

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1064 Session of
2005

INTRODUCED BY BARRAR, ARGALL, ARMSTRONG, BALDWIN, BEBKO-JONES,
BENNINGHOFF, CALTAGIRONE, CAPPELLI, CAWLEY, CLYMER, CRAHALLA,
CREIGHTON, DENLINGER, J. EVANS, FLICK, FREEMAN, GANNON,
GINGRICH, GOOD, GOODMAN, HARRIS, HENNESSEY, HERMAN,
HUTCHINSON, JAMES, KILLION, LEH, MANN, MARSICO, McILHATTAN,
METCALFE, MUSTIO, O'NEILL, PETRI, PHILLIPS, REICHLEY,
ROBERTS, RUBLEY, SCAVELLO, SCHRODER, STABACK, STERN,
T. STEVENSON, E. Z. TAYLOR, TRUE, YOUNGBLOOD, S. MILLER,
GILLESPIE, GEORGE AND TURZAI, MARCH 23, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 23, 2005

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," providing for extension of time for absentee
12 ballots from members of the military during times of war.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 1306(a) of the act of June 3, 1937
16 (P.L.1333, No.320), known as the Pennsylvania Election Code,
17 amended February 13, 1998 (P.L.72, No.18), is amended and the
18 section is amended by adding a subsection to read:

19 Section 1306. Voting by Absentee Electors.--(a) [At] Except

1 as provided in subsection (c), at any time after receiving an
2 official absentee ballot, but on or before five o'clock P. M. on
3 the Friday prior to the primary or election, the elector shall,
4 in secret, proceed to mark the ballot only in black lead pencil,
5 indelible pencil or blue, black or blue-black ink, in fountain
6 pen or ball point pen, and then fold the ballot, enclose and
7 securely seal the same in the envelope on which is printed,
8 stamped or endorsed "Official Absentee Ballot." This envelope
9 shall then be placed in the second one, on which is printed the
10 form of declaration of the elector, and the address of the
11 elector's county board of election and the local election
12 district of the elector. The elector shall then fill out, date
13 and sign the declaration printed on such envelope. Such envelope
14 shall then be securely sealed and the elector shall send same by
15 mail, postage prepaid, except where franked, or deliver it in
16 person to said county 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 (c) During a period of time where the President of the
16 United States has declared war, the county board of elections
17 must extend the deadline for absentee ballots of qualified
18 military electors until five o'clock P.M. on the seventh day
19 following an election. Further, the county board of elections
20 must reconvene in their respective election districts on the
21 eighth day following an election to canvass the ballots of
22 qualified military electors in compliance with the Constitution
23 of Pennsylvania.

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