

AMENDMENTS TO SENATE BILL NO. 421

Sponsor: REPRESENTATIVE D. MILLER

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1 Amend Bill, page 2, line 13, by inserting after "MACHINES"
2 and providing for assistance for certain qualified electors

3 Amend Bill, page 19, line 20, by striking out the comma after
4 "1107(B)" and inserting

5 and

6 Amend Bill, page 19, lines 20 through 23, by striking out "
7 1107-A(3), 1109-" in line 20, all of lines 21 and 22 and "1222,
8 1223(A) AND 1227(D)" in line 23

9 Amend Bill, page 33, by inserting between lines 15 and 16

10 Section 3.1. The act is amended by adding a section to read:

11 Section 1119. Assistance for Certain Qualified Electors.--

12 (a) In consultation with county election boards, election
13 officials, individuals with a disability and support service
14 providers, the department shall ensure that qualified electors
15 who are individuals with a disability are able to cast ballots
16 privately, independently and in a verifiable manner in
17 accordance with this section.

18 (b) The following apply:

19 (1) By September 1, 2020, each county election board shall
20 make available to each qualified elector who is an individual
21 with a disability and who wishes to cast a ballot in an election
22 under the jurisdiction of the county election board an Internet
23 system which:

24 (i) Provides a software interface designed to assist the
25 qualified elector to cast the ballot privately and independently
26 without the assistance of another individual.

27 (ii) Permits the qualified elector to verify in a private
28 and independent manner the votes selected by the qualified
29 elector on the ballot before the ballot is cast and counted.

30 (iii) Provides the qualified elector with the opportunity in
31 a private and independent manner to change the ballot or correct
32 an error before the ballot is cast and counted, including the
33 opportunity to correct the error through the issuance of a

1 replacement ballot if the qualified elector was otherwise unable
2 to change the ballot or correct an error.

3 (iv) Notifies the qualified elector of any votes cast for
4 more than the maximum number of selections allowed in a contest
5 and provides the qualified elector with a chance to correct the
6 error.

7 (v) Allows the qualified elector to cast a provisional
8 ballot.

9 (2) In the development, implementation and maintenance of
10 the system under clause (1), the Department of State shall:

11 (i) Provide technical assistance to each county election
12 board.

13 (ii) Coordinate resources and databases to ensure the system
14 provides uniform, official, centralized, interactive and
15 integrated processes capable of audit.

16 (3) A qualified elector who is an individual with a
17 disability shall provide a letter or other documentation from
18 the qualified elector's attending physician verifying that the
19 qualified elector has a disability which may impact the ability
20 of the qualified elector to cast a ballot privately and
21 independently through traditional voting mechanisms. The
22 following apply:

23 (i) The specific nature of the disability need not be
24 disclosed.

25 (ii) The letter or other documentation need only be provided
26 once to the appropriate county election board for the qualified
27 elector to be eligible to cast a ballot using the online voting
28 system under this subsection.

29 (c) (1) By February 1, 2022, each polling place shall make
30 available to each qualified elector who is an individual with a
31 disability at least one device which:

32 (i) Permits the qualified elector to cast the ballot
33 privately and independently and in a verifiable manner without
34 the assistance of another individual.

35 (ii) Permits the qualified elector to verify in a private
36 and independent manner the votes selected by the qualified
37 elector on the ballot before the ballot is cast and counted.

38 (iii) Provides the qualified elector with the opportunity in
39 a private and independent manner to change the ballot or correct
40 an error before the ballot is cast and counted, including the
41 opportunity to correct the error through the issuance of a
42 replacement ballot if the qualified elector was otherwise unable
43 to change the ballot or correct an error.

44 (iv) Notifies the qualified elector of any votes cast for
45 more than the maximum number of selections allowed in a contest
46 and provides the qualified elector with a chance to correct the
47 error.

48 (v) Allows the qualified elector to cast a provisional
49 ballot.

50 (2) In the development, implementation and maintenance of
51 the devices under clause (1), the department shall:

1 (i) Provide technical assistance to each county election
2 board.

3 (ii) Coordinate resources and databases to ensure that the
4 devices are uniform and functional and provide integrated
5 processes capable of audit.

6 (d) The following apply:

7 (1) A person who willfully violates this section by
8 preventing or otherwise obstructing the development,
9 implementation or maintenance of the system or devices under
10 this section commits a misdemeanor of the first degree.

11 (2) The provisions of 25 Pa.C.S. Ch. 17 (relating to
12 penalties) and Article XVIII of this act shall be applicable to
13 this section.

14 (e) As used in this section:

15 The words "county election board" shall mean the board of
16 elections of a county.

17 The word "department" shall mean the Department of State of
18 the Commonwealth.

19 The words "election district" shall mean a district, division
20 or precinct established under this act in which all qualified
21 electors are eligible to vote in the same polling place.

22 The words "election official" shall mean:

23 (1) An election officer required to conduct an election in
24 an election district in accordance with this section.

25 (2) The term includes any of the following:

26 (i) A judge of elections.

27 (ii) A majority or minority inspector elected or appointed
28 by a county election board.

29 (iii) A clerk or machine inspector appointed by a county
30 election board.

31 The words "impaired dexterity" shall mean a condition which
32 impacts the use of an individual's hands or body.

33 The words "individual who is blind" shall mean an individual:

34 (1) whose central acuity does not exceed 20/200 in the
35 better eye with correcting lenses; or

36 (2) whose visual acuity, if better than 20/200, is
37 accompanied by a limit of the field of vision in the better eye
38 to a degree that its widest diameter subtends an angle of no
39 greater than 20 degrees.

40 The words "individual who is deafblind" shall mean an
41 individual:

42 (1) Who has a central visual acuity of 20/200 or less in the
43 better eye with corrective lenses or a field defect such that
44 the peripheral diameter of visual field subtends an angular
45 distance no greater than 20 degrees or a progressive visual loss
46 having a prognosis leading to one or both conditions.

47 (2) Who has a chronic hearing impairment so severe that most
48 speech cannot be understood with optimum amplification or a
49 progressive hearing loss having a prognosis leading to this
50 condition.

51 (3) For whom the combination of impairments described under

clauses (1) and (2) causes extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment or obtaining a vocation.

(4) Who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment or obtaining vocation objectives.

The words "individual with a disability" shall mean any of the following:

(1) An individual who is blind.

(2) An individual who is deafblind.

(3) An individual who is visually impaired.

(4) An individual with impaired dexterity.

(5) An individual with a mental health, developmental or intellectual disability.

The words "provisional ballot" shall mean a ballot which is used to record a vote by an individual who claims to be a qualified elector when there is an issue regarding whether the individual is a qualified elector and which must be resolved before the vote can count.

The words "support service provider" shall mean an individual who is trained to treat or who otherwise assists or provides services to an individual with a disability.

Section 3.2. Sections 1107-A(3), 1109-A(a)(2) and (d), 1112-A(a)(2) and (4) and (b)(4), 1113-A(d), 1210(a.4)(1) and (5)(ii), 1215(b) and (c), 1216(d) and (f), 1222, 1223(a) and 1227(d) of the act are amended to read: