

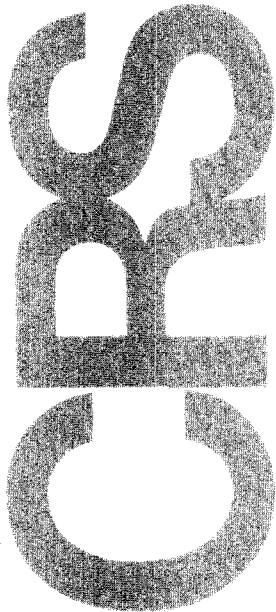
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SURVEY OF STATE STATUTES AFFECTING VOTING BY THE  
PHYSICALLY HANDICAPPED

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COMPLIMENTS OF  
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#### ABSTRACT

This report summarizes State statutory provisions relating to voting by the physically handicapped in such areas as absentee voting, voter registration, curbside voting, accessible polling places, and assistance at the polls. A comprehensive introduction/overview is also included; this summarizes constitutional and other legal questions in the area.



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SURVEY OF STATE STATUTES AFFECTING VOTING BY THE  
PHYSICALLY HANDICAPPED

INTRODUCTION

The right to vote freely for candidates of one's choice is one of the most fundamental rights guaranteed by the Constitution. However, for the nation's handicapped voters, this right can be difficult if not impossible to exercise. A Philadelphia organization working on behalf of the disabled has estimated that there are 300,000 potentially registered handicapped voters in that area alone, in addition to the number of registered voters who are unable to effectively cast their ballots.<sup>1/</sup>

All States permit physically handicapped voters to vote by absentee ballot. However, it can be argued that this in and of itself is not sufficient to guarantee disabled voters' rights, since procedures for absentee voting can also present difficulties for the handicapped, and in many States absentee ballots must be cast so early that last-minute decisions are impossible.

Following a May 1973 general municipal election in Los Angeles, California, a physically handicapped voter and several organizations brought a class action under the Federal Civil Rights Act (42 U.S.C. § 1983) against the Los Angeles City Council to enjoin city election officials from locating polling places in structures containing "architectural barriers" which hamper voting by the handicapped. Selph v. Council of the City of Los Angeles, 390 F. Supp. 58 (C.D. Cal. 1975). The plaintiff, who was confined to a wheelchair, refused offers that

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<sup>1/</sup> "The Voice of the People: Selectively Heard at the Polls?" Amicus, Vol. 1, No. 3 (Mar. 1976), p. 12.

she be carried into the polling place (which was inaccessible to wheelchairs), that her personal representative obtain an absentee ballot for her to cast at the polling place, or that she cast her ballot in person at the City Clerk's Office in the City Hall (which was wheelchair accessible)--both permissible options under the applicable ordinances.

The plaintiffs did not contend that the physically handicapped are totally denied the franchise because they are unable to enter the polls. Rather, they alleged that the options available to them are inadequate. They argued that voting by absentee ballot is not an acceptable substitute because, as noted, it does not allow the chance to obtain last minute information about the candidates and issues; and also it is unavailable in many locations unless requested at least five days prior to the date of the election, which eliminates its use when the disabled person does not discover the inaccessibility of his or her polling place until election day.

In response, the defendants pointed out that they had to provide some 3800 polling places in order to adequately cover the entire City of Los Angeles, and they had to comply with a requirement that the polls be placed as near as possible to the electorate they serve. While every effort is made to utilize public buildings as much as possible, in the election in question approximately 65% of the polling places had to be placed in private residences. Approximately 100 of these were placed in residential garages which were wheelchair accessible; however, these present great problems because the doors must remain open at all times, inadequate interior lighting hampers the work of the staff, and members of the Election Board are generally reluctant to spend up to 18 hours on election day working where no heat or comfort facilities are available.

After weighing all these arguments, the court ruled for the defendants, holding that, although a handicapped person has a constitutional right to vote,



he or she has no right to insist that city officials modify all polling places within the city so as to eliminate architectural barriers. The court said that the cost of undertaking such a project would be an unfair expenditure of large amounts of money in order to benefit a small segment of the total population, even assuming that the city had the ability or the right to modify privately-owned buildings. Also, the plaintiffs' demands would call for the modification of many polling places in precincts where no disabled persons lived.

In reaching this conclusion, the court rejected the plaintiffs' contention that the statute should be subject to "strict scrutiny" and thus upheld under the Equal Protection clause of the 14th Amendment only if California could demonstrate a compelling state interest in its enactment. Rather, they cited precedents which indicate that not every limitation or incidental burden on the exercise of voting rights is subject to this stringent standard of review,<sup>2/</sup> and held that the less stringent rational relationship test was the proper standard (i.e., the statute would be upheld if it had a rational relationship to a proper state objective). Here the right to vote was not totally denied to physically handicapped persons and there were reasonable alternatives provided to those who found that their polling place was inaccessible:

In the case at bar the City Council has provided the mechanism of the absentee ballot in an attempt to provide a satisfactory solution to the problems faced by disabled persons in voting. While this solution may not be the ideal as envisioned by plaintiff and her class, it is an attempt at reform and does assure plaintiffs of the right to vote. This approach can be seen as a rational alternative to the legitimate state purpose of minimizing the

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<sup>2/</sup> McDonald v. Board of Election Commissioners of Chicago, 394 U.S. 802 (1969) (Illinois absentee voting law did not violate the Equal Protection clause by failing to provide coverage for pretrial jail inmates while including voters unable to go to the polls because of physical incapacity); Bullock v. Carter, 405 U.S. 134 (1972) ("strict scrutiny" standard applied to Texas filing fee statute because fees were of such magnitude as to preclude numerous qualified candidates from filing for office). See 390 F. Supp. at 61.

high cost and substantial administrative effort involved in providing more than 3800 accessible polling places. 390 F. Supp. at 61.

The court went on to note that, during the trial, several suggestions had been offered short of modifying all of the polling places. For example, it was suggested that several centrally located, accessible polling places be established for use by the handicapped. Another suggestion involved changing the [California] law which forbids the removal of voting materials from the polling place to allow the handicapped to vote outside if access is physically barred.<sup>3/</sup> Another possible solution would be to allow the absentee ballot to be handed to the election official at the handicapped voter's polling place, rather than returned by mail. All of these suggestions would involve a minimal expenditure of public funds while insuring that the disabled person had access to all last minute information. The court said that the suggestions were not intended to be exhaustive or to be put forward as the only practical solution, but rather to show that reasonable alternatives are available at a minimum amount of effort and expenditure. The Los Angeles City Council would be well advised to consider the problems dealt with by the case; however, it was a legislative matter and not one for judicial involvement. Id. at 62.

A case which reached a similar result on a related facet of voting by the handicapped is Smith v. Dunn, 381 F. Supp. 822 (M.D. Tenn. 1974). All states have made provision for handicapped voters to receive assistance at the polls; however, who may provide the necessary assistance varies from State to State. In some jurisdictions, such voters may only be assisted by specified election officials (e.g., District of Columbia Code § 1-1109-(f)), while in others any person selected by the voter may so assist (e.g., New Jersey Statutes, §§ 119:50-3,

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<sup>3/</sup> California now permits this (California Elections Code, § 14234); see generally under "curbside voting," infra.

19:52-4). Some States differentiate between blind and otherwise handicapped voters, permitting blind voters to be assisted by persons of their choice while limiting others to assistance from election officials (e.g., Indiana Statutes § 3-2-3-1). There is much variation in this area--some States require the assistance to be provided by specified relatives, others by a voter of the same election district, etc.<sup>4/</sup>

Smith v. Dunn involved former § 2-716 of the Tennessee Code, which stated that blind electors could receive assistance only from specified relatives or election judges of their choice, in the presence of election judges or other officials of the other political party. The plaintiffs, blind electors and organizations supporting them, asked that this statute be declared unconstitutional under 42 U.S.C. § 1983, the Federal Civil Rights Act, and that the court reinstate former Code § 2-1226, which had permitted assistance by "any reputable person of the voter's selection." The plaintiffs said that the language in question violated blind voters' right to cast a secret ballot as well as the 14th and 15th Amendments.

