

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 999 Session of
2005

INTRODUCED BY LEMMOND, THOMPSON, EARLL, D. WHITE, RAFFERTY,
MUSTO, PILEGGI, GORDNER, WENGER, WAUGH, WONDERLING, ROBBINS
AND ARMSTRONG, NOVEMBER 14, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 3, 2006

AN ACT

1 ~~Reenacting and amending the act of October 8, 2004 (P.L.830,~~ <—
2 ~~No.98), entitled "An act providing for effect of standards~~
3 ~~adopted by the Voting Standards Development Board in the 2004~~
4 ~~general election," expanding the scope to include all~~
5 ~~elections in 2006 and 2007.~~
6 AMENDING THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), ENTITLED <—
7 "AN ACT CONCERNING ELECTIONS, INCLUDING GENERAL, MUNICIPAL,
8 SPECIAL AND PRIMARY ELECTIONS, THE NOMINATION OF CANDIDATES,
9 PRIMARY AND ELECTION EXPENSES AND ELECTION CONTESTS; CREATING
10 AND DEFINING MEMBERSHIP OF COUNTY BOARDS OF ELECTIONS;
11 IMPOSING DUTIES UPON THE SECRETARY OF THE COMMONWEALTH,
12 COURTS, COUNTY BOARDS OF ELECTIONS, COUNTY COMMISSIONERS;
13 IMPOSING PENALTIES FOR VIOLATION OF THE ACT, AND CODIFYING,
14 REVISING AND CONSOLIDATING THE LAWS RELATING THERETO; AND
15 REPEALING CERTAIN ACTS AND PARTS OF ACTS RELATING TO
16 ELECTIONS," FURTHER PROVIDING FOR VOTING STANDARDS
17 DEVELOPMENT BOARD, FOR COMPENSATION OF DISTRICT ELECTION
18 OFFICERS, FOR POLLING PLACES SELECTED BY COUNTY BOARDS AND
19 FOR PUBLIC BUILDINGS TO BE USED WHERE POSSIBLE AND PORTABLE
20 POLLING PLACES AND FOR PROHIBITING POLLING PLACES IN
21 BUILDINGS OR ROOMS WHERE MALT OR BREWED BEVERAGES OR LIQUOR
22 DISPENSED; PROVIDING FOR POLLING PLACES IN OTHER BUILDINGS;
23 FURTHER PROVIDING FOR NOMINATIONS BY POLITICAL BODIES AND FOR
24 AFFIDAVITS OF CANDIDATES; FURTHER PROVIDING FOR OPENING OF
25 POLLS, POSTING CARDS OF INSTRUCTION AND NOTICES OF PENALTIES
26 AND VOTERS' RIGHTS AND EXAMINATION OF VOTING MACHINES, FOR
27 VOTING PROCEDURES, FOR DATE OF APPLICATION FOR ABSENTEE
28 BALLOTS, FOR CANVASSING OF OFFICIAL ABSENTEE BALLOTS AND FOR
29 VIOLATION OF PROVISIONS RELATING TO ABSENTEE VOTING; AND
30 MAKING A REPEAL OF THE ACT OF OCTOBER 8, 2004 (P.L.830,

1 NO.98).

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

4 ~~Section 1. The title and section 1 of the act of October 8,~~ <—
5 ~~2004 (P.L.830, No.98), entitled "An act providing for effect of~~
6 ~~standards adopted by the Voting Standards Development Board in~~
7 ~~the 2004 general election," are reenacted and amended to read:~~

8 AN ACT

9 ~~Providing for effect of standards adopted by the Voting~~

10 ~~Standards Development Board [in the 2004 general election].~~

11 ~~Section 1. Special rule for [General Election of 2004] certain~~
12 ~~elections.~~

13 ~~The standards adopted by the Voting Standards Development~~
14 ~~Board under section 204 of the act of June 3, 1937 (P.L.1333,~~
15 ~~No.320), known as the Pennsylvania Election Code, as published~~
16 ~~by the Department of State in the Pennsylvania Bulletin Vol. 33,~~
17 ~~No. 31, on August 2, 2003, shall, for the general election in~~
18 ~~2004[,] and all primary, municipal, special and general~~
19 ~~elections in 2006 and 2007, have the force and effect of law.~~

20 ~~Section 2. This act shall take effect immediately.~~

21 SECTION 1. SECTION 204(H) OF THE ACT OF JUNE 3, 1937 <—
22 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE,
23 ADDED DECEMBER 9, 2002 (P.L.1246, NO.150), IS AMENDED TO READ:

24 SECTION 204. VOTING STANDARDS DEVELOPMENT BOARD.--* * *

25 (H) (1) THE BOARD SHALL HAVE THE POWER AND DUTY TO DEVELOP
26 UNIFORM AND NONDISCRIMINATORY STANDARDS THAT DEFINE WHAT
27 CONSTITUTES A VALID VOTE CAST THROUGH A PAPER BALLOT AND WHAT
28 CONSTITUTES A VALID VOTE THROUGH EACH TYPE OF ELECTRONIC VOTING
29 SYSTEM USED IN THE COMMONWEALTH. ON OR BEFORE JULY 1, 2003, THE
30 BOARD SHALL ADOPT STANDARDS FOR PAPER BALLOTS AND EACH TYPE OF

1 ELECTRONIC VOTING SYSTEM. THE DEPARTMENT SHALL CAUSE THESE
2 STANDARDS TO BE PUBLISHED AS A NOTICE IN THE PENNSYLVANIA
3 BULLETIN.

4 (2) THE STANDARDS ADOPTED BY THE BOARD AND PUBLISHED BY THE
5 DEPARTMENT OF STATE IN THE PENNSYLVANIA BULLETIN VOLUME 33
6 NUMBER 31 ON AUGUST 2, 2003, SHALL, FOR THE GENERAL ELECTION IN
7 2004 AND ANY PRIMARY, MUNICIPAL, SPECIAL AND GENERAL ELECTION IN
8 2006 AND 2007, HAVE THE FORCE AND EFFECT OF LAW.

9 SECTION 2. SECTION 302(B) OF THE ACT, AMENDED OCTOBER 8,
10 2004 (P.L.807, NO.97), IS AMENDED TO READ:

11 SECTION 302. POWERS AND DUTIES OF COUNTY BOARDS.--THE COUNTY
12 BOARDS OF ELECTIONS, WITHIN THEIR RESPECTIVE COUNTIES, SHALL
13 EXERCISE, IN THE MANNER PROVIDED BY THIS ACT, ALL POWERS GRANTED
14 TO THEM BY THIS ACT, AND SHALL PERFORM ALL THE DUTIES IMPOSED
15 UPON THEM BY THIS ACT, WHICH SHALL INCLUDE THE FOLLOWING:

16 * * *

17 (B) TO SELECT AND EQUIP POLLING PLACES THAT MEET THE
18 REQUIREMENTS OF THIS ACT.

