

Section 3. Section 1311 of the act, amended May 24, 1951 (P. L. 353) and August 17, 1951 (P. L. 1245), is amended to read:

Section 1311 of the act amended May 24, 1951, P. L. 353 and August 17, 1951, P. L. 1245, further amended.

Section 1311. Boards of Trustees of State Institutions Within the Department.—The boards of trustees of the several State [Normal Schools or Teachers Colleges, the Board of Trustees of the Cheyney State Teachers' College] *Colleges*, the Board of Trustees of Pennsylvania State Oral School for the Deaf, the Board of Trustees of Scotland School for Veterans' Children, and the Board of Trustees of Thaddeus Stevens Trade School, shall have general direction and control of the property and management of their respective institutions. Each of the [said] boards of trustees shall have the power and its duty shall be:

(a) Subject to the approval of the Governor, to elect a president, principal, or superintendent, of the institution, who shall, subject to the authority of the board, administer the institution, and, if deemed advisable, a business manager;

(b) On nomination by the president, principal, or superintendent, from time to time, to appoint such officers and employes as may be necessary;

(c) To fix the salaries of its employes in conformity with the standards established by the Executive Board;

(d) Subject to the approval of the Superintendent of Public Instruction, to make such by-laws, rules and regulations for the management of the institution as it may deem advisable.

Section 4. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 8th day of January, A. D. 1960.

DAVID L. LAWRENCE

No. 789

AN ACT

Amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing a system whereby certain electors absent from or unable to attend their regular polling places may cast their votes and providing for powers, duties and penalties in relation thereto.

Pennsylvania
Election Code.

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

Section 102, act of June 3, 1937, P. L. 1333, amended by adding a new subsection (y).

Section 1. Section 102, act of June 3, 1937 (P. L. 1333), known as the "Pennsylvania Election Code," is amended by adding, at the end thereof, a new subsection to read:

Definitions.

Section 102. Definitions.—The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

* * * * *

(y) *The term "absentee elector" shall mean any qualified elector of this Commonwealth properly registered and enrolled, who (1) on the occurrence of any election is unavoidably absent from the county of his voting residence by reason of his duties, business or occupation, or who (2) on the occurrence of any election is unable to attend at his proper polling place by reason of illness or physical disability, but shall not include a "qualified elector in actual military service" or a "qualified bed-ridden or hospitalized veteran," as defined in this section, or any person committed to and confined in a penal institution or a mental institution.*

Act of June 3, 1937, P. L. 1333, amended by adding a new article XIII-B

Section 2. The act is amended by adding, after Article XIII-A, a new article to read:

ARTICLE XIII-B

Absentee Voting

Section 1301-B. *Absentee Electors.—Any absentee elector of this Commonwealth may vote under the provisions of this act in any election held in this Commonwealth. An absentee elector may vote only for such offices and upon such questions as he would be entitled to vote for or on had he presented himself in the district in which he has his legal residence and in the manner hereinafter provided.*

Section 1302-B. *Form of Application, Certificate and Declaration.—The county board of elections shall prepare and have printed a form, all three parts of which shall be printed on one side of a sheet of paper not larger than eight and one-half inches by thirteen inches, as follows:*

Part 1. *Application for Absentee Ballot. (Voter complete two copies of Part 1 and deliver both to the chief clerk, county board of elections in your county.)*

*I declare that I reside at
(post office address of applicant) in the
.....(voting district or precinct) of*

the (city, borough, town or township) in County, Commonwealth of Pennsylvania; that I am a registered elector entitled to vote therein at the next election; that I am registered as a (if primary election, give party enrollment, otherwise leave blank); and that I hereby apply for an official absentee ballot for the reason that (1) I expect to be unavoidably absent from said county on the day of such election because of duties, occupation or business, (2) I expect to be unable to attend my proper polling place on the day of such election because of illness or physical disability, on the advice of my physician whose signature appears below (mark out the reason not applicable).

.....
(Date of signature) (Signature of applicant)

I declare that I have advised applicant as stated above.
Send ballot to
(Fill in if applicant is in hospital or confined away from residence)

.....
(Signature of physician)
(Required only if reason (2) is not marked out in application above)

Part 2. Certificate of Chief Clerk of County Board of Elections.

I certify that I have compared the foregoing signature of applicant with the signature of that name in the permanent registration records; that I am satisfied that applicant is entitled to vote as stated in the application above and have no reason to believe to the contrary; that I have this day issued to applicant an official absentee ballot envelopes and this certificate; and that I have marked the district register accordingly as prescribed by law.

.....
(Date of issue) (Signature of Chief Clerk County Board of Elections)

Part 3. Declaration of Elector. (Voter complete this declaration after marking your ballot, put your marked ballot in the small envelope, seal the small envelope, put the small envelope and this paper in the large envelope, seal the large envelope and mail it.)