As in Selph, the court balanced the voters' rights against the state interest in maintaining the integrity of the electoral process, and found the regulation rationally related to a legitimate State interest. Also, as in Selph, they said this was a matter for legislative rather than judicial determination:

The State justifies the new legislation as being a reasonable regulation enacted to secure the freedom of elections and the purity of the ballot box. Fears voiced in support of the more stringent control of disabled voter assistance relate to the possibility, particularly ripe in the case of the blind or illiterate, that those rendering assistance will not mark the voter's ballot in the way instructed. The State's goal is to preserve the integrity of the election process, and, along with the Tennessee legislature, we have no doubt that loosely supervised voter assistance can open the door

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<sup>4/</sup> See survey of State statutes, infra, for details.

to fraudulent voting practices. Whether the potential for voting fraud is sufficiently great to demand the restrictions challenged here is a legislative, not judicial function. Grounds can certainly be conceived to justify the State's fears in this regard, and we are unable to conclude that the statute in question is not rationally related to the State's goal of election integrity. 381 F. Supp. at 826.

The Tennessee legislature subsequently re-amended the statute as requested by the Smith plaintiffs; current Code § 2-7-116 provides that each blind elector may receive assistance from any person of his or her selection.

There are very few decided cases in this area. Selph cites language from Whalen v. Heimann, 373 F. Supp. 353 (D. Conn. 1974), to the effect that:

A physically incapacitated voter has no more basis to challenge a voting requirement of personal appearance than a blind voter can complain that the ballot is not printed in braille. Nor is it the province of a Court to weigh the relative ease or difficulty with which the State could accommodate its voting procedures to meet the ends of various handicapped voters. These are policy questions to be resolved by the legislators. Id. at 357, cited at 390 F. Supp. 61-62.

However, Whalen involved absentee voting in a municipal referendum, the above language is dicta, and no cases are cited in its support.

Thus, available information indicates that a State need not provide totally comparable treatment for handicapped and non-handicapped voters, so long as the discrimination is not extreme and it bears a rational relationship to a legitimate State interest. While in extreme instances of discrimination, courts may be willing to apply the more stringent "strict scrutiny" test, it does not appear they will be receptive to the idea of requiring totally equal access to the polls and the ballot under all conditions.

PRESENT APPROACHESAbsentee Voting

All States permit the handicapped to vote by absentee ballot. However, in addition to the problem of early voting deadlines discussed in Selph, there are also impediments per se in many States to casting an absentee ballot. These include a requirement that the voter provide a doctor's certificate with his or her application and/or a requirement that the absentee ballot be notarized.

Most handicapped voters would presumably have little difficulty in having a physician testify as to their disability. The problems arise in connection with obtaining the proper form, having it filled out and returned before the deadline. Similarly, a handicapped voter who finds it difficult or impossible to get to the polls on election day may find it equally difficult to go to a notary to have his or her absentee ballot notarized.

In all of the following listings, citations to the applicable statutes can be found in the accompanying state survey. The texts of pertinent statutes should be consulted if additional information is required.

The following States require doctor's certificates from handicapped voters before issuing their absentee ballots: Alaska (certain circumstances), Delaware, Illinois (once every five years for those with disabled voter's cards), Indiana, Kentucky (once is sufficient), Louisiana (once every five years for permanently disabled voters), Massachusetts (once is sufficient for permanently disabled voters), Nevada, New York (permanently disabled listing only), North Carolina (certain circumstances), Pennsylvania (certain circumstances), Rhode Island (those applying for emergency disabled ballots), Tennessee (permanently disabled voters), Vermont (permanently disabled voters only), and West Virginia (one certificate is sufficient for permanently disabled voters).

The following States require that absentee ballots be notarized (occasionally some other form of attestation is permissible; see accompanying survey): Alabama (or two witnesses); Alaska ("attesting witness"); Arizona; Colorado; Delaware; Florida (or two witnesses); Georgia (disabled voter, voting outside of own county); Illinois (except for those holding disabled voters' identification cards); Indiana (but absent voters' board comes to the place of confinement); Iowa (absent voters' board comes to place of confinement); Maine; Massachusetts (permanently disabled voters are exempt from this requirement); Minnesota (or eligible voter); Mississippi (but disabled voters need not use the county registrar, as must other absentee voters); Missouri (but ballot taken to confined voter); Nebraska; New Mexico; North Carolina; Oklahoma; Rhode Island (or two registered Rhode Island voters); South Dakota; Tennessee; Wisconsin (or two witnesses); and Wyoming.

#### Registration Procedure

Whether or not a polling place is accessible makes no difference to a handicapped voter if he or she is unable to register to vote. As with voting, no procedure is totally satisfactory; however, mail registration (especially where the registration form may also be requested by mail) and registration at the polling place, for those voters able to vote at the polling place, take care of at least some of the problems.

North Dakota does not require voter registration and, in Idaho, ill or disabled voters are registered at their place of abode. Of the remaining States, mail registration is permitted in Alaska, California, Colorado (ill or disabled voters), Connecticut (permanently disabled voters), Delaware, the District of Columbia, Florida (disabled voters), Georgia (those qualified to vote by absentee ballot), Idaho, Indiana (ill or disabled voters), Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts (physically disabled voters), Michigan (disabled voters), Minnesota, Missouri (ill and disabled voters), Montana, Nebraska (disabled voters), New

Hampshire (disabled voters), New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island (shut-in voters), South Carolina (ill or disabled voters), Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming (disabled voters). Registration at the polling place is permitted in Maine, Minnesota, and Wisconsin.

### Curbside Voting

Curbside voting is the procedure whereby, if a voter is unable to enter the polling place, the ballot is brought outside the polling place (to the curb if the voter is unable to leave his or her car, etc.) and then returned to the ballot box. It helps to give handicapped voters a sense of actively participating in the electoral process and allows them to make last-minute voting changes as discussed in Selph.

At the present time, curbside voting is prohibited outright in West Virginia. Some form of it is permitted in California, Hawaii, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Carolina, Ohio, Oklahoma, Oregon, Texas, Utah, Vermont, Virginia, and Wisconsin.

### Accessible Polling Places

Fully accessible polling places are the goal of many handicapped individuals and organizations working in their behalf. Basically this involves removing architectural barriers, such as steps, which make many present polling places inaccessible to the handicapped. The counter argument is that this is so costly as to preclude its being implemented, at least area-wide, and reasonable alternatives, such as curbside voting, should be considered (see Selph, supra).

The following State survey notes only those States which specifically provide for accessible polling places. Other States may have requirements that public buildings be made accessible, and polling places located in such buildings would of course be accessible as well. However, it would be highly unusual for all polling places to be located in public buildings.

Also, many State statutes on accessibility have qualifying language, such as "whenever possible," etc. (see accompanying survey for details).

At the present time, the following States require some form of structural accessibility for polling places: Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana (handicapped voters may use alternative polling places if their own is not accessible), Maine, Maryland, Minnesota, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Vermont, Washington, and Wisconsin (only where no curbside voting is available).



VOTING BY THE MENTALLY HANDICAPPED

Although all States permit physically handicapped voters to participate in the electoral process, albeit under the restrictions discussed above, the same is not true for the mentally handicapped. Only Rhode Island appears to have a statute which, on its face, permits mentally disabled persons to vote.<sup>5/</sup>

Most States, on the contrary, prohibit voting by those adjudicated mentally incompetent, those of unsound mind, etc. However, two recent decisions indicate that such determinations must be made on a case-by-case basis and that no blanket disqualifications are permissible.<sup>6/</sup>

Boyd v. Board of Registrars of Voters of Belchertown, 368 Mass. 631, 334 N.E.2d 629 (1975) involved a provision of the Massachusetts Constitution (Const. Amend. Art. 3) which prohibits "persons under guardianship" from voting in elections. The case held that residents of a State-operated facility for the mentally retarded who had not been adjudicated incompetent or placed under guardianship in accordance with established statutory procedures were not to be considered "under guardianship" for voting purposes and could not be precluded from registering to vote solely because of their residence at the facility.

There is also a New Jersey case, Carroll v. Cobb, 139 N.J. Super. 439, 354 A.2d 355 (1975), which states in dicta that mentally retarded persons are not necessarily "idiots" and mentally ill persons are not necessarily "insane" for voter registration purposes. (Section 19:4-1 of the New Jersey Statutes states that no person shall have the right of suffrage "who is an idiot or is

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<sup>5/</sup> Sections 17-20-1 and 17-20-2 of the Rhode Island General Laws permit absentee voting by an elector who, because of illness or physical or mental disability, is unable to vote in person.

