



Legislation Text

File #: Res 0445-2002, **Version:** A

Res. No. 445-A

Resolution supporting the provisions of the Help America Vote Act of 2002, United States Public Law 107-252, 116 Stat. 1666, which mandate that access to voting be provided for all people with disabilities and establish national standards for machine and polling place access, but condemning that portion of the Help America Vote Act of 2002 which requires that voters present a photo identification or documented proof of a place of residence as conditions for casting their vote in person under certain circumstances.

By Council Members López, Perkins, Addabbo, Barron, Weprin, Monserrate, Davis, Reed, Rivera, Martínez, Liu, Seabrook, Gerson, Báez, Brewer, Clarke, Comrie, Dilán, Foster, Gioia, Gennaro, Jackson, Koppell, Nelson, Quinn, Recchia, Sanders, Serrano, Vann and Yassky

Whereas, Voters with disabilities are routinely denied access to polling sites, and also are precluded from exercising their constitutional right to cast a secret ballot in many jurisdictions, including the City and State of New York; and
Whereas, the Help America Vote Act of 2002, United States Public Law 107-252, 116 Stat. 1666 (the "Act"), provides for many necessary and significant measures to improve the election process and enhance democratic participation, particularly for people with disabilities; and
Whereas, The Act has several key provisions focusing on the right of people with disabilities to participate fully in voting and the civic life of this nation; and

Whereas, The Act provides for \$100 million for communities to make polling places physically accessible, using a funding formula that provides for 80% of funding to come from federal dollars and 20% from local funding; and

Whereas, The Act provides that at least one accessible voting machine be placed in every polling site nationally by January 1, 2007; and

Whereas, The Act provides for federal funding for states to implement election reform, including the use of new voting technologies which are fully accessible for all people with disabilities, to be totally paid for with federal dollars; and

Whereas, The Act makes election reform affordable by providing that communities purchasing new voting systems and equipment accessible to people with disabilities between January 1, 2001 and passage of the law will be reimbursed for the purchase of such new voting technologies and machines; and

Whereas, It is estimated that New York State would be eligible to be reimbursed approximately \$135 million for the purchase of new accessible voting systems in accordance with the provisions of the Act; and

Whereas, The antiquated lever machines used in this City and State have many documented problems, are no longer manufactured, and need to be replaced with new voting machine technology; and

Whereas, The current voting machines are unable to accommodate disabled citizens in wheelchairs or voters with certain other mobility impairments, the blind or those with other visual impairments, and those with hand/arm impairments; and

Whereas, Many of these new voting technologies enable wheelchair users, blind voters and those with hand/arm or visual impairments to cast their votes on their own, preserving their autonomy and privacy in the voting process; and

Whereas, A citizen's right to vote is protected by the 15th, 19th, 24th and 26th Amendments to the Constitution of the United States and federal legislation, including the Voting Rights Act of 1965, as well as by decisions of the United States Supreme Court, as a fundamental right of citizens to be exercised freely and independently; and

Whereas, The Act provides for national standards for machine and polling place access, to be determined by the federal Access Board and the Federal Election agency; and

Whereas, The Act provides that voting system standards be reviewed every four years and revised as necessary and appropriate; and

Whereas, A portion of the Act also provides that voters must have a photo identification or a documented residence in order to cast their vote in person under certain circumstances, and this portion of said legislation is hereby condemned as incompatible with the exercise of a citizen's fundamental right to vote freely; now, therefore, be it

Resolved, That the Council of the City of New York supports the provisions of the Help America Vote Act of 2002, United States Public Law 107-252, 116 Stat. 1666, which mandate that access to voting be provided for all people with disabilities and establish national standards for machine and polling place access, but condemns that portion of the Help America Vote Act of 2002 which requires that voters present a photo identification or documented proof of a place of residence as conditions for casting their vote in person under certain circumstances.

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