

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 416 Session of 2019

INTRODUCED BY KILLION, FOLMER, SCHWANK, ARGALL, SANTARSIERO,  
 COSTA, DiSANTO, K. WARD, YUDICHAK, BROWNE AND BREWSTER,  
 MARCH 19, 2019

REFERRED TO STATE GOVERNMENT, MARCH 19, 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 election districts and polling places, further  
 12 providing for creation of new election districts by court and  
 13 providing for vote centers; and, in preparation for and  
 14 conduct of primaries and elections, providing for  
 15 definitions, further providing for assistance in voting and  
 16 providing for inability to enter polling place, for ballot  
 17 marking and for unlawful assistance.

18 The General Assembly of the Commonwealth of Pennsylvania  
 19 hereby enacts as follows:

20 Section 1. Section 502 of the act of June 3, 1937 (P.L.1333,  
 21 No.320), known as the Pennsylvania Election Code, is amended to  
 22 read:

23 Section 502. Court to Create New Election Districts.--

24 Subject to the provisions of section 501 of this act and except  
 25 as provided under section 529.2 of this act, the court of common

1 pleas of the county in which the same are located, may form or  
2 create new election districts by dividing or redividing any  
3 borough, township, ward or election district into two or more  
4 election districts of compact and contiguous territory, having  
5 boundaries with clearly visible physical features conforming  
6 with census block lines from the most recently completed Federal  
7 decennial census and wholly contained within any larger district  
8 from which any Federal, State, county, municipal or school  
9 district officers are elected, or alter the bounds of any  
10 election district, or form an election district out of two or  
11 more adjacent districts or parts of districts, or consolidate  
12 adjoining election districts or form an election district out of  
13 two or more adjacent wards, so as to suit the convenience of the  
14 electors and to promote the public interests. Except for good  
15 cause shown, election districts so formed shall not contain more  
16 than one thousand two hundred (1,200) registered electors. No  
17 election district shall be formed that shall contain less than  
18 one hundred (100) registered electors. When a school district  
19 crosses county lines, the regions of the school district shall  
20 be composed of contiguous election districts.

21 Section 2. The act is amended by adding sections to read:

22 Section 529.2. Vote Centers.--(a) A county board of  
23 elections may establish one or more vote centers in a county for  
24 the purpose of providing qualified voters with convenient  
25 polling places.

26 (b) A county board of elections shall hold at least one  
27 public hearing with qualified voters at least one year prior to  
28 the establishment of a vote center. A county board of elections  
29 shall provide qualified voters with a list of possible locations  
30 for each proposed vote center.

1 (c) Each proposed location for a vote center shall do all of  
2 the following:

3 (1) Be conveniently situated as an alternative to existing  
4 polling places.

5 (2) Create minimal inconvenience for:

6 (i) minorities;

7 (ii) disabled individuals; or

8 (iii) indigent individuals.

9 (3) Be open for primary and general election day voting.

10 (4) Have adequate space to accommodate qualified voters to  
11 minimize waiting times.

12 (5) Have adequate cyber security.

13 (6) Have sufficient facility security, public accessibility  
14 and parking.

15 (d) If a county election board has chosen a proposed  
16 location as a vote center, the county election board shall hold  
17 a second public hearing with qualified voters at least six  
18 months prior to a primary election to educate qualified voters  
19 about the vote center and changes made to previous locations of  
20 polling places. Instructions to qualified voters shall include:

21 (1) How qualified voters may cast ballots at the vote center  
22 notwithstanding if the vote center is located outside the  
23 boundaries of the voter's established precinct.

24 (2) Procedures that will be used to allow qualified voters  
25 from one or more precincts to cast ballots at the same vote  
26 center.

27 (e) The county board of elections shall do all of the  
28 following:

29 (1) Provide notice of the location of each vote center.

30 (2) Ensure that each vote cast by a qualified elector at a

1 vote center complies with this act.

2 Section 1200. Definitions.--As used in this article:

3 "Assisting a voter" means any of the following by a person  
4 other than the voter that occurs while the person is in the  
5 presence of the voter's ballot:

6 (1) Reading the ballot to the voter.

7 (2) Directing the voter to read the ballot.

8 (3) Marking the voter's ballot.

9 (4) Directing the voter to mark the ballot.