<sup>6/</sup> See generally, "Voting Rights of Persons Mentally Incapacitated," 80 A.L.R.3rd 1116 (1977).

ALASKA

Source: Alaska Statutes Annotated, Dec. 1976 main volume, 1980 Cumulative Supplement, 1981 Alaska Session Laws and 1982 Advance Legislative Service.

Who May Vote by Absentee Ballot: A qualified voter who is unable to be present at the polls because of physical disability (sec. 15.20.010(2)).

Doctor's Certificate Required: Yes (alternative: statement signed by two qualified voters attesting to physical disability), if voter has requested ballot through a personal representative (sec. 15.20.120).

Notarization of Absentee Ballots: Must be signed by an a notary public or other specified official or "attesting witness" who is at least eighteen years of age (sec. 15.20.150 and 15.20.081).

Mail Registration: Yes (sec. 15.07.050 and 15.07.070).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By a judge, a person, or not more than two persons of the voter's choice (generally, sec. 15.15.240); by election judges and clerks (voting machines, sec. 15.20.350).

Structural Accessibility of Polling Places: No provisions were found.

ARIZONA

Source: Arizona Revised Statutes Annotated, 1975 main volume, 1982-1983 Cumulative Pocket Part, and Arizona Legislative Service 1983.

Who May Vote by Absentee Ballot: Any elector who is physically unable to go to the polls; any elector who is legally blind (sec. 16-541).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (sec. 16-544).

Mail Registration: No provisions were found.

Registration at Polling Places: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: Any registered voter may choose assistance by a person of voter's choice; or, at voter's option, by two election officials, one of each major political party (sec. 16-580). Voter may make a written request to the county recorder to have ballot personally delivered if the voter is confined because of illness or physical disability (sec. 16-549).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: A blind or physically handicapped voter need not sign application for an absentee ballot (sec. 16-544).

ARKANSAS

Sources: Arkansas Statutes 1947 Annotated, 1976 Replacement Volume, 1981 Cumulative Supp. and 1982 Interim Supp.

Who May Vote by Absentee Ballot: Any person who, because of illness or physical disability, will be unable to attend the polls on election day (sec. 3-903).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found. Sec. 3-721 directs election officials to make provisions whereby disabled voters may cast an absentee ballot without third-party assistance, if the voter so chooses.

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found; but see sec. 3-721.

Assistance at Polls: By spouse or two election judges (paper ballots, sec. 3-713); by two election judges or person of voter's choice (voting machines, sec. 3-1222 and 3-1219). Election officials are directed "to accomplish reasonable and adequate methods whereby disabled voters may personally and secretly execute their ballots," including the promulgation of the form of a special ballot, which reasonably complies with the form of paper ballots now in use, which special ballot shall permit handicapped voters to cast their votes in secret (sec. 3-721).

Structural Accessibility of Polling Places: Requires election officials to "make every reasonable effort to provide voting locations reasonably accessible to disabled voters," (sec. 3-721).

Miscellaneous Provisions: disabled voters need not sign Record of Voting Form (sec. 3-126, primary elections; sec. 3-708(b), general elections).

CALIFORNIA

Source: California Elections Code, 1977, 1983 Cumulative Pocket Part and West's California Legislative Service 1983-1984.

Who May Vote by Absentee Ballot: Any registered voter who is unable to appear at the polling place because of physical handicap (sec. 1003). After close of period for requesting absent voter ballots any voter unable to go to polls due to a physical handicap or confining disability may submit a written request for ballot delivery (sec. 1017).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 301).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 14234).

Assistance at Polls: By not more than two persons selected by the voter (sec. 14234).

Structural Accessibility of Polling Places: The clerk may locate polling places so that the requirements specified by the State architect for accessibility by the physically handicapped are met (sec. 1638.5). If polling places are inaccessible to a handicapped individual due to architectural barriers a written request for delivery of an absentee ballot may be initiated even after the close of the period for requesting absentee ballots. (sec. 1017).

COLORADO

Source: Colorado Election Code of 1980 - Recodification, Session Laws of Colorado 1980, 1981 and 1982

Who May Vote by Absentee Ballot: Those unable to attend polls because of serious illness or physical disability (sec. 1-8-102).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (secs. 1-8-114).

Mail Registration: "Affidavit registration," qualified electors who because of serious illness or physical disability cannot register through regular channels; elector must subscribe to oath before person authorized to administer oaths (sec. 1-2-206).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any one of election judges, or, at voter's option any elector selected by the voter (sec. 1-7-108).

Structural Accessibility of Polling Places: Absentee voters' polling places (infra) must be free of architectural barriers when located in counties with a population of 100,000 or more (sec. 1-7-108(2)).

Miscellaneous Provisions: Voters who are unable to write need not sign poll book (sec. 1-5-105, generally; sec. 1-15-106, primary elections). Absentee voters polling places established in each county may be used by disabled voters (sec. 1-7-108(2), 1-8-112).

## CONNECTICUT

Source: Connecticut General Statutes Annotated, 1967 main volume, 1983-1984 Cumulative Annual Pocket Part and Connecticut Legislative Service 1983.

Who May Vote by Absentee Ballot: Electors who are unable to appear at the polling place because of illness or physical disability (sec. 9-135), primaries (sec. 9-133a). Clerk must deliver absentee ballots to patients of health care facilities for the handicapped upon request of either the town's registrar or of the administrator of the institution (sec. 9-146a).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes, by permanently disabled persons (sec. 9-31a and 9-31b).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: Voting machines -- By Connecticut elector of voter's choice (sec. 9-264); paper ballots -- by two electors of different parties (sec. 9-297).

Structural Accessibility of Polling Places: Yes, by July 1, 1980, unless no available site can reasonably be made accessible (sec. 9-168d).

Miscellaneous Provisions: Disabled voter may have agent sign absentee ballot (sec. 9-138) and ballot application (sec. 9-140). A ballot cast by an absentee voter who is ill or disabled may only be mailed by such elector or by any person designated by the elector who consents thereto. Such elector may designate for this purpose only one of the following persons: a licensed physician, registered or practical nurse or any other person who is caring for the elector because of the elector's illness or physical disability, a member of the elector's family or, if no such person consents or is available, than a police officer, registrar of voters or deputy registrar of voters in the municipality in which the elector resides (sec. 9-146).

DELAWARE

Source: Delaware Code Annotated, 1981 Replacement volume, 1982 Cumulative Supplement, Title 15. Advance Session Laws 1983

Who May Vote by Absentee Ballot: Any qualified elector, duly registered, who is unable to appear at the polling place because of being sick or physically disabled (sec. 5502).

Doctor's Certificate Required: Application must include the name and address of a physician or Christian Science practitioner who can attest to the illness or disability (sec. 5503).

Notarization of Absentee Ballots: Yes (sec. 5506).

Mail Registration: Yes (sec. 2012).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By one or two electors of voter's choosing (sec. 4943).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Handicapped voters need not sign poll list (sec. 4937).



DISTRICT OF COLUMBIA

Source: District of Columbia Code 1981 main volume and 1982 Supplement.

Who May Vote by Absentee Ballot: Any registered elector who because of physical condition is unable to get to the polling place (sec. 1-1313(b)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 1-1311(c)(2)).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By one or two officials of the polling place on the request of the voter. The Board of Election must take reasonable steps to facilitate voting by the blind, physically handicapped and developmentally disabled person [sec. 1-1306(14)].

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Handicapped voters need not sign registration form (sec. 1-1311(b)(2)). The Board may permit persons physically unable to appear personally at an official registration place to register to vote. (sec. 1-1306(d)).

FLORIDA

Source: Florida Statutes Annotated 1982, Cumulative Annual Pocket Part 1983, Florida Session Law Service 1983.

Who May Vote by Absentee Ballot: Any qualified elector who is unable without another's assistance to attend the polls (sec. 97.021(8)(a)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (alternatively, signatures by two witnesses over eighteen years of age) (secs. 97.063, 101.64).

Mail Registration: Yes, for disabled voters (secs. 97.061, 97.063).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By two election officials or some other person of voter's own choice who has not previously so acted for more than one other person during the election (secs. 97.061, 101.051(1) by absentee ballot 101.051(3)).