I declare that I am the applicant whose signature appears in Part 1 hereof; that I, and I alone, have secretly marked the official absentee ballot issued to me; and that I have not and will not cast any other ballot in the

election to which said official absentee ballot pertains.

.....
 (Date of signature)

.....
 (Signature of elector)

Witness to elector's signature

.....
 (Signature of witness)

Section 1303-B. Manner and Time of Applying for Absentee Ballot.—(a) *Except as hereinafter provided, any elector desiring an official absentee ballot for the reason that he expects to be unavoidably absent from the county of his voting residence on the day of election because of duties, occupation or business, shall apply therefor in person to the chief clerk of the county board of elections, and he shall then and there complete an original and a duplicate of Part 1 of the form prescribed by section 1302-B and deliver both copies of the form to the chief clerk. Any application for an official absentee ballot assigning such reason and not delivered to the chief clerk as aforesaid shall be void.*

(b) *Any elector desiring an official absentee ballot for the reason that he expects to be unable to attend his proper polling place on the day of election because of illness or physical disability, shall signify that desire to the chief clerk of the county board of elections, in writing, signed by the elector and delivered to the chief clerk by any means. Upon receipt of such writing, the chief clerk shall mail to the elector at the address stated in such writing two copies of the form prescribed by section 1302-B. The elector shall complete an original and a duplicate of Part 1 of such form and deliver both copies of the form to the chief clerk by any means.*

(c) *Any elector desiring an official absentee ballot for the reason that he expects to be unavoidably absent from the county of his voting residence on the day of election because of duties, occupation or business, and who is or expects to be so unavoidably absent during the thirty days preceding the day of the election in which the ballot is cast, shall signify that desire to the chief clerk of the county board of elections, in writing, signed by the elector and delivered to the chief clerk by any means. Upon receipt of such writing, the chief clerk shall mail to the elector at the address stated in the writing two copies of the form prescribed by section 1302-B. The elector shall complete an original and duplicate of Part 1 of such form and deliver both copies to the chief clerk by any means.*

(d) *Every application for an official absentee ballot, comprising the original and duplicate completed Part 1 on the form aforesaid, shall be delivered to the chief*

clerk no earlier than the thirtieth day and no later than the seventh day preceding the day of the election in which the ballot is to be cast. All applications received at other times shall be void.

Section 1304-B. Issuance of Official Absentee Ballots, Envelopes and Certificates.—Upon delivery to him of an application for an official absentee ballot as prescribed by section 1303-B, the chief clerk of the county board of elections shall compare the signature and voting residence of the applicant upon such application with the signature and voting residence of applicant in the permanent registration records of the board of registration commissioners, and if he is satisfied that applicant is entitled to vote as stated in the application and has no reason to believe to the contrary, he shall enter, in ink, on the appropriate district register in the place provided to signify the applicant's having voted at the election, the letter "A," and he shall sign Part 2 on both the original and duplicate of the application and he shall hand or mail to the applicant the following:

(a) One official absentee ballot which shall be in the same form as regular and official ballots, except that it shall be printed upon blue paper, and shall have printed on the back thereof, in addition to any other matter now required by law, the words "Official Absentee Ballot."

(b) A gummed envelope approximating the size known commercially as number six and three-quarters, with the words "Official Absentee Ballot" printed upon it and nothing else. Such envelope is hereafter referred to as the first envelope.

(c) The original of the form prescribed by section 1302-B, Parts 1 and 2 of which shall have been completed as aforesaid.

(d) A gummed envelope approximating the size known commercially as number ten, on which there shall be printed as addressee the name and post office address of the county board of elections and in the upper left corner the words "Absentee Elector." Such envelope is hereafter referred to as the second envelope.

Section 1305-B. Balloting and Mailing.—The elector to whom an official absentee ballot shall have been issued may cast the ballot in the following manner, and not otherwise:

(a) He shall, in secret, mark the ballot with pencil, crayon, indelible pencil or ink.

(b) He shall place the marked ballot in the first envelope described in subsection (b) of section 1304-B and seal the envelope.

(c) He shall complete Part 3 of the form described in subsection (c) of section 1304-B and have his signature witnessed by a subscribing witness as that part requires.

(d) He shall place both the form and the sealed first envelope containing the marked ballot in the second envelope described in subsection (d) of section 1304-B.

(e) He shall seal the second envelope, affix the necessary postage thereto, except in cases where postage is not required, and mail it in sufficient time that the day of the postmark thereon shall not be later than the day of the election in which the ballot is to be cast.

