

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1639 Session of 2013

INTRODUCED BY GIBBONS, MUNDY, SCHLOSSBERG, KOTIK, O'BRIEN,
 YOUNGBLOOD, READSHAW, MAHONEY, ROEBUCK, COHEN, DeLUCA,
 V. BROWN AND GOODMAN, AUGUST 8, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 8, 2013

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," further providing for voting by absentee
 12 electors.

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

15 Section 1. Section 1306(a) of the act of June 3, 1937
 16 (P.L.1333, No.320), known as the Pennsylvania Election Code,
 17 amended November 9, 2006 (P.L.1330, No.137), is amended to read:

18 Section 1306. Voting by Absentee Electors.--(a) Except as
 19 provided in paragraphs (1), (2) and (3), at any time after
 20 receiving an official absentee ballot, but on or before [five
 21 o'clock P.M.] the close of business on the [Friday] Monday prior
 22 to the primary or election, the elector shall, in secret,

1 proceed to mark the ballot only in black lead pencil, indelible
2 pencil or blue, black or blue-black ink, in fountain pen or ball
3 point pen, and then fold the ballot, enclose and securely seal
4 the same in the envelope on which is printed, stamped or
5 endorsed "Official Absentee [Ballot."] Ballot": Provided,
6 however, That any elector who submits an emergency application
7 and receives an absentee ballot in accordance with section
8 1302.1 shall mark the ballot on or before the close of business
9 on the day of the primary or election.

10 (1) Any elector who submits an Emergency Application and
11 receives an absentee ballot in accordance with section
12 1302.1(a.2) or (c) shall mark the ballot on or before eight
13 o'clock P.M. on the day of the primary or election. This
14 envelope shall then be placed in the second one, on which is
15 printed the form of declaration of the elector, and the address
16 of the elector's county board of election and the local election
17 district of the elector. The elector shall then fill out, date
18 and sign the declaration printed on such envelope. Such envelope
19 shall then be securely sealed and the elector shall send same by
20 mail, postage prepaid, except where franked, or deliver it in
21 person to said county board of election.

22 (2) Any elector, spouse of the elector or dependent of the
23 elector, qualified in accordance with the provisions of section
24 1301, subsections (e), (f), (g) and (h) to vote by absentee
25 ballot as herein provided, shall be required to include on the
26 form of declaration a supporting declaration in form prescribed
27 by the Secretary of the Commonwealth, to be signed by the head
28 of the department or chief of division or bureau in which the
29 elector is employed, setting forth the identity of the elector,
30 spouse of the elector or dependent of the elector.

1 (3) Any elector who has filed his application in accordance
2 with section 1302 subsection (e) (2), and is unable to sign his
3 declaration because of illness or physical disability, shall be
4 excused from signing upon making a declaration which shall be
5 witnessed by one adult person in substantially the following
6 form: I hereby declare that I am unable to sign my declaration
7 for voting my absentee ballot without assistance because I am
8 unable to write by reason of my illness or physical disability.
9 I have made or received assistance in making my mark in lieu of
10 my signature.

11 (Mark)

12

13 (Date)

14

15 (Signature of Witness)

16

17 (Complete Address of Witness)

18 * * *

19 Section 2. This act shall apply to all elections conducted
20 after December 31, 2011, or the effective date of this act,
21 whichever is later.

22 Section 3. This act shall take effect in 60 days.