Structural Accessibility of Polling Places: Yes, unless no acceptable and accessible site exists within the precinct or other designated voting area, and it is anticipated that the site will be brought into compliance with accessibility standards in the foreseeable future, or the site will be temporarily made to comply with the standards for the time during which the polls are open (sec. 101.715).

GEORGIA

Source: Code of Georgia Annotated 1980, 1982 Cumulative Pocket Part (pub. in 1982) (Code of 1981 for clarification of the recodification of Georgia law in 1981)

Who May Vote by Absentee Ballot: Any elector who because of physical disability will be unable to be present at the polls on election day (sec. 21-2-380).

Doctor's Certification Required: No provisions were found.

Notarization of Absentee Ballots: If disabled voter is voting by absentee ballot outside his own county a local notary public may assist and then sign the oath printed on the absentee voter's envelope (sec. 21-2-385).

Mail Registration: Yes, for those qualified to vote by absentee ballot (sec. 21-2-230) (application must be made in person by specified relative).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any elector, except a poll officer, who is a resident of the election district in which the elector is attempting to vote; or by specified relatives of the elector (sec. 21-2-409). A physically disabled voter may receive assistance in preparing an absentee ballot by any elector qualified to vote in the same county or the mother, father, brother, sister, spouse, son, daughter, mother-in-law, father-in-law, brother-in-law or sister-in-law of the disabled voter. (sec. 21-2-385).

Structural Accessibility of Polling Places: Yes, "if practicable." If no such locations exist within the election district, the Superintendent of Elections may effect temporary modifications to such existing locations as will, in his judgment, provide the most convenient and appropriate access by the handicapped voter. No polling place which does not possess suitable and appropriate access to handicapped voters can be selected after July 1, 1984. (sec. 21-2-265).

Georgia (cont.)

Miscellaneous Provisions: Handicapped voters need not fill out or sign absentee ballot applications (sec. 21-2-381), or voter's certificates (sec. 21-2-402). Absentee ballots contain oath to be filled out by person assisting disabled voters (sec. 21-2-381). No person may assist more than ten electors in any primary or election (sec. 21-2-409).

HAWAII

Sources: Hawaii Revised Statutes 1976 Replacement Volume, and 1982 Supplement.

Who May Vote by Absentee Ballot: Any person registered to vote (sec. 15-2).

An incapacitated voter may send a representative to obtain his absentee ballot (sec. 15-5).

Doctor's Certification Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 11-139).

Assistance at Polls: By two precinct officials who are not of the same political party, or any qualified voter whom the handicapped voter may designate (sec. 11-139).

Structural Accessibility of Polling Places: No provisions were found.

IDAHO

Source: Idaho Code 1981 and Cumulative Pocker Supp. 1982.

Who May Vote by Absentee Ballot: Any person who will be physically unable to vote at his designated polling place on election day (sec. 34-1002A).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No (sec. 34-1004).

Mail Registration: Yes (sec. 34-410). County clerk or official registrar may register an ill or disabled elector at such elector's place of abode, upon receipt of a written application from the elector (sec. 34-407(2)).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 34-1108(1)).

Assistance at Polls: By election clerk or person of elector's choice (sec. 34-1108(2), generally; sec. 34-2427(2), voting machines; sec. 34-1003(6), absentee ballots).

Structural Accessibility of Polling Places: Yes, "to the maximum extent deemed possible by the board [of county commissioners]" (sec. 34-302).

Miscellaneous Provisions: The absentee ballot is personally delivered to a disabled voter; see sec. 34-1003(5).

ILLINOIS

Source: Smith Hurd Illinois Annotated Statutes, 1983-1984 Cumulative Annual Pocket Parts, Chap. 46 and Illinois Legislative Service 1983.

Who May Vote by Absentee Ballot: Any elector who because of physical incapacity will be unable to be present at the polls on election day (secs. 19-1, 19-2). Voting by physically incapacitated electors will be conducted on the premises of facilities licensed or certified in accordance with the Illinois Nursing Home, Sheltered Care Homes and Homes for the Aged Acts or Nursing Home Care Reform Act of 1979. (sec. 19-12.2).

Doctor's Certificate Required: Yes (secs. 19-2, 19-3), except for those holding disabled voters' identification cards which are valid for a five year period; voters holding them need not submit a doctor's certification when applying for absentee ballots during that time; however, a doctor's certificate is required when making or renewing the original application (ibid.).

Notarization of Absentee Ballots: Yes (secs. 19-5, 19-6), except for those holding disabled voters' identification cards (sec. 19-12.1).

Mail Registration: No provisions were found, except for certain absentee electors (sec. 4-10).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By two of the election officers of different parties, or by a friend or relative of the elector's choice (sec. 17-14, generally; sec. 24-9, voting machines; sec. 7-48, primary elections). When an applicant for registration reports a permanent physical disability which would require assistance in voting, his registration cards will be especially marked (sec. 5-7.01).

Structural Accessibility of Polling Places: No provisions were found.

INDIANA

Source: Burns Indiana Statutes Annotated, 1982 main volume, 1982 Cumulative Pocket Supplement and 1983 Advance Legislative Service

Who May Vote by Absentee Ballot: Any elector expecting to be confined to his or her home, nursing home or hospital because of illness or injury on the day of any general, special, primary or city election (sec. 3-1-22-2).

Doctor s Certificate Required: Yes (sec. 3-1-7-9).

Notarization of Absentee Ballots: Yes (sec. 3-1-22-7); however, in the case of an ill or disabled voter, the absent voter's board comes to the place of confinement (secs. 3-1-22-6, 3-1-22-21).

Mail Registration: Yes, for ill or disabled voters (doctor's certificate and notarization required) (sec. 3-1-7-12).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: Yes, by voters parent, spouse, child, sibling, grandparent, or grandchild or by two election judges (sec. 3-2-3-1); blind elector -- by person designated by elector (sec. 3-2-3-1).

Structural Accessibility of Polling Places: In determining the suitability of a room for voting, the county commissioner must consider its accessibility by physically handicapped persons and make a reasonable effort to locate and use rooms accessible to unassisted, non-ambulatory persons. (sec. 3-1-23-17).

Miscellaneous Provisions: Handicapped voter need not sign poll list (sec. 3-1-9-10).



IOWA

Source: Iowa Code Annotated 1973 the 1983-1984 Cumulative Annual Pocket Parts and the Iowa Legislative Service 1983.

Who May Vote by Absentee Ballot: Any elector who expects to be prevented from going to the polls and voting on election day through illness or physical disability (sec. 53.1).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes, (sec. 53.15 and 53-2), but patients confined to hospitals or health care facilities are visited by special precinct election officers for the purpose of casting absentee ballots (sec. 53.22).

Mail Registration: Yes (sec. 48.3).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 49.90).

Assistance at Polls: Two officers or alternatively by any person selected by the elector, (sec. 49.90) for absentee (sec. 53.15).

Structural Accessibility of Polling Places: Preferences shall be given to the use of buildings accessible to elderly and physically handicapped voters (sec. 49.21).

KANSAS

Source: Kansas Statutes Annotated 1981, Cumulative Supp. 1982 and 1982 Session Laws

Who May Vote by Absentee Ballot: Any registered elector who, because of sickness or physical disability, is unable to vote at his or her voting place on election day (sec. 25-1119(b)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 25-2309).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 25-2909(d)).

Assistance at Polls: Person chosen by voter, or two members of the election board of different political parties (sec. 25-2909(b), generally; sec. 25-1341, voting machines).

Structural Accessibility of Polling Places: Accessibility standards are set forth at sec. 25-2710. However, a voting place not in compliance with these standards may be selected if no acceptable and accessible voting place is available within the precinct or other designated voting area; or if it is anticipated that the voting place will be brought into compliance with the standards in the foreseeable future or the voting place will be temporarily made to comply with the standards for the time during which the polls are open (ibid.).

KENTUCKY

Source: Kentucky Revised Statutes 1982 Replacement and Baldwins Acts of 1982

Who May Vote by Absentee Ballot: Any qualified voter who has not been declared incompetent by a court of competent jurisdiction, and who on account of age, infirmity, or illness is not able to appear at the polls on election day (sec. 117.075(1)).

