

37 8. (New section) a. There shall be established in the Department
38 of Law and Public Safety a non-lapsing fund to be known as the
39 "Polling Place Accessibility Fund," hereinafter referred to as the fund,
40 to be held separate from all other funds of the State. The money in the
41 fund shall be derived from funds provided by the federal government
42 to improve accessibility to polling places pursuant to section 261 of
43 the "Help America Vote Act of 2002," Pub.L.107-252 (42 U.S.C.
44 15481 et seq.), appropriations by the Legislature, any funds donated
45 to the State and designated for purposes prescribed by subsection b.

1 of this section and such other sources as the Legislature shall
2 designate. All earnings received from the investment or deposit of
3 moneys in the fund shall be credited to the fund.

4 b. The money in the fund shall be made available by the Attorney
5 General as grants to the county boards of elections for the purpose of
6 ensuring polling place compliance with "The Americans with
7 Disabilities Act of 1990" (42 U.S.C.A.12102 et seq.), as provided for
8 by P.L.1991, c.429 (C.19:8-3.1 et seq.), as amended and
9 supplemented.

10 c. All grants from the fund shall be awarded pursuant to rules and
11 regulations promulgated by the Attorney General. All monetary
12 awards shall be granted at the discretion of the Attorney General,
13 subject to available moneys in the fund.

14
15 9. This act shall take effect immediately.

16
17
18 STATEMENT

19
20 The purpose of this bill is to facilitate polling place accessibility for
21 individuals with disabilities and the elderly.

22 Specifically, the bill:

23 1) requires polling places to conform with the standards for
24 accessibility set forth in the federal "Americans with Disabilities Act
25 of 1990;"

26 2) grants the Attorney General authority to permit a polling place
27 to be more than 1,000 feet from the boundary line of an election
28 district if there is no other suitable polling place accessible to
29 individuals with disabilities and the elderly;

30 3) permits the county boards of elections to use accessible
31 commercial or private buildings as polling places, if those buildings
32 are in or near an election district lacking an accessible polling place;

33 4) permits temporary waivers for inaccessible polling places to be
34 granted no more than twice for any polling place, and stipulates that
35 each waiver can be granted for no more than one year; and

36 5) states that the Attorney General is responsible for ensuring that
37 each polling place is in compliance with "The Americans with
38 Disabilities Act of 1990," and that the Attorney General will exercise
39 oversight authority over the county boards of elections to assure that
40 each polling place is in compliance with that act.

41 The bill also establishes as a permanent entity in each county the
42 Voting Accessibility Advisory Committee, provided for by P.L.1991,
43 c.429. The committees would be comprised of at least seven
44 members, four of whom would be members of the county board of
45 elections. Additionally, the county executive or county governing
46 body would appoint three or more public members, including a

1 representative of the county executive or a member of the county
2 governing body, an individual with a disability, and an individual
3 trained in the provisions of "The Americans with Disabilities Act of
4 1990."

5 Each committee will undertake a physical inspection of each polling
6 place in their county. The results will be used to complete a list of
7 inaccessible polling places, to be submitted to the county board of
8 elections and the Attorney General. The committee will also receive
9 notice of complaints filed from their county with the Division of
10 Elections in the Department of Law and Public Safety that concern the
11 accessibility of polling places to individuals with disabilities and the
12 elderly.

13 The bill also establishes the "Polling Place Accessibility Fund." The
14 money in the fund will include funds provided by the federal
15 government to improve accessibility to polling places pursuant to
16 section 261 of the "Help America Vote Act of 2002," appropriations
17 by the Legislature, any funds donated to the State and other sources.
18 The money in the fund will be made available by the Attorney General
19 as grants to the county boards of elections for the purpose of ensuring
20 polling place compliance with "The Americans with Disabilities Act of
21 1990."

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3392

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2005

The Assembly State Government Committee reports favorably and with committee amendments Assembly, No. 3392.

The purpose of this bill is to facilitate polling place accessibility for individuals with disabilities and the elderly.

Specifically, as amended, the bill:

1) requires polling places to conform with the standards for accessibility set forth in the federal "Americans with Disabilities Act of 1990;"

2) grants the Attorney General authority to permit a polling place to be more than 1,000 feet from the boundary line of an election district if there is no other suitable polling place accessible to individuals with disabilities and the elderly;

3) permits the county boards of elections to use accessible commercial or private buildings as polling places, if those buildings are in or near an election district lacking an accessible polling place;

4) permits temporary waivers for inaccessible polling places to be granted no more than twice for any polling place, and stipulates that each waiver can be granted for no more than one year; and

5) states that the Attorney General is responsible for ensuring that each polling place is in compliance with the federal "Americans with Disabilities Act of 1990," and that the Attorney General will exercise oversight authority over the county boards of elections to ensure that each polling place is in compliance with that act.

The bill also establishes as a permanent entity in each county the Voting Accessibility Advisory Committee, provided for by P.L.1991, c.429. The committees would be comprised of at least seven members, four of whom would be members of the county board of elections. Additionally, the county executive or county governing body would appoint three or more public members, including a representative of the county executive or a member of the county governing body, an individual with a disability, and an individual trained in the provisions of the federal "Americans with Disabilities Act of 1990."

Each committee will undertake a physical inspection of each

polling place in their county. The results will be used to complete a list of inaccessible polling places, to be submitted to the county board of elections and the Attorney General. The committee will also receive notice of complaints filed from their county with the Division of Elections in the Department of Law and Public Safety that concern the accessibility of polling places to individuals with disabilities and the elderly.

The bill also establishes the "Polling Place Accessibility Fund." The money in the fund will include funds provided by the federal government to improve accessibility to polling places pursuant to the federal "Help America Vote Act of 2002," appropriations by the Legislature, any funds donated to the State and other sources. The money in the fund will be made available by the Attorney General as grants to the county boards of elections for the purpose of ensuring polling place compliance with the federal "Americans with Disabilities Act of 1990."

Assembly, No. 3392(1R) is the same as the Senate Committee Substitute for Senate, Nos. 1387, 1389 and 1410 (1R).

COMMITTEE AMENDMENTS

The committee amended the bill to (1) provide that neither the owner nor operator of a facility designated as a polling place by a county board is permitted or authorized to relocate the polling place room in the building without the express prior approval of the board; (2) make corrections to certain citations; and (3) reword some provisions to improve the clarity thereof.