

**CHAPTER 107—RIGHT TO VOTE AT AGE  
EIGHTEEN**

Sec.	
10701.	Enforcement of twenty-sixth amendment.
10702.	“State” defined.

**§ 10701. Enforcement of twenty-sixth amendment**

(a)(1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States.

(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this chapter, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

(Pub. L. 89-110, title III, §301, as added Pub. L. 91-285, §6, June 22, 1970, 84 Stat. 318; amended Pub. L. 94-73, title IV, §407, Aug. 6, 1975, 89 Stat. 405.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 1973bb of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1975—Pub. L. 94-73 substituted provisions authorizing the Attorney General to institute proceedings to enforce twenty-sixth amendment, the jurisdiction of the district courts, and penalties for denial of rights secured by twenty-sixth amendment, for provisions relating to Congressional findings and prohibition of denial of right to vote on account of age.

**§ 10702. “State” defined**

As used in this chapter, the term “State” includes the District of Columbia.

(Pub. L. 89-110, title III, §302, as added Pub. L. 91-285, §6, June 22, 1970, 84 Stat. 318; amended Pub. L. 94-73, title IV, §407, Aug. 6, 1975, 89 Stat. 405.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 1973bb-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1975—Pub. L. 94-73 substituted definition of State for provisions prohibiting denial of right to vote because of age.

**Subtitle II—Voting Assistance and  
Election Administration**

**CHAPTER 201—VOTING ACCESSIBILITY FOR  
THE ELDERLY AND HANDICAPPED**

Sec.	
20101.	Congressional declaration of purpose.
20102.	Selection of polling facilities.
20103.	Selection of registration facilities.
20104.	Registration and voting aids.
20105.	Enforcement.
20106.	Relationship to Voting Rights Act of 1965.
20107.	Definitions.

**§ 20101. Congressional declaration of purpose**

It is the intention of Congress in enacting this chapter to promote the fundamental right to vote by improving access for handicapped and elderly individuals to registration facilities and polling places for Federal elections.

(Pub. L. 98-435, §2, Sept. 28, 1984, 98 Stat. 1678.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 1973ee of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 98-435, §9, Sept. 28, 1984, 98 Stat. 1680, provided that: “This Act [enacting this chapter] shall apply with respect to elections taking place after December 31, 1985.”

**§ 20102. Selection of polling facilities**

**(a) Accessibility to all polling places as responsibility of each political subdivision**

Within each State, except as provided in subsection (b), each political subdivision responsible for conducting elections shall assure that all polling places for Federal elections are accessible to handicapped and elderly voters.

**(b) Exception**

Subsection (a) shall not apply to a polling place—

(1) in the case of an emergency, as determined by the chief election officer of the State; or

(2) if the chief election officer of the State—

(A) determines that all potential polling places have been surveyed and no such accessible place is available, nor is the political subdivision able to make one temporarily accessible, in the area involved; and

(B) assures that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter (pursuant to procedures established by the chief election officer of the State)—

(i) will be assigned to an accessible polling place, or

(ii) will be provided with an alternative means for casting a ballot on the day of the election.

**(c) Report to Federal Election Commission**

(1) Not later than December 31 of each even-numbered year, the chief election officer of each

State shall report to the Federal Election Commission, in a manner to be determined by the Commission, the number of accessible and inaccessible polling places in such State on the date of the preceding general Federal election, and the reasons for any instance of inaccessibility.

(2) Not later than April 30 of each odd-numbered year, the Federal Election Commission shall compile the information reported under paragraph (1) and shall transmit that information to the Congress.

(3) The provisions of this subsection shall only be effective for a period of 10 years beginning on September 28, 1984.

(Pub. L. 98-435, § 3, Sept. 28, 1984, 98 Stat. 1678.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1973ee-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

#### § 20103. Selection of registration facilities

(a) Each State or political subdivision responsible for registration for Federal elections shall provide a reasonable number of accessible permanent registration facilities.

(b) Subsection (a) does not apply to any State that has in effect a system that provides an opportunity for each potential voter to register by mail or at the residence of such voter.

(Pub. L. 98-435, § 4, Sept. 28, 1984, 98 Stat. 1679.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1973ee-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

#### § 20104. Registration and voting aids

##### (a) Printed instructions; telecommunications devices for the deaf

Each State shall make available registration and voting aids for Federal elections for handicapped and elderly individuals, including—

(1) instructions, printed in large type, conspicuously displayed at each permanent registration facility and each polling place; and

(2) information by telecommunications devices for the deaf.

##### (b) Medical certification

No notarization or medical certification shall be required of a handicapped voter with respect to an absentee ballot or an application for such

ballot, except that medical certification may be required when the certification establishes eligibility, under State law—

(1) to automatically receive an application or a ballot on a continuing basis; or

(2) to apply for an absentee ballot after the deadline has passed.

##### (c) Notice of availability of aids

The chief election officer of each State shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of aids under this section, assistance under section 10508 of this title, and the procedures for voting by absentee ballot, not later than general public notice of registration and voting is provided.

(Pub. L. 98-435, § 5, Sept. 28, 1984, 98 Stat. 1679.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1973ee-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

#### § 20105. Enforcement

##### (a) Action for declaratory or injunctive relief

If a State or political subdivision does not comply with this chapter, the United States Attorney General or a person who is personally aggrieved by the noncompliance may bring an action for declaratory or injunctive relief in the appropriate district court.

##### (b) Prerequisite notice of noncompliance

An action may be brought under this section only if the plaintiff notifies the chief election officer of the State of the noncompliance and a period of 45 days has elapsed since the date of notification.

##### (c) Attorney fees

Notwithstanding any other provision of law, no award of attorney fees may be made with respect to an action under this section, except in any action brought to enforce the original judgment of the court.

(Pub. L. 98-435, § 6, Sept. 28, 1984, 98 Stat. 1679.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 1973ee-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1985, see section 9 of Pub. L. 98-435, set out as a note under section 20101 of this title.

#### § 20106. Relationship to Voting Rights Act of 1965

This chapter shall not be construed to impair any right guaranteed by the Voting Rights Act