

SENATE BILL REPORT

SB 5727

As Reported By Senate Committee On:
Government Operations, February 21, 1995

Title: An act relating to accessibility of polling and registration places.

Brief Description: Updating accessibility requirements for polling and registration places.

Sponsors: Senators Drew, Haugen, C. Anderson, Sheldon, Swecker, Winsley and Kohl; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations: 2/14/95, 2/21/95 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Staff: Rod McAulay (786-7754)

Background: In 1984, Congress amended the Voting Rights Act and included provisions requiring the improvement of access for handicapped and elderly individuals to registration facilities and polling places for federal elections. In response to these new requirements, Washington amended existing handicapped access laws to encourage local election officials, wherever possible, to facilitate access to polling places for elderly and handicapped persons.

The 1984 federal legislation contained reporting requirements for the states, which expired after ten years. In response to this, Washington established reporting requirements for county auditors, which expired in 1994. County auditors are also required to notify the Secretary of State of any changes in polling place locations.

Each polling place for a state primary or election shall be accessible unless the Secretary of State has determined that it is inaccessible, and that no alternative is available or that an emergency exists.

The Secretary of State is required to make voting and registration information available for deaf persons throughout the state by telecommunications.

The Secretary of State shall provide public notice of the availability of registration and voting aids, assistance to elderly and handicapped persons, and procedures for voting by absentee ballot.

The Secretary of State shall consult with the State Building Code Advisory Council and determine standards for accessible polling places.

By July 1 of every even-numbered year, the Secretary of State shall review reports of county auditors and check each polling place that has been identified as inaccessible.

By December 31 of each even-numbered year, the Secretary of State shall make a report on inaccessible polling places to the Federal Election Commission.

County auditors shall report locations of all permanent voter registration facilities to the Secretary of State and the Secretary of State shall determine if there are a reasonable number of accessible locations.

Summary of Substitute Bill: Local election officials must modify, relocate, retain, or designate alternate polling places to assure accessibility to elderly and handicapped persons. The requirement that county auditors make a report to the Secretary of State in even-numbered years regarding the location and accessibility of polling places, which expired in 1994, is extended indefinitely. If a county auditor files two consecutive reports indicating 100 percent accessibility, this requirement to file reports is suspended unless reinstated by the Secretary of State.

The following responsibilities are transferred from the Secretary of State to the county auditors:

- * to determine that a polling place is inaccessible and that no modification or alternative is available;
- * to make information available for deaf persons throughout the state by telecommunications;
- * to provide public notice of the availability of registration and voting aids, assistance to elderly and handicapped persons, and procedures for voting by absentee ballot.

The following requirements are repealed:

- * reports by county auditors to the Secretary of State of all changes in polling place locations;
- * determination by the Secretary of State in consultation with the State Building Code Advisory Council of standards for accessible polling places;
- * review and check by the Secretary of State of polling places identified as inaccessible by county auditors;
- * reports by the Secretary of State to the Federal Election Commission on the accessibility of polling places;
- * reports by county auditors to the Secretary of State of all permanent voter registration facilities and determination by the Secretary of State regarding accessibility.

The handicapped and elderly voter access requirements are made applicable to all elections, and not just state or federal elections.

Substitute Bill Compared to Original Bill: The original bill did not contain the provision suspending the reporting requirement for county auditors when they have reported 100 percent accessibility for two consecutive reporting periods.

Appropriation: None.

Fiscal Note: Requested on February 10, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: State law is brought within the requirements of the ADA. There are no additional costs to counties.

Testimony Against: None.

Testified: PRO: Charlotte Ottavelli, Secretary of State; Sam Reed, WA State Assn. of County Auditors.