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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1376 Session of  
2021

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INTRODUCED BY QUINN, HERRIN, FREEMAN, FRANKEL, D. WILLIAMS,  
KULIK, KINSEY, SMITH, CONKLIN, HILL-EVANS, POLINCHOCK,  
T. DAVIS, STURLA, NEILSON, HOHENSTEIN, ARMANINI, WEBSTER AND  
INNAMORATO, MAY 10, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 10, 2021

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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

1 the officer. The election official shall immediately return to  
2 the polling place and deposit the ballot in the ballot container  
3 in accordance with the instructions of the county election  
4 board.

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

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

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

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

29 (1) The machine number.

30 (2) The time that the machine was removed and the time

1 that it was returned.

2 (3) The number on the machine's public counter before  
3 the machine was removed and the number on the same counter  
4 when it was returned.

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

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

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

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

30 (2) The election official or other individual signs the

1 statement under paragraph (1) that the official is not the  
2 qualified elector's employer, an agent of that employer or an  
3 officer or agent of the qualified elector's union, and the  
4 official will act in accordance with the requirements of this  
5 section.

6 (g) Advice and recording of name and address.--An election  
7 official shall advise the qualified elector and individual  
8 assisting the qualified elector of the requirements of this  
9 section and record the name of the qualified elector and the  
10 name and address of the individual assisting the qualified  
11 elector.

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

24 (i) Translator.--If the qualified elector requires  
25 assistance in a language other than English and has not  
26 designated an individual to assist the qualified elector, an  
27 election official, before assisting as interpreter, shall  
28 inquire of the representatives authorized to be present whether  
29 a volunteer is available who can interpret for the qualified  
30 elector. One representative interpreter for each party or

1 candidate, insofar as available, shall be permitted to observe  
2 the election official communicate with the qualified elector.  
3 The qualified elector may designate one of the volunteer party  
4 or candidate interpreters to provide assistance. An individual  
5 designated by the qualified elector shall meet all the  
6 requirements of this section for an individual providing  
7 assistance.

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

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

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

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

27 "Election district." A district, division or precinct  
28 established under the Pennsylvania Election Code, in which all  
29 qualified electors are eligible to vote in the same polling  
30 place.

1     "Election official." The election officers required to  
2 conduct primaries and elections in an election district in  
3 accordance with the provisions of this section. The term shall  
4 include the judge of elections and the majority and minority  
5 inspectors elected or appointed by a county election board and  
6 the clerk or machine inspector appointed by a county election  
7 board.

8     "Qualified elector." An individual who:

9             (1) possesses all of the qualifications for voting  
10 prescribed by the Constitution of Pennsylvania and the laws  
11 of this Commonwealth; or

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

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

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