19 * * *

20 SECTION 3. SECTION 412.2 OF THE ACT, ADDED DECEMBER 9, 2002
21 (P.L.1246, NO.150), IS AMENDED TO READ:

22 SECTION 412.2. COMPENSATION OF DISTRICT ELECTION OFFICERS.--

23 (A) IN ALL COUNTIES REGARDLESS OF CLASS, THE COMPENSATION OF
24 JUDGES OF ELECTION, INSPECTORS OF ELECTION, CLERKS AND MACHINE
25 OPERATORS SHALL BE FIXED BY THE COUNTY BOARD OF ELECTIONS FOR
26 EACH ELECTION IN ACCORDANCE WITH THE FOLLOWING:

27	ELECTION OFFICERS	MINIMUM	MAXIMUM
28		COMPENSATION	COMPENSATION
29	JUDGES OF ELECTION	[\$45] <u>\$75</u>	\$200
30	INSPECTORS OF ELECTION	[\$45] <u>\$75</u>	\$195

1 CLERKS AND MACHINE OPERATORS [\$40] \$70 \$195

2 (B) IF A COUNTY BOARD OF ELECTIONS AUTHORIZES THAT THE
3 DUTIES OF A CLERK OF ELECTIONS OR MACHINE OPERATOR MAY BE
4 PERFORMED BY TWO INDIVIDUALS WHO EACH PERFORM SUCH DUTIES FOR
5 ONE-HALF OF AN ELECTION DAY, SUCH INDIVIDUALS SHALL EACH BE
6 COMPENSATED AT ONE-HALF OF THE RATE AUTHORIZED FOR A SINGLE
7 INDIVIDUAL WHO PERFORMS THE DUTIES FOR THE ENTIRE ELECTION DAY.

8 (C) THE COUNTY BOARD OF ELECTIONS MAY, IN ITS DISCRETION,
9 ESTABLISH DIFFERENT PER DIEM RATES WITHIN THE MINIMA AND MAXIMA
10 PROVIDED FOR IN SUBSECTION (A) BASED ON THE NUMBER OF VOTES CAST
11 FOR THE FOLLOWING GROUPS:

12 (1) 150 VOTES OR FEWER.

13 (2) 151 TO 300 VOTES.

14 (3) 301 TO 500 VOTES.

15 (4) 501 TO 750 VOTES.

16 (5) 751 VOTES AND OVER.

17 (D) FOR TRANSMITTING RETURNS OF ELECTIONS AND THE BALLOT BOX
18 OR BOXES, ALL JUDGES OF ELECTION SHALL BE ENTITLED TO RECEIVE
19 THE ADDITIONAL SUM OF TWENTY DOLLARS (\$20).

20 (E) THE COUNTY BOARD OF ELECTIONS MAY, IN ITS DISCRETION,
21 REQUIRE THE MINORITY INSPECTOR OF ELECTION TO ACCOMPANY THE
22 JUDGE OF ELECTION IN TRANSMITTING THE RETURNS OF ELECTIONS, IN
23 WHICH CASE THE MINORITY INSPECTOR OF ELECTION SHALL BE ENTITLED
24 TO RECEIVE THE ADDITIONAL SUM OF TWENTY DOLLARS (\$20).

25 (F) THE PERSON FURNISHING TRANSPORTATION TO THE JUDGE OF
26 ELECTION AND THE MINORITY INSPECTOR IN TRANSMITTING RETURNS AND
27 BALLOT BOXES SHALL BE ENTITLED TO A MINIMUM OF THIRTY-FIVE CENTS
28 (35¢) PER CIRCULAR MILE FROM THE POLLING PLACE TO THE COUNTY
29 COURT HOUSE. THE NAME OF SUCH PERSON SHALL APPEAR ON THE VOUCHER
30 OF THE JUDGE OF ELECTION, AND ONLY ONE PERSON SHALL RECEIVE

1 MILEAGE COMPENSATION.

2 (G) A CONSTABLE OR DEPUTY CONSTABLE PERFORMING DUTIES UNDER
3 SECTION 1207 OF THIS ACT SHALL RECEIVE COMPENSATION AT THE SAME
4 RATE PAYABLE TO AN INSPECTOR.

5 (H) WHEN A PRIMARY AND SPECIAL ELECTION OR A SPECIAL
6 ELECTION AND A GENERAL OR MUNICIPAL ELECTION TAKE PLACE ON THE
7 SAME DATE, THEY SHALL BE CONSTRUED AS ONE ELECTION FOR THE
8 PURPOSE OF RECEIVING COMPENSATION.

9 (I) COMPENSATION AND OTHER PAYMENTS RECEIVED BY ELECTION
10 OFFICIALS PURSUANT TO THIS SECTION SHALL NOT BE DEEMED INCOME
11 CLASSIFIED AND CATEGORIZED UNDER SECTION 303 OF THE ACT OF MARCH
12 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971."

13 SECTION 4. SECTION 526 OF THE ACT IS AMENDED TO READ:

14 SECTION 526. POLLING PLACES TO BE SELECTED BY COUNTY
15 BOARD.--

16 (A) THE COUNTY BOARD OF ELECTIONS SHALL SELECT AND FIX THE
17 POLLING PLACE WITHIN EACH NEW ELECTION DISTRICT AND MAY, AT ANY
18 TIME, FOR ANY REASON THAT MAY SEEM PROPER TO IT, EITHER ON ITS
19 OWN MOTION OR ON PETITION OF TEN QUALIFIED REGISTERED ELECTORS
20 OF AN ELECTION DISTRICT, CHANGE THE POLLING PLACE WITHIN ANY
21 ELECTION DISTRICT. EXCEPT IN CASE OF AN EMERGENCY OR UNAVOIDABLE
22 EVENT OCCURRING WITHIN [TEN] TWENTY DAYS OF A PRIMARY OR
23 ELECTION, WHICH RENDERES ANY POLLING PLACE UNAVAILABLE FOR USE AT
24 SUCH PRIMARY OR ELECTION, THE COUNTY BOARD SHALL NOT CHANGE ANY
25 POLLING PLACE UNTIL AT LEAST FIVE DAYS AFTER NOTICE OF THE
26 PROPOSED CHANGE SHALL HAVE BEEN POSTED ON THE EXISTING POLLING
27 PLACE AND IN THE IMMEDIATE VICINITY THEREOF, AND UNTIL AT LEAST
28 FIVE DAYS AFTER WRITTEN NOTICE OF THE PROPOSED CHANGE SHALL HAVE
29 BEEN GIVEN TO THE OCCUPANT OR OWNER OF SAID POLLING PLACE, OR
30 THEIR AGENT.

(B) EXCEPT IN CASE OF EMERGENCY OR UNAVOIDABLE EVENT,
OCCURRING WITHIN [TEN] TWENTY DAYS OF A PRIMARY OR ELECTION,
WHICH RENDERS ANY POLLING PLACE UNAVAILABLE FOR USE, IF A
PETITION BE PRESENTED TO THE COUNTY BOARD ON OR BEFORE THE DAY
SET FOR HEARING OF THE PETITION FOR CHANGE OF POLLING PLACE,
SIGNED BY A MAJORITY OF THE REGISTERED ELECTORS OF THE DISTRICT,
OBJECTING TO THE PROPOSED CHANGE, SAID CHANGE SHALL NOT BE
ORDERED.

(C) THE COUNTY BOARD OF ELECTIONS SHALL PUBLICLY ANNOUNCE,
NOT LESS THAN TWENTY DAYS PRIOR TO THE PRIMARY ELECTION, SPECIAL
ELECTION, MUNICIPAL ELECTION OR GENERAL ELECTION, BY POSTING AT
ITS OFFICE IN A CONSPICUOUS PLACE, A LIST OF THE PLACES AT WHICH
THE ELECTION IS TO BE HELD IN THE VARIOUS ELECTION DISTRICTS OF
THE COUNTY. THE LIST SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT
THE OFFICE OF THE COUNTY BOARD OF ELECTIONS.

