

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2095 Session of
1986

INTRODUCED BY ITKIN, J. L. WRIGHT, COHEN, TIGUE, WAMBACH,
BELFANTI, HALUSKA, KUKOVICH, COWELL, DISTLER, HERMAN,
MARKOSEK, B. SMITH, CALTAGIRONE, MORRIS, PRESSMANN, STABACK,
TRELLO, WOGAN, GODSHALL, SAURMAN, PISTELLA, NAHILL, ARTY,
E. Z. TAYLOR, COLAFELLA, PETRONE, JOHNSON, DEAL, PETRARCA,
FISCHER, VROON, MICHLOVIC, BATTISTO, OLASZ, MAYERNIK, JOSEPHS
AND DAWIDA, FEBRUARY 5, 1986

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 5, 1986

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 102(w)(12) 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 and the
17 clause is amended by adding subclauses to read:

18 Section 102. Definitions.--The following words, when used in
19 this act, shall have the following meanings, unless otherwise
20 clearly apparent from the context:

1 * * *

2 (w) The words "qualified absentee elector" shall mean:

3 * * *

4 (12) Any qualified, registered and enrolled elector who is a
5 spouse or dependent accompanying a person employed in the
6 service of this Commonwealth or in the service of the Federal
7 Government within the territorial limits of the several States
8 of the United States and the District of Columbia in the event
9 the duties, profession or occupation of such person require him
10 to be absent from the Commonwealth or county of his
11 residence[:]; or

12 (13) Any qualified elector who is a county employe who
13 cannot vote due to election day duties; or

14 (14) Any qualified elector who will not attend a polling
15 place because of the observance of a religious holiday:

16 * * *

17 Section 2. Section 1301(1) of the act, amended August 13,
18 1963 (P.L.707, No.379), is amended and the section is amended by
19 adding subsections to read:

20 Section 1301. Qualified Absentee Electors.--The following
21 persons shall be entitled to vote by an official absentee ballot
22 in any primary or election held in this Commonwealth in the
23 manner hereinafter provided:

24 * * *

25 (1) Any qualified registered and enrolled elector who is a
26 spouse or dependent accompanying a person employed in the
27 service of this Commonwealth or in the service of the Federal
28 Government within the territorial limits of the several States
29 of the United States and the District of Columbia in the event
30 the duties, profession or occupation of such person require him

1 to be absent from the Commonwealth or county of his
2 residence[:]; or

3 (m) Any qualified elector who is a county employe who cannot
4 vote due to election day duties; or

5 (n) Any qualified elector who will not attend a polling
6 place because of the observance of a religious holiday:

7 * * *

8 Section 3. Section 1302(e), (e.2) and (i) of the act, added
9 or amended December 2, 1976 (P.L.1221, No.269) and May 7, 1982
10 (P.L.393, No.114), are amended to read:

11 Section 1302. Applications for Official Absentee Ballots.--*

12 * *

13 (e) Any qualified bedridden or hospitalized veteran absent
14 from the State or county of his residence and unable to attend
15 his polling place because of such illness or physical
16 disability, regardless of whether he is registered or enrolled,
17 may apply at any time before any primary or election for an
18 official absentee ballot on any official county board of
19 election form addressed to the Secretary of the Commonwealth of
20 Pennsylvania or the county board of elections of the county in
21 which his voting residence is located.

22 The application shall contain the following information:

23 Residence at the time of becoming bedridden or hospitalized,
24 length of time a citizen, length of residence in Pennsylvania,
25 date of birth, length of time a resident in voting district,
26 voting district if known, party choice in case of primary, name
27 and address of present residence or hospital at which
28 hospitalized. When such application is received by the Secretary
29 of the Commonwealth, it shall be forwarded to the proper county
30 board of elections.

1 The application for an official absentee ballot for any
2 primary or election shall be made on information supplied over
3 the signature of the bedridden or hospitalized veteran as
4 required in the preceding subsection. Any qualified registered
5 elector, including a spouse or dependent referred to in
6 subsection (1) of section 1301, who expects to be or is absent
7 from the Commonwealth or county of his residence because his
8 duties, occupation or business require him to be elsewhere on
9 the day of any primary or election and any qualified registered
10 elector who is unable to attend his polling place on the day of
11 any primary or election because of illness or physical
12 disability and any qualified registered bedridden or
13 hospitalized veteran in the county of residence, or in the case
14 of a county employe who cannot vote due to election day duties,
15 or in the case of a person who will not attend a polling place
16 because of the observance of a religious holiday, may apply to
17 the county board of elections of the county in which his voting
18 residence is located for an Official Absentee Ballot. Such
19 application shall be made upon an official application form
20 supplied by the county board of elections. Such official
21 application form shall be determined and prescribed by the
22 Secretary of the Commonwealth of Pennsylvania.

