

AMENDMENTS TO SENATE BILL NO. 735

Sponsor: SENATOR FONTANA

Printer's No. 899

1 Amend Bill, page 1, line 1, by striking out "an amendment"

2 and inserting

3 separate and distinct amendments

4 Amend Bill, page 1, line 3, by inserting after "electors"

5 and for method of elections and secrecy in voting

6 Amend Bill, page 1, line 6, by striking out "amendment" and

7 inserting

8 separate and distinct amendments

9 Amend Bill, page 1, line 7, by striking out "is" and

10 inserting

11 are

12 Amend Bill, page 1, line 8, by striking out all of said line

13 and inserting

14 (1) That section 1 of Article VII be amended to read:

15 Amend Bill, page 3, lines 1 through 23, by striking out all

16 of said lines and inserting

17 (2) That section 4 of Article VII be amended to read:

18 § 4. Method of elections; secrecy in voting.

19 (a) All elections by the citizens shall be by mail-in or
20 absentee ballot or by such other method as may be prescribed by
21 law: Provided, That secrecy in voting be preserved.

22 (b) All voting in elections held on or after two years
23 following the adoption of this Constitutional amendment shall be
24 conducted only by mail-in and absentee ballot. The General
25 Assembly shall, within one year following the adoption of this
26 amendments, enact legislation establishing the procedure for
27 voting only by mail and absentee ballot, subject to the
28 following:

29 (1) Not sooner than 20 days prior to the date of the

1 election but not later than 14 days prior to the date of the
2 election, mailing by nonforwardable mail, postage prepaid, of an
3 official mail-in ballot to every qualified registered elector in
4 the county to the elector's voter registration address shall
5 commence, if the elector has not lost the elector's voting
6 rights by failure to vote as otherwise required under this
7 paragraph.

8 (2) If the elector does not receive daily mail service from
9 the United States Postal Service, mailing by nonforwardable
10 mail, postage prepaid, of an official mail-in ballot shall
11 commence not sooner than 20 days prior to the date of the
12 election and not later than the 18 days prior to the date of the
13 election.

14 (3) For an official ballot to be mailed to addresses outside
15 this Commonwealth to electors who are not military or overseas
16 electors, the official ballots may be mailed not sooner than 29
17 days prior to the date of the election.

18 (4) If a registered elector modifies or changes the
19 elector's registration after the deadline for registration
20 provided by law, the mail-in ballot shall be made available by
21 nonforwardable mail, at a local board of elections or at another
22 place designated by law.

23 (5) For a qualified registered elector who is absent from
24 the elector's voter registration address by a reason enumerated
25 by law and unable to retrieve the elector's official mail-in
26 ballot from that address prior to the election, the elector may
27 submit an application for an official absentee ballot as
28 provided by law, which must be received no later than the
29 deadline provided by law.

30 (6) For a primary election:

31 (i) The official mail-in ballot of a party shall be mailed
32 to each qualified registered elector who is duly registered and
33 enrolled as a member of a party.

34 (ii) For a qualified registered elector with no party
35 affiliation, if the ballot for the primary election provides for
36 a measure or question, each registered elector shall be mailed a
37 mail-in ballot limited to those measures or questions for which
38 the registered elector is eligible to vote.

39 (7) Official ballots delivered or mailed under this
40 subsection shall be accompanied by the following warning
41 conspicuously placed in boldface type:

42 ANY PERSON WHO, BY USE OR FORCE OR OTHER MEANS, UNDULY
43 INFLUENCES AN ELECTOR TO VOTE IN ANY PARTICULAR MANNER OR TO
44 REFRAIN FROM VOTING IS SUBJECT TO CRIMINAL PENALTIES UPON
45 CONVICTION, INCLUDING IMPRISONMENT OR A FINE, OR BOTH.

46 (8) A ballot shall be counted only if:

47 (i) the ballot is returned in the envelope containing the
48 declaration of the elector;

49 (ii) the envelope containing the declaration of the elector
50 is signed by the elector to whom the mail-in or absentee ballot
51 is issued; and

1 (iii) the signature on the envelope containing the
2 declaration of the elector is verified by comparing it to the
3 signature on the elector's registration card.

4 (9) If an elector to whom a replacement ballot has been
5 issued has voted more than once, only one ballot cast by that
6 elector shall be counted.

