

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 99 Session of 2023

INTRODUCED BY DUSH, LAUGHLIN, BARTOLOTTA, PHILLIPS-HILL,
 LANGERHOLC, PENNYCUICK, GEBHARD, BROOKS, ARGALL, ROTHMAN,
 MASTRIANO AND HUTCHINSON, MARCH 14, 2023

REFERRED TO STATE GOVERNMENT, MARCH 14, 2023

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 county boards of elections, further providing
 12 for expenses of county boards and of primaries and elections
 13 to be paid by county, expenses of special elections and
 14 boards to be provided with offices; in voting by qualified
 15 absentee electors, further providing for date of application
 16 for absentee ballot and for voting by absentee electors; and,
 17 in voting by qualified mail-in electors, further providing
 18 for voting by mail-in electors.

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

21 Section 1. Sections 305(b), 1302.1(a.3)(4) and (6), 1306(a)
 22 introductory paragraph and 1306-D(a) of the act of June 3, 1937
 23 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
 24 amended to read:

25 Section 305. Expenses of County Boards and of Primaries and

1 Elections to Be Paid by County; Expenses of Special Elections;
2 Boards to Be Provided with Offices.--

3 * * *

4 (b) The county commissioners or other appropriating
5 authorities of the county shall provide the county board with a
6 suitable and adequate [offices] primary office at the county
7 seat, properly furnished for keeping its records, holding its
8 public sessions and otherwise performing its public duties, and
9 shall also provide such branch offices for the board in cities
10 other than the county seat, as may be necessary.

11 * * *

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

13 * *

14 (a.3) * * *

15 (4) If the elector is unable to appear at the office of the
16 county board of elections to receive the ballot, the board 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 an
22 employee at the primary office of the county board of elections
23 located in the county seat under section 305(b), which shall
24 retain the ballot, unopened, until the canvassing of all
25 absentee ballots.

26 * * *

27 (6) If the elector is unable to appear at the office of the
28 county board of elections or unable to obtain assistance from an
29 authorized representative, the county board may provide an
30 authorized representative or ask the judge of the court of

1 common pleas in the county in which the elector is qualified to
2 vote to direct a deputy sheriff of the county to deliver the
3 absentee ballot to the elector if the elector is at a physical
4 location within the county and return the completed absentee
5 ballot, sealed in the official absentee ballot envelopes, to an
6 employe at the primary office of the county board of elections
7 located in the county seat under section 305(b). If there is no
8 authorized representative and a deputy sheriff is unavailable to
9 deliver an absentee ballot under this section, the judge may
10 direct a constable to make such delivery in accordance with the
11 provisions of this section.

12 * * *

13 Section 1306. Voting by Absentee Electors.--(a) Except as
14 provided in paragraphs (2) and (3), at any time after receiving
15 an official absentee ballot, but on or before eight o'clock P.M.
16 the day of the primary or election, the elector shall, in
17 secret, proceed to mark the ballot only in black lead pencil,
18 indelible pencil or blue, black or blue-black ink, in fountain
19 pen or ball point pen, and then fold the ballot, enclose and
20 securely seal the same in the envelope on which is printed,
21 stamped or endorsed "Official Election Ballot." This envelope
22 shall then be placed in the second one, on which is printed the
23 form of declaration of the elector, and the address of the
24 elector's county board of election and the local election
25 district of the elector. The elector shall then fill out, date
26 and sign the declaration printed on such envelope. Such envelope
27 shall then be securely sealed and the elector shall send same by
28 mail, postage prepaid, except where franked, or deliver it in
29 person to an employe of said county board of election at the
30 primary office located in the county seat under section 305(b).

1 * * *

2 Section 1306-D. Voting by mail-in electors.

3 (a) General rule.--At any time after receiving an official
4 mail-in ballot, but on or before eight o'clock P.M. the day of
5 the primary or election, the mail-in elector shall, in secret,
6 proceed to mark the ballot only in black lead pencil, indelible
7 pencil or blue, black or blue-black ink, in fountain pen or ball
8 point pen, and then fold the ballot, enclose and securely seal
9 the same in the envelope on which is printed, stamped or
10 endorsed "Official Election Ballot." This envelope shall then be
11 placed in the second one, on which is printed the form of
12 declaration of the elector, and the address of the elector's
13 county board of election and the local election district of the
14 elector. The elector shall then fill out, date and sign the
15 declaration printed on such envelope. Such envelope shall then
16 be securely sealed and the elector shall send same by mail,
17 postage prepaid, except where franked, or deliver it in person
18 to an employee of said county board of election at the primary
19 office located in the county seat under section 305(b).

20 * * *

21 Section 2. This act shall take effect immediately.