

106TH CONGRESS
1ST SESSION

S. 511

To amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT OF VOTING ACCESSIBILITY FOR**
4 **THE ELDERLY AND HANDICAPPED ACT.**

5 (a) PURPOSE.—Section 2 of the Voting Accessibility
6 for the Elderly and Handicapped Act (42 U.S.C. 1973ee)
7 is amended by—

8 (1) striking “It” and inserting “(a) It”; and

9 (2) adding at the end the following:

1 “(b) It is the intention of Congress in enacting this
2 Act to ensure that—

3 “(1) no individual may be denied the right to
4 vote in a Federal election on the basis of being dis-
5 abled; and

6 “(2) every voter has the right to vote independ-
7 ently in a Federal election.”.

8 (b) ACCESSIBILITY OF POLLING PLACES.—Section 3
9 of the Voting Accessibility for the Elderly and Handi-
10 capped Act (42 U.S.C. 1973ee–1) is amended—

11 (1) in subsection (a), by striking “each political
12 subdivision” and all that follows through “conduct-
13 ing elections” and inserting “the chief election offi-
14 cer of the State”;

15 (2) by striking subsection (b) and inserting the
16 following:

17 “(b) Subsection (a) shall not apply to a polling place
18 in the case of any unforeseeable natural disaster such as
19 a fire, storm, earthquake, or flood.”; and

20 (3) by striking subsection (c) and inserting the
21 following:

22 “(c) The chief election officer of a State shall ensure
23 that all polling methods selected and used for Federal elec-
24 tions are accessible to disabled and elderly voters,
25 including—

1 “(1) the provision of ballots in a variety of ac-
2 cessible media;

3 “(2) the provision of instructions that are print-
4 ed in large type, conspicuously displayed at each
5 polling place;

6 “(3) the provision of printed information that is
7 generally available to other voters using a variety of
8 accessible media; and

9 “(4) ensuring that all polling methods used en-
10 able disabled and elderly voters to cast votes at poll-
11 ing places during times and under conditions of pri-
12 vacy available to other voters.”.

13 (c) ACCESSIBILITY OF REGISTRATION FACILITIES
14 AND SERVICES.—Section 5(a) of the Voting Accessibility
15 for the Elderly and Handicapped Act (42 U.S.C. 1973ee–
16 3(a)) is amended—

17 (1) in paragraph (1), by striking “and” at the
18 end; and

19 (2) by striking paragraph (2) and inserting the
20 following:

21 “(2) registration information by telecommuni-
22 cations devices for the deaf and in a variety of acces-
23 sible media; and

1 “(3) accessible registration procedures to allow
2 each eligible voter to register at the residence of the
3 voter, by mail, or by other means.”.

4 (d) ENFORCEMENT.—Section 6 of the Voting Acces-
5 sibility for the Elderly and Handicapped Act (42 U.S.C.
6 1973ee-4) is amended—

7 (1) in subsection (b), by striking “45” and in-
8 serting “21”; and

9 (2) by striking subsection (c) and inserting the
10 following:

11 “(c) In an action brought under subsection (a), the
12 State or political subdivision shall be fined an amount—

13 “(1) not to exceed \$5,000 for the first violation
14 of such section; and

15 “(2) not to exceed \$10,000 for each subsequent
16 violation.”.

17 (e) RELATIONSHIP WITH OTHER LAWS.—Section 7
18 of the Voting Accessibility for the Elderly and Handi-
19 capped Act (42 U.S.C. 1973ee-5) is amended—

20 (1) in the heading, by striking “VOTING RIGHTS
21 ACT OF 1965” and inserting “OTHER LAWS;

22 (2) by striking “This” and inserting “(a) This”;
23 and

24 (3) by adding at the end the following:

1 “(b) Nothing in this Act shall be construed to invali-
2 date or limit the laws of any State or political subdivision
3 that provide greater or equal access to registration or poll-
4 ing for disabled and elderly voters.”.

