

## 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.