

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 415 Session of 2019

INTRODUCED BY FOLMER, SCHWANK, KILLION, STEFANO, ARGALL,
SANTARSIERO, COSTA, FARNESE, K. WARD, BROWNE, KEARNEY AND
BREWSTER, MARCH 19, 2019

REFERRED TO STATE GOVERNMENT, MARCH 19, 2019

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,
12 providing for permanent early voting.

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

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
16 as the Pennsylvania Election Code, is amended by adding a
17 section to read:

18 Section 1302.4. Permanent Early Voting.--A qualified elector
19 approved under section 1302.2 for an absentee ballot may apply
20 to be included on a permanent early voting list. The following
21 shall apply:

22 (1) A qualified elector must make a written request on an

1 application supplied by the qualified elector's county board of
2 election to add the elector's name to the permanent early voting
3 list for each election in which the applicant is eligible to
4 vote. The application shall include the following:

5 (i) Name.

6 (ii) Length of residency in this Commonwealth.

7 (iii) Date of birth.

8 (iv) Length of residency in the voting district.

9 (v) Voting district, if known.

10 (vi) Party choice for a primary election.

11 (vii) For a military elector, the qualified elector's
12 stateside military address, FPO or APO number and serial number.

13 (2) Upon receipt, the county board of elections shall
14 determine, based on the information on the application, if the
15 applicant possesses each of the qualifications of a qualified
16 elector in accordance with section 1302.2. If the board is
17 satisfied that the applicant is qualified and the applicant's
18 signature is valid, the application shall be approved. Except if
19 a qualified elector is a qualified absentee military or overseas
20 elector, as defined by the Uniformed and Overseas Citizens
21 Absentee Voting Act (Public Law 99-410, 100 Stat. 924), an
22 application for the permanent early voting list may not be
23 approved for an applicant residing outside this Commonwealth.

24 (3) If the application is approved, the county board of
25 election shall add the applicant's name, residence and party
26 enrollment to the permanent early voting list.

27 (4) A qualified elector shall notify the county board of
28 election of a change in the elector's mailing address, county of
29 residence and party registration or for removal from the
30 permanent early voting list, on a form supplied by the qualified

1 elector's county board of election. The form must be returned
2 to the Secretary of the Commonwealth or the county board of
3 election of the county in which the qualified elector's voting
4 residence is located.

5 (5) An elector whose absentee ballot is returned as
6 undeliverable for two consecutive general elections or three
7 consecutive primary elections shall be deemed inactive.

8 (6) If an elector dies or is moved to inactive status under
9 paragraph (5), the elector shall be removed from the permanent
10 early voting list. An inactive status elector may only be re-
11 added to the permanent early voting list if the elector submits
12 a new request under this section.

13 Section 2. The following shall apply:

14 (1) In order to facilitate the prompt implementation of
15 section 1302.4 of the act, the Department of State shall
16 promulgate temporary regulations that shall expire not later
17 than two years following the publication of the temporary
18 regulations. The temporary regulations shall not be subject
19 to:

20 (i) Sections 201, 202, 203, 204 and 205 of the act
21 of July 31, 1968 (P.L.769, No.240), referred to as the
22 Commonwealth Documents Law.

23 (ii) The act of June 25, 1982 (P.L.633, No.181),
24 known as the Regulatory Review Act.

25 (iii) Sections 204(b) and 301(10) of the act of
26 October 15, 1980 (P.L.950, No.164), known as the
27 Commonwealth Attorneys Act.

28 (2) The Department of State's authority to adopt
29 temporary regulations under paragraph (1) shall expire two
30 years after the effective date of this section. Regulations

1 adopted after this period shall be promulgated as provided by
2 law.

3 (3) The Department of State shall transmit the temporary
4 regulations to the Legislative Reference Bureau for
5 publication in the Pennsylvania Bulletin no later than 90
6 days after the effective date of this section.

7 Section 3. This act shall take effect in 90 days.