

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:*

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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)

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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)

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27 4. This act shall take effect immediately.

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STATEMENT

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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

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