SECTION 5. SECTION 527(A) OF THE ACT, AMENDED JULY 1, 1987
(P.L.178, NO.20), IS AMENDED TO READ:

SECTION 527. PUBLIC BUILDINGS TO BE USED WHERE POSSIBLE;
PORTABLE POLLING PLACES.--(A) IN SELECTING POLLING PLACES, THE
COUNTY BOARD OF ELECTIONS SHALL, WHEREVER POSSIBLE AND
PRACTICABLE, SELECT SCHOOLHOUSES, MUNICIPAL BUILDINGS OR ROOMS,
OR OTHER PUBLIC BUILDINGS FOR THAT PURPOSE. ANY BOARD OF PUBLIC
EDUCATION OR SCHOOL DIRECTORS, OR COUNTY OR THE MUNICIPAL
AUTHORITIES SHALL, UPON REQUEST OF THE COUNTY BOARD, MAKE
ARRANGEMENTS FOR THE USE OF SCHOOL PROPERTY, OR OF COUNTY OR
MUNICIPAL PROPERTY FOR POLLING PLACES. IN SELECTING POLLING
PLACES, THE COUNTY BOARD OF ELECTIONS SHALL MAKE EVERY EFFORT TO
SELECT POLLING PLACES THAT PROVIDE ALL ELECTORS WITH AN
ENVIRONMENT THAT IS FREE FROM INTIMIDATION AND VIOLENCE.

IN THE EVENT NO AVAILABLE PUBLIC BUILDING AS CONTEMPLATED

1 UNDER THIS SECTION IS SITUATED WITHIN THE BOUNDARIES OF ANY
2 ELECTION DISTRICT, THE COUNTY BOARD OF ELECTIONS MAY, NOT LESS
3 THAN [TEN] TWENTY DAYS PRIOR TO ANY ELECTION, DESIGNATE AS THE
4 POLLING PLACE FOR SUCH ELECTION DISTRICT ANY SUCH PUBLIC
5 BUILDING SITUATED IN ANOTHER ELECTION DISTRICT WITHIN THE SAME
6 OR IMMEDIATELY ADJACENT WARD, OR, IF THERE ARE NO WARDS, THEN
7 WITHIN THE SAME BOROUGH OR TOWNSHIP AS THE CASE MAY BE, PROVIDED
8 SUCH OTHER BUILDING IS LOCATED IN AN ELECTION DISTRICT WHICH IS
9 IMMEDIATELY ADJACENT TO THE BOUNDARY OF THE ELECTION DISTRICT
10 FOR WHICH IT IS TO BE THE POLLING PLACE AND IS DIRECTLY
11 ACCESSIBLE THEREFROM BY PUBLIC STREET OR THOROUGHFARE. TWO OR
12 MORE POLLING PLACES MAY BE LOCATED IN THE SAME PUBLIC BUILDING
13 UNDER THIS SECTION. A POLLING PLACE MAY BE SELECTED AND
14 DESIGNATED HEREUNDER LESS THAN [TEN] TWENTY DAYS PRIOR TO ANY
15 ELECTION, WITH THE APPROVAL OF A COURT OF COMPETENT
16 JURISDICTION.

17 * * *

18 SECTION 6. SECTION 529 OF THE ACT IS AMENDED TO READ:

19 SECTION 529. POLLING PLACES IN BUILDINGS OR ROOMS WHERE MALT
20 OR BREWED BEVERAGES OR LIQUORS [SOLD] DISPENSED PROHIBITED.--

21 [NO] (A) EXCEPT AS PROVIDED IN SUBSECTION (C), NO ELECTION
22 SHALL BE HELD IN ANY ROOM [OR BUILDING, ANY PART OF WHICH IS
23 USED FOR THE SALE OR SERVING OF] WHERE MALT OR BREWED BEVERAGES
24 OR LIQUORS[.] ARE DISPENSED. NO MALT OR BREWED BEVERAGES OR
25 LIQUORS MAY BE SERVED IN A BUILDING WHERE A POLLING PLACE IS
26 LOCATED DURING THE HOURS THAT THE POLLING PLACE IS OPEN.

27 (B) THE POLLING PLACE MUST BE ACCESSIBLE FROM AN OUTSIDE
28 ENTRANCE THAT DOES NOT REQUIRE PASSAGEWAY THROUGH THE ROOM WHERE
29 MALT OR BREWED BEVERAGES OR LIQUORS ARE DISPENSED.

30 (C) IN THE CASE OF AN ESTABLISHMENT LICENSED AS A CLUB UNDER

1 THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR
2 CODE, WHICH IS LOCATED IN A BUILDING WITH ONLY ONE ROOM, AN
3 ELECTION MAY BE HELD IN THE ROOM IF NO MALT OR BREWED BEVERAGES
4 OR LIQUORS ARE SERVED DURING THE HOURS THAT THE POLLING PLACE IS
5 OPEN.

6 SECTION 7. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

7 SECTION 529.1. POLLING PLACES IN OTHER BUILDINGS.--NO
8 ELECTION SHALL BE HELD IN ANY OF THE FOLLOWING:

9 (1) A PRIVATE RESIDENCE NOT SITUATED WITHIN THE BOUNDARIES
10 OF THE ELECTION DISTRICT.

11 (2) A PRIVATE RESIDENCE OF AN ELECTED OR APPOINTED PARTY
12 OFFICIAL.

13 (3) A PRIVATE RESIDENCE, THAT IS NOT OTHERWISE PROHIBITED
14 UNDER PARAGRAPHS (1), (2), (6) AND (7), UNLESS THE COUNTY BOARD
15 OF ELECTIONS CERTIFIES IN WRITING AND AT A PUBLIC HEARING THAT:

16 (I) THE POLLING PLACE LOCATED WITHIN THE PRIVATE RESIDENCE
17 IS ACCESSIBLE TO PERSONS WITH DISABILITIES; AND

18 (II) THE PRIVATE RESIDENCE IS A LOCATION FREE OF
19 INTIMIDATION AND HARASSMENT.

20 (4) AN ABANDONED BUILDING.

21 (5) A VACANT LOT.

22 (6) AN OFFICE, BUILDING OR PRIVATE RESIDENCE OF A CANDIDATE
23 FOR POLITICAL OFFICE.

24 (7) AN OFFICE, BUILDING OR PRIVATE RESIDENCE OF AN ELECTED
25 OFFICIAL.

26 (8) A BUILDING UTILIZED BY A WARD OR POLITICAL PARTY AS
27 HEADQUARTERS.

28 SECTION 8. SECTIONS 630.1, 910, 951(E) AND 981.1 OF THE ACT,
29 AMENDED FEBRUARY 13, 1998 (P.L.72, NO.18), ARE AMENDED TO READ:

30 SECTION 630.1. AFFIDAVITS OF CANDIDATES.--EACH CANDIDATE FOR

1 ANY STATE, COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP,
2 SCHOOL DISTRICT OR POOR DISTRICT OFFICE, OR FOR THE OFFICE OF
3 UNITED STATES SENATOR OR REPRESENTATIVE IN CONGRESS, SELECTED AS
4 PROVIDED IN SECTION 630 OF THIS ACT, SHALL FILE WITH THE
5 NOMINATION CERTIFICATE AN AFFIDAVIT STATING--(A) HIS RESIDENCE,
6 WITH STREET AND NUMBER, IF ANY, AND HIS POST-OFFICE ADDRESS; (B)
7 HIS ELECTION DISTRICT, GIVING CITY, BOROUGH, TOWN OR TOWNSHIP;
8 (C) THE NAME OF THE OFFICE FOR WHICH HE CONSENTS TO BE A
9 CANDIDATE; (D) THAT HE IS ELIGIBLE FOR SUCH OFFICE; (E) THAT HE
10 WILL NOT KNOWINGLY VIOLATE ANY PROVISION OF THIS ACT, OR OF ANY
11 LAW REGULATING AND LIMITING ELECTION EXPENSES AND PROHIBITING
12 CORRUPT PRACTICES IN CONNECTION THEREWITH; (F) UNLESS HE IS A
13 CANDIDATE FOR JUDGE OF A COURT OF COMMON PLEAS, THE PHILADELPHIA
14 MUNICIPAL COURT OR THE TRAFFIC COURT OF PHILADELPHIA, OR FOR THE
15 OFFICE OF SCHOOL BOARD IN A DISTRICT WHERE THAT OFFICE IS
16 ELECTIVE OR FOR THE OFFICE OF JUSTICE OF THE PEACE, THAT HE IS
17 NOT A CANDIDATE FOR THE SAME OFFICE OF ANY PARTY OR POLITICAL
18 BODY OTHER THAN THE ONE DESIGNATED IN SUCH CERTIFICATE; [AND]
19 (G) THAT HE IS AWARE OF THE PROVISIONS OF SECTION 1626 OF THIS
20 ACT REQUIRING ELECTION AND POST-ELECTION REPORTING OF CAMPAIGN
21 CONTRIBUTIONS AND EXPENDITURES[.]; AND (H) THAT HE IS NOT A
22 CANDIDATE FOR AN OFFICE WHICH HE ALREADY HOLDS, THE TERM OF
23 WHICH IS NOT SET TO EXPIRE IN THE SAME YEAR AS THE OFFICE
24 SUBJECT TO THE AFFIDAVIT.

