

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1148 Session of
2007

INTRODUCED BY GIBBONS, BARRAR, BELFANTI, CALTAGIRONE, CAPPELLI, CREIGHTON, CRUZ, DeLUCA, DePASQUALE, EVERETT, FABRIZIO, FRANKEL, FREEMAN, GERGELY, GOODMAN, GRUCELA, HARKINS, HENNESSEY, JAMES, JOSEPHS, KORTZ, KULA, MAHONEY, MANDERINO, MARSICO, MURT, PAYTON, PETRONE, RAMALEY, REED, ROEBUCK, SAMUELSON, SANTONI, SEIP, SOLOBAY, STABACK, SURRA, TANGRETTI, THOMAS, WANSACZ, WHEATLEY, J. WHITE AND YOUNGBLOOD, APRIL 23, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 23, 2007

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(a) of the act of June 3, 1937
16 (P.L.1333, No.320), known as the Pennsylvania Election Code,
17 amended November 9, 2006 (P.L.1330, No.137), is amended to read:

18 Section 1306. Voting by Absentee Electors.--(a) Except as
19 provided in paragraphs (1), (2) and (3), at any time after
20 receiving an official absentee ballot, but on or before [five

1 o'clock P.M.] the close of business on the [Friday] Monday prior
2 to the primary or election, the elector shall, in secret,
3 proceed to mark the ballot only in black lead pencil, indelible
4 pencil or blue, black or blue-black ink, in fountain pen or ball
5 point pen, and then fold the ballot, enclose and securely seal
6 the same in the envelope on which is printed, stamped or
7 endorsed "Official Absentee [Ballot."] Ballot": Provided,
8 however, That any elector who submits an emergency application
9 and receives an absentee ballot in accordance with section
10 1302.1 shall mark the ballot on or before the close of business
11 on the day of the primary or election.

12 (1) Any elector who submits an Emergency Application and
13 receives an absentee ballot in accordance with section
14 1302.1(a.2) or (c) shall mark the ballot on or before eight
15 o'clock P.M. on the day of the primary or election. This
16 envelope shall then be placed in the second one, on which is
17 printed the form of declaration of the elector, and the address
18 of the elector's county board of election and the local election
19 district of the elector. The elector shall then fill out, date
20 and sign the declaration printed on such envelope. Such envelope
21 shall then be securely sealed and the elector shall send same by
22 mail, postage prepaid, except where franked, or deliver it in
23 person to said county board of election.

24 (2) Any elector, spouse of the elector or dependent of the
25 elector, qualified in accordance with the provisions of section
26 1301, subsections (e), (f), (g) and (h) to vote by absentee
27 ballot as herein provided, shall be required to include on the
28 form of declaration a supporting declaration in form prescribed
29 by the Secretary of the Commonwealth, to be signed by the head
30 of the department or chief of division or bureau in which the

1 elector is employed, setting forth the identity of the elector,
2 spouse of the elector or dependent of the elector.

3 (3) Any elector who has filed his application in accordance
4 with section 1302 subsection (e)(2), and is unable to sign his
5 declaration because of illness or physical disability, shall be
6 excused from signing upon making a declaration which shall be
7 witnessed by one adult person in substantially the following
8 form: I hereby declare that I am unable to sign my declaration
9 for voting my absentee ballot without assistance because I am
10 unable to write by reason of my illness or physical disability.
11 I have made or received assistance in making my mark in lieu of
12 my signature.

13(Mark)

14

15 (Date)

16

17 (Signature of Witness)

18

19 (Complete Address of Witness)

20 * * *

21 Section 2. This act shall apply to all elections conducted
22 after December 31, 2007, or the effective date of this act,
23 whichever is later.

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