

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 902

Session of 1983

INTRODUCED BY ITKIN, McVERRY, DAWIDA, COWELL, PISTELLA, VAN HORNE, MARKOSEK, TRELLO, OLASZ, DeLUCA AND PRESTON, MAY 2, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 26, 1983

AN ACT A JOINT RESOLUTION

<— <—

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 absentee ballots for
12 certain county employees and for the delivery and mailing of
13 ballots.

<—

14 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE COMMONWEALTH
15 OF PENNSYLVANIA, FURTHER PROVIDING FOR ABSENTEE BALLOTS.

<—

16 The General Assembly of the Commonwealth of Pennsylvania

17 hereby enacts RESOLVES as follows:

<—

18 Section 1. Section 102(w) of the act of June 3, 1937

<—

19 (P.L.1333, No.320), known as the Pennsylvania Election Code, is

20 amended by adding a subclause to read:

21 Section 102. Definitions. The following words, when used in

22 this act, shall have the following meanings, unless otherwise

23 clearly apparent from the context:

1 * * *

2 ~~(w) The words "qualified absentee elector" shall mean:~~

3 * * *

4 ~~(13) Any qualified, registered and enrolled elector who is a~~
5 ~~county employe and whose duties in connection with election day~~
6 ~~prevent him from voting.~~

7 * * *

8 Section 2. ~~Section 1301(k) and (l) of the act, (k) amended~~
9 ~~December 6, 1972 (P.L.1405, No.301), are amended and a clause is~~
10 ~~added to read:~~

11 Section 1301. ~~Qualified Absentee Electors. The following~~
12 ~~persons shall be entitled to vote by an official absentee ballot~~
13 ~~in any primary or election held in this Commonwealth in the~~
14 ~~manner hereinafter provided:~~

15 * * *

16 ~~(k) Any qualified registered and enrolled elector who because~~
17 ~~of illness or physical disability is unable to attend his~~
18 ~~polling place or operate a voting machine and secure assistance~~
19 ~~by distinct and audible statement as required in section 1218 of~~
20 ~~this act; or~~

21 ~~(l) Any qualified registered and enrolled elector who is a~~
22 ~~spouse or dependent accompanying a person employed in the~~
23 ~~service of this Commonwealth or in the service of the Federal~~
24 ~~Government within the territorial limits of the several States~~
25 ~~of the United States and the District of Columbia in the event~~
26 ~~the duties, profession or occupation of such person require him~~
27 ~~to be absent from the Commonwealth or county of his~~
28 ~~residence[:]; or~~

29 ~~(m) Any qualified registered and enrolled elector who is a~~
30 ~~county employe and whose duties in connection with election day~~

1 ~~prevent him from voting:~~

2 * * *

3 Section 3. ~~Section 1302(e) of the act, amended May 7, 1982~~
4 ~~(P.L.393, No.114), is amended to read:~~

5 Section 1302. ~~Applications for Official Absentee Ballots.~~

6 * * *

7 ~~(c) (1) Any qualified bedridden or hospitalized veteran~~
8 ~~absent from the State or county of his residence and unable to~~
9 ~~attend his polling place because of such illness or physical~~
10 ~~disability, regardless of whether he is registered or enrolled,~~
11 ~~may apply at any time before any primary or election for an~~
12 ~~official absentee ballot on any official county board of~~
13 ~~election form addressed to the Secretary of the Commonwealth of~~
14 ~~Pennsylvania or the county board of elections of the county in~~
15 ~~which his voting residence is located.~~

16 ~~(2) The application shall contain the following information:~~
17 ~~Residence at the time of becoming bedridden or hospitalized,~~
18 ~~length of time a citizen, length of residence in Pennsylvania,~~
19 ~~date of birth, length of time a resident in voting district,~~
20 ~~voting district if known, party choice in case of primary, name~~
21 ~~and address of present residence or hospital at which~~
22 ~~hospitalized. When such application is received by the Secretary~~
23 ~~of the Commonwealth, it shall be forwarded to the proper county~~
24 ~~board of elections.~~

25 ~~(3) The application for an official absentee ballot for any~~
26 ~~primary or election shall be made on information supplied over~~
27 ~~the signature of the bedridden or hospitalized veteran as~~
28 ~~required in the preceding subsection. Any qualified registered~~
29 ~~elector, including a spouse or dependent referred to in~~
30 ~~subsection (1) of section 1301, who expects to be or is absent~~

1 ~~from the Commonwealth or county of his residence because his~~
2 ~~duties, occupation or business require him to be elsewhere on~~
3 ~~the day of any primary or election and any qualified registered~~
4 ~~elector who is unable to attend his polling place on the day of~~
5 ~~any primary or election because of illness or physical~~
6 ~~disability, or is prevented from voting because of election day~~
7 ~~duties, in the case of a county employe, and any qualified~~
8 ~~registered bedridden or hospitalized veteran in the county of~~
9 ~~residence, may apply to the county board of elections of the~~
10 ~~county in which his voting residence is located for an Official~~
11 ~~Absentee Ballot. Such application shall be made upon an official~~
12 ~~application form supplied by the county board of elections. Such~~
13 ~~official application form shall be determined and prescribed by~~
14 ~~the Secretary of the Commonwealth of Pennsylvania.~~