Section 1306-B. Absentee Voter's Lists.—Not less than five days preceding the election, the chief clerk shall prepare, from the duplicates of completed Parts 1 and 2 of the forms retained by him, a list for each election district showing the names and post office addresses of all voting residents thereof to whom official absentee ballots shall have been issued. Each such list shall be prepared in duplicate, shall be headed "Persons in (give identity of election district) to whom absentee ballots have issued for the election of (date of election)," and shall be signed by him not less than four days preceding the election. He shall post the original of each such list in a conspicuous place in the office of the county election board and see that it is kept so posted until the close of the polls on election day. He shall cause the duplicate of each such list to be delivered to the judge of election in the election district in the same manner and at the same time as are provided in this act for the delivery of other election supplies, and it shall be the duty of such judge of election to post such duplicate list in a conspicuous place within the polling place of his district and see that it is kept so posted throughout the time that the polls are open.

Section 1307-B. Canvassing of Ballot.—The county board of elections, upon receipt of a sealed second envelope, shall keep it safely and shall deliver it unopened to the return board when it convenes to canvass the vote according to law. No such ballots shall be counted, which are received in the offices of the county board of elections later than ten o'clock A. M., Eastern Standard Time, of the second Friday following the primary election or the November election. The return board shall reject, and mark "Rejected" without opening, any such envelope bearing no postmark or bearing a postmark later than the day of the election. After opening the remaining such envelopes, it shall reject and mark "Rejected" the contents of any such envelope, if, (a) it contains either more or less than the contents prescribed by subsection (d) of section 1305-B, (b) the form referred to in subsection (c) of section 1305-B shall not be com-

plete and regular on its face, or (c) the signature of the applicant in Part 1 of such form does not correspond with the signature of the elector in Part 3 thereof. If the return board shall be satisfied that the contents meet the requirements prescribed therefor, it shall announce the name of the voter of the absentee ballot and shall give any person present an opportunity to challenge the same in like manner and for the same causes as the elector could have been challenged had he presented himself in his own district to cast his ballot. If there are no challenges, or if all challenges are unsuccessful, the form and the first envelope bearing the printed words "Official Absentee Ballot" shall be separated, and such envelope, together with all similar envelopes so separated, shall be put into one depository at one time and said depository well shaken and the envelopes containing the ballots mixed before any ballot is taken therefrom. The return board shall then break the seals of such envelopes, and record the ballots in the same manner as the election officer records votes, and in so canvassing said votes the return board shall count the votes of all absentee electors taken as herein provided and add the same to the total result of the election in the county, district, precinct or ward, accordingly, as designated on each ballot.

Section 1308-B. Ballots to be Public Records.—The ballots, after being opened and duly counted by the return board, together with completed forms received therewith, are hereby designated and declared to be public records and shall be safely kept in the custody of the county board of elections for the period of two years, and in case of a contested election the same may be opened and counted as in other cases.

Section 3. Article XVIII. of the act is amended by adding, after section 1852, a new section to read:

Section 1853. Violations of Provisions Relating to Absentee Electors' Ballots.—If any person shall sign an application for absentee ballot or declaration of elector on the form prescribed by section 1302-B knowing any matter declared therein to be false, or shall vote any ballot other than one properly issued to him, or vote or attempt to vote more than once in any election for which an absentee ballot shall have been issued to him, or shall violate any other provisions of Article XIII-B of this act, he shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000), or be imprisoned for a term not exceeding one year, or both, at the discretion of the court.

If any chief clerk or member of a board of elections, member of a return board or member of a board of regis-

Article XVIII.
act of June 3,
1937, P. L. 1333,
amended by
adding a new
section 1853.

*tration commissioners, shall neglect or refuse to perform any of the duties prescribed by Article XIII-B of this act, or shall reveal or divulge any of the details of any ballot cast in accordance with the provisions of Article XIII-B of this act, or shall count an absentee ballot knowing the same to be contrary to Article XIII-B, or shall reject an absentee ballot without reason to believe that the same is contrary to Article XIII-B, or shall permit an elector to cast his ballot at a polling place knowing that there has been issued to the elector an *absentee ballot, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1000), or be imprisoned for a term of one year, or both, at the discretion of the court,*

General repeal.

Section 4. All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Construction.

The provisions of this act shall not be construed to repeal any acts, or parts of acts, authorizing voting by qualified electors in actual military service or qualified bedridden or hospitalized veterans absent from or unable to attend their regular polling places.

Authority to appropriate.

Section 5. Cities of the first class and counties are hereby authorized and empowered to appropriate the moneys necessary to carry out the provisions of this amendment.

Effective date.

Section 6. This act shall take effect January 1, 1960.

APPROVED—The 8th day of January, A. D. 1960.

DAVID L. LAWRENCE

No. 790

AN ACT

Amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further regulating the marking and counting of ballots.

Pennsylvania
Election Code.

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

* "absentee" in original.