

CHAPTER 622

H.B. No. 76

AN ACT

relating to the accessibility of a polling place or a precinct convention to the elderly and physically handicapped.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 43.034, Election Code, is amended to read as follows:

Sec. 43.034. ACCESSIBILITY OF POLLING PLACE TO THE ELDERLY AND PHYSICALLY HANDICAPPED. (a) *Each* ~~[Except as provided by this section, each]~~ polling place shall be accessible to and usable by the elderly and physically handicapped. To be considered accessible, a polling place must meet the following standards:

(1) the polling place must be on the ground-level floor or be accessible from the ground-level floor by an elevator with doors that provide an opening of at least 30 inches in width;

(2) doors, entrances, and exits used to enter or leave the polling place must have a minimum width of 30 inches;

(3) any curb adjacent to the main entrance to a polling place must have curb cuts or temporary nonslip ramps;

(4) any stairs necessary to enter or leave the polling place must have a handrail and nonslip ramp; and

(5) the polling place may not have a barrier that impedes the path of the physically handicapped to the voting station.

(b) ~~The [Subsection (a) does not apply to a temporary polling place or a polling place in a nonpublic building. The authority responsible for designating polling places may designate a polling place in a public building without regard to Subsection (a) if:~~

~~[(1) an acceptable and accessible site is unavailable within the precinct for the election; and~~

~~[(2) it is anticipated that the site can be brought into compliance with the standards by affirmative governmental action.~~

~~[(c) Not later than January 1, 1986, each commissioners court shall provide a polling place that complies with Subsection (a) in at least 60 percent of the county election precincts. Not later than January 1, 1987, the commissioners court shall provide a polling place that complies with Subsection (a) in at least 85 percent of the county election precincts. Not later than January 1, 1988, the]~~ commissioners court shall provide a polling place that complies with Subsection (a) in each county election precinct. The site shall be made available for use as a polling place on every day that an election may be held within the precinct by any authority that holds elections. The commissioners court may make expenditures from either the general fund or the permanent improvement fund to bring an existing county-owned site into compliance with Subsection (a).

(c) ~~[(d)]~~ The governing body of each political subdivision that holds elections shall cooperate with the commissioners court in its respective county in implementing this section and is subject to the same *requirements* ~~[deadlines]~~ for compliance as prescribed by Subsection (b) ~~[(e)]~~. If the authority holding an election rejects a county-designated polling place that is available and chooses to use a different site of its own designation, it shall provide a polling place that complies with Subsection (a) at its own expense. A political party that is holding a primary election may not reject an available county-designated polling place without the prior consent of the secretary of state.

SECTION 2. Section 174.022, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The location selected for a precinct convention must meet the same requirements for access by elderly and physically handicapped persons as a polling place under Section 43.034(a) unless the state executive committee for a political party issues an order that the locations for precinct conventions for that political party do not have to meet the same requirements as a polling place under Section 43.034(a). The order must be entered in the minutes of the state executive committee not later than 30 days before the date precinct conventions are to be held.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 76 on May 22, 1993, by a non-record vote; passed by the Senate, with amendments, on May 19, 1993, by a viva-voce vote.

Approved June 3, 1993.

Effective Sept. 1, 1993.