

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.