

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 209 Session of
2005

INTRODUCED BY GREENLEAF, LEMMOND, PILEGGI, TOMLINSON, COSTA,
STOUT, TARTAGLIONE, LOGAN AND BOSCOLA, FEBRUARY 8, 2005

REFERRED TO STATE GOVERNMENT, FEBRUARY 8, 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," further providing for voting by absentee
12 electors.

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

15 Section 1. Section 1306 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 to read:

18 Section 1306. Voting by Absentee Electors.--(a) At any time
19 after receiving an official absentee ballot, but on or before
20 five o'clock P. M. on the Friday prior to the primary or
21 election, the elector shall, in secret, proceed to mark the
22 ballot only in black lead pencil, indelible pencil or blue,

1 black or blue-black ink, in fountain pen or ball point pen, and
2 then fold the ballot, enclose and securely seal the same in the
3 envelope on which is printed, stamped or endorsed "Official
4 Absentee Ballot." This envelope shall then be placed in the
5 second one, on which is printed the form of declaration of the
6 elector, and the address of the elector's county board of
7 election and the local election district of the elector. The
8 elector shall then fill out, date and sign the declaration
9 printed on such envelope. Such envelope shall then be securely
10 sealed and the elector shall send same by mail, postage prepaid,
11 except where franked, or deliver it in person by the elector or
12 an immediate family member of the elector to said county board
13 of election:

14 Provided, however, That any elector, spouse of the elector or
15 dependent of the elector, qualified in accordance with the
16 provisions of section 1301, subsections (e), (f), (g) and (h) to
17 vote by absentee ballot as herein provided, shall be required to
18 include on the form of declaration a supporting declaration in
19 form prescribed by the Secretary of the Commonwealth, to be
20 signed by the head of the department or chief of division or
21 bureau in which the elector is employed, setting forth the
22 identity of the elector, spouse of the elector or dependent of
23 the elector:

24 Provided further, That any elector who has filed his
25 application in accordance with section 1302 subsection (e) (2),
26 and is unable to sign his declaration because of illness or
27 physical disability, shall be excused from signing upon making a
28 declaration which shall be witnessed by one adult person in
29 substantially the following form: I hereby declare that I am
30 unable to sign my declaration for voting my absentee ballot

1 without assistance because I am unable to write by reason of my
2 illness or physical disability. I have made or received
3 assistance in making my mark in lieu of my signature.

4(Mark)

5

6 (Date)

7

8 (Signature of Witness)

9

10 (Complete Address of Witness)

11 (b) In the event that any such elector, excepting an elector
12 in military service or any elector unable to go to his polling
13 place because of illness or physical disability, entitled to
14 vote an official absentee ballot shall be in the municipality of
15 his residence on the day for holding the primary or election for
16 which the ballot was issued, or in the event any such elector
17 shall have recovered from his illness or physical disability
18 sufficiently to permit him to present himself at the proper
19 polling place for the purpose of casting his ballot, such
20 absentee ballot cast by such elector shall, be declared void.

21 Any such elector referred to in this subsection, who is
22 within the municipality of his residence, must present himself
23 at his polling place and shall be permitted to vote upon
24 presenting himself at his regular polling place in the same
25 manner as he could have voted had he not received an absentee
26 ballot: Provided, That such elector has first presented himself
27 to the judge of elections in his local election district and
28 shall have signed the affidavit on the absentee voter's
29 temporary registration card, which affidavit shall be in
30 substantially the following form:

1 I hereby swear that I am a qualified registered elector who
2 has obtained an absentee ballot, however, I am present in the
3 municipality of my residence and physically able to present
4 myself at my polling place and therefore request that my
5 absentee ballot be voided.

6

7 (Date) (Signature of Elector)

8

9 (Local Judge of Elections)

10 An elector who has received an absentee ballot under the
11 emergency application provisions of section 1302.1, and for
12 whom, therefore, no temporary absentee voter's registration card
13 is in the district register, shall sign the aforementioned
14 affidavit in any case, which the local judge of elections shall
15 then cause to be inserted in the district register with the
16 elector's permanent registration card.

17 (c) As used in this section, "immediate family member" means
18 an adult who is a spouse, parent, child, grandparent, grandchild
19 or sibling of an elector, whether by adoption or natural
20 relationship. The term includes an adult occupant regularly
21 living with an elector.

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