

13:17-6.4 Exceptions

(a) The accessibility requirements of this subchapter do not apply under the following circumstances:

1. In the case of an emergency as determined by the Attorney General; or
2. If the Attorney General determines, based on documents supplied by the county, the following:
 - i. That all potential polling places in the election district have been surveyed and no accessible locations are available;
 - ii. That it is not possible to temporarily convert an inaccessible location to an accessible one; and
 - iii. That an alternative means for casting a ballot on the day of election is available upon request.

Amended by R.1996 d.211, effective May 6, 1996.
See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

13:17-6.5 (Reserved)

Repealed by R.1996 d.211, effective May 6, 1996.
See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

Section was "Reporting by the Secretary of State".

13:17-6.6 Enforcement

The United States Attorney General or any individual who is personally aggrieved by any non-compliance with the accessibility requirements of the Federal laws and all other applicable State laws may institute an action for declaratory or injunctive relief in the United States District Court for the District of New Jersey.

Amended by R.1996 d.211, effective May 6, 1996.
See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

13:17-6.7 Implementation

(a) The county executive in each county in which that office is established, or the governing body of the county in any other county, shall establish a Voting Accessibility Advisory Committee, which shall consist of at least seven and not more than 11 members as follows:

1. The four members of the county board of elections; and
2. Three or more public members; to be appointed by the county executive or county governing body as follows:
 - i. A representative of the county executive or a member of the county governing body, as appropriate;
 - ii. At least one individual with a disability;
 - iii. At least one individual trained in the provisions of the Federal Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq.; and

iv. If the county executive or governing body so elects, any other person deemed able by the executive or the governing body to be of assistance. The Committee may not, however, delegate its powers or authority to any person who is not a designated member of the Committee.

(b) In order to accurately evaluate the accessibility of all polling locations, the Voting Accessibility Advisory Committee shall undertake a physical inspection of each polling place in the county. A Committee member who has a disability should participate in any such inspection. The results shall be used in completing the list of any polling places found inaccessible, pursuant to section 4 of P.L. 1991, c. 429 (N.J.S.A. 19:8-3.4). The Committee does have the discretion to divide amongst its membership the duty to physically inspect all the polling places within its county.

(c) The Committee shall receive notice from the Division of Elections of any complaints regarding inaccessible polling places within its county.

Amended by R.1996 d.211, effective May 6, 1996.
See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).
Amended by R.2001 d.149, effective May 7, 2001.
See: 33 N.J.R. 759(a), 33 N.J.R. 1405(a).

In (b), substituted "shall" for "may" preceding "undertake a 'walking tour'" in the first sentence; and substituted "disabled" for "handicapped" throughout.

Repeal and New Rule, R.2006 d.402, effective December 4, 2006.
See: 38 N.J.R. 2621(a), 38 N.J.R. 5169(a).

Section was "Implementation".

13:17-6.8 Polling place accessibility standards

(a) The polling place accessibility standards shall be based upon and be in compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq.

(b) While accessible parking spaces for each polling location are desirable, the absence of such spaces is not a condition of accessibility. Where such spaces are required to be provided, such parking spaces shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq.

1. Parking spaces for the disabled shall be located as close as possible to elevators, ramps, walkways, and the accessible entrance they serve. Parking spaces shall be as level as possible. Each parking space shall be identified with an above grade sign displaying the International Symbol of Accessibility and appropriate wordage to include "DISABLED PERSONS WITH VALID ID ONLY."

2. In all configurations, to the degree feasible, accessible parking spaces shall be located so that disabled persons are not compelled to wheel or walk behind parked cars. Additionally, in all configurations, ramps or curb ramps shall be provided to permit disabled persons access from the parking lot level to the servicing walkway. A curb ramp shall never be located where it would be blocked by a parked vehicle. In all configurations, provisions such as

curb or bumpers should be included to prevent parked vehicles from blocking accessible walkways.

3. In the event that a polling location does not have permanent accessible parking spaces, temporary spaces can be designated for use by the disabled. All such temporary accessible spaces shall be clearly marked for use only by the disabled and all such spaces shall be located near an accessible polling place entrance.