Doctor's Certification Required: Yes; however, if the original certificate indicates that the condition is expected to be a continuing one, the same certificate will suffice for ensuing elections (sec. 117.075).

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 116.045(4)).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By election judges or person of the voter's choice (sec. 117.255(2)).

Structural Accessibility of Polling Places: The county board of elections must make every reasonable effort to designate only those places which are accessible to all eligible voters, including those with physical limitations (sec. 117.065).

Miscellaneous Provisions: Section 147 of the Kentucky Constitution states that the general assembly shall provide that persons who are illiterate, blind, or in any way disabled may have their ballots marked or voted, as required.

LOUISIANA

Source: West's Louisiana Statutes Annotated 1979, Cumulative Annual Pocket Part 1983 and Louisiana Session Law Service 1983.

Who May Vote by Absentee Ballot: Any person who is physically disabled to an extent which prevents him from voting at the polls on election day (sec. 18:1304A); any person who expects to be hospitalized on election day (sec. 18:1303A(2)).

Doctor's Certificate Required: Yes (secs. 18:1303A(2), 18:1304A). A permanently disabled voter may obtain a card which is valid for five years based on a single medical certification; however, renewals require a new certificate (sec. 18:1304B).

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Not generally available to the handicapped (See sec. 18:103).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any person, in connection with absentee ballots (sec. 18:1310B); by any person except the commissioner in charge of the polling place, generally (sec. 18:564B).

Structural Accessibility of Polling Places: No general provision was found; however, whenever the polling place to which a voter is assigned is inaccessible to that voter by reason of a physical handicap, the voter may vote at the nearest accessible polling place within the same district as the polling place at which he is registered (sec. 18:531B).

Louisiana (cont.)

Miscellaneous Provisions: Prior to receiving assistance, the voter must file a statement with the registrar setting forth the necessity and reasons for the assistance; one such statement is sufficient for all ensuing elections, and no evidence as to disability need be presented at the polls (sec. 18:564D). Procedures for assisting handicapped voters at registration are set forth at sec. 18:106. Handicapped voters need not sign poll list (sec. 18:561).

## MAINE

Source: Maine Revised Statutes Annotated, 1965 main volume, Supplemental Pamphlet 1982-1983, and Maine Legislative Service, 1983, Title 21.

Who May Vote by Absentee Ballot: Any person who is unable to cast his ballot in the municipality in which he is registered to vote, because of physical incapacity not adversely affecting his soundness of mind (sec. 1.1).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (sec. 1454.1).

Mail Registration: Yes (sec. 102.A; information obtained from State elections office). Persons physically unable to appear at registrar's office and who live within 20 miles may request that the registrar visit them for purposes of registration. Disabled person must include a statement of certification as to their inability to appear (sec. 72).

Registration at Polling Place: Yes. Disabled voter may include registration application with absentee ballot. (sec. 133).

Curbside Voting: No provisions were found.

Assistance at Polls: By two election officials, or any person of voting age selected by the voter, except that no candidate can provide such assistance (generally, sec. 862, 1254, voting machines, sec. 1050; electronic voting systems, sec. 1082).

Structural Accessibility of Polling Places: Voting districts must provide alternative polling places which are accessible to the physically handicapped (including elections offices, etc.). Voting districts which have no physically accessible voting locations must relocate or add additional, suitable locations. Five days advance notice is required from those desiring to vote at an alternative polling place (sec. 604).

Maine (cont.)

Miscellaneous Provisions: Handicapped voters may be assisted by specified relatives or specified public officials when applying for and/or voting by absentee ballot (secs. 1253.2-A; 1254.6).

MARYLAND

Source: Maryland Code Annotated, 1976 Replacement Volume and 1982 Cumulative Supplement; Article 33

Who May Vote by Absentee Ballot: Any qualified voter whose physical disability or confinement in or restriction to an institution prevents or will prevent him from being present and personally voting at the polls on election day [sec. 27-2(a)].

Doctor's Certificate Required: No provisions were found .

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 3-1). Any qualified voter confined to hospital or bed which permanently prevents him from registering will be allowed to register by casting an absentee ballot. (sec. 3-7(a)).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any person whom the voter may select, or two judges of opposite political parties (sec. 16-12(c)).

Structural Accessibility of Polling Places: Yes, "to the extent feasible" (sec. 2-11(3)). Alternative polling places, if available in the county or Baltimore City, are to be made available to handicapped voters (sec. 3-21A).

Miscellaneous Provisions: A handicapped voter may be assisted by any person in marking an absentee ballot (sec. 27-2(b)). There are procedures specified for obtaining an emergency absentee ballot by voters who become ill or disabled within a week of the election (the deadline for requesting absentee ballots) (sec. 27-2(a-1)). Handicapped voters need not sign the voting authority card (sec. 15-4(a)).



MASSACHUSETTS

Source: Massachusetts General Laws Annotated, 1975 main volume, Cumulative Annual Pocket Part, 1983-1984 and Massachusetts Legislative Service, 1983.

Who May Vote by Absentee Ballot: Any voter who will be unable by reason of physical disability to cast his vote in person at the polling place (54 sec. 86).

Doctor's Certificate Required: Yes; however, only one such certificate is required for permanently disabled voters (ibid.).

Notarization of Absentee Ballots: Yes; however, voters whose names appear on the permanently disabled voters' list are exempted (54 sec. 86 and 54 sec. 87(c)).

Mail Registration: Yes, for physically disabled voters only; after mail application is received, registrars visit and personally register applicant (51 sec. 42A).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any qualified voter whom handicapped voted may designate (54 sec. 79).

Structural Accessibility of Polling Places: No provisions were found.

MICHIGAN

Source: Michigan Compiled Laws, 1967 Cumulative Annual Pocket Parts, 1983-1984

Who May Vote by Absentee Ballot: Any qualified and registered elector who, on account of physical disability, cannot without another's assistance attend the polls on the day of an election (sec. 168.758(1)(a)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No (168.761 Supp.)

Mail Registration: Yes, for disabled voters and those who are absent from the voting district (sec. 168.504).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By two inspectors of election (generally), or member of voter's immediate family or any person over eighteen years of age selected by the voter (blind voters) (sec. 168.751); by two inspectors of election (voting machines, sec. 168.789).

Structural Accessibility of Polling Places: No general provisions were found. However, a polling place may be established at a residence or facility at which not less than 150 persons aged 62 or over reside (sec. 168.662).

Miscellaneous Provisions: Emergency absent voters' ballots may be obtained up to 4 p.m. on election day by voters who have become physically disabled after the statutory deadline for requesting absentee ballots; see sec. 168.759b. Each absentee ballot has an affidavit to be filled out by the person assisting a disabled voter (sec. 168.761).

MINNESOTA

Source: Minnesota Statutes Annotated, 1962 main volumes, 1983 Cumulative Annual Pocket Parts and Minnesota Session Law Service 1983.

Who May Vote by Absentee Ballot: Any individual entitled to vote at any election, who by reason of illness or physical disability is unable to go to polling place (sec. 203B.02).

Doctor's Certification Required: No provisions were found.

Notarization of Absentee Ballots: Yes, or eligible voter may state that ballots were displayed to him unmarked and marked in his presence (sec. 203B.07)

Mail Registration: Yes (secs. 201.061, 201.071). Absentee voters who are not registered may return the completed registration application with their absentee ballots (sec. 203B.04).

Registration at Polling Place: Yes (sec. 201.061(3)).

Curbside Voting: Yes (sec. 204C.15(2)).

Assistance at Polls: By two election judges of different political party affiliation, or any voter of the same precinct of the handicapped voter's choice (generally, sec. 204C.15); by two election judges of different political parties (voting machines, sec. 206.20(3)).

Structural Accessibility of Polling Places: Accessibility standards are specified, unless "no available cite within the precinct can be made accessible" (sec. 204B.16(5)).

MISSISSIPPI

Source: Mississippi Code 1972 Annotated, 1972 main volume and 1982 Cumulative Supplement

Who May Vote by Absentee Ballot: Any physically incapacitated elector (secs. 23-9-407, 23-9-603(4)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes, but disabled voters need not use county registrar as witness as must other voters (sec. 23-9-409(1)(a)).

Mail Registration: Only when transfer of voter registration is necessitated because reapportionment of the State Legislature (sec. 23-5-32).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By one election manager or other person of voter's choice, but such person must be a registered elector (sec. 23-5-158, generally; sec. 23-7-9, voting machines).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Assistance in filling out registration form (sec. 23-5-301).

