

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 404 Session of 2021

INTRODUCED BY BOSCOLA, COSTA, FONTANA, CAPPELLETTI AND HAYWOOD,  
MARCH 11, 2021

REFERRED TO STATE GOVERNMENT, MARCH 11, 2021

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 preliminary provisions, providing for voter's  
12 bill of rights; and, in election districts and polling  
13 places, further providing for public buildings to be used  
14 where possible and portable polling places.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
18 as the Pennsylvania Election Code, is amended by adding a  
19 section to read:

20 Section 107. Voter's Bill of Rights.--(a) The following  
21 rights are guaranteed to all registered voters in this  
22 Commonwealth:

23 (1) A voter who is in line at the correct polling place  
24 during the hours the polling place is required by law to be open

1 may vote, even if the voter's turn to vote does not come until  
2 after those hours expire.

3 (2) If a voter has moved from the voter's original polling  
4 district to another polling district, the voter may return to  
5 the original polling district to vote for as long as the voter  
6 remains qualified there. To be eligible to vote in the new  
7 polling district, the voter must either file a notice of removal  
8 with the voting registrar or register anew.

9 (3) A voter who has a physical disability or who cannot read  
10 or write may apply to the voting registrar for a special needs  
11 ballot. The application must be made at least ten (10) days  
12 before the election.

13 (4) A voter may take the voter's children who are not yet  
14 eighteen (18) years of age into the voting booth.

15 (5) A voter has the right to vote without being intimidated  
16 or forced to vote for someone the voter does not wish to vote  
17 for in an election.

18 (6) A voter who is registered to vote by mail, but who  
19 chooses to vote by machine, shall be entitled to vote by machine  
20 if the voter brings the voter's ballot received in the mail to  
21 the polling place on election day.

22 (7) A voter who believes that the voter's rights under this  
23 act have been violated may call the voter's local law  
24 enforcement officers.

25 (b) A listing of the rights specified under subsection (a)  
26 shall be posted publicly in each voter registration office and,  
27 on election days, at each polling place.

28 Section 2. Section 527(a) of the act is amended to read:

29 Section 527. Public Buildings to Be Used Where Possible;  
30 Portable Polling Places.--(a) In selecting polling places, the

1 county board of elections shall, wherever possible and  
2 practicable, select schoolhouses, municipal buildings or rooms,  
3 or other public buildings for that purpose and shall ensure that  
4 the places selected are accessible by persons with physical  
5 disabilities. Any board of public education or school directors,  
6 or county or the municipal authorities shall, upon request of  
7 the county board, make arrangements for the use of school  
8 property, or of county or municipal property for polling places.  
9 In selecting polling places, the county board of elections shall  
10 make every effort to select polling places that provide all  
11 electors with an environment that is free from intimidation and  
12 violence.

13 In the event no available public building as contemplated  
14 under this section is situated within the boundaries of any  
15 election district, the county board of elections may, not less  
16 than twenty days prior to any election, designate as the polling  
17 place for such election district any such public building  
18 situated in another election district within the same or  
19 immediately adjacent ward, or, if there are no wards, then  
20 within the same borough or township as the case may be, provided  
21 such other building is located in an election district which is  
22 immediately adjacent to the boundary of the election district  
23 for which it is to be the polling place and is directly  
24 accessible therefrom by public street or thoroughfare. Two or  
25 more polling places may be located in the same public building  
26 under this section. A polling place may be selected and  
27 designated hereunder less than twenty days prior to any  
28 election, with the approval of a court of competent  
29 jurisdiction.

30 \* \* \*

1 Section 3. This act shall take effect immediately.