

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 986 Session of 1997

INTRODUCED BY STABACK, GEORGE, STERN, WOJNAROSKI, ROONEY,
MILLER, BOSCOLA, LEDERER, TULLI, PLATTS, TRELLO, C. WILLIAMS,
ITKIN, McCALL, CARONE, CURRY, CARN, ROSS, COLAIZZO,
VAN HORNE, PRESTON, JOSEPHS, ROBERTS, MELIO, BARD AND
McGEEHAN, MARCH 19, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 19, 1997

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. Sections 1302.1 and 1308(a) of the act of June 3,
17 1937 (P.L.1333, No.320), known as the Pennsylvania Election
18 Code, amended December 11, 1968 (P.L.1183, No.375), are amended
19 to read:

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

21 (a) (1) Applications for absentee ballots unless otherwise
22 specified in clause (2) or (3) shall be received in the office

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

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

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

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

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

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

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

1 the primary or election which fact was not and could not
2 reasonably be known to said elector on or before the first
3 Tuesday prior to the primary or election.

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

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

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

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

28 * * *

29 Section 2. This act shall take effect immediately.