

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

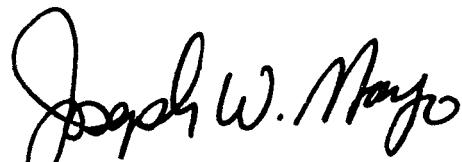
No. 87

H.P. 74

House of Representatives, January 11, 1999

An Act to Require All Voting Places to be Accessible.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.



JOSEPH W. MAYO
Clerk

Presented by Representative BAKER of Bangor.

Cosponsored by Senator TREAT of Kennebec and

Representatives: AHEARNE of Madawaska, CHIZMAR of Lisbon, DUNLAP of Old Town,
GAGNE of Buckfield, LaVERDIERE of Wilton, RINES of Wiscasset, WATSON of
Farmingdale, Senator: KILKELLY of Lincoln.

Be it enacted by the People of the State of Maine as follows:

2

Sec. 1. 21-A MRSA §630, as amended by PL 1997, c. 436, §91,
4 is further amended to read:

6 **§630. Accessible voting places for the physically handicapped**

8 **1. Definitions.** As used in this section, unless the context
10 indicates otherwise, the following terms have the following meanings:

12 A. "Accessible voting place" means a voting place in a building in which the part of the building set aside for voting meets the requirements for accessible routes of the 1981 standards of construction described in Title 25, chapter 331.

18 B. --"Physical--handicap"--means--an--impairment--which--confines
20 an--individual--to--a--wheelchair;--causes--an--individual--to--walk
with--difficulty;--affects--the--sight--or--hearing--to--the--extent
22 that--an--individual--functioning--in--public--areas--is--insecure
24 or--exposed--to--danger;--or--causes--faulty--coordination--or
reduces----mobility,----flexibility,----coordination----and
perceptiveness--to--the--extent--that--special--facilities--are
needed--to--provide--for--the--safety--of--that--individual.

26

28 **2. Voting places.** Each municipality must provide--at--least
29 one--voting--place--that--is--in--a--building,--which ensure that each
30 voting place is an accessible voting place as defined in subsection 1.

32

34 B. --In--municipalities--in--which--one--or--more--voting--places--are
36 inaccessibile--to--handicapped--voters--and--in--which--the--office
38 of--the--clerk--is--in--a--building--that--is--accessible--as--defined
40 in--subsection--1,--paragraph--A,--the--municipal--officers--shall
42 designate--the--office--of--the--clerk--as--an--alternative--voting
44 place--for--physically--handicapped--voters--who--reside--in--voting
46 districts--that--do--not--have--accessible--voting--places.--In
48 municipalities--in--which--one--or--more--voting--places--and--the
50 office--of--the--clerk--are--inaccessible--to--physically
52 handicapped--voters--and--in--which--one--or--more--voting--places
are--accessible--to--these--voters,--the--municipal--officers--shall
designate--one--of--these--accessible--voting--places,--as
centrally--located--as--possible,--as--the--alternative--voting
place--for--physically--handicapped--voters--who--reside--in--voting
districts--that--do--not--have--accessible--voting--places.--A
physically--handicapped--voter--who--wishes--to--vote--at--an
alternative--voting--place--must--notify--the--clerk--of--the
municipality--at--least--48--hours--before--the--date--of--any
election.--This--notice--may--be--waived--if--an--emergency
exists.--The--clerk--shall--keep--a--list--of--the--persons--who--give
this--notice.

2 Net-later-than-10-days-before-the-date-of-any-election,-the
3 clerk-shall-issue-a-public-notice-designating-the-location
4 of-the-alternative-accessible-voting-place.--This-notice-is
5 not-required-in-any-municipality-in-which-all-or-no-voting
6 places-are-accessible-to-these-persons.

7
8 When-a-physically-handicapped-voter-votes-at-the-office-of
9 the-clerk-or-at-an-alternative-voting-place,-that-voter
10 shall-vote-by-absentee-ballot-and-the-method-of-voting-must
11 be-the-same-as-in-section-754-A.--If-the-municipality-has-a
12 central-voting-place,-then-the-handicapped-voter-may-vote
13 there--using-a-regular-ballot--for-the-applicable-voting
14 district.--If-an-alternative-voting-place-is-designated,-the
15 clerk-shall-furnish-a-reasonable-number-of-absentee-balloets
16 and-return-envelopes-to-the-warden.--When-the-clerk-or-the
17 warden-receives-such-a-ballet,--the-clerk-or-warden-shall
18 fellow,-as-far-as-applicable,-the-same-procedure-prescribed
19 in--subchapter-IV--for--the--clerk--to--fellow--in--handling
20 absentee-balloets.

21
22 **3.---Alternative-paper-balloets.**--At-all-voting-places-which
23 are-equipped-with-voting-machines,-paper-balloets-must-be-provided
24 for-use-by-voters-who-are-physically-unable-to-operate-a-voting
machine.

26
27 **SUMMARY**

28 Current law, since 1985, has required each municipality to
29 provide at least one voting place that is accessible to persons
30 with physical handicaps or impairments. Voters utilizing such
31 accessible voting places may use absentee ballots or be treated
32 differently from other voters. This bill requires such access at
33 all voting places.