

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ASSOCIATION OF COMMUNITY :  
ORGANIZATIONS FOR REFORM :  
NOW (ACORN), et al., : CIVIL ACTION  
Plaintiffs, :  
 : NO. 94-7671  
v. :  
 :  
THOMAS J. RIDGE, et al., :  
Defendants. :

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UNITED STATES OF AMERICA, :  
Plaintiff, :  
 : CIVIL ACTION  
v. :  
 : NO. 95-382  
COMMONWEALTH OF PENNSYLVANIA, :  
et al., :  
Defendants. :

**MEMORANDUM**

BUCKWALTER, J.

January 14, 2000

By stipulation of the parties filed October 9, 1999, the sole remaining issue is whether to grant plaintiff's request for the court to make the following declaration:

That the Commonwealth has violated NVRA § 7(a)(2)(B)<sup>1</sup> by failing to designate its transportation authorities as voter registration agencies and therefore it be ordered to:

- (a) designate these authorities as voter registration agencies; and
- (b) require said agencies to provide voter registration opportunities to persons with disabilities who are served through the authorities' ADA Complementary Paratransit programs (hereafter ADA Paratransit programs).

Plaintiffs argue first that the Commonwealth provides substantial funding to the authorities which use these funds to operate their general transportation services, which include the ADA Paratransit programs for persons with disabilities. Thus, the ADA Paratransit programs are state funded.

Second, plaintiffs argue that the ADA Paratransit programs are primarily engaged in providing services to persons with disabilities.

The Commonwealth takes a different tack in its argument that plaintiffs' request should be denied. While acknowledging that the statute requires it to designate as voter registration agencies all offices in the state that provide state funded programs primarily engaged in providing services to persons with disabilities, this requirement, it argues, cannot apply to ADA Paratransit programs which are neither state administered

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1. The complete text of Section 7(a)(2) reads as follows:

“Each State shall designate as voter registration agencies (A) all offices in the State that provide public assistance; and (B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.”

nor state funded. What is funded, according to the Commonwealth, is public transportation.

Instantly, I think plaintiffs are correct in stating that NVRA does not require that ADA Paratransit offices be state administered. The authorities are offices in the state<sup>2</sup> and the authorities do provide state funded programs. Are these programs primarily engaged in providing services to persons with disability? I believe the answer is “yes” based on plaintiffs’ argument that the fact that transportation authorities provide other programs to the general public which do not primarily serve the disabled is irrelevant. Thus, while the commonwealth is not required to provide registration in connection with transportation programs that primarily serve the general public, it must provide voter registration opportunities to the program which primarily, and in the case of the ADA Paratransit service exclusively, serves the disabled.

The plaintiffs also make the point that Paratransit users are less likely to be licensed drivers and thus lose a voter registration opportunity they would otherwise have, contrary to the general intent of the NVRA. In any event, the statute clearly requires the commonwealth to designate as voter registration agencies ADA Paratransit programs because the transportation authorities are offices in the state providing state funded programs primarily engaged in providing services to persons with disabilities.

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2. For example, SEPTA, according to the statute which created it, “shall exercise the public powers of the Commonwealth as an agency and instrumentality thereof.” 74 Pa. C.S. § 1711.

An order follows.

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**ORDER**

AND NOW, this 14th day of January, 2000, upon consideration of the remaining issue in the Motions for Partial Summary Judgment of plaintiffs ACORN, et al., and the United States, it is hereby ORDERED that the Motions are GRANTED. Defendants are hereby ORDERED to designate as voter registration agencies the appropriate offices within the Commonwealth which provide state-funded ADA

Complementary Paratransit programs, which program, only, must provide voter registration opportunities.

BY THE COURT:

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RONALD L. BUCKWALTER, J.