23 (1) The application of any qualified registered elector,
24 including spouse or dependent referred to in subsection (1) of
25 section 1301, who expects to be or is absent from the
26 Commonwealth or county of his residence because his duties,
27 occupation or business require him to be elsewhere on the day of
28 any primary or election, or in the case of a county employe who
29 cannot vote due to election day duties, or in the case of a
30 person who will not attend a polling place because of the

1 observance of a religious holiday, shall be signed by the
2 applicant and shall include the surname and [christian] given
3 name or names of the applicant, his occupation, date of birth,
4 length of time a resident in voting district, voting district if
5 known, place of residence, post office address to which ballot
6 is to be mailed, the reason for his absence, and such other
7 information as shall make clear to the county board of elections
8 the applicant's right to an official absentee ballot.

9 (2) The application of any qualified registered elector who
10 is unable to attend his polling place on the day of any primary
11 or election because of illness or physical disability and the
12 application of any qualified registered bedridden or
13 hospitalized veteran in the county of residence shall be signed
14 by the applicant and shall include surname and [christian] given
15 name or names of the applicant, his occupation, date of birth,
16 residence at the time of becoming bedridden or hospitalized,
17 length of time a resident in voting district, voting district if
18 known, place of residence, post office address to which ballot
19 is to be mailed, and such other information as shall make clear
20 to the county board of elections the applicant's right to an
21 official ballot. In addition, the application of such electors
22 shall include a declaration stating the nature of their
23 disability or illness, and the name, office address and office
24 telephone number of their attending physician: Provided,
25 however, That in the event any elector entitled to an absentee
26 ballot under this subsection be unable to sign his application
27 because of illness or physical disability, he shall be excused
28 from signing upon making a statement which shall be witnessed by
29 one adult person in substantially the following form: I hereby
30 state that I am unable to sign my application for an absentee

1 ballot without assistance because I am unable to write by reason
2 of my illness or physical disability. I have made or have
3 received assistance in making my mark in lieu of my signature.

4(Mark)

5 (Date)

6

7 (Complete Address of Witness) (Signature of Witness)

8 * * *

9 (e.2) Notwithstanding the other provisions of this act any
10 qualified elector who expects to be or is absent from the
11 Commonwealth or county of his residence because his duties,
12 occupation or business require him to be elsewhere on the day of
13 any election or a county employe who cannot vote due to election
14 day duties or a person who will not attend a polling place
15 because of the observance of a religious holiday may make an
16 application for an absentee ballot by mail by sending a letter
17 to the county board of elections in the county in which his
18 voting residence is located. The letter shall be signed by the
19 applicant and contain his name and place of residence.

20 * * *

21 (i) Application for official absentee ballots shall be on
22 forms prescribed by the Secretary of the Commonwealth. The
23 application shall state that a voter who receives an absentee
24 ballot [because of illness or absence from the district]
25 pursuant to section 1301 and who, on election day, is capable of
26 voting at the appropriate polling place must void the absentee
27 ballot and vote in the normal manner at the appropriate voting
28 place. Such forms shall be made freely available to the public
29 at county board of elections, municipal buildings and at such
30 other locations designated by the secretary. No written

1 application or personal request shall be necessary to receive
2 the application forms. Copies of all completed applications for
3 official absentee ballots shall be retained by the county board
4 of elections.

5 Section 4. Section 1303(e) of the act, added May 7, 1982
6 (P.L.393, No.114), is amended to read:

7 Section 1303. Official Absentee Voters Ballots.--* * *

8 (e) The official absentee voter ballot shall state that a
9 voter who receives an absentee ballot [because of illness or
10 absence from the district] pursuant to section 1301 and who, on
11 election day, is capable of voting at the appropriate polling
12 place must void the absentee ballot and vote in the normal
13 manner at the appropriate voting place.

14 Section 5. This act shall take effect immediately.