



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: April 26, 2024

TO: The Honorable William Carson, Delaware State House of Representatives
The Honorable Kyra Hoffner, Delaware State Senate
The Honorable Representatives Sherry Dorsey Walker, William Bush
The Honorable Senators Gay, Hansen, Huxtable, Lawson, Mantzavinos, Pettyjohn, Walsh
The Honorable Representatives Baumbach, Bolden, Cooke, Harris, Heffernan, K. Johnson, Lambert, Lynn, S. Moore, Morrison, Neal, Osienki, Parker Selby, Phillips, Ramone, Romer, Yearick

FROM: Ann Fisher, Chairperson
GACEC

RE: **House Substitute 1 to House Bill No. 293 Accessible Polling Places**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Substitute 1 to House Bill No. 293. HS1 to HB 293 seeks to add a provision to Chapter 2 of Title 15, Elections, requiring the Department of Elections (DOE) to ensure that polling places are accessible. Previously, Council submitted the following recommendations/observations in March:

- 1. Emergency is not defined. Emergency should be defined, either as a situation where the Governor has issued an Order declaring an emergency, or when a specific polling place is unusable on Election Day due to circumstances beyond the DOE's control and that cannot be remediated.*
- 2. There is no enforcement provision in this bill. Council suggests, at a minimum, that language be added providing for a complaint process or some type of judicial enforcement. Language could be added either providing a mechanism to file a complaint for relief to Superior Court, or that complaints can be filed under the Equal Accommodations statute. Another alternative may be something filed through the Architectural Accessibility Board.*
- 3. It has been noted that there have been occasions when accessible locations, often schools, are not accessible on Election Day because a particular feature, such as an accessible door or ramp, has not been made available. Council recommends language be added that requires any polling location make its accessible features fully available on*

Election Day, or that the DOE makes this a requirement of any contract or agreement that the DOE makes with the owner or operator of a polling place.

House Substitute 1 addresses the recommendations made by Council as follows:

- 1) The emergency exception is clarified as “a natural disaster or other emergency that renders a polling site unsafe or unusable.”
- 2) Any person with information that the Department of Elections has not complied with accessibility requirements under this Act can file an administrative complaint with the Department; and
- 3) Adds that: “the accessibility features of such [polling] places are available to voters for any election.”

We thank Representative Carson for being responsive to the concerns voiced by the GACEC and **endorse** this legislation. Thank you for your consideration of our earlier comments and for addressing the needs of individuals with disabilities in Delaware.