

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 733

Introduced by Kolowski, 31.

Read first time January 23, 2019

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-904
2 and 32-907, Reissue Revised Statutes of Nebraska, and section
3 32-101, Revised Statutes Cumulative Supplement, 2018; to provide and
4 change requirements for polling places; to harmonize provisions; and
5 to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 4 of this act shall be
4 known and may be cited as the Election Act.

5 Sec. 2. Section 32-904, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-904 (1) The election commissioner or county clerk shall
8 designate the polling places for each precinct at which the registered
9 voters of the precinct will cast their votes. Polling places representing
10 different precincts may be combined at a single location when potential
11 sites cannot be found, contracts for utilizing polling sites cannot be
12 obtained, or a potential site is not accessible to handicapped persons as
13 provided in section 32-907 and section 4 of this act.

14 (2) When combining polling places at a single site for an election
15 other than a special election, the election commissioner or county clerk
16 shall clearly separate the polling places from each other and maintain
17 separate receiving boards. When combining polling places at a single site
18 for a special election, the election commissioner or county clerk may
19 combine the polling places and receiving boards.

20 (3) Polling places shall not be changed between the statewide
21 primary and general elections unless the election commissioner or county
22 clerk has been authorized to make such change by the Secretary of State.
23 If changes are authorized, the election commissioner or county clerk
24 shall notify each state and local candidate affected by the change.

25 (4) Notwithstanding any other provision of the Election Act, the
26 Secretary of State may adopt and promulgate rules and regulations, with
27 the consent of the appropriate election commissioner or county clerk, for
28 the establishment of polling places which may be used for voting pursuant
29 to section 32-1041 for the twenty days preceding the day of election.
30 Such polling places shall be in addition to the office of the election
31 commissioner or county clerk and the polling places otherwise established

1 pursuant to this section.

2 Sec. 3. Section 32-907, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-907 All polling places shall be accessible to all registered
5 voters and shall be in compliance with the federal Americans with
6 Disabilities Act of 1990, as amended, and the federal Help America Vote
7 Act of 2002, as amended. All polling places shall be modified or
8 relocated to architecturally barrier-free buildings to provide
9 unobstructed access to such polling places by people with physical
10 limitations as required by section 4 of this act. At least one voting
11 booth shall be so constructed as to provide easy access for people with
12 limitations, and shall accommodate a wheelchair, and shall have a cover
13 to provide privacy. The modifications required by this section and
14 section 4 of this act may be of a temporary nature to provide such
15 unobstructed access only on election day.

16 Sec. 4. (1) All polling places shall meet the following
17 requirements:

18 (a) Parking:

19 (i) At least one handicap-accessible space per twenty-five parking
20 spaces;

21 (ii) At least one designated van-accessible space with signage with
22 the International Symbol of Accessibility and designated as van
23 accessible;

24 (iii) Designated van-accessible spaces shall be at least ninety-six
25 inches wide with a ninety-six-inch access aisle or one hundred thirty-two
26 inches wide with a sixty-inch-wide access aisle;

27 (iv) Vertical clearance of at least ninety-eight inches for the
28 vehicular route to the parking space, in the parking space and access
29 aisle, and along the vehicular route to the exit;

30 (v) Designated accessible parking spaces and the access aisles
31 serving them on a level surface, with slopes not exceeding a gradient of

1 1:48 in all directions;

2 (vi) Surfaces of the designated accessible parking spaces and access
3 aisles must be stable, firm, and slip resistant;

4 (vii) The designated accessible parking spaces must be located on
5 the shortest accessible route to the accessible entrance; and

6 (viii) Signs at the entrances to the parking area shall indicate
7 that someone is available to bring a ballot out if access to the polling
8 location is challenging, with a telephone number to contact poll workers,
9 and shall be posted, with visible lettering to exceed three inches
10 (seventy-five millimeters), plus one-eighth inch (three and two-tenths
11 millimeters) per foot (three hundred five millimeters) of viewing
12 distance more than twenty-one feet (sixty-four hundred millimeters) from
13 accessible parking spaces;

14 (b) Exterior route to accessible entrance:

15 (i) Route must be at least thirty-six inches wide;

