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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1703 Session of  
2017

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INTRODUCED BY DALEY, THOMAS, WARREN, SOLOMON, SIMS, McCARTER,  
FRANKEL, DEAN, YOUNGBLOOD, FREEMAN AND VAZQUEZ,  
AUGUST 15, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 15, 2017

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AN ACT

1 Amending Title 38 (Holidays and Observances) of the Pennsylvania  
2 Consolidated Statutes, providing for election day.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Title 38 of the Pennsylvania Consolidated  
6 Statutes is amended by adding a part to read:

7 PART I

8 PRELIMINARY PROVISIONS

9 Chapter

10 5. Election Day

11 CHAPTER 5

12 ELECTION DAY

13 Sec.

14 501. Definitions.

15 502. Observance of Election Day as legal holiday.

16 § 501. Definitions.

17 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Department." The Department of State of the Commonwealth.

4 "Election Day." The day of a general election or primary  
5 election.

6 "General election." The election which the Constitution of  
7 Pennsylvania requires to be held in even-numbered years.

8 "Primary election." An election for the nomination of  
9 candidates.

10 "Private employer." An employer that is engaged in business  
11 in this Commonwealth. The term does not include a public  
12 employer, school district or county.

13 "Public employer."

14 (1) Any of the following:

15 (i) The Commonwealth.

16 (ii) A political subdivision of the Commonwealth,  
17 including a board, commission, agency or authority of the  
18 Commonwealth.

19 (iii) Any other instrumentality of the Commonwealth.

20 (2) The term does not include a school district or  
21 county.

22 § 502. Observance of Election Day as legal holiday.

23 (a) General rule.--A public employer shall observe Election  
24 Day as a legal holiday.

25 (b) Other public entities.--A school district or county may  
26 observe Election Day as a legal holiday.

27 (c) Private employers.--

28 (1) On Election Day, a private employer shall provide no  
29 less than two hours of unpaid leave to its employees for the  
30 purpose of voting.

1           (2) A private employer that fails to comply with this  
2           subsection shall pay a fine of not less than \$1,000 to the  
3           county board of elections.

4           (d) Enforcement.--The department shall enforce the  
5           provisions of this section and may promulgate regulations  
6           necessary to enforce the provisions of this section.

7           Section 2. This act shall take effect in 60 days.