15 ~~[(1)] (4) The application of any qualified registered~~
16 ~~elector, including spouse or dependent referred to in subsection~~
17 ~~(1) of section 1301, who expects to be or is absent from the~~
18 ~~Commonwealth or county of his residence because his duties,~~
19 ~~occupation or business require him to be elsewhere on the day of~~
20 ~~any primary or election, or who can not vote because of election~~
21 ~~day duties, in the case of a county employe, shall be signed by~~
22 ~~the applicant and shall include the surname and christian name~~
23 ~~or names of the applicant, his occupation, date of birth, length~~
24 ~~of time a resident in voting district, voting district if known,~~
25 ~~place of residence, post office address to which ballot is to be~~
26 ~~mailed, the reason for his absence, and such other information~~
27 ~~as shall make clear to the county board of elections the~~
28 ~~applicant's right to an official absentee ballot.~~

29 ~~[(2)] (5) The application of any qualified registered~~
30 ~~elector who is unable to attend his polling place on the day of~~

~~1 any primary or election because of illness or physical
2 disability and the application of any qualified registered
3 bedridden or hospitalized veteran in the county of residence
4 shall be signed by the applicant and shall include surname and
5 christian name or names of the applicant, his occupation, date
6 of birth, residence at the time of becoming bedridden or
7 hospitalized, length of time a resident in voting district,
8 voting district if known, place of residence, post office
9 address to which ballot is to be mailed, and such other
10 information as shall make clear to the county board of elections
11 the applicant's right to an official ballot. In addition, the
12 application of such electors shall include a declaration stating
13 the nature of their disability or illness, and the name, office
14 address and office telephone number of their attending
15 physician: Provided, however, That in the event any elector
16 entitled to an absentee ballot under this subsection be unable
17 to sign his application because of illness or physical
18 disability, he shall be excused from signing upon making a
19 statement which shall be witnessed by one adult person in
20 substantially the following form: I hereby state that I am
21 unable to sign my application for an absentee ballot without
22 assistance because I am unable to write by reason of my illness
23 or physical disability. I have made or have received assistance
24 in making my mark in lieu of my signature.~~

~~25 (Mark)~~

~~26 _____ (Date)~~

~~27~~

~~28 (Complete Address of Witness) _____ (Signature of Witness)~~

~~29 * * *~~

~~30 Section 4. Section 1305(b) of the act, amended August 13,~~

1 ~~1963 (P.L.707, No.379), is amended to read:~~

2 ~~Section 1305. Delivering or Mailing Ballots.~~

3 ~~* * *~~

4 ~~(b) The county board of elections upon receipt and approval~~
5 ~~of an application filed by any elector qualified in accordance~~
6 ~~with the provisions of section 1301, subsections (i) to [(l)]~~
7 ~~(m), inclusive, shall commence to deliver or mail official~~
8 ~~absentee ballots on the second Tuesday prior to the primary or~~
9 ~~election. As additional applications are received and approved,~~
10 ~~the board shall deliver or mail official absentee ballots to~~
11 ~~such additional electors within forty eight hours.~~

12 ~~Section 5. This act shall take effect in 60 days.~~

13 SECTION 1. THE FOLLOWING AMENDMENT TO THE CONSTITUTION OF <—
14 PENNSYLVANIA IS PROPOSED IN ACCORDANCE WITH ARTICLE XI:

15 THAT SECTION 14, ARTICLE VII BE AMENDED TO READ:

16 § 14. ABSENTEE VOTING.

17 THE LEGISLATURE SHALL, BY GENERAL LAW, PROVIDE A MANNER IN
18 WHICH, AND THE TIME AND PLACE AT WHICH, QUALIFIED ELECTORS WHO
19 MAY, ON THE OCCURRENCE OF ANY ELECTION, BE ABSENT FROM THE STATE
20 OR COUNTY OF THEIR RESIDENCE, BECAUSE THEIR DUTIES, OCCUPATION
21 OR BUSINESS REQUIRE THEM TO BE ELSEWHERE OR WHO, ON THE
22 OCCURRENCE OF ANY ELECTION, ARE UNABLE TO ATTEND AT THEIR PROPER
23 POLLING PLACES BECAUSE OF ILLNESS OR PHYSICAL DISABILITY OR WHO
24 CAN NOT VOTE BECAUSE OF ELECTION DAY DUTIES, IN THE CASE OF A
25 COUNTY EMPLOYE, MAY VOTE, AND FOR THE RETURN AND CANVASS OF
26 THEIR VOTES IN THE ELECTION DISTRICT IN WHICH THEY RESPECTIVELY
27 RESIDE.