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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 948

Session of  
1983

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INTRODUCED BY CIMINI, OLIVER, DeWEESE, GALLEN, CESSAR, GRIECO,  
JOHNSON AND LEVI, MAY 3, 1983

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 3, 1983

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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 absentee ballots.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 993(b) of the act of June 3, 1937  
15 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
16 amended August 13, 1963 (P.L.707, No.379), is amended to read:

17 Section 993. Filling of Certain Vacancies in Public Office  
18 by Means of Nomination Certificates and Nomination Papers.--

19 \* \* \*

20 (b) Said nomination certificates and nomination papers for  
21 State public offices and judges of courts of records shall be  
22 filed in the office of the Secretary of the Commonwealth at

1 least [fifty (50)] sixty (60) days prior to a general or  
2 municipal election, as the case may be. Nomination certificates  
3 and nomination papers for public offices in counties, cities,  
4 boroughs, towns, townships, wards and school districts and for  
5 the offices of aldermen and justices of the peace shall be filed  
6 in the office of the county board of elections at least [fifty  
7 (50)] sixty (60) days prior to a municipal election.

8 \* \* \*

9 Section 2. Section 1302.1 of the act, amended December 11,  
10 1968 (P.L.1183, No.375), is amended to read:

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

12 Applications for absentee ballots unless otherwise specified  
13 shall be received in the office of the county board of elections  
14 not earlier than [fifty (50)] seventy-five (75) days before the  
15 primary or election and not later than five o'clock P.M. of the  
16 first Tuesday prior to the day of any primary or election:

17 Provided, however, That in the event any elector otherwise  
18 qualified who is so physically disabled or ill on or before the  
19 first Tuesday prior to any primary or election that he is unable  
20 to file his application or who becomes physically disabled or  
21 ill after the first Tuesday prior to any primary or election and  
22 is unable to appear at his polling place or any elector  
23 otherwise qualified who because of the conduct of his business,  
24 duties or occupation will necessarily be absent from the State  
25 or county of his residence on the day of the primary or  
26 election, which fact was not and could not reasonably be known  
27 to said elector on or before the first Tuesday prior to any  
28 primary or election, shall be entitled to an absentee ballot at  
29 any time prior to five o'clock P.M. on the first Friday  
30 preceding any primary or election upon execution of an Emergency

1 Application in such form prescribed by the Secretary of the  
2 Commonwealth.

3 In the case of an elector who is physically disabled or ill  
4 on or before the first Tuesday prior to a primary or election or  
5 becomes physically disabled or ill after the first Tuesday prior  
6 to a primary or election, such Emergency Application shall  
7 contain a supporting affidavit from his attending physician  
8 stating that due to physical disability or illness said elector  
9 was unable to apply for an absentee ballot on or before the  
10 first Tuesday prior to the primary or election or became  
11 physically disabled or ill after that period.

12 In the case of an elector who is necessarily absent because  
13 of the conduct of his business, duties or occupation under the  
14 unforeseen circumstances specified in this subsection, such  
15 Emergency Application shall contain a supporting affidavit from  
16 such elector stating that because of the conduct of his  
17 business, duties or occupation said elector will necessarily be  
18 absent from the State or county 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 the primary or election.

22 Section 3. Section 1305 of the act, amended August 13, 1963  
23 (P.L.707, No.379), is amended to read:

24 Section 1305. Delivering or Mailing Ballots.--

25 [(a)] The county boards of election upon receipt of an  
26 application filed by any elector qualified in accordance with  
27 the provisions of section 1301, subsections (a) to [(h)] (1),  
28 inclusive, shall [as soon as possible after the respective  
29 district ballots are printed and in no event later than the  
30 second Tuesday prior to the day of the primary or election

1 commence to deliver or mail official absentee ballots to all  
2 such electors whose applications have been approved;]  
3 immediately on the forty-fifth (45) day prior to the particular  
4 election transmit ballots to the voter by mail or otherwise,  
5 requests for which are in their hands at that time; as  
6 additional applications of such electors are received, the board  
7 shall deliver or mail official absentee ballots to such  
8 additional electors within forty-eight hours after approval of  
9 their application.

10 [(b) The county board of elections upon receipt and approval  
11 of an application filed by any elector qualified in accordance  
12 with the provisions of section 1301, subsections (i) to (l),  
13 inclusive, shall commence to deliver or mail official absentee  
14 ballots on the second Tuesday prior to the primary or election.  
15 As additional applications are received and approved, the board  
16 shall deliver or mail official absentee ballots to such  
17 additional electors within forty-eight hours.]

18 Section 4. Section 1306(a) of the act, amended December 11,  
19 1968 (P.L.1183, No.375), is amended to read:

20 Section 1306. Voting by Absentee Electors.--(a) At any time  
21 after receiving an official absentee ballot, [but on or before  
22 five o'clock P. M. on the Friday prior to the primary or  
23 election,] the elector shall, in secret, proceed to mark the  
24 ballot only in black lead pencil, indelible pencil or blue,  
25 black or blue-black ink, in fountain pen or ball point pen, and  
26 then fold the ballot, enclose and securely seal the same in the  
27 envelope on which is printed, stamped or endorsed "Official  
28 Absentee Ballot." This envelope shall then be placed in the  
29 second one, on which is printed the form of declaration of the  
30 elector, and the address of the elector's county board of

