

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1328 Session of 2019

INTRODUCED BY HANBIDGE, DERMODY, McCLINTON, YOUNGBLOOD, GOODMAN, COMITTA, DALEY, DAVIDSON, FRANKEL, HILL-EVANS, ISAACSON, KINSEY, KORTZ, MADDEN, MATZIE, MULLINS, MURT, NEILSON, O'MARA, RABB, SCHLOSSBERG, SCHWEYER, SHUSTERMAN, SIMS, SOLOMON, WARREN AND WEBSTER, APRIL 25, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 25, 2019

AN ACT

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

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

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

18 Section 1218. Assistance in Voting.--

19 (a) [No] Except as provided under subsection (a.1), no voter
 20 shall be permitted to receive any assistance in voting at any
 21 [primary or] election, unless there is recorded upon his

1 registration card his declaration that, by reason of blindness,
2 disability, or inability to read or write, he is unable to read
3 the names on the ballot or on the voting machine labels, or that
4 he has a physical disability which renders him unable to see or
5 mark the ballot or operate the voting machine, or to enter the
6 voting compartment or voting machine booth without assistance,
7 the exact nature of such condition being recorded on such
8 registration card[, and unless the election officers are
9 satisfied that he still suffers from the same condition].

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

16 (2) The following apply:

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

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

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

29 (iv) After the voter is accepted for voting, the voter shall
30 mark the ballot and give it to the election officers who shall

1 deposit it in the ballot box. The voter may request additional
2 assistance as provided under subsection (a).

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

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

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

1 registration commission to examine any records of assisted
2 voters without a court order, in order that the registration
3 commission may ascertain whether electors, who have declared, at
4 the time of registration, their need for assistance, actually
5 did receive assistance when voting at any election.

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