10 Section 3. Section 1218(b) of the act is amended to read:

11 Section 1218. Assistance in Voting.--

12 \* \* \*

13 (b) Any elector who is entitled to receive assistance in  
14 voting under the provisions of this section shall be permitted  
15 by the judge of election to select a person of the elector's  
16 choice to enter the voting compartment or voting machine booth  
17 with him to assist him in voting, such assistance to be rendered  
18 inside the voting compartment or voting machine booth except as  
19 otherwise provided under subsection (c) and except that the  
20 judge of election, the elector's employer or an agent of the  
21 employer or an officer or agent of the elector's union shall not  
22 be eligible to assist the elector.

23 \* \* \*

24 Section 4. The act is amended by adding sections to read:

25 Section 1218.1. Inability to Enter Polling Place.--(a) If a  
26 voter is physically unable to enter the polling place without  
27 personal assistance or without likelihood of injuring the voter,  
28 on the voter's request, an election officer shall deliver a  
29 ballot to the voter at the polling place entrance or curb.

30 (b) After the voter is accepted for voting, the voter shall

1 mark the ballot and give the ballot to the election officer, who  
2 shall record the ballot.

3 (c) Upon the voter's request, a person accompanying the  
4 voter may select the voter's ballot and have the ballot  
5 recorded.

6 Section 1218.2. Ballot Marking.--(a) A voter may receive  
7 assistance in marking a ballot if the voter cannot prepare the  
8 ballot because of:

9 (1) a physical disability that renders the voter unable to  
10 write or see; or

11 (2) an inability to read the language in which the ballot is  
12 written.

13 (b) Except as provided under subsection (c), up to two  
14 election officers shall provide assistance. If a voter is  
15 assisted under this subsection:

16 (1) In the general election for State and county officers,  
17 each election officer must be aligned with a different political  
18 party unless there are not two or more election officers serving  
19 the polling place who are aligned with different parties.

20 (2) One of the election officers shall read the entire  
21 ballot to the voter or, if the voter tells the election officer  
22 that the voter desires to vote only on certain offices or  
23 measures, the election officer shall read the items on the  
24 ballot specified by the voter.

25 (c) A voter may request assistance from a person selected by  
26 the voter other than the voter's employer, an agent of the  
27 voter's employer or an officer or agent of a labor union to  
28 which the voter belongs. If a voter is assisted under this  
29 subsection:

30 (1) An election officer shall enter the person's name and

1 address on the poll list beside the voter's name.

2 (2) An election officer shall ask the voter being assisted  
3 whether the voter wants the entire ballot read to the voter. If  
4 the voter wants the entire ballot read, the officer shall  
5 instruct the person assisting the voter to read the entire  
6 ballot to the voter.

7 Section 1218.3. Unlawful Assistance.--(a) A person may not  
8 knowingly:

9 (1) provide assistance to a voter who is not eligible for  
10 assistance;

11 (2) prepare, while assisting a voter, the voter's ballot in  
12 a way other than as directed by the voter or without direction  
13 from the voter;

14 (3) suggest, while assisting a voter, by word, sign or  
15 gesture how the voter should vote; or

16 (4) provide assistance to a voter who has not requested  
17 assistance or select a person to assist the voter.

18 (b) An election officer may not knowingly permit a person to  
19 provide assistance to a voter who is not eligible for  
20 assistance.

21 (c) If assistance is provided to a voter in violation of  
22 this section, the voter's ballot may not be counted.

23 Section 5. The following shall apply:

24 (1) In order to facilitate the prompt implementation of  
25 section 529.2 of the act, the Department of State shall  
26 promulgate temporary regulations that shall expire not later  
27 than two years following the publication of the temporary  
28 regulations. The temporary regulations shall not be subject  
29 to:

30 (i) Sections 201, 202, 203, 204 and 205 of the act

1 of July 31, 1968 (P.L.769, No.240), referred to as the  
2 Commonwealth Documents Law.

3 (ii) The act of June 25, 1982 (P.L.633, No.181),  
4 known as the Regulatory Review Act.

5 (iii) Sections 204(b) and 301(10) of the act of  
6 October 15, 1980 (P.L.950, No.164), known as the  
7 Commonwealth Attorneys Act.

8 (2) The department's authority to adopt temporary  
9 regulations under paragraph (1) shall expire two years after  
10 the effective date of this section. Regulations adopted after  
11 this period shall be promulgated as provided by law.

12 (3) The department shall transmit temporary regulations  
13 to the Legislative Reference Bureau for publication in the  
14 Pennsylvania Bulletin no later than 180 days after the  
15 effective date of this section.

16 Section 6. This act shall take effect in 90 days.