16 (ii) Route must be free of abrupt changes in level that are greater
17 than one-half inch, including stairs;

18 (iii) Route must be free of surface openings that are greater than
19 one-half inch, such as grates or holes in the pavement;

20 (iv) Walking surfaces must be stable, firm, and slip resistant;

21 (v) Route must be free of wall-mounted objects that protrude more
22 than four inches into the path of travel and are between twenty-seven
23 inches and eighty inches high;

24 (vi) Route must be free of post-mounted objects that protrude more
25 than twelve inches into the path of travel and are between twenty-seven
26 inches and eighty inches high;

27 (vii) Objects that hang over the pedestrian route must be eighty
28 inches high or higher, including the underside of exterior stairs;

29 (viii) If the route crosses a curb, the curb ramp must be at least
30 thirty-six inches wide with a slope gradient of no more than 1:12; and

31 (ix) Running slope of any part of the route must not be greater than

1 a gradient of 1:20;

2 (c) Polling place entrances:

3 (i) The clear width of the door opening of one door or one active
4 leaf of a double door must be at least thirty-two inches;

5 (ii) All door opening hardware must be useable with one hand without
6 tight grasping, pinching, or twisting of the wrist;

7 (iii) On the pull side of the door, there must be at least eighteen
8 inches of clearance provided to the side of the latch;

9 (iv) The area in front of the door must be level, with slopes no
10 greater than a gradient of 1:48 in all directions;

11 (v) If there are doors in a series, the distance between the two
12 hinged doors must be at least forty-eight inches plus the width of the
13 door swinging into the space;

14 (vi) Must be able to open the interior door with no more than five
15 pounds of force;

16 (vii) Door thresholds must be no higher than one-half inch;

17 (viii) Inaccessible entrances must have signage directing voters to
18 the accessible entrance with visible lettering to exceed three inches
19 (seventy-five millimeters), plus one-eighth inch (three and two-tenths
20 millimeters) per foot (three hundred five millimeters) of viewing
21 distance more than twenty-one feet (sixty-four hundred millimeters) from
22 accessible parking spaces; and

23 (ix) If voters are directed to an alternative accessible entrance,
24 such entrance must be kept unlocked during voting hours;

25 (d) Route from entrance into voting area:

26 (i) Route must be at least thirty-six inches wide;

27 (ii) Route must be free of wall-mounted objects that protrude more
28 than four inches into the path of travel and are between twenty-seven
29 inches and eighty inches high;

30 (iii) Route must be free of post-mounted objects that protrude more
31 than twelve inches into the path of travel and are between twenty-seven

1 inches and eighty inches high;

2 (iv) Objects that hang over the pedestrian route must be eighty
3 inches high or higher, including the underside of exterior stairs;

4 (v) If the route crosses a curb, the curb ramp must be at least
5 thirty-six inches wide with a slope gradient of no more than 1:12;

6 (vi) Running slope of part of the route must not be greater than a
7 gradient of 1:20;

8 (vii) If the route to the voting area has stairs, a platform lift or
9 elevator must be provided; and

10 (viii) If there are doors between the entrance and voting area:

11 (A) The clear width of the door opening of one door or one active
12 leaf of a double door must be at least thirty-two inches;

13 (B) All door opening hardware must be useable with one hand without
14 tight grasping, pinching, or twisting of the wrist;

15 (C) On the pull side of the door, there must be at least eighteen
16 inches of clearance provided to the side of the latch;

17 (D) The area in front of the door must be level, with slopes of no
18 greater than a gradient of 1:48 in all directions;

19 (E) If there are doors in a series, the distance between the two
20 hinged doors must be at least forty-eight inches plus the width of the
21 door swinging into the space;

22 (F) Must be able to open the interior door with no more than five
23 pounds of force; and

24 (G) Door thresholds must be no higher than one-half inch;

25 (e) Voting area:

26 (i) Walking surfaces must be stable, firm, and slip resistant;

27 (ii) Route must be free of wall-mounted objects that protrude more
28 than four inches into the path of travel and are between twenty-seven
29 inches and eighty inches high;

30 (iii) Route must be free of post-mounted objects that protrude more
31 than twelve inches into the path of travel and are between twenty-seven

1 inches and eighty inches high;

