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SENATE JOINT RESOLUTION NO. 46
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 12, 1996)

(Patron Prior to Substitute—Senator Houck)

Requesting the State Board of Elections to examine the accessibility of Virginia's polling places.

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 the State Board of Elections be requested to examine the accessibility of Virginia's polling places. In conducting its study the State Board 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.

In conducting this study, the State Board shall establish an advisory task force composed of local registrars and other local representatives as may be designated by the State Board. All agencies of the Commonwealth shall provide assistance to the State Board, upon request.

The State Board 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.