25 SECTION 910. AFFIDAVITS OF CANDIDATES.--EACH CANDIDATE FOR
26 ANY STATE, COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP,
27 WARD, SCHOOL DISTRICT, POOR DISTRICT, ELECTION DISTRICT, PARTY
28 OFFICE, PARTY DELEGATE OR ALTERNATE, OR FOR THE OFFICE OF UNITED
29 STATES SENATOR OR REPRESENTATIVE IN CONGRESS, SHALL FILE WITH
30 HIS NOMINATION PETITION HIS AFFIDAVIT STATING--(A) HIS

1 RESIDENCE, WITH STREET AND NUMBER, IF ANY, AND HIS POST-OFFICE
2 ADDRESS; (B) HIS ELECTION DISTRICT, GIVING CITY, BOROUGH, TOWN
3 OR TOWNSHIP; (C) THE NAME OF THE OFFICE FOR WHICH HE CONSENTS TO
4 BE A CANDIDATE; (D) THAT HE IS ELIGIBLE FOR SUCH OFFICE; (E)
5 THAT HE WILL NOT KNOWINGLY VIOLATE ANY PROVISION OF THIS ACT, OR
6 OF ANY LAW REGULATING AND LIMITING NOMINATION AND ELECTION
7 EXPENSES AND PROHIBITING CORRUPT PRACTICES IN CONNECTION
8 THEREWITH; (F) UNLESS HE IS A CANDIDATE FOR JUDGE OF A COURT OF
9 COMMON PLEAS, THE PHILADELPHIA MUNICIPAL COURT OR THE TRAFFIC
10 COURT OF PHILADELPHIA, OR FOR THE OFFICE OF SCHOOL DIRECTOR IN A
11 DISTRICT WHERE THAT OFFICE IS ELECTIVE OR FOR THE OFFICE OF
12 JUSTICE OF THE PEACE THAT HE IS NOT A CANDIDATE FOR NOMINATION
13 FOR THE SAME OFFICE OF ANY PARTY OTHER THAN THE ONE DESIGNATED
14 IN SUCH PETITION; (G) IF HE IS A CANDIDATE FOR A DELEGATE, OR
15 ALTERNATE DELEGATE, MEMBER OF STATE COMMITTEE, NATIONAL
16 COMMITTEE OR PARTY OFFICER, THAT HE IS A REGISTERED AND ENROLLED
17 MEMBER OF THE DESIGNATED PARTY; (H) IF HE IS A CANDIDATE FOR
18 DELEGATE OR ALTERNATE DELEGATE THE PRESIDENTIAL CANDIDATE TO
19 WHOM HE IS COMMITTED OR THE TERM "UNCOMMITTED"; [AND] (I) THAT
20 HE IS AWARE OF THE PROVISIONS OF SECTION 1626 OF THIS ACT
21 REQUIRING PRE-ELECTION AND POST-ELECTION REPORTING OF CAMPAIGN
22 CONTRIBUTIONS AND EXPENDITURES[.]; AND (J) THAT HE IS NOT A
23 CANDIDATE FOR AN OFFICE WHICH HE ALREADY HOLDS, THE TERM OF
24 WHICH IS NOT SET TO EXPIRE IN THE SAME YEAR AS THE OFFICE
25 SUBJECT TO THE AFFIDAVIT. IN CASES OF PETITIONS FOR DELEGATE AND
26 ALTERNATE DELEGATE TO NATIONAL CONVENTIONS, THE CANDIDATE'S
27 AFFIDAVIT SHALL STATE THAT HIS SIGNATURE TO THE DELEGATE'S
28 STATEMENT, AS HEREINAFTER SET FORTH, IF SUCH STATEMENT IS SIGNED
29 BY SAID CANDIDATE, WAS AFFIXED TO THE SHEET OR SHEETS OF SAID
30 PETITION PRIOR TO THE CIRCULATION OF SAME. IN THE CASE OF A

1 CANDIDATE FOR NOMINATION AS PRESIDENT OF THE UNITED STATES, IT
2 SHALL NOT BE NECESSARY FOR SUCH CANDIDATE TO FILE THE AFFIDAVIT
3 REQUIRED IN THIS SECTION TO BE FILED BY CANDIDATES, BUT THE
4 POST-OFFICE ADDRESS OF SUCH CANDIDATE SHALL BE STATED IN SUCH
5 NOMINATION PETITION.

6 SECTION 951. NOMINATIONS BY POLITICAL BODIES.--* * *

7 (E) THERE SHALL BE APPENDED TO EACH NOMINATION PAPER OFFERED
8 FOR FILING AN AFFIDAVIT OF EACH CANDIDATE NOMINATED THEREIN,
9 STATING--(1) THE ELECTION DISTRICT IN WHICH HE RESIDES; (2) THE
10 NAME OF THE OFFICE FOR WHICH HE CONSENTS TO BE A CANDIDATE; (3)
11 THAT HE IS ELIGIBLE FOR SUCH OFFICE; (4) THAT HE WILL NOT
12 KNOWINGLY VIOLATE ANY PROVISION OF THIS ACT, OR OF ANY LAW
13 REGULATING AND LIMITING ELECTION EXPENSES, AND PROHIBITING
14 CORRUPT PRACTICES IN CONNECTION THEREWITH; (5) THAT HIS NAME HAS
15 NOT BEEN PRESENTED AS A CANDIDATE BY NOMINATION PETITIONS FOR
16 ANY PUBLIC OFFICE TO BE VOTED FOR AT THE ENSUING PRIMARY
17 ELECTION, NOR HAS HE BEEN NOMINATED BY ANY OTHER NOMINATION
18 PAPERS FILED FOR ANY SUCH OFFICE; (6) THAT IN THE CASE WHERE HE
19 IS A CANDIDATE FOR ELECTION AT A GENERAL OR MUNICIPAL ELECTION,
20 HE WAS NOT A REGISTERED AND ENROLLED MEMBER OF A PARTY THIRTY
21 (30) DAYS BEFORE THE PRIMARY HELD PRIOR TO THE GENERAL OR
22 MUNICIPAL ELECTION IN THAT SAME YEAR; (7) THAT, IN THE CASE
23 WHERE HE IS A CANDIDATE FOR ELECTION AT A SPECIAL ELECTION, HE
24 IS NOT A REGISTERED AND ENROLLED MEMBER OF A PARTY[.]; (8) THAT
25 HE IS NOT A CANDIDATE FOR AN OFFICE WHICH HE ALREADY HOLDS, THE
26 TERM OF WHICH IS NOT SET TO EXPIRE IN THE SAME YEAR AS THE
27 OFFICE SUBJECT TO THE AFFIDAVIT.