5 (f) DEFINITIONS.—Section 8 of the Voting Acces-
6 sibility for the Elderly and Handicapped Act (42 U.S.C.
7 1973ee-6) is amended—

8 (1) in paragraph (1), by striking “chief elec-
9 tion” through “involved” and inserting “Access
10 Board”;

11 (2) in paragraph (4), by striking “permanent
12 physical disability; and” and inserting “permanent
13 disability;”;

14 (3) in paragraph (5), by striking the period and
15 inserting a semicolon; and

16 (4) by adding at the end the following:

17 “(6) ‘Access Board’ means the Architectural
18 and Transportation Barriers Compliance Board es-
19 tablished under section 502 of the Rehabilitation Act
20 of 1973 (29 U.S.C. 792);

21 “(7) ‘chief election officer’ means the State offi-
22 cer or entity, designated by State law or established
23 by practice, responsible for elections within the
24 State;

1 “(8) ‘independently’ means without the assist-
2 ance of another individual; and

3 “(9) ‘media’ includes formats using large type,
4 braille, sound recording, or digital text.”.

5 (g) REFERENCES.—

6 (1) IN GENERAL.—The Voting Accessibility for
7 the Elderly and Handicapped Act (42 U.S.C. 1973ee
8 et seq.) is amended by striking “handicapped” each
9 place it appears and inserting “disabled”.

10 (2) REFERENCES IN OTHER LAWS.—Except
11 where inappropriate, any reference to “handicapped”
12 in relation to the Voting Accessibility for the Elderly
13 and Handicapped Act (42 U.S.C. 1973ee et seq.) in
14 any law, Executive Order, rule, or other document
15 shall include a reference to “disabled”.

16 (h) CONFORMING AMENDMENT.—Section 502(b)(3)
17 of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(3))
18 is amended by inserting before the semicolon “and section
19 3 of the Voting Accessibility for the Elderly and Handi-
20 capped Act (42 U.S.C. 1973ee–1)”.

21 **SEC. 2. REGULATIONS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Attorney General shall
24 promulgate regulations implementing this Act. Such regu-

1 lations shall be consistent with the minimum guidelines
2 established by the Access Board.

3 (b) ACCESS BOARD GUIDELINES.—Not later than 9
4 months after the date of enactment of this Act, the Access
5 Board shall issue minimum guidelines relating to the re-
6 quirements in the amendments made by section 1(b) of
7 this Act.

8 (c) DEFINITION.—In this section, the term “Access
9 Board” means the Architectural and Transportation Bar-
10 riers Compliance Board.

11 **SEC. 3. TRANSITION PLAN.**

12 (a) IN GENERAL.—Not later than 3 months after the
13 date on which regulations are promulgated under section
14 2(a), the chief election officer of each State shall develop
15 a transition plan to ensure that polling places in the State
16 are in compliance with the requirements of the Voting Ac-
17 cessibility for the Elderly and Handicapped Act (42
18 U.S.C. 1973ee et seq.), as amended by this Act.

19 (b) COORDINATION WITH LOCAL ELECTION OFFI-
20 CIALS.—The plan under subsection (a) shall be developed
21 in coordination with—

22 (1) local election officials; and

23 (2) individuals with disabilities or organizations
24 representing individuals with disabilities.

1 (c) CONTENTS AND AVAILABILITY OF PLAN.—The
 2 plan under subsection (a) shall—

3 (1) include specific recommendations necessary
 4 to comply with the requirements of the Voting Ac-
 5 cessibility for the Elderly and Handicapped Act; and

6 (2) be available for public inspection in such
 7 manner as the chief election officer determines ap-
 8 propriate.

9 **SEC. 4. EFFECTIVE DATE.**

10 The amendments made by section 1 of this Act shall
 11 apply beginning on the earliest of—

12 (1) the date that is 6 months after the date on
 13 which regulations are promulgated under section
 14 2(a); or

15 (2) the date of the first Federal election taking
 16 place in the State after December 31, 2000.

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