

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 743 Session of 2019

INTRODUCED BY DeLUCA, A. DAVIS, SOLOMON, SCHLOSSBERG, READSHAW, MURT, KORTZ, YOUNGBLOOD, HILL-EVANS, IRVIN, McCLINTON AND FRANKEL, MARCH 6, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 6, 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 and for  
13 canvassing of official absentee ballots.

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

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

19 Section 1302.1. Date of Application for Absentee Ballot.--\*

20 \* \*

21 (a.2) In the event any elector otherwise qualified who  
22 becomes so physically disabled or ill between five o'clock P.M.  
23 on the first Friday preceding any primary or election and eight

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

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

18 \* \* \*

19 Section 1308. Canvassing of Official Absentee Ballots.--(a)  
20 The county boards of election, upon receipt of official absentee  
21 ballots in such envelopes, shall safely keep the same in sealed  
22 or locked containers until they distribute same to the  
23 appropriate local election districts in a manner prescribed by  
24 the Secretary of the Commonwealth.

25 Except as provided in section 1302.1(a.2), the county board  
26 of elections shall then distribute the absentee ballots,  
27 unopened, to the absentee voter's respective election district  
28 concurrently with the distribution of the other election  
29 supplies. Absentee ballots shall be canvassed immediately and  
30 continuously without interruption until completed after the

1 close of the polls on the day of the election in each election  
2 district. The results of the canvass of the absentee ballots  
3 shall then be included in and returned to the county board with  
4 the returns of that district. [Except as provided in section  
5 1302.1(a.2) and subsection (g), no absentee ballot shall be  
6 counted which is received in the office of the county board of  
7 election later than five o'clock P.M. on the Friday immediately  
8 preceding the primary or November election.]

9 \* \* \*

10 (g) (1) [An] The following apply:

11 (i) Except as provided in subparagraph (ii), an absentee  
12 ballot cast by [any] an absentee elector [as defined in section  
13 1301(a), (b), (c), (d), (e), (f), (g) and (h)] which is received  
14 in the office of the county board of elections after five  
15 o'clock P.M. on the Friday immediately preceding the election  
16 and no later than five o'clock P.M. on the seventh day following  
17 an election shall be canvassed in accordance with this  
18 subsection if the absentee ballot is postmarked no later than  
19 the day immediately preceding the election.

20 (ii) An absentee ballot cast by an absentee elector under  
21 section 1302.1(a.2) which is received in the office of the  
22 county board of elections after five o'clock P.M. on the Friday  
23 immediately preceding the election and no later than five  
24 o'clock P.M. on the seventh day following an election shall be  
25 canvassed in accordance with this subsection.

26 \* \* \*

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