

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 671 Session of 2001

INTRODUCED BY STABACK, BEBKO-JONES, BELFANTI, CALTAGIRONE, COSTA, CRUZ, CURRY, DeLUCA, FRANKEL, FREEMAN, GRUCELA, HALUSKA, HARHAI, HENNESSEY, JOSEPHS, LAUGHLIN, LEDERER, MAITLAND, MANDERINO, McCALL, MELIO, R. MILLER, OLIVER, PRESTON, ROONEY, RUBLEY, SAINATO, SAYLOR, SCRIMENTI, SHANER, SOLOBAY, STERN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, TRELLO, WALKO, WANSACZ, WASHINGTON, C. WILLIAMS, WOGAN, WOJNAROSKI, YOUNGBLOOD, STEELMAN AND MYERS, FEBRUARY 13, 2001

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 13, 2001

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," further providing for date of application for  
12 absentee ballot and for canvassing of official absentee  
13 ballots.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 1302.1 of the act of June 3, 1937  
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
18 amended February 13, 1998 (P.L.72, No.18), is amended to read:

19 Section 1302.1. Date of Application for Absentee Ballot.--

20 (a) (1) Applications for absentee ballots unless otherwise

1 specified in clause (2) or (3) shall be received in the office  
2 of the county board of elections not earlier than fifty (50)  
3 days before the primary or election and not later than five  
4 o'clock P.M. of the first Tuesday prior to the day of any  
5 primary or election[: Provided, however, That in].

6 (2) In the event any elector otherwise qualified who is so  
7 physically disabled or ill on or before the first Tuesday prior  
8 to any primary or election that he is unable to file his  
9 application or who becomes physically disabled or ill after the  
10 first Tuesday prior to any primary or election and is unable to  
11 appear at his polling place [or any elector otherwise qualified]  
12 shall be entitled to an absentee ballot at any time prior to  
13 five o'clock P.M. on the Monday immediately preceding any  
14 primary or election upon execution of an Emergency Application  
15 in such form prescribed by the Secretary of the Commonwealth.

16 (3) Any other elector otherwise qualified who because of the  
17 conduct of his business, duties or occupation will necessarily  
18 be absent from the municipality of his residence on the day of  
19 the primary or election, which fact was not and could not  
20 reasonably be known to said elector on or before the first  
21 Tuesday prior to any primary or election, shall be entitled to  
22 an absentee ballot at any time prior to five o'clock P.M. on the  
23 first Friday preceding any primary or election upon execution of  
24 an Emergency Application in such form prescribed by the  
25 Secretary of the Commonwealth.

26 (b) (1) In the case of an elector who is physically  
27 disabled or ill on or before the first Tuesday prior to a  
28 primary or election or becomes physically disabled or ill after  
29 the first Tuesday prior to a primary or election, such Emergency  
30 Application shall contain a supporting affidavit from his

1 attending physician stating that due to physical disability or  
2 illness said elector was unable to apply for an absentee ballot  
3 on or before the first Tuesday prior to the primary or election  
4 or became physically disabled or ill after that period.

5 (2) Notwithstanding the limitations contained in clause (2)  
6 of subsection (a) and in clause (1) of this subsection, the  
7 court of common pleas may, upon petition of a qualified elector  
8 who becomes physically disabled or ill after the application  
9 deadlines in clause (2) of subsection (a) and accompanied by an  
10 affidavit of the attending physician of such elector stating  
11 that the elector's disability or illness arose after the  
12 deadlines in clause (2) of subsection (a), order the county  
13 board of elections to permit such elector to vote by absentee  
14 ballot on the date of the election and to immediately issue the  
15 appropriate absentee ballot to such elector. Any petition filed  
16 with the court under this clause shall be in lieu of and contain  
17 the same information received for an application and affidavit  
18 for an absentee ballot. Any absentee ballot cast under the  
19 provisions of this clause shall not be subject to sections  
20 1302.2 and 1306 and shall be tallied at the county board of  
21 elections and the votes added to the appropriate election  
22 district or precinct at the time of the official ballot count.  
23 The court shall post a list of all persons who are permitted to  
24 vote under this clause.

25 (c) In the case of an elector who is necessarily absent  
26 because of the conduct of his business, duties or occupation  
27 under the unforeseen circumstances specified in this subsection,  
28 such Emergency Application shall contain a supporting affidavit  
29 from such elector stating that because of the conduct of his  
30 business, duties or occupation said elector will necessarily be

1 absent from the municipality of his residence on the day of the  
2 primary or election which fact was not and could not reasonably  
3 be known to said elector on or before the first Tuesday prior to  
4 the primary or election.

5 Section 2. Section 1308(a) of the act, amended December 11,  
6 1968 (P.L.1183, No.375), is amended to read:

7 Section 1308. Canvassing of Official Absentee Ballots.--

8 (a) [The] (1) Except as provided in clause (3), the county  
9 boards of election, upon receipt of official absentee ballots in  
10 such envelopes, shall safely keep the same in sealed or locked  
11 containers until they distribute same to the appropriate local  
12 election districts in a manner prescribed by the Secretary of  
13 the Commonwealth.

14 [The] (2) Except as provided in clause (3), the county board  
15 of elections shall then distribute the absentee ballots,  
16 unopened, to the absentee voter's respective election district  
17 concurrently with the distribution of the other election  
18 supplies. Absentee ballots shall be canvassed immediately and  
19 continuously without interruption until completed after the  
20 close of the polls on the day of the election in each election  
21 district. The results of the canvass of the absentee ballots  
22 shall then be included in and returned to the county board with  
23 the returns of that district. No absentee ballot shall be  
24 counted which is received in the office of the county board of  
25 election later than five o'clock P. M. on the Friday immediately  
26 preceding the primary or November election.

27 (3) Any absentee ballot cast under the provisions of clause  
28 (2) of subsection (b) of section 1302.1 shall be safely kept in  
29 a sealed or locked container until the absentee ballots are  
30 counted at the time of the official ballot count.

1       \* \* \*

2       Section 3. This act shall take effect immediately.