2 (iv) Objects that hang over the pedestrian route must be eighty
3 inches high or higher, including the underside of exterior stairs;

4 (v) If the route crosses a curb, the curb ramp must be at least
5 thirty-six inches wide with a slope gradient of no more than 1:12;

6 (vi) Running slope of part of the route must not be greater than a
7 gradient of 1:20;

8 (vii) There must be enough room to provide a route at least thirty-
9 six inches wide to the registration table and voting stations;

10 (viii) Any machine used for voting must be available at each polling
11 location and must be turned on and accessible at all times;

12 (ix) Any machine used for voting must be placed in a location that
13 allows privacy or a barrier must be set up;

14 (x) Must be enough room to provide a turning space in front of at
15 least one voting station, such as a circle that is at least sixty inches
16 in diameter;

17 (xi) Must be enough room to provide a turning space in front of at
18 least one accessible machine used for voting, such as a circle that is at
19 least sixty inches in diameter;

20 (xii) Sign indicating that assistance is available and the contact
21 number for any election protection advocates approved by the Secretary of
22 State that contact the Secretary of State's office at least thirty days
23 prior to election. Sign must be two inches (fifty-one millimeters), plus
24 one-eighth inch (three and two-tenths millimeters) per foot (three
25 hundred five millimeters) of viewing distance more than one hundred
26 eighty inches (forty-five hundred seventy millimeters); and

27 (xiii) Seating must be available along the line to the polls;

28 (f) Ramps:

29 (i) Any ramp slope must have a gradient of no more than 1:12;

30 (ii) Cross slope of ramp must have a gradient of 1:48 or less;

31 (iii) Rise height for a ramp must run thirty inches or less;

1 (iv) Ramp measures between handrails must be at least thirty-six
2 inches wide;

3 (v) Ramp must have a level landing that is at least sixty inches
4 long at the top and bottom of each ramp section;

5 (vi) For every thirty inches of rise, a level landing at least sixty
6 inches long must be provided;

7 (vii) If a ramp changes direction, there must be a level landing, at
8 least sixty inches by sixty inches, provided where the ramp changes
9 direction;

10 (viii) For every rise of the ramp greater than six inches, handrails
11 must be provided that are between thirty-four inches and thirty-eight
12 inches above the ramp surface;

13 (ix) If the rise of the ramp is greater than six inches, handrails
14 must be provided that are between thirty-four inches and thirty-eight
15 inches above the ramp surface; and

16 (x) If the rise of the ramp is greater than six inches and the ramp
17 or landing has a vertical drop-off on either side of the ramp, edge
18 protection must be provided;

19 (g) Lifts:

20 (i) Must be operational;

21 (ii) Must be independently operable;

22 (iii) Must have thirty inches by forty-eight inches of clear floor
23 space within the lift;

24 (iv) Must have controls that are no higher than forty-eight inches;

25 (v) Must have controls that are useable with one hand without tight
26 grasping, pinching, or twisting; and

27 (vi) Clear width of the door opening or gate opening at the end of
28 the lift must be at least thirty-two inches. If a side door or gate is
29 provided, the clear opening width must be at least forty-two inches; and

30 (h) Elevators:

31 (i) Must have an elevator car door opening that is at least thirty-

1 six inches wide;

2 (ii) Must have space to maneuver within the elevator car. Car must
3 be at least fifty-one inches deep and sixty-eight inches wide, eighty
4 inches deep and fifty-four inches wide, or sixty inches deep and sixty
5 inches wide;

6 (iii) Must have hallway elevator call buttons that are forty-eight
7 inches high or lower;

8 (iv) Must have visible and audible signals in the hallway to
9 indicate the arrival and direction of the elevator car; and

10 (v) Must have visible and audible signals within the elevator car to
11 indicate the position of the car.

12 (2) The Secretary of State shall provide biennial training for the
13 election commissioners and county clerks to help ensure they are informed
14 about current standards in accessibility. All poll workers shall receive
15 training on accessibility between appointment and serving at an election.

16 Sec. 5. Original sections 32-904 and 32-907, Reissue Revised
17 Statutes of Nebraska, and section 32-101, Revised Statutes Cumulative
18 Supplement, 2018, are repealed.