

AMENDMENTS TO SENATE BILL NO. 421

Sponsor: REPRESENTATIVE HOHENSTEIN

Printer's No. 1292

1 Amend Bill, page 2, line 38, by inserting after "ELECTORS"
2 and for voting assistance

3 Amend Bill, page 80, line 23, by striking out "AN ARTICLE"
4 and inserting
5 articles

6 Amend Bill, page 92, by inserting between lines 8 and 9

7 ARTICLE XIII-E
8 VOTING ASSISTANCE

9 Section 1301-E. Definitions.

10 The following words and phrases when used in this article
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "County election board." The board of elections of a county.
14 "Department." The Department of State of the Commonwealth.
15 "Election official." As follows:

16 (1) An election officer required to conduct an election
17 in an election district in accordance with this article.

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

19 (i) A judge of elections.

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

22 (iii) A clerk or machine inspector appointed by a
23 county election board.

24 "Impaired dexterity." A condition which impacts the use of
25 an individual's hands or body.

26 "Individual who is blind." An individual:

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

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

33 "Individual who is deafblind." An individual:

34 (1) Who has a central visual acuity of 20/200 or less in
35 the better eye with corrective lenses or a field defect such

1 that the peripheral diameter of visual field subtends an
2 angular distance no greater than 20 degrees or a progressive
3 visual loss having a prognosis leading to one or both
4 conditions.

5 (2) Who has a chronic hearing impairment so severe that
6 most speech cannot be understood with optimum amplification
7 or a progressive hearing loss having a prognosis leading to
8 this condition.

9 (3) For whom the combination of impairments described
10 under paragraphs (1) and (2) causes extreme difficulty in
11 attaining independence in daily life activities, achieving
12 psychosocial adjustment or obtaining a vocation.

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

20 "Individual with a disability." Any of the following:

21 (1) An individual who is blind.

22 (2) An individual who is deafblind.

23 (3) An individual who is visually impaired.

24 (4) An individual with impaired dexterity.

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

27 "Provisional ballot." A ballot which is used to record a
28 vote by an individual who claims to be a qualified elector when
29 there is an issue regarding whether the individual is a
30 qualified elector and which must be resolved before the vote can
31 count.

32 "Support service provider." An individual who is trained to
33 treat or who otherwise assists or provides services to an
34 individual with a disability.

35 Section 1302-E. Assistance for certain qualified electors.

36 In consultation with county election boards, election
37 officials, individuals with a disability and support service
38 providers, the department shall ensure that qualified electors
39 who are individuals with a disability are able to cast ballots
40 privately, independently and in a verifiable manner in
41 accordance with this article.

42 Section 1303-E. Online voting system.

43 (a) Availability and purpose.--By September 1, 2020, each
44 county election board shall make available to each qualified
45 elector who is an individual with a disability and who wishes to
46 cast a ballot in an election under the jurisdiction of the
47 county election board an Internet system which:

48 (1) Provides a software interface designed to assist the
49 qualified elector to cast the ballot privately and
50 independently without the assistance of another individual.

51 (2) Permits the qualified elector to verify in a private

1 and independent manner the votes selected by the qualified
2 elector on the ballot before the ballot is cast and counted.

3 (3) Provides the qualified elector with the opportunity
4 in a private and independent manner to change the ballot or
5 correct an error before the ballot is cast and counted,
6 including the opportunity to correct the error through the
7 issuance of a replacement ballot if the qualified elector was
8 otherwise unable to change the ballot or correct an error.

9 (4) Notifies the qualified elector of any votes cast for
10 more than the maximum number of selections allowed in a
11 contest and provides the qualified elector with a chance to
12 correct the error.

13 (5) Allows the qualified elector to cast a provisional
14 ballot.

15 (b) Duties of department.--In the development,
16 implementation and maintenance of the system under subsection
17 (a), the department shall:

18 (1) Provide technical assistance to each county election
19 board.

20 (2) Coordinate resources and databases to ensure the
21 system provides uniform, official, centralized, interactive
22 and integrated processes capable of audit.

23 (c) Verification.--A qualified elector who is an individual
24 with a disability shall provide a letter or other documentation
25 from the qualified elector's attending physician verifying that
26 the qualified elector has a disability which may impact the
27 ability of the qualified elector to cast a ballot privately and
28 independently through traditional voting mechanisms. The
29 following apply:

30 (1) The specific nature of the disability need not be
31 disclosed.

32 (2) The letter or other documentation need only be
33 provided once to the appropriate county election board for
34 the qualified elector to be eligible to cast a ballot using
35 the online voting system under this section.

36 Section 1304-E. Devices at polling places.

37 (a) Availability and purpose.--By February 1, 2022, each
38 polling place shall make available to each qualified elector who
39 is an individual with a disability at least one device which:

40 (1) Permits the qualified elector to cast the ballot
41 privately and independently and in a verifiable manner
42 without the assistance of another individual.

43 (2) Permits the qualified elector to verify in a private
44 and independent manner the votes selected by the qualified
45 elector on the ballot before the ballot is cast and counted.

46 (3) Provides the qualified elector with the opportunity
47 in a private and independent manner to change the ballot or
48 correct an error before the ballot is cast and counted,
49 including the opportunity to correct the error through the
50 issuance of a replacement ballot if the qualified elector was
51 otherwise unable to change the ballot or correct an error.

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

5 (5) Allows the qualified elector to cast a provisional
6 ballot.

7 (b) Duties of department.--In the development,
8 implementation and maintenance of the devices under subsection
9 (a), the department shall:

10 (1) Provide technical assistance to each county election
11 board.

12 (2) Coordinate resources and databases to ensure that
13 the devices are uniform and functional and provide integrated
14 processes capable of audit.

15 Section 1305-E. Penalties.

16 (a) Violation.--A person who willfully violates this article
17 by preventing or otherwise obstructing the development,
18 implementation or maintenance of the system or devices under
19 this article commits a misdemeanor of the first degree.

20 (b) Applicability.--The provisions of 25 Pa.C.S. Ch. 17
21 (relating to penalties) and Article XVIII shall be applicable to
22 this article.