28 SECTION 981.1. AFFIDAVITS OF CANDIDATES.--EACH CANDIDATE FOR
29 ANY STATE, COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP,
30 WARD, SCHOOL DISTRICT, POOR DISTRICT OR ELECTION DISTRICT

1 OFFICE, OR FOR THE OFFICE OF UNITED STATES SENATOR OR
2 REPRESENTATIVE IN CONGRESS, SELECTED AS PROVIDED IN SECTIONS 979
3 AND 980 OF THIS ACT, SHALL FILE WITH THE SUBSTITUTED NOMINATION
4 CERTIFICATE AN AFFIDAVIT STATING--(A) HIS RESIDENCE, WITH STREET
5 AND NUMBER, IF ANY, AND HIS POST-OFFICE ADDRESS; (B) HIS
6 ELECTION DISTRICT, GIVING CITY, BOROUGH, TOWN OR TOWNSHIP; (C)
7 THE NAME OF THE OFFICE FOR WHICH HE CONSENTS TO BE A CANDIDATE;
8 (D) THAT HE IS ELIGIBLE FOR SUCH OFFICE; (E) THAT HE WILL NOT
9 KNOWINGLY VIOLATE ANY PROVISION OF THIS ACT, OR OF ANY LAW
10 REGULATING AND LIMITING ELECTION EXPENSES AND PROHIBITING
11 CORRUPT PRACTICES IN CONNECTION THEREWITH; (F) UNLESS HE IS A
12 CANDIDATE FOR JUDGE OF A COURT OF COMMON PLEAS, THE PHILADELPHIA
13 MUNICIPAL COURT OR THE TRAFFIC COURT OF PHILADELPHIA, OR FOR THE
14 OFFICE OF SCHOOL BOARD IN A DISTRICT WHERE THAT OFFICE IS
15 ELECTIVE OR FOR THE OFFICE OF JUSTICE OF THE PEACE, THAT HE IS
16 NOT A CANDIDATE FOR THE SAME OFFICE OF ANY PARTY OR POLITICAL
17 BODY OTHER THAN THE ONE DESIGNATED IN SUCH CERTIFICATE; [AND]
18 (G) THAT HE IS AWARE OF THE PROVISIONS OF SECTION 1626 OF THIS
19 ACT REQUIRING ELECTION AND POST-ELECTION REPORTING OF CAMPAIGN
20 CONTRIBUTIONS AND EXPENDITURES[.]; AND (H) THAT HE IS NOT A
21 CANDIDATE FOR AN OFFICE WHICH HE ALREADY HOLDS, THE TERM OF
22 WHICH IS NOT SET TO EXPIRE IN THE SAME YEAR AS THE OFFICE
23 SUBJECT TO THE AFFIDAVIT.

24 SECTION 9. SECTION 1209 HEADING AND (A) OF THE ACT, AMENDED
25 MAY 16, 1945 (P.L.596, NO.250), ARE AMENDED AND THE SECTION IS
26 AMENDED BY ADDING A SUBSECTION TO READ:

27 SECTION 1209. OPENING OF POLLS; POSTING CARDS OF INSTRUCTION
28 AND NOTICES OF PENALTIES AND VOTERS' RIGHTS; EXAMINATION OF
29 VOTING MACHINES.--(A) IN DISTRICTS IN WHICH BALLOTS ARE USED,
30 THE ELECTION OFFICERS SHALL, AFTER TAKING THE OATH, OPEN THE

1 BALLOT BOXES WHICH HAVE BEEN FURNISHED TO THEM, AND BURN AND
2 TOTALLY DESTROY ALL THE BALLOTS AND OTHER PAPERS WHICH THEY MAY
3 FIND THEREIN, BEFORE THE OPENING OF THE POLLS.

4 WHENEVER DURING ANY EMERGENCY, IT BECOMES NECESSARY TO SAVE
5 WASTE PAPER ON ACCOUNT OF A SHORTAGE THEREOF, THE GOVERNOR OF
6 THE COMMONWEALTH MAY, BY PROCLAMATION, SUSPEND THE FOREGOING
7 PROVISIONS RELATING TO THE DESTRUCTION OF BALLOTS AND PAPERS,
8 AND IN THAT CASE, THE ELECTION BOARD SHALL SET THE BALLOTS AND
9 OTHER PAPERS ASIDE AND THEY SHALL BE COLLECTED AND DISPOSED OF
10 BY SUCH MEANS AND IN SUCH MANNER AS MAY BE DETERMINED BY THE
11 COUNTY ELECTION BOARD. WHEN THE POLLING PLACE IS OPENED, THE
12 BALLOT BOX SHALL BE SECURELY LOCKED, AND SHALL NOT BE OPENED
13 UNTIL THE CLOSE OF THE POLLS, AS PROVIDED IN SECTION 1221. AT
14 THE OPENING OF THE POLLS THE SEALS OF THE PACKAGES FURNISHED BY
15 THE COUNTY BOARD SHALL BE PUBLICLY BROKEN, AND THE SAID PACKAGES
16 SHALL BE OPENED BY THE JUDGE OF ELECTION. THE CARDS OF
17 INSTRUCTION AND NOTICES OF PENALTIES SHALL BE IMMEDIATELY POSTED
18 IN EACH VOTING COMPARTMENT, AND NOT LESS THAN THREE SUCH CARDS
19 AND NOTICES OF PENALTIES AND VOTERS' RIGHTS, AND NOT LESS THAN
20 FIVE SPECIMEN BALLOTS (AT PRIMARIES FIVE OF EACH PARTY), SHALL
21 BE IMMEDIATELY POSTED IN OR ABOUT THE VOTING ROOM OUTSIDE THE
22 ENCLOSED SPACE, AND SUCH CARDS OF INSTRUCTION, NOTICES OF
23 PENALTIES AND SPECIMEN BALLOTS SHALL BE GIVEN TO ANY ELECTOR AT
24 HIS REQUEST, SO LONG AS THERE ARE ANY ON HAND.

25 (A.1) THE NOTICE PERTAINING TO VOTERS' RIGHTS SHALL CONTAIN
26 THE FOLLOWING IN BOLDFACE TYPE:

27 AN ELECTOR SHALL HAVE THE RIGHT TO CAST HIS OR HER VOTE:
28 WITHOUT THE USE OR THREAT OF FORCE, VIOLENCE OR RESTRAINT;
29 WITHOUT THE INFLICTION OR THREAT OF INFLICTION OF INJURY;
30 WITHOUT ANY INTIMIDATION OR COERCION UPON OR AGAINST HIS OR

1 HER PERSON; OR

2 WITHOUT ANY OTHER ACTION INTENDED TO DENY ANY INDIVIDUAL'S
3 RIGHT TO VOTE.

4 * * *

5 SECTION 10. SECTION 1210(A.3) OF THE ACT, AMENDED OCTOBER 8,
6 2004 (P.L.807, NO.97), IS AMENDED TO READ:

7 SECTION 1210. MANNER OF APPLYING TO VOTE; PERSONS ENTITLED
8 TO VOTE; VOTER'S CERTIFICATES; ENTRIES TO BE MADE IN DISTRICT
9 REGISTER; NUMBERED LISTS OF VOTERS; CHALLENGES.--* * *

