
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 863 Session of
2021

INTRODUCED BY KANE, FONTANA, COSTA, MUTH, KEARNEY AND STREET,
SEPTEMBER 13, 2021

REFERRED TO STATE GOVERNMENT, SEPTEMBER 13, 2021

AN ACT

1 Amending Title 38 (Holidays and Observances) of the Pennsylvania
2 Consolidated Statutes, providing for election day and for
3 observance of Election Day as a legal holiday.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 38 of the Pennsylvania Consolidated
7 Statutes is amended by adding a part to read:

8 PART I

9 PRELIMINARY PROVISIONS

10 Chapter

11 5. Election Day

12 CHAPTER 5

13 ELECTION DAY

14 Sec.

15 501. Definitions.

16 502. Observance of Election Day as a legal holiday.

17 § 501. Definitions.

18 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Department." The Department of State of the Commonwealth.

4 "Election Day." The day of a general election, municipal
5 election or primary election.

6 "General election." The election held biennially on the
7 Tuesday next following the first Monday of November in each
8 even-numbered year.

9 "Municipal corporation." A city, borough, incorporated town
10 or township.

11 "Municipal election." The election held on the Tuesday next
12 following the first Monday of November in each odd-numbered
13 year.

14 "Primary election." An election for the nomination of
15 candidates.

16 "Private employer." An employer that is engaged in business
17 in this Commonwealth. The term does not include a public
18 employer, school district or county.

19 "Public employer."

20 (1) Any of the following:

21 (i) The Commonwealth.

22 (ii) A municipal corporation.

23 (2) The term does not include a county or school
24 district.

25 § 502. Observance of Election Day as a legal holiday.

26 (a) General rule.--A public employer shall observe Election
27 Day as a legal holiday.

28 (b) Other public entities.--A school district or county may
29 observe Election Day as a legal holiday.

30 (c) Private employers.--

1 (1) On Election Day, a private employer shall provide no
2 less than two hours of unpaid leave to its employees for the
3 purpose of voting.

4 (2) A private employer that violates paragraph (1) shall
5 pay a civil penalty of not less than \$1,000 to the county
6 board of elections.

7 (d) Enforcement.--The department shall enforce the
8 provisions of this section and may promulgate regulations
9 necessary to enforce the provisions of this section.

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