
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1256 Session of
2018

INTRODUCED BY SCHWANK, FARNESE, BREWSTER, FONTANA, COSTA,
DINNIMAN, HAYWOOD, STREET, TARTAGLIONE AND HUGHES,
SEPTEMBER 17, 2018

REFERRED TO STATE GOVERNMENT, SEPTEMBER 17, 2018

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.

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

16 Section 1. Sections 1302.1(a.2) and 1308(a) and (g)(1) of
17 the act of June 3, 1937 (P.L.1333, No.320), known as the
18 Pennsylvania Election Code, are amended to read:

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

20 * *

21 (a.2) In the event any elector otherwise qualified who
22 becomes so physically disabled or ill between five o'clock P.M.
23 on the first Friday preceding any primary or election and eight

1 o'clock P.M. on the day of any primary or election that he is
2 unable to appear at his polling place or any elector otherwise
3 qualified who because of the conduct of his business, duties or
4 occupation will necessarily be absent from the municipality of
5 his residence on the day of the primary or election, which fact
6 was not and could not reasonably be known to said elector prior
7 to five o'clock P.M. on the first Friday preceding any primary
8 or election, the elector shall be entitled to an absentee ballot
9 if the elector completes and files with the court of common
10 pleas in the county in which the elector is qualified to vote an
11 Emergency Application or a letter or other signed document,
12 which includes the same information as is provided on the
13 Emergency Application. Upon a determination that the elector is
14 a qualified absentee elector under section 1301, the judge shall
15 issue an absentee ballot to the elector. If the elector is
16 unable to appear in court to receive the ballot, the judge shall
17 give the elector's absentee ballot to an authorized
18 representative of the elector who is designated in writing by
19 the elector. The authorized representative shall deliver the
20 absentee ballot to the elector and return the completed absentee
21 ballot, sealed in the official absentee ballot envelopes, to the
22 county board of elections, who shall distribute the ballot,
23 unopened, to the absentee voter's election district. If the
24 elector is unable to appear in court or unable to obtain
25 assistance from an authorized representative, the judge shall
26 direct a deputy sheriff of the county to deliver the absentee
27 ballot to the elector if the elector is at a physical location
28 within the county and return the completed absentee ballot,
29 sealed in the official absentee ballot envelopes, to the county
30 board of elections, who shall distribute the ballots, unopened,

1 to the absentee voter's respective election district. If there
2 is no authorized representative and a deputy sheriff is
3 unavailable to deliver an absentee ballot under this section,
4 the judge may direct a constable to make such delivery in
5 accordance with the provisions of this section. In the case of
6 an elector who requires assistance in marking the elector's
7 ballot, the elector shall designate in writing the person who
8 will assist in marking the ballot. Such person shall be
9 otherwise eligible to provide assistance to electors eligible
10 for assistance, and such person shall declare in writing that
11 assistance was rendered. Any person other than the designee who
12 shall render assistance in marking a ballot or any person
13 rendering assistance who shall fail to execute a declaration
14 shall be guilty of a violation of this act. [No] Except as
15 provided by section 1308, no absentee ballot under this
16 subsection shall be counted which is received in the office of
17 the county board of elections later than eight o'clock P.M. on
18 the day of the primary or election.

19 * * *

20 Section 1308. Canvassing of Official Absentee Ballots.--(a)
21 The county boards of election, upon receipt of official absentee
22 ballots in such envelopes, shall safely keep the same in sealed
23 or locked containers until they distribute same to the
24 appropriate local election districts in a manner prescribed by
25 the Secretary of the Commonwealth.

26 Except as provided in section 1302.1(a.2), the county board
27 of elections shall then distribute the absentee ballots,
28 unopened, to the absentee voter's respective election district
29 concurrently with the distribution of the other election
30 supplies. Absentee ballots shall be canvassed immediately and

1 continuously without interruption until completed after the
2 close of the polls on the day of the election in each election
3 district. The results of the canvass of the absentee ballots
4 shall then be included in and returned to the county board with
5 the returns of that district. Except as provided in section
6 1302.1(a.2) and subsection (g), no absentee ballot shall be
7 counted which is received in the office of the county board of
8 election later than five o'clock P.M. on the [Friday immediately
9 preceding] day of the primary or November election.

10 * * *

11 (g) (1) An absentee ballot cast by any absentee elector as
12 defined in section 1301[(a), (b), (c), (d), (e), (f), (g) and
13 (h)] which is received in the office of the county board of
14 elections after five o'clock P.M. on the Friday immediately
15 preceding the election and no later than five o'clock P.M. on
16 the seventh day following an election shall be canvassed in
17 accordance with this subsection if the absentee ballot is
18 postmarked no later than the day [immediately preceding] of the
19 election.

20 * * *

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