10 (A.3) ALL ELECTORS, INCLUDING ANY ELECTOR THAT SHOWS
11 IDENTIFICATION PURSUANT TO SUBSECTION (A), SHALL SUBSEQUENTLY
12 SIGN A VOTER'S CERTIFICATE IN BLUE, BLACK OR BLUE-BLACK INK WITH
13 A FOUNTAIN PEN OR BALL POINT PEN, AND, UNLESS HE IS A STATE OR
14 FEDERAL EMPLOYE WHO HAS REGISTERED UNDER ANY REGISTRATION ACT
15 WITHOUT DECLARING HIS RESIDENCE BY STREET AND NUMBER, HE SHALL
16 INSERT HIS ADDRESS THEREIN, AND HAND THE SAME TO THE ELECTION
17 OFFICER IN CHARGE OF THE DISTRICT REGISTER. SUCH ELECTION
18 OFFICER SHALL THEREUPON ANNOUNCE THE ELECTOR'S NAME SO THAT IT
19 MAY BE HEARD BY ALL MEMBERS OF THE ELECTION BOARD AND BY ALL
20 WATCHERS PRESENT IN THE POLLING PLACE AND SHALL COMPARE THE
21 ELECTOR'S SIGNATURE ON HIS VOTER'S CERTIFICATE WITH HIS
22 SIGNATURE IN THE DISTRICT REGISTER. IF, UPON SUCH COMPARISON,
23 THE SIGNATURE UPON THE VOTER'S CERTIFICATE APPEARS TO BE
24 GENUINE, THE ELECTOR WHO HAS SIGNED THE CERTIFICATE SHALL, IF
25 OTHERWISE QUALIFIED, BE PERMITTED TO VOTE: PROVIDED, THAT IF THE
26 SIGNATURE ON THE VOTER'S CERTIFICATE, AS COMPARED WITH THE
27 SIGNATURE AS RECORDED IN THE DISTRICT REGISTER, SHALL NOT BE
28 DEEMED AUTHENTIC BY ANY OF THE ELECTION OFFICERS, SUCH ELECTOR
29 SHALL NOT BE DENIED THE RIGHT TO VOTE FOR THAT REASON, BUT SHALL
30 BE CONSIDERED CHALLENGED AS TO IDENTITY AND REQUIRED TO MAKE THE

1 AFFIDAVIT AND PRODUCE THE EVIDENCE AS PROVIDED IN SUBSECTION (D)
2 OF THIS SECTION. WHEN AN ELECTOR HAS BEEN FOUND ENTITLED TO
3 VOTE, THE ELECTION OFFICER WHO EXAMINED HIS VOTER'S CERTIFICATE
4 AND COMPARED HIS SIGNATURE SHALL SIGN HIS NAME OR INITIALS ON
5 THE VOTER'S CERTIFICATE, SHALL, IF THE ELECTOR'S SIGNATURE IS
6 NOT READILY LEGIBLE, PRINT SUCH ELECTOR'S NAME OVER HIS
7 SIGNATURE, AND THE NUMBER OF THE STUB OF THE BALLOT ISSUED TO
8 HIM OR HIS NUMBER IN THE ORDER OF ADMISSION TO THE VOTING
9 MACHINES, AND AT PRIMARIES A LETTER OR ABBREVIATION DESIGNATING
10 THE PARTY IN WHOSE PRIMARY HE VOTES SHALL ALSO BE ENTERED BY ONE
11 OF THE ELECTION OFFICERS OR CLERKS. AS EACH VOTER IS FOUND TO BE
12 QUALIFIED AND VOTES, THE ELECTION OFFICER IN CHARGE OF THE
13 DISTRICT REGISTER SHALL WRITE OR STAMP THE DATE OF THE ELECTION
14 OR PRIMARY, THE NUMBER OF THE STUB OF THE BALLOT ISSUED TO HIM
15 OR HIS NUMBER IN THE ORDER OF ADMISSION TO THE VOTING MACHINES,
16 AND AT PRIMARIES A LETTER OR ABBREVIATION DESIGNATING THE PARTY
17 IN WHOSE PRIMARY HE VOTES, AND SHALL SIGN HIS NAME OR INITIALS
18 IN THE PROPER SPACE ON THE REGISTRATION CARD OF SUCH VOTER
19 CONTAINED IN THE DISTRICT REGISTER.

20 AS EACH VOTER VOTES, HIS NAME IN THE ORDER OF VOTING SHALL BE
21 RECORDED IN TWO (2) NUMBERED LISTS OF VOTERS PROVIDED FOR THAT
22 PURPOSE, WITH THE ADDITION OF A NOTE OF EACH VOTER'S PARTY
23 ENROLLMENT AFTER HIS NAME AT PRIMARIES.

24 * * *

25 SECTION 11. SECTION 1302.1 OF THE ACT, AMENDED FEBRUARY 13,
26 1998 (P.L.72, NO.18), IS AMENDED TO READ:

27 SECTION 1302.1. DATE OF APPLICATION FOR ABSENTEE BALLOT.--

28 (A) APPLICATIONS FOR ABSENTEE BALLOTS UNLESS OTHERWISE
29 SPECIFIED SHALL BE RECEIVED IN THE OFFICE OF THE COUNTY BOARD OF
30 ELECTIONS NOT EARLIER THAN FIFTY (50) DAYS BEFORE THE PRIMARY OR

1 ELECTION AND NOT LATER THAN FIVE O'CLOCK P.M. OF THE FIRST
2 TUESDAY PRIOR TO THE DAY OF ANY PRIMARY OR ELECTION: PROVIDED,
3 HOWEVER, THAT IN THE EVENT ANY ELECTOR OTHERWISE QUALIFIED WHO
4 IS SO PHYSICALLY DISABLED OR ILL ON OR BEFORE THE FIRST TUESDAY
5 PRIOR TO ANY PRIMARY OR ELECTION THAT HE IS UNABLE TO FILE HIS
6 APPLICATION OR WHO BECOMES PHYSICALLY DISABLED OR ILL AFTER THE
7 FIRST TUESDAY PRIOR TO ANY PRIMARY OR ELECTION AND IS UNABLE TO
8 APPEAR AT HIS POLLING PLACE OR ANY ELECTOR OTHERWISE QUALIFIED
9 WHO BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION
10 WILL NECESSARILY BE ABSENT FROM THE MUNICIPALITY OF HIS
11 RESIDENCE ON THE DAY OF THE PRIMARY OR ELECTION, WHICH FACT WAS
12 NOT AND COULD NOT REASONABLY BE KNOWN TO SAID ELECTOR ON OR
13 BEFORE THE FIRST TUESDAY PRIOR TO ANY PRIMARY OR ELECTION, SHALL
14 BE ENTITLED TO AN ABSENTEE BALLOT AT ANY TIME PRIOR TO FIVE
15 O'CLOCK P.M. ON THE FIRST FRIDAY PRECEDING ANY PRIMARY OR
16 ELECTION UPON EXECUTION OF AN EMERGENCY APPLICATION IN SUCH FORM
17 PRESCRIBED BY THE SECRETARY OF THE COMMONWEALTH.

18 (B) IN THE CASE OF AN ELECTOR WHOSE APPLICATION FOR AN
19 ABSENTEE BALLOT IS RECEIVED BY THE OFFICE OF THE COUNTY BOARD OF
20 ELECTIONS EARLIER THAN FIFTY (50) DAYS BEFORE THE PRIMARY OR
21 ELECTION, THE APPLICATION SHALL BE HELD AND PROCESSED UPON
22 COMMENCEMENT OF THE FIFTY (50) DAY PERIOD.