7 (10) A qualified registered elector may obtain a replacement
8 ballot if the ballot is destroyed, spoiled, lost or not received
9 by the elector. A record of each replacement ballot provided
10 under this paragraph shall be maintained. Notwithstanding the
11 deadline for mailing ballots under this section, a replacement
12 ballot may be mailed, made available at a local board of
13 elections or another location designated by law in the election
14 district in which the election is conducted. A replacement
15 ballot is not required to be mailed after the fifth day before
16 the date of the election. Replacement ballots shall be issued in
17 accordance with the following:

18 (i) To vote a replacement ballot, the elector must complete
19 and sign a replacement ballot request form, which must include a
20 signed statement of the elector subject to the penalties for
21 perjury that the elector's mailed ballot was destroyed, spoiled,
22 lost or not received by the elector.

23 (ii) The elector's registration shall be verified, and it
24 shall be confirmed that the other ballot has not been returned
25 by the elector.

26 (iii) If the elector uses more than one, only the first
27 ballot received shall be counted.

28 (11) At any location where ballots are issued, at least
29 three suitable compartments, shelves or tables shall be provided
30 at which registered electors may mark and return their mail-in
31 or absentee ballots. The compartments, shelves or tables shall
32 be arranged in a manner as to ensure that the elector may
33 conveniently mark the ballot with absolute secrecy. The county
34 board shall also provide, at any location where ballots are
35 issued, compartments with accessible voting units, which shall
36 include any voting device that complies with Federal or State
37 law. The compartments, shelves or tables under this paragraph
38 shall be made available during the entire period of time ballots
39 are issued until the deadline for receipt of absentee and mail-
40 in ballots.

41 (12) No earlier than the seventh day prior to the date of
42 the election, the counting, computing and tallying, but not
43 recording or publishing of mail-in and absentee ballots shall
44 commence. There shall be at least 48 hours' public notice of any
45 meeting at which the counting will occur. One authorized
46 representative of each candidate in an election and one
47 representative from each political party shall be permitted to
48 remain in the room in which the mail-in and absentee ballots are
49 counted under this section. An individual observing, attending
50 or participating in the meeting may not disclose the results of
51 any portion of the meeting prior to the close of the polls.

1 (c) As used in this section, the following words and phrases
2 shall have the meanings given to them in this subsection unless
3 the context clearly indicates otherwise:

4 "Nonforwardable mail." Mail collected for delivery by the
5 United States Postal Service which cannot be forwarded or mailed
6 to an address other than the mailing address inscribed on the
7 materials mail, notwithstanding whether a change of address has
8 been received and processed by the United States Postal Service,
9 and which is conspicuously stamped "DO NOT FORWARD" by the
10 sender.

11 Section 3. (a) Upon the first passage by the General
12 Assembly of these proposed constitutional amendments, the
13 Secretary of the Commonwealth shall proceed immediately to
14 comply with the advertising requirements of section 1 of Article
15 XI of the Constitution of Pennsylvania and shall transmit the
16 required advertisements to two newspapers in every county in
17 which such newspapers are published in sufficient time after
18 passage of these proposed constitutional amendments.

19 (b) Upon the second passage by the General Assembly of these
20 proposed constitutional amendments, the Secretary of the
21 Commonwealth shall proceed immediately to comply with the
22 advertising requirements of section 1 of Article XI of the
23 Constitution of Pennsylvania and shall transmit the required
24 advertisements to two newspapers in every county in which such
25 newspapers are published in sufficient time after passage of
26 these proposed constitutional amendments. The Secretary of the
27 Commonwealth shall:

28 (1) Submit the proposed constitutional amendments under
29 section 1(1) of this resolution to the qualified electors of
30 this Commonwealth as a separate ballot question at the first
31 primary, general or municipal election which meets the
32 requirements of and is in conformance with section 1 of
33 Article XI of the Constitution of Pennsylvania and which
34 occurs at least three months after the proposed
35 constitutional amendments are passed by the General Assembly.

36 (2) Submit the proposed constitutional amendments under
37 section 1(2) of this resolution to the qualified electors of
38 this Commonwealth as a separate ballot question at the first
39 primary, general or municipal election which meets the
40 requirements of and is in conformance with section 1 of
41 Article XI of the Constitution of Pennsylvania and which
42 occurs at least three months after the proposed
43 constitutional amendments are passed by the General Assembly.