

2021D03860NAD: JMT

No. _____

Legislative Reference Bureau

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in county boards of elections, further providing for powers and duties of county boards, in voting by qualified absentee electors, further providing for voting by absentee electors and for canvassing of official absentee ballots and mail-in ballots and in voting by qualified mail-in electors, further providing for voting by mail-in electors.

INTRODUCED MAY 25 2021

By Representative Jan Maul District NO. 91

By _____ District NO. _____

By _____ District NO. _____

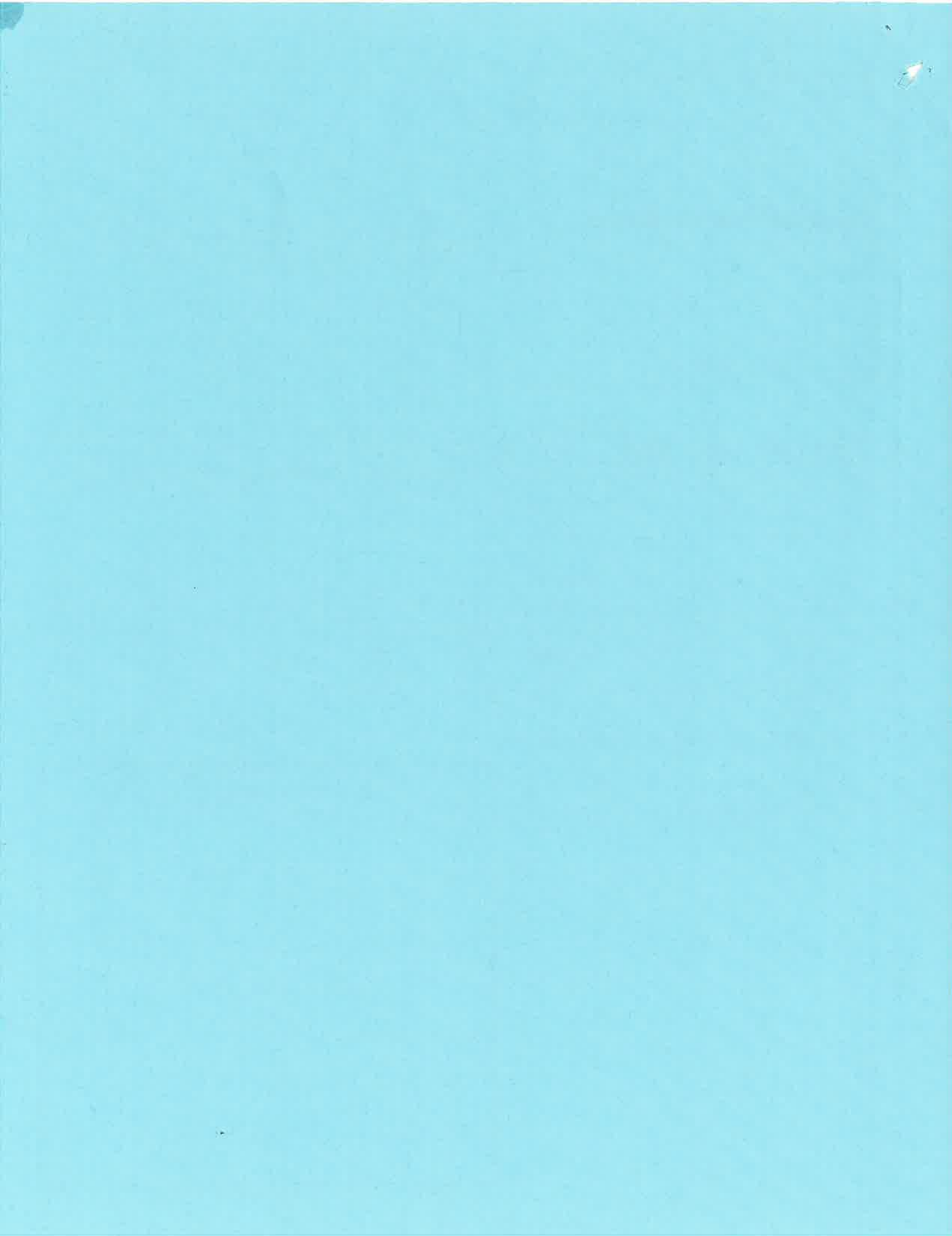
By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20 <u>21</u>
Reported _____	20 <u>21</u>
As Committed-Amended	
Recommendation	

