

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 524 Session of 2019

INTRODUCED BY D. MILLER, ULLMAN, SCHLOSSBERG, ISAACSON, HILL-  
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DAVIDSON, INNAMORATO, DALEY AND DEASY, FEBRUARY 19, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 19, 2019

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) Duty generally.--In consultation with county election  
10 boards, election officials, individuals with a disability and  
11 support service providers, the department shall ensure that  
12 qualified electors who are individuals with a disability are  
13 able to cast ballots privately, independently and in a  
14 verifiable manner in accordance with this section.

15 (b) Online voting system.--

16 (1) By September 1, 2020, each county election board  
17 shall make available to each qualified elector who is an

1 individual with a disability and who wishes to cast a ballot  
2 in an election under the jurisdiction of the county election  
3 board an Internet system which:

4 (i) Provides a software interface designed to assist  
5 the qualified elector to cast the ballot privately and  
6 independently without the assistance of another  
7 individual.

8 (ii) Permits the qualified elector to verify in a  
9 private and independent manner the votes selected by the  
10 qualified elector on the ballot before the ballot is cast  
11 and counted.

12 (iii) Provides the qualified elector with the  
13 opportunity in a private and independent manner to change  
14 the ballot or correct an error before the ballot is cast  
15 and counted, including the opportunity to correct the  
16 error through the issuance of a replacement ballot if the  
17 qualified elector was otherwise unable to change the  
18 ballot or correct an error.

19 (iv) Notifies the qualified elector of any votes  
20 cast for more than the maximum number of selections  
21 allowed in a contest and provides the qualified elector  
22 with a chance to correct the error.

23 (v) Allows the qualified elector to cast a  
24 provisional ballot.

25 (2) In the development, implementation and maintenance  
26 of the system under paragraph (1), the department shall:

27 (i) Provide technical assistance to each county  
28 election board.

29 (ii) Coordinate resources and databases to ensure  
30 the system provides uniform, official, centralized,

1 interactive and integrated processes capable of audit.

2 (3) A qualified elector who is an individual with a  
3 disability shall provide a letter or other documentation from  
4 the qualified elector's attending physician verifying that  
5 the qualified elector has a disability which may impact the  
6 ability of the qualified elector to cast a ballot privately  
7 and independently through traditional voting mechanisms. The  
8 following apply:

9 (i) The specific nature of the disability need not  
10 be disclosed.

11 (ii) The letter or other documentation need only be  
12 provided once to the appropriate county election board  
13 for the qualified elector to be eligible to cast a ballot  
14 using the online voting system under this subsection.

15 (c) Devices at polling places.--

16 (1) By February 1, 2022, each polling place shall make  
17 available to each qualified elector who is an individual with  
18 a disability at least one device which:

19 (i) Permits the qualified elector to cast the ballot  
20 privately and independently and in a verifiable manner  
21 without the assistance of another individual.

22 (ii) Permits the qualified elector to verify in a  
23 private and independent manner the votes selected by the  
24 qualified elector on the ballot before the ballot is cast  
25 and counted.

26 (iii) Provides the qualified elector with the  
27 opportunity in a private and independent manner to change  
28 the ballot or correct an error before the ballot is cast  
29 and counted, including the opportunity to correct the  
30 error through the issuance of a replacement ballot if the

1 qualified elector was otherwise unable to change the  
2 ballot or correct an error.

3 (iv) Notifies the qualified elector of any votes  
4 cast for more than the maximum number of selections  
5 allowed in a contest and provides the qualified elector  
6 with a chance to correct the error.

7 (v) Allows the qualified elector to cast a  
8 provisional ballot.

9 (2) In the development, implementation and maintenance  
10 of the devices under paragraph (1), the department shall:

11 (i) Provide technical assistance to each county  
12 election board.

13 (ii) Coordinate resources and databases to ensure  
14 that the devices are uniform and functional and provide  
15 integrated processes capable of audit.

16 (d) Penalties.--

17 (1) A person who willfully violates this section by  
18 preventing or otherwise obstructing the development,  
19 implementation or maintenance of the system or devices under  
20 this section commits a misdemeanor of the first degree.

