

No. 1986-47

AN ACT

HB 2095

Amending the act of June 3, 1937 (P.L.1333, No.320), 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," conforming provisions for voting at the time the polls close; further providing for absentee ballots; and further providing for certain written statements relating to disability.

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

Section 1. Section 102(w)(12) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended August 13, 1963 (P.L.707, No.379), is amended and the clause is amended by adding subclauses to read:

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

* * *

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

* * *

(12) Any qualified, registered and enrolled elector who is a spouse or dependent accompanying a person employed in the service of this Commonwealth or in the service of the Federal Government within the territorial limits of the several States of the United States and the District of Columbia in the event the duties, profession or occupation of such person require him to be absent from the Commonwealth or county of his residence[;] *or*

(13) Any qualified elector who is a county employe who cannot vote due to duties on election day relating to the conduct of the election; or

(14) Any qualified elector who will not attend a polling place because of the observance of a religious holiday:

* * *

Section 2. Section 1226 of the act is amended to read:

Section 1226. Duties of Election Officers After the Close of the Polls in Districts in Which Voting Machines are Used.—(a) When the hour for closing the polls shall arrive, all qualified electors who have already qualified and are inside the enclosed space shall be permitted to vote; and in addition thereto, **[not more than ten (10)] all those** qualified electors who are in the polling place outside the enclosed space waiting to vote **and all those who are in line either inside or outside of the polling place waiting to vote**, shall be permitted by the election officers to do so, **but no other persons shall be per-**

mitted to vote]. As soon as the polls are closed, and the last voter has voted, the election officers shall immediately lock and seal the operating lever or mechanism of the machine, so that the voting and counting mechanism will be prevented from operation, and, they the clerk and the overseers, if any, shall then sign a certificate stating—(1) that the machine has been locked against voting and sealed; (2) the number, as shown on the public counter; (3) the number on the seal which they have placed upon the machine; (4) the number registered on the protective counter or device; and (5) the number or other designation of the voting machine, which certificate shall be returned by the judge of election to the county board with the other certificates, as herein provided. The election officers shall then compare the number, as shown by the public counter of the machine, with the number of names written in the numbered lists of voters, the district register and voting check list, which shall then be placed in separate packages, containers or envelopes and sealed.

Section 3. Section 1301(l) of the act, amended August 13, 1963 (P.L.707, No.379), is amended and the section is amended by adding subsections to read:

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

* * *

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

(m) Any qualified elector who is a county employe who cannot vote due to duties on election day relating to the conduct of the election; or

(n) Any qualified elector who will not attend a polling place because of the observance of a religious holiday:

* * *

Section 4. Section 1302(e), (e.1), (e.2) and (i) of the act, added or amended December 2, 1976 (P.L.1221, No.269) and May 7, 1982 (P.L.393, No.114), are amended to read:

Section 1302. Applications for Official Absentee Ballots.—* * *

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

The application shall contain the following information: Residence at the time of becoming bedridden or hospitalized, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident in voting

district, voting district if known, party choice in case of primary, name and address of present residence or hospital at which hospitalized. When such application is received by the Secretary of the Commonwealth, it shall be forwarded to the proper county board of elections.

The application for an official absentee ballot for any primary or election shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, *or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday*, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application shall be made upon an official application form supplied by the county board of elections. Such official application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

(1) The application of any qualified registered elector, including spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election, *or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday*, shall be signed by the applicant and shall include the surname and [christian] given name or names of the applicant, his occupation, date of birth, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, the reason for his absence, and such other information as shall make clear to the county board of elections the applicant's right to an official absentee ballot.

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and [christian] given name or names of the applicant, his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating

the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

.....(Mark)
.....(Date)

.....
(Complete Address of Witness)

.....
(Signature of Witness)

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may, with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section but such person must submit a written statement asserting continuing disability every **[two] four** years in order to maintain his eligibility to vote under the provisions of this subsection. Should any such person lose his disability he shall inform the county board of elections of the county of his residence.

(e.2) Notwithstanding the other provisions of this act any qualified elector who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any election *or a county employe who cannot vote due to duties on election day relating to the conduct of the election or a person who will not attend a polling place because of the observance of a religious holiday* may make an application for an absentee ballot by mail by sending a letter to the county board of elections in the county in which his voting residence is located. The letter shall be signed by the applicant and contain his name and place of residence.

* * *

(i) Application for official absentee ballots shall be on forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who receives an absentee ballot **[because of illness or absence from the district]** pursuant to section 1301 and who, on election day, is capable of

voting at the appropriate polling place must void the absentee ballot and vote in the normal manner at the appropriate voting place. Such forms shall be made freely available to the public at county board of elections, municipal buildings and at such other locations designated by the secretary. No written application or personal request shall be necessary to receive the application forms. Copies of all completed applications for official absentee ballots shall be retained by the county board of elections.

Section 5. Section 1303(e) of the act, added May 7, 1982 (P.L.393, No.114), is amended to read:

Section 1303. Official Absentee Voters Ballots.—* * *

(e) The official absentee voter ballot shall state that a voter who receives an absentee ballot **[because of illness or absence from the district]** *pursuant to section 1301* and who, on election day, is capable of voting at the appropriate polling place must void the absentee ballot and vote in the normal manner at the appropriate voting place.

Section 6. This act shall take effect immediately.

APPROVED—The 5th day of May, A. D. 1986.

DICK THORNBURGH