1 election and the local election district of the elector. The  
2 elector shall then fill out, date and sign the declaration  
3 printed on such envelope. Such envelope shall then be securely  
4 sealed and the elector shall send same by mail, postage prepaid,  
5 except where franked, or deliver it in person to said county  
6 board of election:

7 [Provided, however, That any elector, spouse of the elector  
8 or dependent of the elector, qualified in accordance with the  
9 provisions of section 1301, subsections (e), (f), (g) and (h) to  
10 vote by absentee ballot as herein provided, shall be required to  
11 include on the form of declaration a supporting declaration in  
12 form prescribed by the Secretary of the Commonwealth, to be  
13 signed by the head of the department or chief of division or  
14 bureau in which the elector is employed, setting forth the  
15 identity of the elector, spouse of the elector or dependent of  
16 the elector:]

17 Provided [further], That any elector who has filed his  
18 application in accordance with section 1302 subsection (e) (2),  
19 and is unable to sign his declaration because of illness or  
20 physical disability, shall be excused from signing upon making a  
21 declaration which shall be witnessed by one adult person in  
22 substantially the following form: I hereby declare that I am  
23 unable to sign my declaration for voting my absentee ballot  
24 without assistance because I am unable to write by reason of my  
25 illness or physical disability. I have made or received  
26 assistance in making my mark in lieu of my signature.

27 .....(Mark)

28 .....

29 (Date)

30 .....

(Signature of Witness)

.....

(Complete Address of Witness)

\* \* \*

Section 5. The act is amended by adding sections to read:

Section 1306.2. Citizens Residing Outside the United States.--

(a) As required by 42 U.S.C. 1973 dd, a citizen of the United States residing outside the United States is entitled to register for an absentee ballot from Pennsylvania to vote by absentee ballot in any election in Pennsylvania for which he is registered and otherwise qualified and in which absentee ballots are permitted to be used:

(1) if he was last domiciled in Pennsylvania immediately before his departure from the United States; and

(2) if he could have met all qualifications (except any qualification relating to minimum voting age) to vote in Federal elections, even though while residing outside the United States he does not have a place of abode or other address in Pennsylvania.

(b) An individual is entitled to register for an absentee ballot under subsection (a) even if his intent to return to Pennsylvania may be uncertain, as long as:

(1) He has complied with all applicable Pennsylvania qualifications and requirements, which are consistent with 42 U.S.C. 1973 dd, concerning absentee registration for, and voting by, absentee ballots.

(2) He does not maintain a domicile, is not registered to vote and is not voting in any other state, territory or possession of the United States.

1       Section 1306.3. Special Write-in Absentee Ballot.--

2       (a) A qualified absentee elector as defined in section  
3 1302(a) to (h) may apply not earlier than ninety (90) days  
4 before an election for a special write-in absentee ballot. This  
5 ballot shall be for Presidential electors, Vice-President,  
6 member of the United States Senate and member of the United  
7 States House of Representatives.

8       (b) The application for a special write-in absentee ballot  
9 may be made on the Federal post card application form or on a  
10 form prescribed by the Secretary of the Commonwealth.

11       (c) In order to qualify for a special write-in absentee  
12 ballot the voter must state that he or she is unable to vote by  
13 regular absentee ballot or in-person due to requirements of  
14 military service or due to living in isolated areas or extremely  
15 remote parts of the world. This statement may be made on the  
16 Federal post card application or on a form prepared by the  
17 Secretary of the Commonwealth and supplied and returned with the  
18 special write-in absentee ballot.

19       (d) Upon receipt of said application the County Board of  
20 Election shall issue the special write-in absentee ballot which  
21 shall be prescribed and provided by the Secretary of the  
22 Commonwealth. Such ballot shall permit the elector to vote by  
23 writing in a party preference for each office, or the names of  
24 specific candidates for each office or the name of the person  
25 whom the voter prefers for each office.

26       Section 6. Section 1308(a) of the act, amended December 11,  
27 1968 (P.L.1183, No.375), is amended to read:

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

29       (a) The county boards of election, upon receipt of official  
30 absentee ballots in such envelopes, shall safely keep the same

1 in sealed or locked containers until they [distribute same to  
2 the appropriate local election districts in a manner prescribed  
3 by the Secretary of the Commonwealth.

4 The county board of elections shall then distribute the  
5 absentee ballots, unopened, to the absentee voter's respective  
6 election district concurrently with the distribution of the  
7 other election supplies. Absentee ballots shall be canvassed  
8 immediately and continuously without interruption until  
9 completed after the close of the polls on the day of the  
10 election in each election district. The results of the canvass  
11 of the absentee ballots shall then be included in and returned  
12 to the county board with the returns of that district. No  
13 absentee ballot shall be counted which is received in the office  
14 of the county board of election later than five o'clock P. M. on  
15 the Friday immediately preceding the primary or November  
16 election.] meet to canvass official absentee ballots, which  
17 canvass shall begin immediately following the official canvass  
18 of all other ballots for all primary elections. After the  
19 November election, the canvass of official absentee ballots  
20 shall begin at ten o'clock A.M., Eastern Standard Time, on the  
21 second Friday following the election. No such ballots shall be  
22 counted which are received in their offices later than ten  
23 o'clock A.M., Eastern Standard Time, of the second Friday  
24 following the primary election or the November election.

25 \* \* \*

26 Section 7. This act shall take effect in 60 days.