

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 134 Session of 2019

INTRODUCED BY QUINN, RYAN, SCHLOSSBERG, McNEILL, D. MILLER,
 BIZZARRO, FREEMAN, NEILSON, HILL-EVANS AND CONKLIN,
 JANUARY 28, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 2019

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
 2 Statutes, in voting procedures, providing for assistance for
 3 certain qualified electors.

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

6 Section 1. Title 25 of the Pennsylvania Consolidated
 7 Statutes is amended by adding a section to read:

8 § 3303. Assistance for certain qualified electors.

9 (a) Eligibility.--A qualified elector who has a physical,
 10 emotional, intellectual or developmental disability may request
 11 a ballot by an election official outside the polling place of
 12 the qualified elector.

13 (b) Distance, marking and casting of vote.--A qualified
 14 elector's vote under subsection (a) shall be cast within 150
 15 feet of the entrance to the polling place. The qualified elector
 16 shall mark the ballot in the election official's presence but in
 17 a secret manner and, obscuring the vote, return the ballot to
 18 the officer. The officer shall immediately return to the polling

1 place and deposit the ballot in the ballot container in
2 accordance with the instructions of the county election board.

3 (c) Voting machine alternative.--An election district that
4 has an electronic voting machine that is easily portable may use
5 the voting machine in lieu of a printed ballot for the qualified
6 elector requiring assistance pursuant to subsection (a). The
7 electronic voting machine may be used in lieu of a printed
8 ballot if:

9 (1) the voting machine remains in the plain view of two
10 election officials representing two political parties, or in
11 a primary election, two election officials representing the
12 party conducting the primary, provided that if the use of two
13 officials for this purpose would result in too few officials
14 remaining in the polling place to meet legal requirements,
15 the voting machine shall remain in plain view of one official
16 who shall be either the chief election official or the
17 assistant chief election official; and

18 (2) the qualified elector casts a ballot in a secret
19 manner unless the qualified elector requests assistance under
20 this section. After the qualified elector has completed
21 voting, the election official or officials shall immediately
22 return the voting machine to its assigned location inside the
23 polling place.

24 (d) Recorded information.--If a voting machine is used under
25 subsection (c), the following information must be recorded by
26 the election official:

27 (1) The machine number.

28 (2) The time that the machine was removed and the time
29 that it was returned.

30 (3) The number on the machine's public counter before

1 the machine was removed and the number on the same counter
2 when it was returned.

3 (4) The name or names of the officer or officers who
4 accompanied the machine shall be recorded on the statement of
5 results.

6 (e) Assisted voting designation.--A qualified voter who
7 requires assistance to vote by reason of a physical, emotional,
8 intellectual or developmental disability or inability to read or
9 write may, on request, be assisted in voting. If the voter has a
10 vision impairment, the voter may designate an election official
11 or any other person to assist in voting. If the voter is unable
12 to read or write or is disabled for any cause other than vision
13 impairment, the voter may designate an election official or any
14 other person to assist the voter other than the voter's employer
15 or agent of that employer, or officer or agent of the voter's
16 union.

17 (f) Assisted voting procedure.--The election official or
18 other person designated under subsection (e) may not enter the
19 voting booth with the voter unless:

20 (1) The voter signs a statement, on a form provided by
21 the county election board, stating that the voter requires
22 assistance by reason of a physical, emotional, intellectual
23 or developmental disability or inability to read or write. If
24 the voter is unable to sign the statement, the voter's own
25 mark acknowledged by the voter before an election official
26 shall be a sufficient signature, provided no mark shall be
27 required of a voter who is blind.

28 (2) The election official or other person signs the
29 statement under paragraph (1) that the official is not the
30 qualified elector's employer, an agent of that employer or an

1 officer or agent of the qualified elector's union, and the
2 official will act in accordance with the requirements of this
3 section.

4 (g) Advice and recording of name and address.--An election
5 official shall advise the qualified elector and person assisting
6 the qualified elector of the requirements of this section and
7 record the name of the qualified elector and the name and
8 address of the person assisting the qualified elector.

9 (h) Instructions in casting vote.--The election official or
10 other person designated shall assist the qualified elector in
11 the preparation of the qualified elector's ballot in accordance
12 with the instructions of the qualified elector and without
13 soliciting the qualified elector's vote or in any manner
14 attempting to influence the vote. The election official may not
15 divulge or indicate, by signs or otherwise, how the qualified
16 elector voted on any office or question. If a ballot is used,
17 the official or other person designated shall deposit the ballot
18 in the ballot container or in the ballot scanner machine in
19 accordance with the instructions of the county election board.

20 (i) Translator.--If the qualified elector requires
21 assistance in a language other than English and has not
22 designated a person to assist the qualified elector, an election
23 official, before assisting as interpreter, shall inquire of the
24 representatives authorized to be present whether a volunteer is
25 available who can interpret for the qualified elector. One
26 representative interpreter for each party or candidate, insofar
27 as available, shall be permitted to observe the election
28 official communicate with the qualified elector. The qualified
29 elector may designate one of the volunteer party or candidate
30 interpreters to provide assistance. A person designated by the

1 qualified elector shall meet all the requirements of this
2 section for a person providing assistance.

3 (j) Penalties.--A person who willfully violates subsections
4 (e), (f), (g), (h) or (i) commits a misdemeanor of the first
5 degree. The provisions of Chapter 17 (relating to penalties) and
6 Article XVIII of the act of June 3, 1937 (P.L.1333, No.320),
7 known as the Pennsylvania Election Code, shall be applicable to
8 this section.

9 (k) Audio ballot voting.--In an election district where an
10 electronic voting machine is available that provides an audio
11 ballot, the election official shall notify a qualified elector
12 requiring assistance under this section that a machine is
13 available for the qualified elector to use in privacy. An
14 election official shall instruct the qualified elector on the
15 use of the voting machine. Nothing in this section may be
16 construed to require a qualified elector to use the machine
17 unassisted.

18 (l) Definitions.--The following words and phrases when used
19 in this section shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "County election board." The board of elections of a county.

22 "Election district." A district, division or precinct
23 established under the Pennsylvania Election Code, in which all
24 qualified electors are eligible to vote in the same polling
25 place.

26 "Election official." The election officers required to
27 conduct primaries and elections in any election district in
28 accordance with the provisions of this section. The term shall
29 include the judge of elections and the majority and minority
30 inspectors elected or appointed by a county election board and

1 the clerk or machine inspector appointed by a county election
2 board.

3 "Qualified elector." An individual who:

4 (1) possesses all of the qualifications for voting
5 prescribed by the Constitution of Pennsylvania and the laws
6 of this Commonwealth; or

7 (2) being otherwise qualified by continued residence in
8 the individual's election district, obtains qualifications
9 under paragraph (1) before the next ensuing election.

10 Section 2. All acts and parts of acts are repealed insofar
11 as they are inconsistent with this act.

12 Section 3. This act shall take effect in 60 days.