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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1498 Session of  
2021

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INTRODUCED BY MOUL, SILVIS, PICKETT, MILLARD, RYAN, HAMM,  
METCALFE, ROTHMAN, KAUFFMAN, JAMES, RADER, COOK, PENNYCUICK,  
STAMBAUGH, ECKER, WARNER, MENTZER, ZIMMERMAN AND BERNSTINE,  
JUNE 1, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 1, 2021

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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 county boards of elections, further providing  
12 for powers and duties of county boards; in voting by  
13 qualified absentee electors, further providing for voting by  
14 absentee electors and for canvassing of official absentee  
15 ballots and mail-in ballots; and, in voting by qualified  
16 mail-in electors, further providing for voting by mail-in  
17 electors.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. Section 302(p) of the act of June 3, 1937  
21 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
22 amended March 27, 2020 (P.L.41, No.12), is amended to read:

23 Section 302. Powers and Duties of County Boards.--The county  
24 boards of elections, within their respective counties, shall

1 exercise, in the manner provided by this act, all powers granted  
2 to them by this act, and shall perform all the duties imposed  
3 upon them by this act, which shall include the following:

4 \* \* \*

5 (p) A county board of elections shall not pay compensation  
6 to a judge of elections who wilfully fails to deliver by two  
7 o'clock A. M. on the day following the election envelopes;  
8 supplies, including all uncast provisional ballots; and returns,  
9 including all provisional ballots cast in the election district  
10 and [statements signed under sections 1306 and 1302-D.] all  
11 material delivered under sections 1306(b)(3)(i) and 1306-D(b)(3)  
12 (i).

13 Section 2. Section 1306(a) introductory paragraph and (b)(3)  
14 of the act, amended March 27, 2020 (P.L.41, No.12), are amended  
15 and subsection (b) is amended by adding a paragraph to read:

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 envelope  
30 shall then be securely sealed and the elector shall send same by

1 mail, postage prepaid, except where franked, or deliver it in  
2 person to said county board of election[.] to a member or an  
3 employe of the county board of elections at the permanent  
4 offices of the county board of elections, to a member or an  
5 employe of the county board of elections at a location at the  
6 county courthouse designated by the county board of elections or  
7 to the judge of elections of the elector's election district at  
8 the elector's polling place during polling hours and to no other  
9 location.

10 \* \* \*

11 (b) \* \* \*

12 (3) Notwithstanding paragraph (2), an elector who requests  
13 an absentee ballot and who is not shown on the district register  
14 as having voted the ballot may [vote at the polling place if the  
15 elector remits the ballot and the envelope containing the  
16 declaration of the elector to the judge of elections to be  
17 spoiled and the elector signs a statement subject to the  
18 penalties under 18 Pa.C.S. § 4904 (relating to unsworn  
19 falsification to authorities) in substantially the following  
20 form:

21 I hereby declare that I am a qualified registered elector who  
22 has obtained an absentee ballot or mail-in ballot. I further  
23 declare that I have not cast my absentee ballot or mail-in  
24 ballot, and that instead I remitted my absentee ballot or  
25 mail-in ballot and the envelope containing the declaration of  
26 the elector to the judge of elections at my polling place to  
27 be spoiled and therefore request that my absentee ballot or  
28 mail-in ballot be voided.

29 (Date)

30 (Signature of Elector).....(Address of Elector)

1 (Local Judge of Elections)] personally deliver the completed  
2 absentee ballot, enclosed within both the envelope marked  
3 "Official Election Ballot" and the envelope containing the  
4 declaration of the elector, to only the following:

5 (i) The judge of elections of the elector's election  
6 district at the elector's polling place during polling hours.

7 (ii) A member or an employe of the county board of elections  
8 at a location at the county courthouse designated by the county  
9 board of elections.

10 (iii) A member or an employe of the county board of  
11 elections at the permanent offices of the county board of  
12 elections.

