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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 806 Session of 2023

INTRODUCED BY HANBIDGE, SCHLOSSBERG, MADDEN, SANCHEZ, HOWARD, SAPPEY, KINSEY, HOHENSTEIN, HILL-EVANS, WARREN, KINKEAD, SHUSTERMAN, N. NELSON AND O'MARA, APRIL 3, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 3, 2023

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in preparation for and conduct of primaries and elections, further providing for assistance in voting.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1218 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 1218. Assistance in Voting.--

(a) [No] Except as provided under subsection (a.1), no voter shall be permitted to receive any assistance in voting at any [primary or] election, unless there is recorded upon his registration card his declaration that, by reason of blindness,

disability, or inability to read or write, he is unable to read the names on the ballot or on the voting machine labels, or that he has a physical disability which renders him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth without assistance, the exact nature of such condition being recorded on such registration card[, and unless the election officers are satisfied that he still suffers from the same condition].

(a.1) (1) Notwithstanding any provision of this act or any other law or regulation to the contrary, a voter who, due to blindness, disease or other disability, is physically unable to enter a polling place where ballots or an electronic voting system are used at any election may vote without leaving a motor vehicle.

(2) The following apply:

(i) The regular voting procedures may be modified by the election officer to the extent necessary to conduct voting under this subsection.

(ii) If the exact nature of the voter's disability or condition is not recorded on the voter's registration card, the voter may provide evidence of a disability or condition in accordance with guidelines established by the Secretary of the Commonwealth.

(iii) At least two election officers who are members of different major political parties shall assist the voter by providing the necessary ballots at the polling place entrance or curb, as the case may be.

(iv) After the voter is accepted for voting, the voter shall mark the ballot and give it to the election officers who shall deposit it in the ballot box. The voter may request additional

assistance as provided under subsection (a).

(v) On the voter's request, a person accompanying the voter shall be permitted to select the voter's ballot and deposit the ballot in the ballot box or enter the voting compartment or voting machine booth in accordance with subsection (b).

(b) Any elector who is entitled to receive assistance in voting under the provisions of this section shall be permitted by the judge of election to select a person of the elector's choice to enter the voting compartment or voting machine booth with him to assist him in voting, such assistance to be rendered inside the voting compartment or voting machine booth except that the judge of election, a candidate for election, the elector's employer or an agent of the employer or an officer or agent of the elector's union shall not be eligible to assist the elector.

(c) In every case of assistance under the provisions of this section, the judge of election shall forthwith enter in writing in a book to be furnished by the county board of elections, to be known as the record of assisted voters--(1) the voter's name; (2) a statement of the facts which entitle him to receive assistance; and (3) the name of the person furnishing the assistance. The record of assisted voters shall be returned by the judge of election to the county board of elections with the other papers, as hereinafter provided, and said county board shall permit the same to be examined only upon the written order of a judge of the court of common pleas: Provided, however, That such record shall be subject to subpoena to the same extent to which other election records may be subpoenaed: And provided further, That the county election board shall permit any registration commission to examine any records of assisted

voters without a court order, in order that the registration commission may ascertain whether electors, who have declared, at the time of registration, their need for assistance, actually did receive assistance when voting at any election.

Section 2. This act shall take effect in 60 days.