By Hon. _____	



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," in county boards of elections, further providing
12 for powers and duties of county boards; in voting by
13 qualified absentee electors, further providing for voting by
14 absentee electors and for canvassing of official absentee
15 ballots and mail-in ballots; and, in voting by qualified
16 mail-in electors, further providing for voting by mail-in
17 electors.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 302(p) of the act of June 3, 1937
21 (P.L.1333, No.320), known as the Pennsylvania Election Code,
22 amended March 27, 2020 (P.L.41, No.12), is amended to read:

23 Section 302. Powers and Duties of County Boards.--The county
24 boards of elections, within their respective counties, shall
25 exercise, in the manner provided by this act, all powers granted

1 to them by this act, and shall perform all the duties imposed
2 upon them by this act, which shall include the following:

3 * * *

4 (p) A county board of elections shall not pay compensation
5 to a judge of elections who wilfully fails to deliver by two
6 o'clock A. M. on the day following the election envelopes;
7 supplies, including all uncast provisional ballots; and returns,
8 including all provisional ballots cast in the election district
9 and [statements signed under sections 1306 and 1302-D.] all
10 material delivered under sections 1306(b)(3)(i) and 1306-D(b)(3)
11 (i).

12 Section 2. Section 1306(a) introductory paragraph and (b)(3)
13 of the act, amended March 27, 2020 (P.L.41, No.12), are amended
14 and subsection (b) is amended by adding a paragraph to read:

15 Section 1306. Voting by Absentee Electors.--(a) Except as
16 provided in paragraphs (2) and (3), at any time after receiving
17 an official absentee ballot, but on or before eight o'clock P.M.
18 the day of the primary or election, the elector shall, in
19 secret, proceed to mark the ballot only in black lead pencil,
20 indelible pencil or blue, black or blue-black ink, in fountain
21 pen or ball point pen, and then fold the ballot, enclose and
22 securely seal the same in the envelope on which is printed,
23 stamped or endorsed "Official Election Ballot." This envelope
24 shall then be placed in the second one, on which is printed the
25 form of declaration of the elector, and the address of the
26 elector's county board of election and the local election
27 district of the elector. The elector shall then fill out, date
28 and sign the declaration printed on such envelope. Such envelope
29 shall then be securely sealed and the elector shall send same by
30 mail, postage prepaid, except where franked, or deliver it in

1 person to said county board of election[.] to a member or an
2 employe of the county board of elections at the permanent
3 offices of the county board of elections, to a member or an
4 employe of the county board of elections at a location at the
5 county courthouse designated by the county board of elections or
6 to the judge of elections of the elector's election district at
7 the elector's polling place during polling hours and to no other
8 location.

9 * * *

10 (b) * * *

11 (3) Notwithstanding paragraph (2), an elector who requests
12 an absentee ballot and who is not shown on the district register
13 as having voted the ballot may [vote at the polling place if the
14 elector remits the ballot and the envelope containing the
15 declaration of the elector to the judge of elections to be
16 spoiled and the elector signs a statement subject to the
17 penalties under 18 Pa.C.S. § 4904 (relating to unsworn
18 falsification to authorities) in substantially the following
19 form:

20 I hereby declare that I am a qualified registered elector who
21 has obtained an absentee ballot or mail-in ballot. I further
22 declare that I have not cast my absentee ballot or mail-in
23 ballot, and that instead I remitted my absentee ballot or
24 mail-in ballot and the envelope containing the declaration of
25 the elector to the judge of elections at my polling place to
26 be spoiled and therefore request that my absentee ballot or
27 mail-in ballot be voided.

28 (Date)

29 (Signature of Elector).....(Address of Elector)

30 (Local Judge of Elections)] personally deliver the completed

1 absentee ballot, enclosed within both the envelope marked
2 "Official Election Ballot" and the envelope containing the
3 declaration of the elector, to only the following:

4 (i) The judge of elections of the elector's election
5 district at the elector's polling place during polling hours.

