

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2653 Session of  
1996

INTRODUCED BY JOSEPHS, LAUGHLIN, HALUSKA, STEELMAN, SANTONI,  
ROBINSON, YOUNGBLOOD, TRELLO, CALTAGIRONE AND MERRY,  
MAY 23, 1996

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 23, 1996

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 election by mail.

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

14 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
15 as the Pennsylvania Election Code, is amended by adding an  
16 article to read:

ARTICLE XII-A

Elections By Mail

19 Section 1201-A. Election By Mail.--A State election held on  
20 any date other than the date of the primary or general election  
21 may be conducted by mail. The Secretary of the Commonwealth  
22 shall direct that a State election authorized to be conducted by

1 mail under this section be conducted uniformly by mail or at  
2 polling places.

3 Section 1202-A. Ballots.--The Secretary of the Commonwealth  
4 shall establish requirements and criteria for the designation of  
5 places of deposit for the ballots cast in the election. The  
6 places designated under this section shall be open on the date  
7 of the election for a period of 12 or more hours, as determined  
8 by the county clerk, but must be open at least eight o'clock  
9 P.M.

10 Section 1203-A. County Clerk.--(a) A county clerk shall  
11 conduct any election held on the date of the primary or general  
12 election by mail under the supervision of the Secretary of the  
13 Commonwealth.

14 (b) A county clerk may conduct an election not described  
15 under section 1201-A by mail in the county, in a city or in a  
16 township under the supervision of the Secretary of the  
17 Commonwealth. In deciding to conduct an election by mail, the  
18 county clerk may consider whether conducting the election by  
19 mail will be economically and administratively feasible.

20 Section 1204-A. Primary Election.--For an election held on  
21 the date of a primary election the county clerk shall mail the  
22 official ballot of a major political party to each elector who  
23 is registered as being affiliated with the major political party  
24 as of the thirtieth day before the date of the primary election.  
25 The elector shall not be mailed a ballot of any other political  
26 party for that primary election. An elector not affiliated with  
27 any political party shall be mailed the ballot of a major  
28 political party in whose primary election the elector wishes to  
29 vote if the elector has applied for the ballot as provided in  
30 this article and that political party has provided for a primary

1 election that admits electors not affiliated with any political  
2 party.

3 Section 1205-A. Application.--Except for electors described  
4 under section 1207-A, an elector not affiliated with any  
5 political party who wishes to vote in the primary election of a  
6 major political party shall apply to the county clerk in  
7 writing. The application must be received by the clerk not later  
8 than five o'clock P.M. of the thirtieth day before the date of  
9 the election.

10 Section 1206-A. Eligibility.--If the primary election ballot  
11 includes city, county or nonpartisan offices or measures, an  
12 elector not eligible to vote for party candidates shall be  
13 mailed a ballot limited to those offices and measures for which  
14 the elector is eligible to vote.

15 Section 1207-A. Certificate of Registration.--For each  
16 elector who obtains a certificate of registration after the  
17 thirtieth day before the date of an election conducted by mail,  
18 the county clerk shall make the official ballot, the return  
19 identification envelope and the secrecy envelope available only  
20 at the county clerk's office or other place designated by the  
21 county clerk. An elector to whom this section applies shall vote  
22 at the election in the county clerk's office or other place  
23 designated by the county clerk. The elector shall mark the  
24 ballot, sign the return identification envelope, comply with the  
25 instructions provided with the ballot and return the ballot in  
26 the return identification envelope to the county clerk.

27 Section 1208-A. Replacement Ballots.--Notwithstanding  
28 section 1203-A, replacement ballots may be mailed not later than  
29 the fifth day before the date of the election or obtained in  
30 person up until and including the date of the election from the

1 county clerk.

2 Section 1209-A. Ballot Warning.--The ballot or ballot label  
3 shall contain the following warning:

4 Any person who, by use of force or other means, unduly  
5 influences an elector to vote in any particular manner or  
6 to refrain from voting is subject, upon conviction, to  
7 imprisonment or to a fine, or both.

8 Section 1210-A. Return of Ballot.--This section applies to  
9 an elector to whom section 1203-A applies. Upon receipt of the  
10 ballot the elector shall mark it, sign the return identification  
11 envelope supplied with the ballot and comply with the  
12 instructions provided with the ballot. The elector may return  
13 the marked ballot to the county clerk by mail or by depositing  
14 the ballot at the office of the county clerk or any place of  
15 deposit designated by the county clerk. The ballot shall be  
16 returned in the return identification envelope. If the elector  
17 returns the ballot by mail, the elector shall provide the  
18 postage. A ballot shall be received at the office of the county  
19 clerk or the designated place of deposit not later than the end  
20 of the period determined under section 1201-A on the date of the  
21 election.

22 Section 1211-A. Replacement Ballot Destroyed or Lost.--An  
23 elector may obtain a replacement ballot if the ballot is  
24 destroyed, spoiled, or lost or not received by the elector. An  
25 elector seeking a replacement ballot shall sign a sworn  
26 statement that the ballot was destroyed, spoiled, lost or not  
27 received and present the statement to the county clerk before  
28 the end of the period determined under section 1201-A. The  
29 county clerk shall keep a record of each replacement ballot  
30 provided under this section.

1     Section 1212-A. Counting of Ballot.--A ballot shall be  
2     counted only if:

3         (1) It is returned in the return identification envelope.

4         (2) The envelope is signed by the elector to whom the ballot  
5         is issued.

6         (3) The signature is verified as provided under section  
7         1213-A.

8     Section 1213-A. Verification of Signature.--The county clerk  
9     shall verify the signature of each elector on the return  
10    identification envelope with the signature on the elector's  
11    registration card according to the procedure provided by rules  
12    adopted by the Secretary of the Commonwealth. If the county  
13    clerk determines that an elector to whom a replacement ballot  
14    has been issued has voted more than once, the county clerk shall  
15    not count any ballot cast by that elector.

16    Section 1214-A. Challenge.--Any ballot and any elector  
17    casting a ballot may be challenged pursuant to rules promulgated  
18    by the Secretary of the Commonwealth.

19    Section 1215-A. Regulations.--The Secretary of State shall  
20    promulgate regulations to provide for uniformity in the conduct  
21    of State elections by mail.

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