

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 784 Session of 2021

INTRODUCED BY ARGALL, JUNE 21, 2021

REFERRED TO STATE GOVERNMENT, JUNE 21, 2021

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 and mail-in ballots;
 14 and, in voting by qualified mail-in electors, further
 15 providing for date of application for mail-in ballot.

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

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

21 Section 1302.1. Date of Application for Absentee Ballot.--

22 (a) Except as provided in subsection (a.3), applications for
 23 absentee ballots shall be received in the office of the county
 24 board of elections not earlier than fifty (50) days before the
 25 primary or election, except that if a county board of elections

1 determines that it would be appropriate to its operational
2 needs, any applications for absentee ballots received more than
3 fifty (50) days before the primary or election may be processed
4 before that time. Applications for absentee ballots shall be
5 processed if received not later than five o'clock P.M. of the
6 [first Tuesday] fifteenth day prior to the day of any primary or
7 election.

8 (a.3) (1) The following categories of electors may apply
9 for an absentee ballot under this subsection, if otherwise
10 qualified:

11 (i) An elector whose physical disability or illness
12 prevented the elector from applying for an absentee ballot
13 before five o'clock P.M. on the [first Tuesday] fifteenth day
14 prior to the day of the primary or election.

15 (ii) An elector who, because of the elector's business,
16 duties or occupation, was unable to apply for an absentee ballot
17 before five o'clock P.M. on the [first Tuesday] fifteenth day
18 prior to the day of the primary or election.

19 (iii) An elector who becomes so physically disabled or ill
20 after five o'clock P.M. on the [first Tuesday] fifteenth day
21 prior to the day of the primary or election that the elector is
22 unable to appear at the polling place on the day of the primary
23 or election.

24 (iv) An elector who, because of the conduct of the elector's
25 business, duties or occupation, will necessarily be absent from
26 the elector's municipality of residence on the day of the
27 primary or election, which fact was not and could not reasonably
28 be known to the elector on or before five o'clock P.M. on the
29 [first Tuesday] fifteenth day prior to the day of the primary or
30 election.

1 (2) An elector described in paragraph (1) may submit an
2 application for an absentee ballot at any time up until the time
3 of the closing of the polls on the day of the primary or
4 election. The application shall include a declaration describing
5 the circumstances that prevented the elector from applying for
6 an absentee ballot before five o'clock P.M. on the [first
7 Tuesday] fifteenth day prior to the day of the primary or
8 election or that prevent the elector from appearing at the
9 polling place on the day of the primary or election, and the
10 elector's qualifications under paragraph (1). The declaration
11 shall be made subject to the provisions of 18 Pa.C.S. § 4904
12 (relating to unsworn falsification to authorities).

13 * * *

14 Section 2. Section 1308(g)(1.1) of the act, amended March
15 27, 2020 (P.L.41, No.12), is amended, subsection (g) is amended
16 by adding a paragraph and the section is amended by adding a
17 subsection to read:

18 Section 1308. Canvassing of Official Absentee Ballots and
19 Mail-in Ballots.--* * *

20 (a.1) A judge of elections shall deliver all completed
21 absentee ballots and mail-in ballots to the county board of
22 elections by two o'clock A.M. on the day following the election.

23 * * *

24 (g) * * *

25 (1.1) The county board of elections shall meet [no earlier
26 than seven o'clock A.M. on election day] at least once before
27 election day at the county courthouse or the offices of the
28 county board of elections to pre-canvass all ballots received
29 prior to the meeting.

30 (1.2) A county board of elections that meets to pre-canvass

1 absentee ballots and mail-in ballots may begin the tasks
2 described in paragraph (4) (i), (ii) and (iii) after eight
3 o'clock A.M. the Tuesday before the election. A county board of
4 elections shall provide at least forty-eight hours' notice of a
5 pre-canvass meeting by publicly posting a notice of a pre-
6 canvass meeting on its publicly accessible Internet website. One
7 authorized representative of each candidate in an election and
8 one representative from each political party shall be permitted
9 to remain in the room in which the absentee ballots and mail-in
10 ballots are pre-canvassed. No person observing, attending or
11 participating in a pre-canvass meeting may disclose the results
12 of any portion of any pre-canvass meeting prior to the close of
13 the polls.

14 * * *

15 Section 3. Section 1302.1-D(a) of the act is amended to
16 read:

17 Section 1302.1-D. Date of application for mail-in ballot.

18 (a) General rule.--Applications for mail-in ballots shall be
19 received in the office of the county board of elections not
20 earlier than 50 days before the primary or election, except that
21 if a county board of elections determines that it would be
22 appropriate to the county board of elections' operational needs,
23 any applications for mail-in ballots received more than 50 days
24 before the primary or election may be processed before that
25 time. Applications for mail-in ballots shall be processed if
26 received not later than five o'clock P.M. of the [first Tuesday]
27 fifteenth day prior to the day of any primary or election.

28 * * *

29 Section 4. This act shall take effect immediately.