

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3001 Session of
2004

INTRODUCED BY HANNA, BARRAR, BEBKO-JONES, CREIGHTON, DALEY,
DeLUCA, EGOLF, FAIRCHILD, GOODMAN, GRUCELA, JAMES, KOTIK,
LESCOVITZ, MANDERINO, PICKETT, READSHAW, J. TAYLOR, TIGUE,
WRIGHT AND YOUNGBLOOD, NOVEMBER 16, 2004

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 16, 2004

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 ballots
12 and for canvassing of official absentee ballots.

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 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 close of the
21 polls on the day of the primary or election, the elector shall,
22 in secret, proceed to mark the ballot only in black lead pencil,

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

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

23 Provided further, That any elector who has filed his
24 application in accordance with section 1302 subsection (e) (2),
25 and is unable to sign his declaration because of illness or
26 physical disability, shall be excused from signing upon making a
27 declaration which shall be witnessed by one adult person in
28 substantially the following form: I hereby declare that I am
29 unable to sign my declaration for voting my absentee ballot
30 without assistance because I am unable to write by reason of my

1 illness or physical disability. I have made or received
2 assistance in making my mark in lieu of my signature.

3(Mark)

4

5 (Date)

6

7 (Signature of Witness)

8

9 (Complete Address of Witness)

10 * * *

11 Section 2. Section 1308(a) of the act, amended December 11,
12 1968 (P.L.1183, No.375), is amended to read:

13 Section 1308. Canvassing of Official Absentee Ballots.--

14 (a) The county boards of election, upon receipt of official
15 absentee ballots in such envelopes, shall safely keep the same
16 in sealed or locked containers until they distribute same to the
17 appropriate local election districts in a manner prescribed by
18 the Secretary of the Commonwealth.

19 The county board of elections shall then distribute the
20 absentee ballots, unopened, to the absentee voter's respective
21 election district concurrently with the distribution of the
22 other election supplies. Absentee ballots shall be canvassed
23 immediately and continuously without interruption until
24 completed after the close of the polls on the day of the
25 election in each election district. The results of the canvass
26 of the absentee ballots shall then be included in and returned
27 to the county board with the returns of that district. No
28 absentee ballot shall be counted which is received in the office
29 of the county board of election later than [five o'clock P. M.
30 on the Friday immediately preceding] the close of the polls on

1 the day of the primary or November election.

2 * * *

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