Assistance for Pennsylvania Voters with Disabilities:

Ballot Marking

Pennsylvania voters with a disability may receive assistance from another person to mark their ballot. To do so, the voter must complete a declaration to confirm that they are unable to vote without such assistance due to a disability and are authorizing the other person to assist. The requirements to successfully request assistance with marking a ballot depend on whether a voter with a disability is voting in person, by mail or by absentee ballot, as explained below.

Q1: Who can get assistance with marking their ballot?
Pennsylvania law specifically provides that a voter may receive assistance marking their ballot if the voter cannot independently vote because of an inability to read or write, blindness, or disability. Ballot marking assistance is a reasonable accommodation under the Americans with Disabilities Act. The ADA defines a disability, in relevant part, as a condition that substantially impairs a person’s ability to perform one or more major life activities. Major life activities are broadly defined in the ADA and include caring for oneself, performing manual tasks, walking, breathing, seeing, communicating, learning, thinking, and working.


Q2: Who can assist a voter with a disability in marking their ballot?
Any person may provide assistance except: the judge of election at a voter’s polling place; the voter’s employer; an agent or officer of the voter’s employer; or an agent or officer of the voter’s union.
Q3: How can a qualified voter with a disability receive assistance in marking a ballot at the polls on election day?

When a voter receives assistance at the polling place, the judge of election must complete a record of assisted voters identifying each such voter who receives assistance, who assisted the voter and why the voter was entitled to assistance.

Q4: How can a qualified voter with a disability receive assistance in marking their mail-in or absentee ballot?

Blind voters and other voters with disabilities that prevent them from marking a paper ballot can use the remote ballot marking tool that is now available to electronically and independently mark their ballot. Information is available on the DOS website at https://www.votespa.com/Voting-in-PA/Pages/Accessible-Remote-Ballot-Marking-Solution-for-Mail-Voting.aspx.

Voters who wish to use this option must first apply for a mail-in or absentee ballot by the deadline, and then apply online at https://expressforms.pa.gov/apps/pa/DOS/Remote-Access-Ballot-Request, or by submitting to ra-awib@pa.gov the completed application, which is available in PDF form at https://www.votespa.com/Voting-in-PA/Documents/Accessible-Remote-Ballot-Request.pdf. The voter will then be sent a ballot electronically to mark. The voter must print the completed ballot and mail or deliver it.

Absentee and mail-in voters may also receive assistance marking a paper ballot if they submit a statement to their county board of elections describing and attesting the voter’s need for assistance, with the information and signature of the person who will provide the assistance. The statement must be notarized and “substantially” in the form prescribed by Pennsylvania law (25 P.S. § 3146.6a). DOS has posted a form declaration of need for assistance at https://www.votespa.com/Voting-in-PA/Documents/Declaration%20of%20Need%20of%20Assistance_generic.pdf. County boards of election may provide their own forms, but voters are cautioned to confirm that the county form substantially matches the DOS form and the language in 25 P.S. § 3146.6a.

Absentee and mail-in voters may also receive assistance marking a paper ballot. Voters should contact their county election officials or offices to ask how to document the fact of assistance with ballot marking.

If the county is unable to provide guidance, voters can submit to the county board of elections a statement describing and attesting the voter’s need for assistance because of a disability or disabilities, as well as the information and signature of the person who will provide the assistance. The statement should be notarized and “substantially” in the form prescribed by Pennsylvania law (25 P.S. § 3146.6a). As of October 29, 2020, notarization can be done remotely in Pennsylvania.
DOS has posted a form declaration of need for assistance at https://www.votespa.com/Voting-in-PA/Documents/Declaration%20of%20Need%20of%20Assistance_generic.pdf. Although this form is meant for use at the polls and requires a signature by the judge of elections, the language and form resemble what is generally needed. County boards of election may provide their own forms, but voters are cautioned to confirm that the county form substantially matches the DOS form and the language in 25 P.S. § 3146.6a. Voters or people who render assistance should never enclose a declaration in the inner “secrecy” envelope with the marked ballot.

Q5: Does a voter with a disability need to re-register in order to qualify for assistance with marking their ballot?

No. Voters should, when possible, ensure that their registration card indicates their need for assistance because “blindness, disability, or inability to read or write” renders the voter “unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth without assistance.” When the voter’s registration card indicates the need for assistance, and “election officers” at the polling place must be “satisfied that” the voter has the conditions that cause the voter to need assistance at the time of registration.

Voters who qualify to receive assistance because they cannot see, mark the ballot, operate the voting machine, or enter a voting place without assistance, should apply to local election officials to request that their registration card properly states the need for assistance. The application must be made personally by the voter, at least 10 days before the election, and the application must “request entry of the exact nature of the disability on the [voter’s] registration card.”

Even when “the disability is not entered on the registration card,” a voter still may receive assistance at the polling place if they complete a declaration while there. The declaration should be supplied by election officials at the polling place, but voters who have concerns should contact their county board of elections before they go to the polling place for details about assistance for a disability.

If the voter’s disability is not entered on the registration card, a voter can still receive assistance in marking a mail-in or absentee ballot by completing the declaration described in Q4 above.
Q6: Can someone other than the voter return the marked ballot on behalf of a voter with a disability?

Yes, if the voter designates an agent. DOS provides a form by which a voter with a qualifying disability may designate a third person to apply for, obtain and return the voter’s mail-in or absentee ballot. The form is available in English at https://www.votespa.com/Resources/Documents/Authorize-Designated-Agent-for-Mail-in-or-Absentee-Ballot.pdf, and in Spanish at https://www.votespa.com/Resources/Documents/Authorize-Designated-Agent-for-Mail-in-or-Absentee-BallotSPANISH.pdf. County boards of election may also have their own forms for voters with a disability to request assistance by third parties in applying for, obtaining or returning mail-in and absentee ballots, but voters are encouraged to use caution and, when in doubt, use the DOS form.

For more information see our related publication at [link to other fact sheet], as well as https://www.votespa.com/Voting-in-PA/Pages/Mail-and-Absentee-Ballot.aspx. Voters may also call DOS at 1-877-868-3772. Voters and designated agents should contact county election officials with any questions about submitting the DOS Authorization Form, application and/or ballot. NEVER enclose the DOS Authorization Form in the inner “secrecy” envelope that contains the voted ballot.

*This document was updated October 30, 2020.*
I have another question about voting. Who do I call?

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). Our email address is: intake@disabilityrightspa.org. You can also look at our other resources at disabilityrightspa.org or go to votespa.com for more information.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.

For Election Day Assistance, call our hotline at 1.800.692.7443
or,
For more resources like this, visit www.DisabilityRightsPA.org/resources or scan here:

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