21 (2) The provisions of Chapter 17 (relating to penalties)  
22 and Article XVIII of the Pennsylvania Election Code shall be  
23 applicable to this section.

24 (e) Definitions.--As used in this section, the following  
25 words and phrases shall have the meanings given to them in this  
26 subsection unless the context clearly indicates otherwise:

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

28 "Department." The Department of State of the Commonwealth.

29 "Election." Any of the following:

30 (1) A general election.

1           (2) A municipal election.

2           (3) A primary election.

3           (4) A special election.

4           "Election district." A district, division or precinct  
5 established under the Pennsylvania Election Code in which all  
6 qualified electors are eligible to vote in the same polling  
7 place.

8           "Election official." As follows:

9           (1) An election officer required to conduct an election  
10 in an election district in accordance with this section.

11           (2) The term includes any of the following:

12           (i) A judge of elections.

13           (ii) A majority or minority inspector elected or  
14 appointed by a county election board.

15           (iii) A clerk or machine inspector appointed by a  
16 county election board.

17           "General election." An election which the Constitution of  
18 Pennsylvania requires to be held in an even-numbered year.

19           "Impaired dexterity." A condition which impacts the use of  
20 an individual's hands or body.

21           "Individual who is blind." An individual:

22           (1) whose central acuity does not exceed 20/200 in the  
23 better eye with correcting lenses; or

24           (2) whose visual acuity, if better than 20/200, is  
25 accompanied by a limit of the field of vision in the better  
26 eye to a degree that its widest diameter subtends an angle of  
27 no greater than 20 degrees.

28           "Individual who is deafblind." An individual:

29           (1) Who has a central visual acuity of 20/200 or less in  
30 the better eye with corrective lenses or a field defect such

1 that the peripheral diameter of visual field subtends an  
2 angular distance no greater than 20 degrees or a progressive  
3 visual loss having a prognosis leading to one or both  
4 conditions.

5 (2) Who has a chronic hearing impairment so severe that  
6 most speech cannot be understood with optimum amplification  
7 or a progressive hearing loss having a prognosis leading to  
8 this condition.

9 (3) For whom the combination of impairments described  
10 under paragraphs (1) and (2) causes extreme difficulty in  
11 attaining independence in daily life activities, achieving  
12 psychosocial adjustment or obtaining a vocation.

13 (4) Who despite the inability to be measured accurately  
14 for hearing and vision loss due to cognitive or behavioral  
15 constraints, or both, can be determined through functional  
16 and performance assessment to have severe hearing and visual  
17 disabilities that cause extreme difficulty in attaining  
18 independence in daily life activities, achieving psychosocial  
19 adjustment or obtaining vocation objectives.

20 "Individual with a disability." Any of the following:

21 (1) An individual who is blind.

22 (2) An individual who is deafblind.

23 (3) An individual who is visually impaired.

24 (4) An individual with impaired dexterity.

25 (5) An individual with a mental health, developmental or  
26 intellectual disability.

27 "Municipal election." An election which the Constitution of  
28 Pennsylvania requires to be held in an odd-numbered year.

29 "Pennsylvania Election Code." The act of June 3, 1937  
30 (P.L.1333, No.320), known as the Pennsylvania Election Code.

1 "Polling place." The room provided in each election district  
2 for voting at an election.

3 "Primary election." An election held for the purpose of  
4 electing party officers and nominating candidates for public  
5 offices to be voted for at a general election or municipal  
6 election.

7 "Provisional ballot." A ballot which is used to record a  
8 vote by an individual who claims to be a qualified elector when  
9 there is an issue regarding whether the individual is a  
10 qualified elector and which must be resolved before the vote can  
11 count.

12 "Qualified elector." An individual who:

13 (1) possesses all of the qualifications for voting  
14 prescribed by the Constitution of Pennsylvania and the laws  
15 of this Commonwealth; or

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

19 "Special election." An election authorized by law other than  
20 a general election, municipal election or primary election.

21 "Support service provider." An individual who is trained to  
22 treat or who otherwise assists or provides services to an  
23 individual with a disability.

24 Section 2. This act shall take effect immediately.