

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 493 Session of 2019

INTRODUCED BY T. DAVIS, SHUSTERMAN, DERMODY, STURLA, ULLMAN, IRVIN, SCHLOSSBERG, HARRIS, KORTZ, MURT, CALTAGIRONE, KINSEY, YOUNGBLOOD, KIRKLAND, BERNSTINE, HILL-EVANS, DAVIDSON, McCLINTON, SOLOMON, KULIK, MATZIE, GOODMAN, FREEMAN, ISAACSON, FRANKEL, DRISCOLL, CIRESI, NEILSON, WEBSTER, SIMS, SCHWEYER, CARROLL, McCARTER, SAPPEY, SANCHEZ, HOHENSTEIN AND DALEY, FEBRUARY 12, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 12, 2019

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 voting by qualified absentee electors, further
 12 providing for date of application for absentee ballot, for
 13 voting by absentee electors and for canvassing of official
 14 absentee ballots.

15 The General Assembly of the Commonwealth of Pennsylvania
 16 hereby enacts as follows:

17 Section 1. Sections 1302.1(a.2), 1306(a) and 1308(a) and (g)
 18 (1) of the act of June 3, 1937 (P.L.1333, No.320), known as the
 19 Pennsylvania Election Code, are amended to read:

20 Section 1302.1. Date of Application for Absentee Ballot.--*

21 * *

1 (a.2) In the event any elector otherwise qualified who
2 becomes so physically disabled or ill between five o'clock P.M.
3 on the first Friday preceding any primary or election and eight
4 o'clock P.M. on the day of any primary or election that he is
5 unable to appear at his polling place or any elector otherwise
6 qualified who because of the conduct of his business, duties or
7 occupation will necessarily be absent from the municipality of
8 his residence on the day of the primary or election, which fact
9 was not and could not reasonably be known to said elector prior
10 to five o'clock P.M. on the first Friday preceding any primary
11 or election, the elector shall be entitled to an absentee ballot
12 if the elector completes and files with the court of common
13 pleas in the county in which the elector is qualified to vote an
14 Emergency Application or a letter or other signed document,
15 which includes the same information as is provided on the
16 Emergency Application. Upon a determination that the elector is
17 a qualified absentee elector under section 1301, the judge shall
18 issue an absentee ballot to the elector. If the elector is
19 unable to appear in court to receive the ballot, the judge shall
20 give the elector's absentee ballot to an authorized
21 representative of the elector who is designated in writing by
22 the elector. The authorized representative shall deliver the
23 absentee ballot to the elector and return the completed absentee
24 ballot, sealed in the official absentee ballot envelopes, to the
25 county board of elections, who shall distribute the ballot,
26 unopened, to the absentee voter's election district. If the
27 elector is unable to appear in court or unable to obtain
28 assistance from an authorized representative, the judge shall
29 direct a deputy sheriff of the county to deliver the absentee
30 ballot to the elector if the elector is at a physical location

1 within the county and return the completed absentee ballot,
2 sealed in the official absentee ballot envelopes, to the county
3 board of elections, who shall distribute the ballots, unopened,
4 to the absentee voter's respective election district. If there
5 is no authorized representative and a deputy sheriff is
6 unavailable to deliver an absentee ballot under this section,
7 the judge may direct a constable to make such delivery in
8 accordance with the provisions of this section. In the case of
9 an elector who requires assistance in marking the elector's
10 ballot, the elector shall designate in writing the person who
11 will assist in marking the ballot. Such person shall be
12 otherwise eligible to provide assistance to electors eligible
13 for assistance, and such person shall declare in writing that
14 assistance was rendered. Any person other than the designee who
15 shall render assistance in marking a ballot or any person
16 rendering assistance who shall fail to execute a declaration
17 shall be guilty of a violation of this act. No absentee ballot
18 under this subsection shall be counted which is received in the
19 office of the county board of elections later than [eight] five
20 o'clock P.M. on the sixth day [of] following the primary or
21 election provided that the absentee ballot is postmarked on or
22 before the day of the primary or election.

23 * * *

24 Section 1306. Voting by Absentee Electors.--(a) Except as
25 provided in paragraphs (1), (2) and (3), at any time after
26 receiving an official absentee ballot, but on or before five
27 o'clock P.M. on the [Friday prior to] day of the primary or
28 election, the elector shall, in secret, proceed to mark the
29 ballot only in black lead pencil, indelible pencil or blue,
30 black or blue-black ink, in fountain pen or ball point pen, and

1 then fold the ballot, enclose and securely seal the same in the
2 envelope on which is printed, stamped or endorsed "Official
3 Absentee Ballot."

4 * * *

5 Section 1308. Canvassing of Official Absentee Ballots.--(a)
6 The county boards of election, upon receipt of official absentee
7 ballots in such envelopes, shall safely keep the same in sealed
8 or locked containers until they distribute same to the
9 appropriate local election districts in a manner prescribed by
10 the Secretary of the Commonwealth.

11 Except as provided in section 1302.1(a.2), the county board
12 of elections shall then distribute the absentee ballots,
13 unopened, to the absentee voter's respective election district
14 concurrently with the distribution of the other election
15 supplies. Absentee ballots shall be canvassed immediately and
16 continuously without interruption until completed after the
17 close of the polls on the day of the election in each election
18 district. The results of the canvass of the absentee ballots
19 shall then be included in and returned to the county board with
20 the returns of that district. Except as provided in section
21 1302.1(a.2) and subsection (g), no absentee ballot shall be
22 counted which is received in the office of the county board of
23 election later than five o'clock P.M. on the [Friday immediately
24 preceding] sixth day following the primary or November election
25 provided that the absentee ballot is postmarked on or before the
26 day of the primary or November election.

27 * * *

28 (g) (1) An absentee ballot cast by any absentee elector as
29 defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h)
30 which is received in the office of the county board of elections

1 after five o'clock P.M. on the [Friday immediately preceding]
2 sixth day following the election provided that the absentee
3 ballot is postmarked on or before the day of the election and no
4 later than five o'clock P.M. on the seventh day following an
5 election shall be canvassed in accordance with this subsection
6 if the absentee ballot is postmarked [no later than the day
7 immediately preceding the election] on or before the day of the
8 election.

9 * * *

10 Section 2. This act shall apply to elections held after
11 January 1, 2020.

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