13 (4) A judge of elections shall keep all material delivered  
14 under paragraph (3) (i) in a secure, safe and sealed container in  
15 the custody of the judge of elections until delivery of the  
16 material to the county board of elections under section  
17 1308(a.1).

18 \* \* \*

19 Section 3. Section 1308 of the act is amended by adding a  
20 subsection to read:

21 Section 1308. Canvassing of Official Absentee Ballots and  
22 Mail-in Ballots.--\* \* \*

23 (a.1) A judge of elections shall deliver all material  
24 personally delivered under sections 1306(b)(3)(i) and 1306-D(b)  
25 (3)(i) to the county board of elections by two o'clock A.M. on  
26 the day following the election.

27 \* \* \*

28 Section 4. Section 1306-D(a) and (b)(3) of the act, amended  
29 March 27, 2020 (P.L.41, No.12), are amended and subsection (b)  
30 is amended by adding a paragraph to read:

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

2 (a) General rule.--At any time after receiving an official  
3 mail-in ballot, but on or before eight o'clock P.M. the day of  
4 the primary or election, the mail-in elector shall, in secret,  
5 proceed to mark the ballot only in black lead pencil, indelible  
6 pencil or blue, black or blue-black ink, in fountain pen or ball  
7 point pen, and then fold the ballot, enclose and securely seal  
8 the same in the envelope on which is printed, stamped or  
9 endorsed "Official Election Ballot." This envelope shall then be  
10 placed in the second one, on which is printed the form of  
11 declaration of the elector, and the address of the elector's  
12 county board of election and the local election district of the  
13 elector. The elector shall then fill out, date and sign the  
14 declaration printed on such envelope. Such envelope shall then  
15 be securely sealed and the elector shall send same by mail,  
16 postage prepaid, except where franked, or deliver it in person  
17 [to said county board of election.] to a member or an employee  
18 of the county board of elections at the permanent offices of the  
19 county board of elections, to a member or an employee of the  
20 county board of elections at a location at the county courthouse  
21 designated by the county board of elections or to the judge of  
22 elections of the elector's election district at the elector's  
23 polling place during polling hours and to no other location.

24 \* \* \*

25 (b) Eligibility.--

26 \* \* \*

27 (3) Notwithstanding paragraph (2), an elector who  
28 requests a mail-in ballot and who is not shown on the  
29 district register as having voted the ballot [may vote at the  
30 polling place if the elector remits the ballot and the

1 envelope containing the declaration of the elector to the  
2 judge of elections to be spoiled and the elector signs a  
3 statement subject to the penalties of 18 Pa.C.S. § 4904  
4 (relating to unsworn falsification to authorities) which  
5 shall be in substantially the following form:

6 I hereby declare that I am a qualified registered elector  
7 who has obtained an absentee ballot or mail-in ballot. I  
8 further declare that I have not cast my absentee ballot or  
9 mail-in ballot, and that instead I remitted my absentee  
10 ballot or mail-in ballot to the judge of elections at my  
11 polling place to be spoiled and therefore request that my  
12 absentee ballot or mail-in ballot be voided.

13 (Date)

14 (Signature of Elector).....(Address of Elector)

15 (Local Judge of Elections)] may personally deliver the  
16 completed mail-in ballot, enclosed within both the envelope  
17 marked "Official Election Ballot" and the envelope containing  
18 the declaration of the elector, to only the following:

19 (i) The judge of elections of the elector's election  
20 district at the elector's polling place during polling  
21 hours.

22 (ii) A member or an employee of the county board of  
23 elections at a location at the county courthouse  
24 designated by the county board of elections.

25 (iii) A member or an employee of the county board of  
26 elections at the permanent offices of the county board of  
27 elections.

28 (4) A judge of elections shall keep all material  
29 delivered under paragraph (3)(i) in a secure, safe and sealed  
30 container in the custody of the judge of elections until

1 delivery of the material to the county board of elections  
2 under section 1308(a.1).

3 \* \* \*

4 Section 5. This act shall take effect in 60 days.