AN ACT

1 Amending Title 38 (Holidays and Observances) of the Pennsylvania
2   Consolidated Statutes, providing for election day.

3   The General Assembly of the Commonwealth of Pennsylvania

4 hereby enacts as follows:

5   Section 1. Title 38 of the Pennsylvania Consolidated

6 Statutes is amended by adding a part to read:

7   PART I

8   PRELIMINARY PROVISIONS

9 Chapter

10   5. Election Day

11   CHAPTER 5

12   ELECTION DAY

13 Sec.

14 501. Definitions.

15 502. Observance of Election Day as legal holiday.

16 § 501. Definitions.

17   The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the

2 context clearly indicates otherwise:

3 "Department." The Department of State of the Commonwealth.

4 "Election Day." The day of a general election or primary

5 election.

6 "General election." The election which the Constitution of

7 Pennsylvania requires to be held in even-numbered years.

8 "Primary election." An election for the nomination of

9 candidates.

10 "Private employer." An employer that is engaged in business

11 in this Commonwealth. The term does not include a public

12 employer, school district or county.

13 "Public employer."

14   (1) Any of the following:

15   (i) The Commonwealth.

16   (ii) A political subdivision of the Commonwealth,

17   including a board, commission, agency or authority of the

18   Commonwealth.

19   (iii) Any other instrumentality of the Commonwealth.

20   (2) The term does not include a school district or

21 county.

22 § 502. Observance of Election Day as legal holiday.

23 (a) General rule.--A public employer shall observe Election

24 Day as a legal holiday.

25 (b) Other public entities.--A school district or county may

26 observe Election Day as a legal holiday.

27 (c) Private employers.--

28   (1) On Election Day, a private employer shall provide no

29 less than two hours of unpaid leave to its employees for the

30 purpose of voting.

1   (2) A private employer that fails to comply with this

2 subsection shall pay a fine of not less than $1,000 to the

3 county board of elections.

4 (d) Enforcement.--The department shall enforce the

5 provisions of this section and may promulgate regulations

6 necessary to enforce the provisions of this section.

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