23 (C) IN THE CASE OF AN ELECTOR WHO IS PHYSICALLY DISABLED OR
24 ILL ON OR BEFORE THE FIRST TUESDAY PRIOR TO A PRIMARY OR
25 ELECTION OR BECOMES PHYSICALLY DISABLED OR ILL AFTER THE FIRST
26 TUESDAY PRIOR TO A PRIMARY OR ELECTION, SUCH EMERGENCY
27 APPLICATION SHALL CONTAIN A SUPPORTING AFFIDAVIT FROM HIS
28 ATTENDING PHYSICIAN STATING THAT DUE TO PHYSICAL DISABILITY OR
29 ILLNESS SAID ELECTOR WAS UNABLE TO APPLY FOR AN ABSENTEE BALLOT
30 ON OR BEFORE THE FIRST TUESDAY PRIOR TO THE PRIMARY OR ELECTION

1 OR BECAME PHYSICALLY DISABLED OR ILL AFTER THAT PERIOD.

2 (D) IN THE CASE OF AN ELECTOR WHO IS NECESSARILY ABSENT
3 BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION
4 UNDER THE UNFORESEEN CIRCUMSTANCES SPECIFIED IN THIS SUBSECTION,
5 SUCH EMERGENCY APPLICATION SHALL CONTAIN A SUPPORTING AFFIDAVIT
6 FROM SUCH ELECTOR STATING THAT BECAUSE OF THE CONDUCT OF HIS
7 BUSINESS, DUTIES OR OCCUPATION SAID ELECTOR WILL NECESSARILY BE
8 ABSENT FROM THE MUNICIPALITY OF HIS RESIDENCE ON THE DAY OF THE
9 PRIMARY OR ELECTION WHICH FACT WAS NOT AND COULD NOT REASONABLY
10 BE KNOWN TO SAID ELECTOR ON OR BEFORE THE FIRST TUESDAY PRIOR TO
11 THE PRIMARY OR ELECTION.

12 SECTION 12. SECTION 1308(A) OF THE ACT, AMENDED DECEMBER 11,
13 1968 (P.L.1183, NO.375), IS AMENDED AND THE SECTION IS AMENDED
14 BY ADDING A SUBSECTION TO READ:

15 SECTION 1308. CANVASSING OF OFFICIAL ABSENTEE BALLOTS.--

16 (A) THE COUNTY BOARDS OF ELECTION, UPON RECEIPT OF OFFICIAL
17 ABSENTEE BALLOTS IN SUCH ENVELOPES, SHALL SAFELY KEEP THE SAME
18 IN SEALED OR LOCKED CONTAINERS UNTIL THEY DISTRIBUTE SAME TO THE
19 APPROPRIATE LOCAL ELECTION DISTRICTS IN A MANNER PRESCRIBED BY
20 THE SECRETARY OF THE COMMONWEALTH.

21 THE COUNTY BOARD OF ELECTIONS SHALL THEN DISTRIBUTE THE
22 ABSENTEE BALLOTS, UNOPENED, TO THE ABSENTEE VOTER'S RESPECTIVE
23 ELECTION DISTRICT CONCURRENTLY WITH THE DISTRIBUTION OF THE
24 OTHER ELECTION SUPPLIES. ABSENTEE BALLOTS SHALL BE CANVASSED
25 IMMEDIATELY AND CONTINUOUSLY WITHOUT INTERRUPTION UNTIL
26 COMPLETED AFTER THE CLOSE OF THE POLLS ON THE DAY OF THE
27 ELECTION IN EACH ELECTION DISTRICT. THE RESULTS OF THE CANVASS
28 OF THE ABSENTEE BALLOTS SHALL THEN BE INCLUDED IN AND RETURNED
29 TO THE COUNTY BOARD WITH THE RETURNS OF THAT DISTRICT. [NO]
30 EXCEPT AS PROVIDED IN SUBSECTION (G), NO ABSENTEE BALLOT SHALL

BE COUNTED WHICH IS RECEIVED IN THE OFFICE OF THE COUNTY BOARD
OF ELECTION LATER THAN FIVE O'CLOCK P. M. ON THE FRIDAY
IMMEDIATELY PRECEDING THE PRIMARY OR NOVEMBER ELECTION.

* * *

(G) (1) AN ABSENTEE BALLOT CAST BY ANY ABSENTEE ELECTOR AS
DEFINED IN SECTION 1301(A), (B), (C), (D), (E), (F), (G) AND (H)
WHICH IS RECEIVED IN THE OFFICE OF THE COUNTY BOARD OF ELECTIONS
AFTER FIVE O'CLOCK P. M. ON THE FRIDAY IMMEDIATELY PRECEDING THE
ELECTION AND NO LATER THAN FIVE O'CLOCK P. M. ON THE SEVENTH DAY
FOLLOWING AN ELECTION SHALL BE CANVASSED IN ACCORDANCE WITH THIS
SUBSECTION IF THE ABSENTEE BALLOT IS POSTMARKED NO LATER THAN
THE DAY IMMEDIATELY PRECEDING THE ELECTION.

(2) THE COUNTY BOARD OF ELECTIONS SHALL MEET ON THE EIGHTH
DAY FOLLOWING THE ELECTION TO CANVASS THE ABSENTEE BALLOTS
RECEIVED UNDER THIS SUBSECTION. ONE AUTHORIZED REPRESENTATIVE OF
EACH CANDIDATE IN AN ELECTION AND ONE REPRESENTATIVE FROM EACH
POLITICAL PARTY SHALL BE PERMITTED TO REMAIN IN THE ROOM IN
WHICH THE ABSENTEE BALLOTS ARE CANVASSED. REPRESENTATIVES SHALL
BE PERMITTED TO CHALLENGE ANY ABSENTEE ELECTOR IN ACCORDANCE
WITH THE PROVISIONS OF PARAGRAPH (3).

(3) WHEN THE COUNTY BOARD MEETS TO CANVASS ABSENTEE BALLOTS
UNDER PARAGRAPH (2) THE BOARD SHALL EXAMINE THE DECLARATION ON
THE ENVELOPE OF EACH BALLOT NOT SET ASIDE UNDER SUBSECTION (D)
AND SHALL COMPARE THE INFORMATION THEREON WITH THAT CONTAINED IN
THE "REGISTERED ABSENTEE VOTERS FILE," THE ABSENTEE VOTERS' LIST
AND/OR THE "MILITARY VETERANS AND EMERGENCY CIVILIANS ABSENTEE
VOTERS FILE," WHICHEVER IS APPLICABLE. IF THE COUNTY BOARD IS
SATISFIED THAT THE DECLARATION IS SUFFICIENT AND THE INFORMATION
CONTAINED IN THE "REGISTERED ABSENTEE VOTERS FILE," THE ABSENTEE
VOTERS' LIST AND/OR THE "MILITARY VETERANS AND EMERGENCY

1 CIVILIANS ABSENTEE VOTERS FILE" VERIFIES HIS RIGHT TO VOTE, THE
2 COUNTY BOARD SHALL ANNOUNCE THE NAME OF THE ELECTOR AND SHALL
3 GIVE ANY CANDIDATE REPRESENTATIVE OR PARTY REPRESENTATIVE
4 PRESENT AN OPPORTUNITY TO CHALLENGE ANY ABSENTEE ELECTOR UPON
5 THE GROUND OR GROUNDS (I) THAT THE ABSENTEE ELECTOR IS NOT A
6 QUALIFIED ELECTOR; OR (II) THAT THE ABSENTEE ELECTOR WAS WITHIN
7 THE MUNICIPALITY OF HIS RESIDENCE ON THE DAY OF THE PRIMARY OR
8 ELECTION DURING THE PERIOD THE POLLS WERE OPEN, EXCEPT WHERE HE
9 WAS IN THE MILITARY SERVICE OR EXCEPT IN THE CASE WHERE HIS
10 BALLOT WAS OBTAINED FOR THE REASON THAT HE WAS UNABLE TO APPEAR
11 PERSONALLY AT THE POLLING PLACE BECAUSE OF ILLNESS OR PHYSICAL
12 DISABILITY; OR (III) THAT THE ABSENTEE ELECTOR WAS ABLE TO
13 APPEAR PERSONALLY AT THE POLLING PLACE ON THE DAY OF THE PRIMARY
14 OR ELECTION DURING THE PERIOD THE POLLS WERE OPEN IN THE CASE
15 HIS BALLOT WAS OBTAINED FOR THE REASON THAT HE WAS UNABLE TO
16 APPEAR PERSONALLY AT THE POLLING PLACE BECAUSE OF ILLNESS OR
17 PHYSICAL DISABILITY. UPON CHALLENGE OF ANY ABSENTEE ELECTOR, AS
18 SET FORTH HEREIN, THE BOARD SHALL MARK "CHALLENGED" ON THE
19 ENVELOPE TOGETHER WITH THE REASONS THEREFOR, AND THE SAME SHALL
20 BE SET ASIDE UNOPENED PENDING FINAL DETERMINATION OF THE
21 CHALLENGE ACCORDING TO THE PROCEDURE DESCRIBED IN PARAGRAPH (5).