MISSOURI

Source: Vernon's Annotated Missouri Statutes, 1980 and 1983 Cumulative Annual Pocket Parts.

Who May Vote by Absentee Ballot: Any registered voter who is prevented from going to the polls on election day due to illness or physical disability (sec. 115.277).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (sec. 115.283), but election team will take ballot to hospitalized voter or voter confined to nursing home, etc. (sec. 115.287).

Mail Registration: Yes, by certain persons, including the ill and disabled (sec. 115.159).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes, "when time permits" (sec.115.436)

Assistance at Polls: By two election judges of different political parties or any person of voter's choice. No person other than election judges or members of such voters' immediate families may assist more than one voter at one election (sec. 115.455); absentee ballot assistance (sec. 115.161).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Assistance in voting absentee ballots (sec. 115.283). If applicant for absentee ballot is physically incapable of signing, he or she shall sign "mark witnessed by an election official or person of his or her own choosing" (sec. 115.279(4)).

MONTANA

Source: Montana Code Annotated 1981.

Who May Vote by Absentee Ballot: Any elector who will be unable to go to the polls because of physical incapacity (secs. 13-13-211. 13-13-222).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 13-2-203).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 13-13-118).

Assistance at Polls: By two election judges of different parties or a qualified elector of the county chosen by the disabled voter (sec. 13-13-119).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: If elector is unable to sign poll book because of physical incapacity, the handicapped voter must produce 2 electors to sign an affidavit to verify the handicapped voter's identity. (sec. 13-13-114).

NEBRASKA

Source: Nebraska Revised Statutes 1943, Reissue of 1978 main volume and 1982 Cumulative Supplement.

Who May Vote by Absentee Ballot: Any voter disabled because of any physical disability (sec. 32-807.01).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (sec. 32-812).

Mail Registration: Yes, for disabled voters (sec. 32-807.01).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 32-460).

Assistance at Polls: By one judge and one clerk of election, of different political parties; except if the disability is paraplegia or blindness, by any person of the voter's choice (sec. 32-460).

Structural Accessibility of Polling Places: Yes (sec. 32-438).

NEVADA

Source: Nevada Revised Statutes, 1981.

Who May Vote by Absentee Ballot: Any registered voter who is unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanitorium, dwelling or nursing home (sec. 293.316).

Doctor's Certificate Required: Yes (sec. 293.316).

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: Any consenting person of voter's choice, except an election official who is not the voter's spouse (sec. 293.296). Officer in charge of the poll list will stamp, write or print "identified" next to voters name if voter is unable to sign name. (sec. 293.283).

Structural Accessibility of Polling Places: No provisions were found.



NEW HAMPSHIRE

Source: New Hampshire Revised Statutes Annotated 1974, Supplement 1979, 1981 and 1982 Regular Session Laws

Who May Vote by Absentee Ballot: Any person who is unable to vote in person by reason of physical disability (sec. 657:1).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: In certain instances, including physical disability (secs. 654:16, 654:17); notarization required (secs. 654:17, 654:18).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By one or both inspectors of election, or, if the disability is total blindness, by any person who is a qualified voter in the same town or ward whom voter may designate (sec. 659:20).

Structural Accessibility of Polling Places: No provisions were found.

## NEW JERSEY

Source: New Jersey Statutes Annotated, 1964 main volume 1983-1984 Cumulative Annual Pocket Part and New Jersey Session Law Service 1983.

Who May Vote by Absentee Ballot: Any voter who, because of permanent and total disability, or because of illness or temporary disability, will be unable to cast his ballot at the polling place in his district on the day of the election (sec. 19:57-3).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 19:31-6.3). The Commissioner will visit a chronically ill or totally incapacitated voter, upon written request accompanied by a doctor's affidavit, for registration (sec. 19:31-6).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By two members of the election board of opposite political parties, or any person of voter's choice (secs. 19:50-3, 19:52-4). Absentee ballot assistance may be given by a family member (sec. 19:57-17 and 19:57-23).

Structural Accessibility of Polling Places: In the selection of a polling place other than a schoolhouse or public building for an election district, consideration shall be given to the use of buildings accessible to elderly and physically disabled persons (sec. 19:8-3).

Miscellaneous Provisions: Permanently and totally disabled voters need apply only once for an absentee ballot, and will thereafter be sent such ballots for all future elections without additional applications (sec. 19:57-4). Upon application by a confined voter, an absentee ballot will be delivered in person by an authorized messenger to such voter (sec. 19:57-4). Disabled voters need not sign the signature copy register but must answer specified questions (secs. 19:31-21, 19:31A-8).

NEW MEXICO

Source: New Mexico Statutes 1978 Annotated, 1978 main volume and 1982 Cumulative Supplement

Who May Vote by Absentee Ballot: Any voter who cannot be present at his precinct poll on election day because of illness, injury or disability (sec. 1-6-3(A)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (sec. 1-6-9(A)).

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any person of voter's choice (sec. 1-12-15).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Assistance in registration is available to those unable to write because of physical disability (sec. 1-4-5(C)(2)). A disabled voter may be assisted by a person of the voter's choice in marking an absentee ballot in the clerk's office (sec. 1-6-5(E)).

NEW YORK

Source: McKinney's Consolidated Laws of New York Annotated, Election Law, 1978 main volumes 1981-1982 Cumulative Annual Pocket Parts and 1983 Regular Session Laws.

Who May Vote by Absentee Ballot: Any qualified voter who will be unable to appear personally at the polling place of the election district in which he is a qualified voter because of illness or physical disability, whether permanent or temporary, or because he will be or is a patient in a hospital (sec. 8-400 (1)(a)).

Doctor's Certificate Required: Only to be placed on the "permanently disabled" listing; such voters automatically receive absentee ballots for all future elections (sec. 8-400(4)).

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 5-210).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By two election inspectors of different political parties; or by specified relatives (disabled voters generally) or any person selected by the voter (blind voters) (sec. 8-306(3)).

Structural Accessibility of Polling Places: Requires that at least one entrance must provide access to physically handicapped voter. This requirement may be waived in writing by the county board of elections upon a petition to the board by the legislative body of the city or town showing good and sufficient cause (sec. 4-104(1-a)).

New York (cont.)

Miscellaneous Provisions: For special provisions for absentee voting by hospitalized veterans, see sec. 8-404. Voters who were incapacitated by illness and so did not register to vote during local registration periods may register during special enrollment periods (sec. 5-308). Disabled voters need not sign poll sheet [sec. 8-304(2)].

NORTH CAROLINA

Source: The General Statutes of North Carolina 1982 Replacement Vol.

Who May Vote by Absentee Ballot: Any qualified voter of the State who is unable to be present at the voting place to vote in person on the day of the election in which he wishes to vote because of sickness or other physical disability (sec. 163-226(a)(2)).

Doctor's Certificate Required: Yes, for those becoming ill or disabled after 5:00 p.m. on the Wednesday preceding the election (sec. 163-227(b)(3)).

Notarization of Absentee Ballots: Yes (sec. 163-229).

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 163-155).

Assistance at Polls: By a near relative of voter's choice, or any voter of the precinct who has not given aid to another voter at the same election; or, if no such person be present at the voting place, by the registrar or one of the judges of election, or one of the assistants. No person may provide assistance who has not been specified by the voter (sec. 163-152).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: One stop application and voting procedures for absentee ballots, for ill or disabled voters (sec. 163-227.2). Disabled voter need not sign absentee ballot application (sec. 163-227(b)(2), (3)). Assistance in registering to vote (sec. 163-67(a)).

NORTH DAKOTA

Source: North Dakota Century Code Annotated, 1981 Replacement Volume.

Who May Vote by Absentee Ballot: Any qualified elector who is physically disabled. (sec. 16.1-07-01(1)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: North Dakota does not require voter registration.

Registration at Polling Place: Registration not required.

Curbside Voting: No provisions were found.

Assistance at Polls: By both judges of election (sec. 16.1-13-27 and 16.1-05-04); by absentee ballot, can be assisted by a disinterested person (sec. 16.1-07-08).

Structural Accessibility of Polling Places: Shall provide voting places which are reasonably accessible to the handicapped (sec. 16.1-04-02).

