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SENATE JOINT RESOLUTION NO. 46

Offered January 19, 1996

Establishing a joint subcommittee to study the accessibility of Virginia's polling places.

Patrons—Houck, Couric, Edwards, Gartlan and Howell; Delegates: Howell and Orrock

Referred to the Committee on Rules

WHEREAS, the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.) have increased the opportunity for many citizens to fully exercise their fundamental right to vote at their polling place; and

WHEREAS, despite these far-reaching statutes, many people in the Commonwealth still encounter accessibility problems, including inadequate parking, laborious pathways, heavy and bulky doors, and unreachable voting levers; and

WHEREAS, although alternative voting procedures for the disabled, such as casting paper ballots or absentee ballots may alleviate some of these problems, miscounted paper ballots may negate the benefits by preventing persons from fully executing their right to vote; and;

WHEREAS, a Texas federal court recently held in *Lightbourn v. County of El Paso and Antonio Garza*, Secretary of State, (W.D. Tex., EP-94-CA-299-DB, decided November 22, 1995) that Texas had violated the Americans with Disability Act when it failed to provide secret ballots for blind and sight-impaired persons that would enable them to vote at their own polling places without assistance from anyone else; and

WHEREAS, the Texas case illustrates that accessibility requirements can be very far-reaching, affecting established election procedures and fundamental voting rights; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to examine the accessibility of Virginia's polling places. The joint subcommittee shall be composed of eight members as follows: three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; four members of the House of Delegates, to be appointed by the Speaker; and the Secretary of the State Board of Elections or his designee, ex officio. In conducting its study the subcommittee shall (i) examine current requirements regarding polling place accessibility; (ii) assess Virginia's compliance with these requirements; and (iii) determine ways to improve polling place accessibility.

The direct costs of this study shall not exceed \$ 5,250.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the State Board of Elections. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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