22 (4) ALL ABSENTEE BALLOTS NOT CHALLENGED FOR ANY OF THE
23 REASONS PROVIDED IN PARAGRAPH (3) SHALL BE COUNTED AND INCLUDED
24 WITH THE RETURNS OF THE APPLICABLE ELECTION DISTRICT, AS
25 FOLLOWS. THE COUNTY BOARD SHALL OPEN THE ENVELOPE OF EVERY
26 UNCHALLENGED ABSENTEE ELECTOR IN SUCH MANNER AS NOT TO DESTROY
27 THE DECLARATION EXECUTED THEREON. IF ANY OF THE ENVELOPES ON
28 WHICH ARE PRINTED, STAMPED OR ENDORSED THE WORDS "OFFICIAL
29 ABSENTEE BALLOT" CONTAIN ANY EXTRANEIOUS MARKS OR IDENTIFYING
30 SYMBOLS THE ENVELOPES AND THE BALLOTS CONTAINED THEREIN SHALL BE

1 SET ASIDE AND DECLARED VOID. THE COUNTY BOARD SHALL THEN BREAK
2 THE SEALS OF SUCH ENVELOPES, REMOVE THE BALLOTS AND RECORD THE
3 VOTES.

4 (5) WITH RESPECT TO THE CHALLENGED BALLOTS, THEY SHALL BE
5 PLACED UNOPENED IN A SECURE, SAFE AND SEALED CONTAINER IN THE
6 CUSTODY OF THE COUNTY BOARD UNTIL IT SHALL FIX A TIME AND PLACE
7 FOR A FORMAL HEARING OF ALL SUCH CHALLENGES AND NOTICE SHALL BE
8 GIVEN WHERE POSSIBLE TO ALL ABSENTEE ELECTORS THUS CHALLENGED
9 AND TO EVERY INDIVIDUAL WHO MADE A CHALLENGE. THE TIME FOR THE
10 HEARING SHALL NOT BE LATER THAN FIVE (5) DAYS AFTER THE DATE OF
11 THE CHALLENGE. ON THE DAY FIXED FOR SAID HEARING, THE COUNTY
12 BOARD SHALL PROCEED WITHOUT DELAY TO HEAR SAID CHALLENGES AND,
13 IN HEARING THE TESTIMONY, THE COUNTY BOARD SHALL NOT BE BOUND BY
14 THE PENNSYLVANIA RULES OF EVIDENCE. THE TESTIMONY PRESENTED
15 SHALL BE STENOGRAPHICALLY RECORDED AND MADE PART OF THE RECORD
16 OF THE HEARING.

17 (6) THE DECISION OF THE COUNTY BOARD IN UPHOLDING OR
18 DISMISSING ANY CHALLENGE MAY BE REVIEWED BY THE COURT OF COMMON
19 PLEAS OF THE COUNTY UPON A PETITION FILED BY ANY PERSON
20 AGGRIEVED BY THE DECISION OF THE COUNTY BOARD. THE APPEAL SHALL
21 BE TAKEN, WITHIN TWO (2) DAYS AFTER THE DECISION WAS MADE,
22 WHETHER THE DECISION WAS REDUCED TO WRITING OR NOT, TO THE COURT
23 OF COMMON PLEAS SETTING FORTH THE OBJECTIONS TO THE COUNTY
24 BOARD'S DECISION AND PRAYING FOR AN ORDER REVERSING THE
25 DECISION.

26 (7) PENDING THE FINAL DETERMINATION OF ALL APPEALS, THE
27 COUNTY BOARD SHALL SUSPEND ANY ACTION IN CANVASSING AND
28 COMPUTING ALL CHALLENGED BALLOTS RECEIVED UNDER THIS SUBSECTION
29 IRRESPECTIVE OF WHETHER OR NOT APPEAL WAS TAKEN FROM THE COUNTY
30 BOARD'S DECISION. UPON COMPLETION OF THE COMPUTATION OF THE

1 RETURNS OF THE COUNTY, THE VOTES CAST UPON THE CHALLENGED
2 OFFICIAL ABSENTEE BALLOTS THAT HAVE BEEN FINALLY DETERMINED TO
3 BE VALID SHALL BE ADDED TO THE OTHER VOTES CAST WITHIN THE
4 COUNTY.

5 SECTION 13. SECTION 1331 OF THE ACT, ADDED DECEMBER 11, 1968
6 (P.L.1183, NO.375), IS AMENDED TO READ:

7 SECTION 1331. VIOLATION OF PROVISIONS RELATING TO ABSENTEE
8 VOTING.--[ANY] (A) EXCEPT AS PROVIDED IN SUBSECTION (B), ANY
9 PERSON WHO SHALL VIOLATE ANY OF THE PROVISIONS OF THIS ACT
10 RELATING TO ABSENTEE VOTING SHALL, UNLESS OTHERWISE PROVIDED, BE
11 SUBJECT TO THE PENALTIES PROVIDED FOR IN SECTION 1850 OF THIS
12 ACT.

13 (B) ANY PERSON WHO KNOWINGLY ASSISTS ANOTHER PERSON WHO IS
14 NOT A QUALIFIED ABSENTEE ELECTOR IN FILLING OUT AN ABSENTEE
15 BALLOT APPLICATION OR ABSENTEE BALLOT COMMITS A MISDEMEANOR OF
16 THE THIRD DEGREE.

17 SECTION 14. THE AMENDMENT OF SECTION 412.2 OF THE ACT SHALL
18 APPLY TO THE DISTRICT ELECTION OFFICERS OF A COUNTY WHEN ANY
19 INCREASE IN COMPENSATION PAYABLE TO AN ELECTED ELECTION OFFICER
20 IS PERMITTED IN ACCORDANCE WITH SECTION 27 OF ARTICLE III OF THE
21 CONSTITUTION OF PENNSYLVANIA.

22 SECTION 15. REPEALS ARE AS FOLLOWS:

23 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
24 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE AMENDMENT OF
25 SECTION 204(H) OF THE ACT.

26 (2) THE ACT OF OCTOBER 8, 2004 (P.L.830, NO.98),
27 ENTITLED "AN ACT PROVIDING FOR EFFECT OF STANDARDS ADOPTED BY
28 THE VOTING STANDARDS DEVELOPMENT BOARD IN THE 2004 GENERAL
29 ELECTION," IS REPEALED.

30 SECTION 16. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

1 (1) THE AMENDMENT OF SECTION 204(H) OF THE ACT SHALL
2 TAKE EFFECT IMMEDIATELY.

3 (2) THE AMENDMENT OF SECTION 412.2 OF THE ACT SHALL TAKE
4 EFFECT JANUARY 1, 2007.

5 (3) SECTION 15 AND THIS SECTION SHALL TAKE EFFECT
6 IMMEDIATELY.

7 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,
8 2006.