

No. 232

## AN ACT

To amend section twenty-six, and section thirty as amended, of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred and nineteen), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," by specifying the circumstances and conditions under which voters may have assistance in marking their ballots at general, municipal, special, and primary elections; prescribing certain duties to be performed by the Secretary of the Commonwealth and election officers; providing penalties; and repealing inconsistent legislation.

Section 1. Be it enacted, &c., That section twenty-six of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred and nineteen), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," is hereby amended to read as follows:

Section 26. [If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot he] *No voter shall be permitted to receive any assistance in marking his ballot at any general, municipal, special, or primary election, unless he shall first state distinctly and audibly, under oath or affirmation which shall be administered to him by the judge of election, that he cannot read the names on the ballot, or that, by reason of physical disability, he is unable to see or mark the ballot, or to enter the voting compartment without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon the voter shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment, and the judge of election shall forthwith enter in writing in the record of assisted voters here-in provided, (1) the voter's name; (2) the fact that the voter cannot read the names on the ballot, if that be the reason for requiring assistance, and otherwise the specific physical disability which requires him to receive assistance; and (3) the name of the person furnishing the assistance. The record of assisted voters shall be returned by the judge of election to the pro-*

Elections.

Section 26 of act  
of June 10, 1893  
(P. L. 419),  
amended.

Circumstances under which voter may have assistance in marking ballot.

Record of assisted voters.

Record to be returned to the Prothonotary.

Record to be filed and to be examined only upon order of court.

Proviso.

Book to be furnished by county commissioners.

Section 30, as amended by act of April 29, 1903 (P. L. 338), further amended.

thonotary, in the case of a general, municipal, or special election, and to the county commissioners in the case of a primary election, with the tally sheet, triplicate return, list of voters and oaths of election officers. The prothonotary or county commissioners as the case may be shall file such record of assisted voters in their respective offices, and shall permit the same to be examined only upon the written order of a judge of the court of common pleas permitting a named person or persons to make such examination thereof: Provided, however, That such record shall be subject to subpoena to the same extent to which other election records may be subpoenaed.

It shall be the duty of the county commissioners of each county to furnish to the election officers in each election district contained therein, with the other election supplies, a book to be entitled "Record of Assisted Voters," the form of which shall be prescribed by the Secretary of the Commonwealth, which shall be ruled with vertical columns and transverse lines, with appropriate column headings on each page, and which shall provide suitable and sufficient accommodation for the entries required hereby.

Section 2. That section thirty of said act, which was amended by the act, approved the twenty-ninth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred and thirty-eight), entitled "An act to further amend the ninth and fourteenth sections of the act, entitled 'An act regulating the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,' approved the tenth day of June, one thousand eight hundred and ninety-three, as amended by an act, approved the ninth day of July, one thousand eight hundred and ninety-seven; also to amend the twenty-second, twenty-seventh, twenty-eighth, and thirtieth sections of said act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections, approved the tenth day of June, one thousand eight hundred and ninety-three, by repealing the limit of the number of times the names of candidates shall appear on the official ballots; by specifying the form, contents, and manner of printing and counting of official ballots and of making return of all votes, and of announcing the total vote; by directing the manner in which voters may designate their choice of candidates and their votes upon Constitutional amendments or other questions submitted for their votes; by prescribing the duties of voters, election

officers, police officers, constables, deputy constables, and helpers; and prescribing forms of punishment for violations thereof," is hereby further amended to read as follows:

Section 30. [A voter] *Any voter at a general, municipal, special, or primary election, who shall allow his ballot to be seen by any person, with the apparent intention of letting it be known how he is about to vote; or shall cast or attempt to cast any other than the official ballot which has been given him by the proper election officer; or who, without having made the statement required by section twenty-six of this act, shall permit another to accompany him into the voting compartment or to mark his ballot for him; or who shall mark his ballot while another is unlawfully present in the voting compartment with him; or who shall state falsely that he cannot read the names on the ballot or that, by reason of physical disability, he cannot see or mark the ballot or enter the voting compartment without assistance; or who shall state, as his reason for requiring assistance, a disability from which he does not suffer; or who shall go into the voting compartment with another while voting or be present therein while another is voting, or mark the ballot of another except in strict accordance with the provisions of this act, [or shall falsely declare to a judge of election that, by reason of any disability, he is unable to mark his ballot and on that account desires assistance in marking it] or shall wilfully violate any other provisions of this act; or any person who shall interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before depositing his ballot to show how he marks or has marked his ballot; or any helper who shall attempt to influence the vote of the voter whom he is assisting, or who shall mark a ballot in any other way than that requested by the voter whom he is assisting, or who shall disclose to anyone the contents of any ballot which has been marked with his help, except when required so to do in any legal proceedings; shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not to exceed one [hundred] thousand dollars, or to undergo an imprisonment for not more than [three months] one year, or both, at the discretion of the court.*

Certain acts of voter, interfering person or helper made misdemeanor.

*Any election officer who shall permit a voter to be accompanied by another into the voting compartment when he has not made, under oath or affirmation, the statement required by section twenty-six of this act, or when he knows that the statement which the voter has made is false; or who shall permit any person to accompany a voter into the voting compartment, except as provided by this act; shall, for each such vio-*

Violations by election officers.

Penalty.

*lation, be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to undergo imprisonment for not less than one month, nor more than one year, and, in addition thereto, at the discretion of the court, to pay a fine which shall not exceed one thousand dollars.*

Failure of judge of election to make proper record of voter receiving assistance.

*Any judge of election who shall fail to record, as required by section twenty-six of this act, the name of each voter who receives assistance, or who is accompanied by another into the voting compartment, or shall insert in the record of assisted voters the name of any voter who does not receive assistance or is not accompanied by another into the voting compartment, or shall fail to record the reason stated by any assisted voter for requiring assistance, or shall record in respect of any assisted voter a reason other than that stated by the voter, or shall fail to record the name of each person rendering assistance to a voter as prescribed by this act, or shall knowingly record, as the name of such helper, a name which is not the name of such helper, or shall fail or neglect to return the record of assisted voters to the prothonotary or the county commissioners, as required by this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to undergo imprisonment for not less than two months, nor more than two years, and, in addition thereto, at the discretion of the court, to pay a fine which shall not exceed one thousand dollars.*

Misdemeanor.

Penalty.

Constitutionality of this act.

Section 3. It is the intention of the General Assembly that, if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

Repeal.

Conflicting parts of act of July 12, 1913 (P. L. 719).

Section 4. So much of section eleven of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred and nineteen), as may be in conflict, or inconsistent, with the provisions of this act is hereby repealed.

Other inconsistent acts.

All other acts and parts of acts in conflict or inconsistent with this act or any part hereof are hereby repealed, so far as they are inconsistent herewith.

APPROVED—The 23d day of April, A. D. 1927.

JOHN S. FISHER