

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 312 Session of  
1989

INTRODUCED BY WENGER, JUBELIRER, STAPLETON, REIBMAN, HELFRICK,  
STOUT, HOPPER, RHOADES, O'PAKE, SHUMAKER, ANDREZESKI, FISHER,  
LYNCH, AFFLERBACH, REGOLI, JONES, FATTAH AND SHAFFER,  
JANUARY 26, 1989

REFERRED TO STATE GOVERNMENT, JANUARY 26, 1989

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," providing for accessibility of polls to elderly  
12 and handicapped electors.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
16 as the Pennsylvania Election Code, is amended by adding a  
17 section to read:

18 Section 1205.1. Accessibility of Polling Places to  
19 Handicapped and Elderly Voters.--(a) The county board of  
20 elections shall assure that all polling places to be used in  
21 connection with any election are accessible to the handicapped  
22 and elderly voters and that there is an accessible route leading

1 to the polling site.

2 (b) Subsection (a) shall not apply to a polling place:

3 (1) In the case of an emergency which prohibits the use of  
4 the accessible polling place on the day of the election, as  
5 determined by the county board of elections; or

6 (2) If the county board of elections determines that all  
7 potential polling places have been surveyed and no such  
8 accessible place is available, nor is the county able to make  
9 one temporarily accessible in the area involved, and the county  
10 board of elections assures that any handicapped or elderly voter  
11 assigned to an inaccessible polling place, upon advance request  
12 of such voter, will be assigned to an accessible polling place  
13 or will be provided with alternative means of casting a ballot  
14 on the day of the election.

15 (c) The Secretary of the Commonwealth shall make available  
16 registration and voting aids for all elections for handicapped  
17 and elderly individuals, including:

18 (1) Instructions, printed in large type, conspicuously  
19 displayed at each registration facility and each polling place;  
20 and

21 (2) Information by telecommunications devices for the deaf.  
22 The Secretary of the Commonwealth shall provide public notice,  
23 calculated to reach elderly and handicapped voters, of the  
24 availability of these voting aids not later than general public  
25 notice of registration and voting is provided.

26 (d) Definitions.--As used in this section, the following  
27 words and phrases shall have the meanings given to them in this  
28 subsection:

29 "Accessible" shall describe a building, building site or  
30 portion thereof which can be approached and entered and which

1 conforms with the Department of Labor and Industry's standards,  
2 34 Pa. Code §§ 47.111 thru 47.131 (relating to facilities for  
3 handicapped), promulgated pursuant to the act of September 1,  
4 1965 (P.L.459, No.235), entitled, "An act requiring that certain  
5 buildings and facilities constructed with Commonwealth funds  
6 adhere to certain principles, standards and specifications to  
7 make the same accessible to and usable by the physically  
8 handicapped, and providing for enforcement."

9 "Accessible route" shall mean a continuous unobstructed path  
10 which connects all areas within a building and a building site  
11 that can be negotiated by a person with a severe physical  
12 handicap using a wheelchair and that is also safe for and  
13 useable by people with other physical handicaps. Interior  
14 accessibility routes include, but are not limited to, corridors,  
15 floors, ramps, elevators, lifts and clear floor space at voting  
16 machines.

17 "Elderly" shall mean a person who resides in this  
18 Commonwealth and is sixty-five (65) years of age or older.

19 "Handicapped" shall mean a permanent or temporary physical  
20 impairment, including impaired sensory or manual abilities,  
21 which result in a functional limitation in access to and use of  
22 a building or facility.

23 Section 2. This act shall apply to elections occurring after  
24 January 1, 1990.

25 Section 3. This act shall take effect immediately.