

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 374

Session of
1985

INTRODUCED BY GRUPPO, SEMMEL, ARGALL, MERRY AND FREEMAN,
FEBRUARY 13, 1985

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 13, 1985

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. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of
15 the act of June 3, 1937 (P.L.1333, No.320), known as the
16 Pennsylvania Election Code, amended December 11, 1968 (P.L.1183,
17 No.375), are amended to read:

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

19 Applications for absentee ballots unless otherwise specified
20 shall be received in the office of the county board of elections
21 not earlier than fifty (50) days before the primary or election
22 and not later than five o'clock P.M. of the first Tuesday prior

1 to the day of any primary or election: Provided, however, That
2 in the event any elector otherwise qualified who is so
3 physically disabled or ill on or before the first Tuesday prior
4 to any primary or election that he is unable to file his
5 application or who becomes physically disabled or ill after the
6 first Tuesday prior to any primary or election and is unable to
7 appear at his polling place or any elector otherwise qualified
8 who because of the conduct of his business, duties or occupation
9 will necessarily be absent from the State or county of his
10 residence on the day of the primary or election, which fact was
11 not and could not reasonably be known to said elector on or
12 before the first Tuesday prior to any primary or election, shall
13 be entitled to an absentee ballot at any time prior to [five]
14 eight o'clock P.M. on the [first Friday preceding any] primary
15 or election day upon execution of an Emergency Application in
16 such form prescribed by the Secretary of the Commonwealth.

17 In the case of an elector who is physically disabled or ill
18 on or before the first Tuesday prior to a primary or election or
19 becomes physically disabled or ill after the first Tuesday prior
20 to a primary or election, such Emergency Application shall
21 contain a supporting affidavit from his attending physician
22 stating that due to physical disability or illness said elector
23 was unable to apply for an absentee ballot on or before the
24 first Tuesday prior to the primary or election or became
25 physically disabled or ill after that period.

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

1 business, duties or occupation said elector will necessarily be
2 absent from the State or county of his residence on the day of
3 the primary or election which fact was not and could not
4 reasonably be known to said elector on or before the first
5 Tuesday prior to the primary or election.

6 Section 1302.2. Approval of Application for Absentee
7 Ballot.--

8 (a) The county board of elections, upon receipt of any
9 application filed by a qualified elector not required to be
10 registered under preceding section 1301, shall ascertain from
11 the information on such application, district register or from
12 any other source that such applicant possesses all the
13 qualifications of a qualified elector other than being
14 registered or enrolled. If the board is satisfied that the
15 applicant is qualified to receive an official absentee ballot,
16 the application shall be marked approved such approval decision
17 shall be final and binding except that challenges may be made
18 only on the ground that the applicant did not possess
19 qualifications of an absentee elector. Such challenges must be
20 made to the county board of elections prior to [5:00] eight
21 o'clock P.M. on the [first Friday prior to the election] primary
22 or election day. When so approved, the county board of elections
23 shall cause the applicant's name and residence (and at a
24 primary, the party enrollment) to be inserted in the Military,
25 Veterans and Emergency Civilians Absentee Voters File as
26 provided in section 1302.3, subsection (b): Providing, however,
27 That no application of any qualified elector in military service
28 shall be rejected for failure to include on his application any
29 information if such information may be ascertained within a
30 reasonable time by the county board of elections.

1 (b) The county board of elections, upon receipt of any
2 application filed by a qualified elector who is entitled, under
3 the provisions of the Permanent Registration Law as now or
4 hereinafter enacted by the General Assembly, to absentee
5 registration prior to or concurrently with the time of voting as
6 provided under preceding section 1301, shall ascertain from the
7 information on such application or from any other source that
8 such applicant possesses all the qualifications of a qualified
9 elector. If the board is satisfied that the applicant is
10 entitled, under the provisions of the Permanent Registration Law
11 as now or hereinafter enacted by the General Assembly, to
12 absentee registration prior to or concurrently with the time of
13 voting and that the applicant is qualified to receive an
14 official absentee ballot, the application shall be marked
15 "approved." Such approval decision shall be final and binding
16 except that challenges may be made only on the ground that the
17 applicant did not possess the qualifications of an absentee
18 elector prior to or concurrently with the time of voting. Such
19 challenges must be made to the county board of elections prior
20 to [5:00] eight o'clock P.M. on the [first Friday prior to the
21 election] primary or election day. When so approved, the county
22 board of elections shall cause the applicant's name and
23 residence (and at a primary, the party enrollment) to be
24 inserted in the Military, Veterans and Emergency Civilian
25 Absentee Voters File as provided in section 1302.3 subsection
26 (b).