## OHIO

Source: Page's Ohio Revised Code Annotated, 1972 main volume and 1982 Supplement.

Who May Vote by Absentee Ballot: Any qualified voter who is 62 years of age or over, or who will be absent from his polling place on the day of an election due to his entry into a hospital for medical or surgical treatment (sec. 3509.02); any qualified elector who, on account of his own personal illness or physical disability is unable to travel from his home to the voting booth in his precinct on election day (sec. 3509.08(A)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 3503.11).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 3501.29(C)).

Assistance at Polls: By a near relative or two election judges of different political parties (generally); or by any person of the voter's choice (blind voters) (sec. 3505.24).

Structural Accessibility of Polling Places: Specified standards must be met on the following schedule: 50% of the polling places in each county, by Nov. 1, 1980; 75% by Nov. 1, 1981; and 100% by Nov. 1, 1982 except for those specifically exempted by the Secretary of State (sec. 3501.29). All registration places shall be free of barriers that would impede the ingress and egress of handicapped persons (sec. 3503.12).

Miscellaneous Provisions: Two assistant election clerks may deliver a ballot to a disabled voter, return it to the election board, and otherwise assist the voter (sec. 3509.08(A)). Special procedures to be followed by qualified electors who are hospitalized not more than 6 days before an election are set forth at sec. 3509.08(B).



OKLAHOMA

Sources: Oklahoma Statutes Annotated, 1976 main volume 1982-1983 Cumulative Annual Pocket Part; Title 26 and Oklahoma Session Law Service 1983.

Who May Vote by Absentee Ballot: Any registered voter who swears or affirms that he is physically incapacitated and thereby unable to vote in person in his precinct on the day of the election (sec. 14-110).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (sec. 14-108).

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 7-123.1).

Assistance at Polls: By two members of the precinct board, of opposite political parties (generally, sec. 7-123); or by any person at least 16 years of age chosen by the disabled voter (blind voters, sec. 7-124).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Absentee voter boards visit nursing homes and convalescent hospitals for the purpose of obtaining votes (sec. 14-115). Special procedures for voters who become incapacitated after 5:00 p.m. on the Tuesday preceding the election are set forth at sec. 14-115.1.

OREGON

Sources: Oregon Revised Statutes, 1981 Replacement Part.

Who May Vote by Absentee Ballot: Any elector who has reason to believe he or she will be unable for any reason to vote in person at the election (sec. 253.015).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 247.015).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 254.435).

Assistance at Polls: By two election board clerks of different parties or some other person chosen by the elector (sec. 254.445).

Structural Accessibility of Polling Places: The clerk in designating polling places shall take into account the desirability that polling places be accessible to the handicapped (sec. 246.420).

Miscellaneous Provisions: Handicapped absentee voter need not personally mark his ballot (sec. 253.065); handicapped voter need not sign poll book (sec. 254.445). On written request from a handicapped person a registration card will be mailed or personally delivered by the county clerk to the voter's residence (sec. 247.015). If an elector is physically handicapped one application for ballot will be valid for every election held during that calendar year (sec. 253.030).

PENNSYLVANIA

Source: Purdon's Pennsylvania Statutes Annotated, 1963 main volume and 1983-1984 Cumulative Annual Pocket Part Title 25.

Who May Vote by Absentee Ballot: Any qualified registered and enrolled elector who because of illness or physical disability is unable to attend his polling place or operate a voting machine and secure assistance by distinct and audible statements (sec. 3146.1(k)).

Doctor's Certificate Required: Yes, for permanently disabled voters (such voters automatically receive absentee ballots to all future elections) (sec. 3146.2(e.1)). Name and address of doctor must be included on all other applications for absentee ballots received from physically disabled elector (sec. 3146.2(e)(2)).

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 623-19.1).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any registered voter of the election district (sec. 3058); by any adult person if the exact nature of disability is noted on registration card (absentee voting, sec. 3146.6a).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Political party representatives visit public institutions to gain information on those wishing to vote absentee. Three-member teams appointed by the county board of elections visit each such institution to receive absentee ballots from such electors (secs. 3146.2(f), (g)). Disabled absentee voters need not sign ballot declarations (sec. 3146.6(a)).

RHODE ISLAND

Source: General Laws of Rhode Island 1981 Reenactment and 1982 Cumulative Supplement.

Who May Vote by Absentee Ballot: Any elector who, because of illness or physical or mental disability, is unable to vote in person (secs. 17-20-1, 17-20-2).

Doctor's Certificate Required: Only when applying for emergency absentee ballot (where illness or disability does not manifest itself until within twenty days of the election) (sec. 17-20-8).

Notarization of Absentee Ballots: Ballot has provision for notarization, but it may be witnessed by two registered Rhode Island voters in place of the notarization (sec. 17-20-21).

Mail Registration: Yes, for shut-in voters (sec. 17-9-10).

Registration at Polling Places: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By a bi-partisan pair of supervisors (generally) or any person of elector's choosing (blind voters) (sec. 17-19-26).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Handicapped voter need not sign absentee ballot application (sec. 17-20-8), absentee ballot (sec. 17-20-13), or poll register (sec. 17-19-30). A permanently disabled or incapacitated voter can make a single application and receive absentee ballots for all future elections so long as he remains disabled (sec. 17-20-9). Bi-partisan pairs of election supervisors visit hospitals and convalescent homes to obtain the votes of patients and residents (sec. 17-20-14). Special procedures are available for obtaining an emergency absentee ballot within 20 days of an election (sec. 17-20-8).

SOUTH CAROLINA

Source: South Carolina Code Annotated, 1977 main volume and 1982 Cumulative Supplement

Who May Vote by Absentee Ballot: Any physically disabled qualified elector (sec. 7-15-320).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found (ballots must be witnessed, see sec. 7-15-220).

Mail Registration: Yes, for ill or physically disabled voters (sec. 7-15-110).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By one manager of election and a bystander, who must be an elector of that precinct, designated by the voter; or by voter's spouse (sec. 7-13-770).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Handicapped voters may receive special assistance in registering to vote (sec. 7-5-210).

SOUTH DAKOTA

Source: South Dakota Codified Laws, 1982 Revision.

Who May Vote by Absentee Ballot: Any duly registered person who expects to be unable to attend the polling place in his home precinct on account of illness or physical disability (sec. 12-19-1).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (secs. 12-19-4, 12-19-7).

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By any person whom the voter may select (sec. 12-18-25).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: There are special procedures for absentee voting at health care facilities which can reasonably be expected to have five or more absentee voting applicants (sec. 12-19.9-1). If applicant cannot sign his or her name to a registration card a cross and the signature of the registration official is sufficient (sec. 12-4-6).

TENNESSEE

Source: Tennessee Code Annotated, 1979 Replacement, 1982 Cumulative Supp. and 1983 Advance Legislative Service.

Who May Vote by Absentee Ballot: Any registered voter who is unable to appear at the polling place on election day by reason of hospitalization, sickness, or physical disability (sec. 2-6-102(4)).

Doctor's Certificate Required: Yes, for permanently disabled voter register (sec. 2-6-102(4)).

Notarization of Absentee Ballots: Yes (secs. 2-6-108, 2-6-111(e), 2-6-125).

Mail Registration: Yes (sec. 2-2-115), see also sec. 2-2-110, which states that the county election commission may provide for the registration of persons who cannot appear in person due to illness or other good cause by sending the registrar to their homes or other place where they are within the county to register such persons.

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By specified relatives; or one of the judges of election of the voter's choice, in the presence of another judge or election official of a different political party (generally) (sec. 2-7-116(a)(1), voting machines; sec. 2-7-116(a)(2), paper ballots; sec. 2-6-104, absentee ballots); by any person of voter's choice or one of the election judges, etc., as above (blind voters) (sec. 2-7-116(b)(1), voting machines; sec. 2-7-116(b)(2), paper ballots; sec. 2-6-104, absentee ballots).

Structural Accessibility of Polling Places: No provisions were found.

Tennessee (cont.)