4. In the event that off street metered parking is provided, such accessible parking spaces shall be reserved for the disabled by installing a meter cap over the meter. Such spaces should also be clearly marked for disabled use only.

(c) Accessible routes of travel are continuous, unobstructed paths connecting all accessible elements and spaces that can be negotiated by a disabled person. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts. Interior accessible routes may include corridors, floors, ramps, elevators, lifts and clear floor space at fixtures. The standards for accessible routes shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq.

(d) All ramps and curb ramps on accessible routes shall comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq., except those curb cuts or curb ramps constructed within a public street. These structures shall meet the requirements of the respective public, city, county, or State agency having jurisdiction.

(e) Accessible entrances shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq.

1. All accessible entrances shall be identified by the "International Symbol of Accessibility".

2. Doors should be easily opened by elderly and disabled individuals. Handles, pulls, latch sets, and other operating hardware that are easy to grasp with one hand and do not require twisting of the wrist, tight grasping, or tight pinching to operate shall be provided. If possible, exterior doors and non-fire doors which are difficult to open should be propped or tied open during voting hours.

3. In the event that an elevator is to be used, its doors, interior and controls shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq.

4. Should the main entrance to a polling place be inaccessible, an accessible alternative entrance may be used. All such alternative entrances, however, shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq. Signs informing voters of an alternative accessible entrance shall be clearly posted and shall display the "International Symbol of Accessibility" as well as appropriate wordage to include "ACCESSIBLE ENTRANCE". To be effective, either

arrows or hands shall be used to direct voters to accessible entrances.

(f) Accessible interior routes may include corridors, floors, ramps, elevators, lifts and clear floor space to fixtures. All such accessible route shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq.

(g) Interior routes to voting machines that are in excess of 50 feet shall provide a chair(s) in order to provide elderly and disabled voters a resting stop. Such chairs, however, shall not project into the minimum required clear widths.

Amended by R.1996 d.211, effective May 6, 1996.

See: 28 N.J.R. 1344(b), 28 N.J.R. 2393(b).

Amended by R.2001 d.149, effective May 7, 2001.

See: 33 N.J.R. 759(a), 33 N.J.R. 1405(a).

Substituted "disabled" for "handicapped" throughout.

Amended by R.2006 d.402, effective December 4, 2006.

See: 38 N.J.R. 2621(a), 38 N.J.R. 5169(a).

In (a), substituted "Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq" for "State's Uniform Construction Code, Barrier Free Subcode, N.J.A.C. 5:23-7"; substituted "Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq" for "Barrier Free Subcode, N.J.A.C. 5:23-7" throughout the section; and in (d), substituted "Americans with Disabilities Act of 1990, 42 U.S.C. §§1201 et seq." for "Barrier Free Subcode of the State Uniform Construction Code".

13:17-6.9 Voting aids

(a) The following voting aids shall be provided:

1. Signs shall meet the following standards:

i. Signs directing voters to the location(s) of voting machines shall be posted in interior passageways. Such signs shall include appropriate wordage to include "VOTING MACHINES" as well as "WARD—DISTRICT OR DISTRICT". Lettering should be in large type of at least 18 point type for easy reading.

ii. To be effective, signs should also use either arrows or hands to point to the direction of the voting machines. Signs using these symbols are easier to understand than ones that only use written directions.

2. Sample ballots shall identify the accessibility of each polling place. The notice of accessibility shall be prominently identified on the sample ballot with a sign displaying the "International Symbol of Accessibility" and appropriate wordage to include "ACCESSIBLE POLLING LOCATION". Notice of nonaccessible polling locations shall be prominently identified on the sample ballot with appropriate wordage to include "NONACCESSIBLE POLLING LOCATION—ABSENTEE BALLOT AVAILABLE; CONTACT COUNTY CLERK".

3. Voting instructions which shall be printed in at least 14 point type for easy reading and shall be conspicuously displayed at each polling place. Lettering shall be dark, preferably black, with a light background, preferably white. Such instructions shall include, but shall not be limited to: