

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2954 Session of
2020

INTRODUCED BY BOYLE, OCTOBER 27, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 27, 2020

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 preparation for and conduct of primaries and
12 elections, further providing for manner of applying to vote,
13 persons entitled to vote, voter's certificates, entries to be
14 made in district register, numbered lists of voters and
15 challenges; in voting by qualified absentee electors, further
16 providing for date of application for absentee ballot, for
17 envelopes for official absentee ballots, for voting by
18 absentee electors, for certain electors voting in districts
19 of residence and for canvassing of official absentee ballots
20 and mail-in ballots; in voting by qualified mail-in electors,
21 further providing for envelopes for official mail in ballots
22 and for voting by mail-in electors; and, in penalties,
23 further providing for forging and destroying ballots.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Sections 1210(a.4)(3) and (5)(ii)(C) and
27 1302.1(a.3)(4) and (6) of the act of June 3, 1937 (P.L.1333,
28 No.320), known as the Pennsylvania Election Code, amended
29 October 31, 2019 (P.L.552, No.77), are amended to read:

1 Section 1210. Manner of Applying to Vote; Persons Entitled
2 to Vote; Voter's Certificates; Entries to Be Made in District
3 Register; Numbered Lists of Voters; Challenges.--* * *

4 (a.4) * * *

5 (3) After the provisional ballot has been cast, the
6 individual shall place it in [a secrecy envelope. The individual
7 shall place the secrecy envelope in] the provisional ballot
8 envelope and shall place his signature on the front of the
9 provisional ballot envelope. All provisional ballots shall
10 remain sealed in their provisional ballot envelopes for return
11 to the county board of elections.

12 * * *

13 (5) * * *

14 (ii) A provisional ballot shall not be counted if:

15 * * *

16 [(C) a provisional ballot envelope does not contain a
17 secrecy envelope;]

18 * * *

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

20 * *

21 (a.3) * * *

22 (4) If the elector is unable to appear at the office of the
23 county board of elections to receive the ballot, the board shall
24 give the elector's absentee ballot to an authorized
25 representative of the elector who is designated in writing by
26 the elector. The authorized representative shall deliver the
27 absentee ballot to the elector and return the completed absentee
28 ballot, sealed in the official absentee ballot [envelopes]
29 envelope, to the office of the county board of elections, which
30 shall retain the ballot, unopened, until the canvassing of all

1 absentee ballots.

2 * * *

3 (6) If the elector is unable to appear at the office of the
4 county board of elections or unable to obtain assistance from an
5 authorized representative, the county board may provide an
6 authorized representative or ask the judge of the court of
7 common pleas in the county in which the elector is qualified to
8 vote to direct a deputy sheriff of the county to deliver the
9 absentee ballot to the elector if the elector is at a physical
10 location within the county and return the completed absentee
11 ballot, sealed in the official absentee ballot [envelopes]
12 envelope, to the county board of elections. If there is no
13 authorized representative and a deputy sheriff is unavailable to
14 deliver an absentee ballot under this section, the judge may
15 direct a constable to make such delivery in accordance with the
16 provisions of this section.

17 * * *

18 Section 2. Sections 1304 and 1306(a) introductory paragraph
19 of the act, amended March 27, 2020 (P.L.41, No.12), are amended
20 to read:

21 Section 1304. Envelopes for Official Absentee Ballots.--

22 The county boards of election shall provide [two additional
23 envelopes] an envelope for each official absentee ballot of such
24 size and shape as shall be prescribed by the Secretary of the
25 Commonwealth, in order to permit the placing of [one within the
26 other and both within] the absentee ballot in the mailing
27 envelope. [On the smaller of the two envelopes to be enclosed in
28 the mailing envelope shall be printed, stamped or endorsed the
29 words "Official Election Ballot," and nothing else.] On the
30 [larger of the two envelopes, to be enclosed within the] mailing

1 envelope, shall be printed the form of the declaration of the
2 elector, and the name and address of the county board of
3 election of the proper county. The [larger] envelope shall also
4 contain information indicating the local election district of
5 the absentee voter. Said form of declaration and envelope shall
6 be as prescribed by the Secretary of the Commonwealth and shall
7 contain among other things a statement of the electors
8 qualifications, together with a statement that such elector has
9 not already voted in such primary or election. The mailing
10 envelope addressed to the elector shall contain the [two
11 envelopes] envelope, the official absentee ballot, lists of
12 candidates, when authorized by section 1303 subsection (b) of
13 this act, the uniform instructions in form and substance as
14 prescribed by the Secretary of the Commonwealth and nothing
15 else.

16 Section 1306. Voting by Absentee Electors.--(a) Except as
17 provided in paragraphs (2) and (3), at any time after receiving
18 an official absentee ballot, but on or before eight o'clock P.M.
19 the day of the primary or election, the elector shall, in
20 secret, proceed to mark the ballot only in black lead pencil,
21 indelible pencil or blue, black or blue-black ink, in fountain
22 pen or ball point pen, and then fold the ballot, enclose and
23 securely seal the same in the envelope [on which is printed,
24 stamped or endorsed "Official Election Ballot." This envelope
25 shall then be placed in the second one,] on which is printed the
26 form of declaration of the elector, and the address of the
27 elector's county board of election and the local election
28 district of the elector. The elector shall then fill out, date
29 and sign the declaration printed on such envelope. [Such
30 envelope shall then be securely sealed and the] The elector may

1 not place any extraneous text, mark or symbol which reveals the
2 elector's political affiliation or the elector's candidate
3 preference on the mailing envelope. The elector shall send same
4 by mail, postage prepaid, except where franked, or deliver it in
5 person to said county board of election.

6 * * *

7 Section 3. Section 1307(c) of the act is amended to read:

8 Section 1307. Certain Electors Voting in Districts of
9 Residence.--

10 * * *

11 (c) Upon receiving an official absentee ballot and
12 [envelopes] envelope therefor, he shall, in secret, in the
13 office of the county board of elections vote the ballot and
14 execute the declaration as prescribed by this act. The elector
15 shall then securely seal the [second] envelope and hand it to
16 the chief clerk of the county board of election who shall
17 securely keep same in accordance with the provisions of section
18 1308.

19 Section 4. Sections 1308(a) and (g)(4)(ii) and (iii), 1304-D
20 heading, (a) and (c) and 1306-D(a) of the act, amended or added
21 October 31, 2019 (P.L.552, No.77) and March 27, 2020 (P.L.41,
22 No.12), are amended to read:

23 Section 1308. Canvassing of Official Absentee Ballots and
24 Mail-in Ballots.--(a) The county boards of election, upon
25 receipt of official absentee ballots in sealed official absentee
26 ballot [envelopes] envelope as provided under this article and
27 mail-in ballots as in sealed official mail-in ballot [envelopes]
28 envelope as provided under Article XIII-D, shall safely keep the
29 ballots in sealed or locked containers until they are to be
30 canvassed by the county board of elections. An absentee ballot,

1 whether issued to a civilian, military or other voter during the
2 regular or emergency application period, shall be canvassed in
3 accordance with subsection (g). A mail-in ballot shall be
4 canvassed in accordance with subsection (g).

5 * * *

6 (g) * * *

7 (4) All absentee ballots which have not been challenged
8 under section 1302.2(c) and all mail-in ballots which have not
9 been challenged under section 1302.2-D(a)(2) and that have been
10 verified under paragraph (3) shall be counted and included with
11 the returns of the applicable election district as follows:

12 * * *

13 [(ii) If any of the envelopes on which are printed, stamped
14 or endorsed the words "Official Election Ballot" contain any
15 text, mark or symbol which reveals the identity of the elector,
16 the elector's political affiliation or the elector's candidate
17 preference, the envelopes and the ballots contained therein
18 shall be set aside and declared void.]

19 (iii) The county board shall then [break the seals of such
20 envelopes,] remove the ballots and count, compute and tally the
21 votes.

22 * * *

23 Section 1304-D. [Envelopes] Envelope for official mail-in
24 ballots.

25 (a) [Additional envelopes] Envelope.--The county boards of
26 election shall provide [two additional envelopes] an envelope
27 for each official mail-in ballot of a size and shape as shall be
28 prescribed by the Secretary of the Commonwealth, in order to
29 permit the placing of one within the other and both within the
30 mailing envelope. [On the smaller of the two envelopes to be

1 enclosed in the mailing envelope shall be printed, stamped or
2 endorsed the words "Official Election Ballot," and nothing
3 else.] On the [larger of the two envelopes, to be enclosed
4 within the mailing] envelope[,] shall be printed the form of the
5 declaration of the elector and the name and address of the
6 county board of election of the proper county. The larger
7 envelope shall also contain information indicating the local
8 election district of the mail-in voter.

9 * * *

10 (c) Mailing envelope.--The mailing envelope addressed to the
11 elector shall contain [the two envelopes] an envelope, the
12 official mail-in ballot, lists of candidates, when authorized by
13 section 1303-D(b), the uniform instructions in form and
14 substance as prescribed by the Secretary of the Commonwealth and
15 nothing else.

16 * * *

17 Section 1306-D. Voting by mail-in electors.

18 (a) General rule.--At any time after receiving an official
19 mail-in ballot, but on or before eight o'clock P.M. the day of
20 the primary or election, the mail-in elector shall, in secret,
21 proceed to mark the ballot only in black lead pencil, indelible
22 pencil or blue, black or blue-black ink, in fountain pen or ball
23 point pen, and then fold the ballot, enclose and securely seal
24 the same in the envelope [on which is printed, stamped or
25 endorsed "Official Election Ballot." This envelope shall then be
26 placed in the second one,] on which is printed the form of
27 declaration of the elector, and the address of the elector's
28 county board of election and the local election district of the
29 elector. The elector shall then fill out, date and sign the
30 declaration printed on such envelope. The elector may not place

1 any extraneous text, mark or symbol which reveals the elector's
2 political affiliation or the elector's candidate preference on
3 the mailing envelope. Such envelope shall then be securely
4 sealed and the elector shall send same by mail, postage prepaid,
5 except where franked, or deliver it in person to said county
6 board of election.

7 * * *

8 Section 5. Section 1817 of the act is amended to read:

9 Section 1817. Forging and Destroying Ballots or Ballot
10 Envelope.--Any person who shall forge or falsely make the
11 official endorsement on any ballot or wilfully destroy or deface
12 any ballot or ballot envelope or wilfully delay the delivery of
13 any ballots shall be guilty of a misdemeanor of the second
14 degree, and, upon conviction thereof, shall be sentenced to pay
15 a fine not exceeding five thousand (\$5,000) dollars, or to
16 undergo an imprisonment of not more than two (2) years, or both,
17 in the discretion of the court.

18 Section 6. This act shall take effect immediately.