

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2660 Session of 2018

INTRODUCED BY ROE, J. McNEILL, BARRAR, WARD, DAVIS, CHARLTON,  
HILL-EVANS AND DeLUCA, SEPTEMBER 24, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 24, 2018

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 shall 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.