6 (ii) A member or an employe of the county board of elections
7 at a location at the county courthouse designated by the county
8 board of elections.

9 (iii) A member or an employe of the county board of
10 elections at the permanent offices of the county board of
11 elections.

12 (4) A judge of elections shall keep all material delivered
13 under paragraph (3)(i) in a secure, safe and sealed container in
14 the custody of the judge of elections until delivery of the
15 material to the county board of elections under section
16 1308(a.1).

17 * * *

18 Section 3. Section 1308 of the act is amended by adding a
19 subsection to read:

20 Section 1308. Canvassing of Official Absentee Ballots and
21 Mail-in Ballots.--* * *

22 (a.1) A judge of elections shall deliver all material
23 personally delivered under sections 1306(b)(3)(i) and 1306-D(b)
24 (3)(i) to the county board of elections by two o'clock A.M. on
25 the day following the election.

26 * * *

27 Section 4. Section 1306-D(a) and (b)(3) of the act, amended
28 March 27, 2020 (P.L.41, No.12), are amended and subsection (b)
29 is amended by adding a paragraph to read:

30 Section 1306-D. Voting by mail-in electors.

1 (a) General rule.--At any time after receiving an official
2 mail-in ballot, but on or before eight o'clock P.M. the day of
3 the primary or election, the mail-in elector shall, in secret,
4 proceed to mark the ballot only in black lead pencil, indelible
5 pencil or blue, black or blue-black ink, in fountain pen or ball
6 point pen, and then fold the ballot, enclose and securely seal
7 the same in the envelope on which is printed, stamped or
8 endorsed "Official Election Ballot." This envelope shall then be
9 placed in the second one, on which is printed the form of
10 declaration of the elector, and the address of the elector's
11 county board of election and the local election district of the
12 elector. The elector shall then fill out, date and sign the
13 declaration printed on such envelope. Such envelope shall then
14 be securely sealed and the elector shall send same by mail,
15 postage prepaid, except where franked, or deliver it in person
16 [to said county board of election.] to a member or an employee
17 of the county board of elections at the permanent offices of the
18 county board of elections, to a member or an employee of the
19 county board of elections at a location at the county courthouse
20 designated by the county board of elections or to the judge of
21 elections of the elector's election district at the elector's
22 polling place during polling hours and to no other location.

23 * * *

24 (b) Eligibility.--

25 * * *

26 (3) Notwithstanding paragraph (2), an elector who
27 requests a mail-in ballot and who is not shown on the
28 district register as having voted the ballot [may vote at the
29 polling place if the elector remits the ballot and the
30 envelope containing the declaration of the elector to the

1 judge of elections to be spoiled and the elector signs a
2 statement subject to the penalties of 18 Pa.C.S. § 4904
3 (relating to unsworn falsification to authorities) which
4 shall be in substantially the following form:

5 I hereby declare that I am a qualified registered elector
6 who has obtained an absentee ballot or mail-in ballot. I
7 further declare that I have not cast my absentee ballot or
8 mail-in ballot, and that instead I remitted my absentee
9 ballot or mail-in ballot to the judge of elections at my
10 polling place to be spoiled and therefore request that my
11 absentee ballot or mail-in ballot be voided.

12 (Date)

13 (Signature of Elector).....(Address of Elector)

14 (Local Judge of Elections)] may personally deliver the
15 completed mail-in ballot, enclosed within both the envelope
16 marked "Official Election Ballot" and the envelope containing
17 the declaration of the elector, to only the following:

18 (i) The judge of elections of the elector's election
19 district at the elector's polling place during polling
20 hours.

21 (ii) A member or an employee of the county board of
22 elections at a location at the county courthouse
23 designated by the county board of elections.

24 (iii) A member or an employee of the county board of
25 elections at the permanent offices of the county board of
26 elections.

27 (4) A judge of elections shall keep all material
28 delivered under paragraph (3)(i) in a secure, safe and sealed
29 container in the custody of the judge of elections until
30 delivery of the material to the county board of elections

1 under section 1308(a.1).

2 * * *

3 Section 5. This act shall take effect in 60 days.