27 (c) The county board of elections, upon receipt of any
28 application of a qualified elector required to be registered
29 under the provisions of preceding section 1301, shall determine
30 the qualifications of such applicant by comparing the

1 information set forth on such application with the information
2 contained on the applicant's permanent registration card. If the
3 board is satisfied that the applicant is qualified to receive an
4 official absentee ballot, the application shall be marked
5 "approved." Such approval decision shall be final and binding,
6 except that challenges may be made only on the ground that the
7 applicant did not possess the qualifications of an absentee
8 elector. Such challenges must be made to the county board of
9 elections prior to [5:00] eight o'clock P.M. on the [first
10 Friday prior to the election] primary or election day. When so
11 approved, the registration commission shall cause an absentee
12 voter's temporary registration card to be inserted in the
13 district register on top of and along with the permanent
14 registration card. The absentee voter's temporary registration
15 card shall be in the color and form prescribed in subsection (e)
16 of this section:

17 Provided, however, That the duties of the county boards of
18 elections and the registration commissions with respect to the
19 insertion of the absentee voter's temporary registration card of
20 any elector from the district register as set forth in section
21 1302.2 shall include only such applications and emergency
22 applications as are received on or before the first Tuesday
23 prior to the primary or election. In all cases where
24 applications are received after the first Tuesday prior to the
25 primary or election and before [five] eight o'clock P.M. on the
26 [first Friday prior to the] primary or election day, the county
27 board of elections shall determine the qualifications of such
28 applicant by comparing the information set forth on such
29 application with the information contained on the applicant's
30 duplicate registration card on file in the General Register

1 (also referred to as the Master File) in the office of the
2 Registration Commission and shall cause the name and residence
3 (and at primaries, the party enrollment) to be inserted in the
4 Military, Veterans and Emergency Civilian Absentee Voters File
5 as provided in section 1302.3, subsection (b). In addition, the
6 local district boards of elections shall, upon canvassing the
7 official absentee ballots under section 1308, examine the voting
8 check list of the election district of said elector's residence
9 and satisfy itself that such elector did not cast any ballot
10 other than the one properly issued to him under his absentee
11 ballot application. In all cases where the examination of the
12 local district board of elections discloses that an elector did
13 vote a ballot other than the one properly issued to him under
14 the absentee ballot application, the local district board of
15 elections shall thereupon cancel said absentee ballot and said
16 elector shall be subject to the penalties as hereinafter set
17 forth.

18 (d) In the event that any application for an official
19 absentee ballot is not approved by the county board of
20 elections, the elector shall be notified immediately to that
21 effect with a statement by the county board of the reasons for
22 the disapproval.

23 (e) The absentee voter's temporary registration card shall be
24 in duplicate and the same size as the permanent registration
25 card, in a different and contrasting color to the permanent
26 registration card and shall contain the absentee voter's name
27 and address and shall conspicuously contain the words "Absentee
28 Voter." Such card shall also contain the affidavit required by
29 subsection (b) of section 1306.

30 Section 1306. Voting by Absentee Electors.--(a) At any time

1 after receiving an official absentee ballot, but on or before
2 [five] eight o'clock P.M. on the [Friday prior to the] primary
3 or election day, the elector shall, in secret, proceed to mark
4 the ballot only in black lead pencil, indelible pencil or blue,
5 black or blue-black ink, in fountain pen or ball point pen, and
6 then fold the ballot, enclose and securely seal the same in the
7 envelope on which is printed, stamped or endorsed "Official
8 Absentee Ballot." This envelope shall then be placed in the
9 second one, on which is printed the form of declaration of the
10 elector, and the address of the elector's county board of
11 election and the local election district of the elector. The
12 elector shall then fill out, date and sign the declaration
13 printed on such envelope. Such envelope shall then be securely
14 sealed and the elector shall send same by mail, postage prepaid,
15 except where franked, or deliver it in person to said county
16 board of election:

17 Provided, however, That any elector, spouse of the elector or
18 dependent of the elector, qualified in accordance with the
19 provisions of section 1301, subsections (e), (f), (g) and (h) to
20 vote by absentee ballot as herein provided, shall be required to
21 include on the form of declaration a supporting declaration in
22 form prescribed by the Secretary of the Commonwealth, to be
23 signed by the head of the department or chief of division or
24 bureau in which the elector is employed, setting forth the
25 identity of the elector, spouse of the elector or dependent of
26 the elector:

27 Provided further, That any elector who has filed his
28 application in accordance with section 1302 subsection (e) (2),
29 and is unable to sign his declaration because of illness or
30 physical disability, shall be excused from signing upon making a

1 declaration which shall be witnessed by one adult person in
2 substantially the following form: I hereby declare that I am
3 unable to sign my declaration for voting my absentee ballot
4 without assistance because I am unable to write by reason of my
5 illness or physical disability. I have made or received
6 assistance in making my mark in lieu of my signature.

7(Mark)

8

9 (Date)

10

11 (Signature of Witness)

12

13 (Complete Address of Witness)

14 * * *

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

16 (a) The county boards of election, upon receipt of official
17 absentee ballots in such envelopes, shall safely keep the same
18 in sealed or locked containers until they distribute same to the
19 appropriate local election districts in a manner prescribed by
20 the Secretary of the Commonwealth. Official absentee ballots
21 received later than five o'clock P.M. on the Friday immediately
22 preceding the primary or election day shall be immediately
23 canvassed by the county board of elections.

24 The county board of elections shall then distribute the
25 absentee ballots received prior to five o'clock P.M. on the
26 Friday immediately preceding the primary or election day,
27 unopened, to the absentee voter's respective election district
28 concurrently with the distribution of the other election
29 supplies. Absentee ballots shall be canvassed immediately and
30 continuously without interruption until completed after the

1 close of the polls on the day of the election in each election
2 district. The results of the canvass of the absentee ballots
3 shall then be included in and returned to the county board with
4 the returns of that district. No absentee ballot shall be
5 counted which is received in the office of the county board of
6 election later than [five] eight o'clock P.M. on the [Friday
7 immediately preceding the] primary or November election day.

8 * * *

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