Miscellaneous Provisions: One application by permanently disabled voters is sufficient to receive absentee ballots for all future elections (sec. 2-6-104(4)). Any voter over age 65 may vote absentee by personal appearance (sec. 2-6-102(6)). Absentee deputy voting registrars of both parties visit licensed nursing homes, retirement homes and similar institutions to process and attest absentee ballot applications and ballots (sec. 2-6-102(4)). Procedures for obtaining emergency absentee ballots (within twenty days of an election) are set forth at sec. 2-6-129. Disabled voters need not sign absentee ballot (sec. 2-6-105) or registration applications (sec. 2-2-119). Ballot supplies and other election materials in large print must be made available at the main county election commission office for persons with visual handicaps (sec. 2-5-218).



## TEXAS

Source: Vernon's Annotated Revised Civil Statutes of the State of Texas, Election Code, 1967 main volume and 1982-1983 Cumulative Annual Pocket Part.

Who May Vote by Absentee Ballot: Any qualified voter of the State who because of sickness or physical disability cannot appear at the polling place in the election precinct of his residence on the day of the election (Art. 5. 05(1a)).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (Art. 5.13a(1)).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (Arts. 8.28 and 5.05(3c)).

Assistance at Polls: (1) Absentee ballots - personal appearance: by the clerk or deputy clerk or any qualified voter of the subdivision in which the election is held, selected by the voter (Art. 5.05(15)(a)). (2) Absentee ballots - mail: by any person 18 years of age or older selected by the voter (ibid.). (3) voting machines and (4) electronic voting systems: Two election officials or a person selected by the voter (Art. 7.14(15), voting machines; Art. 7.15(14), electronic voting systems). Two election officers of different political parties or any qualified voter (Art. 8.13). Note: No person may assist more than five voters at any election, but there are exceptions for election officials, voters' relatives, and those assisting Spanish-speaking voters in order to comply with the Voting Rights Act(Art. 15.30a).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Procedures for obtaining emergency absentee ballots after the close of the regular application period are set forth at Art. 5.05(3e).

UTAH

Source: Utah Code Annotated, 1976 main volume and 1981 Pocket Supplement.

Who Can Vote by Absentee Ballot: Any qualified elector who has complied with the law in regard to registration, and who on the day of election is disabled (sec. 20-6-1).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: Yes (sec. 20-2-7).

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 20-7-24).

Assistance at Polls: By two election judges of different political parties (generally); or any qualified elector (blind voters) (sec. 20-7-24, generally; sec. 20-18-14, voting machines); the same two election judges may not together successively act as assistants (sec. 20-7-24).

Structural Accessibility of Polling Places: No provisions were found.

VERMONT

Source: Vermont Statutes Annotated, 1968 main volume, 1981 Pamphlet and 1982 Noncumulative Pocket Supplement, Title 17.

Who May Vote by Absentee Ballot: Any legal voter unable to vote in person by reason of illness, injury, or physical disability (sec. 2542(b)).

Doctor's Certificate Required: Yes, for permanently disabled voters (sec. 2539(b)).

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 2502(b)).

Assistance at Polls: By two election officers (generally), or any person chosen by the handicapped voter who is a legal voter of the town in which the polling place is located (blind voters) (sec. 2569(a)). Pairs of justices of the peace visit ill or disabled voters to obtain ballots and, if necessary, assist with voting (sec. 2538).

Structural Accessibility of Polling Places: Yes (sec. 2502(b)).

Miscellaneous Provisions: Assistance to absentee voters (sec. 2542(b)). An absentee ballot will be delivered to a handicapped voter by the justice of the peace unless the voter requests that the ballot be mailed (sec. 2539). When absentee ballot is delivered by Justice of Peace to a physically handicapped voter who cannot sign his or her name to the ballot the officer attests to the fact that the voter made the mark or take an oath (sec. 2541).

VIRGINIA

Source: Code of Virginia 1950 Annotated, 1980 Replacement Volume and 1982 Cumulative Supplement.

Who May Vote by Absentee Ballot: Any duly registered person who is ill or physically unable to attend the polls on the day of election (sec. 24.1-227).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found; however, the ballot must be marked in the presence of a witness who then signs the ballot envelope (secs. 24.1-229, 24.1-232).

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: Yes (sec. 24.1-129).

Assistance at Polls: By one of officers of election designated by the voter (generally), or any person designated by the voter (blind voters) (sec. 24.1-132).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: Disabled voters need not sign registration application (sec. 24.1-48). HJR 228, adopted February 29, 1979, directs the House and Senate Committees on Privileges and Elections of the State Assembly to continue their study of registration and voting procedures as they affect the handicapped and elderly.

WASHINGTON

Source: Revised Code of Washington Annotated, 1965 main volume and 1983-1984 Pocket Part.

Who May Vote by Absentee Ballot: Any duly registered voter (sec. 29.36.010).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: No provisions were found.

Mail Registration: No provisions were found.

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By person of voter's choice, or two election officers of opposite political parties (sec. 29.51.200).

Structural Accessibility of Polling Places: "Reasonable efforts" must be made (sec. 29.57.010).

WEST VIRGINIA

Source: West Virginia Code Annotated, 1979 Replacement Volume, and 1983 Supplement

Who May Vote by Absentee Ballot: Any person who is duly registered and otherwise qualified to vote, who by reason of physical disability, illness, or injury will be unable to vote at the polls in the election (sec. 3-3-1).

Doctor's Certificate Required: Yes (sec. 3-3-3, 3-3-5); however, one such certificate is sufficient for all subsequent elections in the case of a permanently disabled voter (sec. 3-3-2b).

Notarization of Absentee Ballots: No provisions were found; however, absentee ballots voted by mail must be witnessed (sec. 3-3-5).

Mail Registration: Any qualified person may register by mail. The application must be notarized (3-2-41).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By two election commissioners of opposite political parties (generally), or any duly registered voter designated by the voter (blind voters) (sec. 3-1-34); by two election officers of opposite political parties (voting machines) (sec. 3-4-21).

Structural Accessibility of Polling Places: No provisions were found.

Miscellaneous Provisions: The term "physical disability" for purposes of voting assistance means blindness or such degree of blindness as will prevent the voter from seeing the names on the ballot, or amputation of both hands, or such disability of both upper extremities that neither can be used to make cross marks on the ballot, or operate the voting machine, or confinement to a wheelchair which prevents or restricts the use of a voting machine (sec. 3-1-34). Handicapped voters need not sign poll book (sec. 3-1-34). Post-registration

West Virginia (cont.)

physical disabilities are to be noted on the registration form; a doctor's certification is required; this can be done by mail (sec. 3-2-25). Assistance in voting absentee ballots by mail (sec. 3-3-6).

WISCONSIN

Source: Wisconsin Statutes Annotated, 1967 main volume and 1982-83 Cumulative Annual Pocket Part.

Who May Vote by Absentee Ballot: Any otherwise qualified elector who because of sickness, handicap, or physical disability cannot appear at the polling place (sec. 6.85).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Either notarization or signatures of two attesting witnesses (sec. 6.87(4)).

Mail Registration: Yes (sec. 6.30(4)). (Also 6.30(2)).

Registration at Polling Place: Yes (sec. 6.55(2)).

Curbside Voting: Yes (sec. 6.82(1)).

Assistance at Polls: By any other elector of the county or two election officials who are not of the same political party (sec. 6.82(2) and sec. 10.02(g)).

Structural Accessibility of Polling Places: Wherever inspectors of election do not receive ballots at the door to a polling place, the polling place shall have at least one entrance which is accessible to persons in wheelchairs (sec. 5.25(3)).

Miscellaneous Provisions: Indefinitely confined or disabled voters may make a single application to receive absentee ballots to all future elections (sec. 6.86(2)). Special procedures to be followed by those hospitalized within 7 days of an election are set forth at sec. 6.86(3).



WYOMING

Source: Wyoming Annotated Statutes, 1977 Republication, and 1982 Cumulative Supplement.

Who Can Vote by Absentee Ballot: Any qualified elector who cannot be present at his precinct polling place on election day because of illness, injury, disability, old age or religious tenets (sec. 22-9-102).

Doctor's Certificate Required: No provisions were found.

Notarization of Absentee Ballots: Yes (sec. 22-9-111).

Mail Registration: Yes, for absent or disabled voters; must be notarized (sec. 22-3-117).

Registration at Polling Place: No provisions were found.

Curbside Voting: No provisions were found.

Assistance at Polls: By two judges of election of different political parties (sec. 22-13-113(a)).

Structural Accessibility of Polling Places: No provisions were found.