

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 934 Session of
2011

INTRODUCED BY METCALFE, AUMENT, BARRAR, BOYD, CAUSER, CLYMER,
COX, CREIGHTON, CRUZ, CUTLER, DENLINGER, DUNBAR, ELLIS,
EVANKOVICH, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GRELL,
GROVE, HELM, HICKERNELL, KAUFFMAN, KNOWLES, KRIEGER, MAHER,
MARSHALL, MILLARD, MOUL, PEIFER, PERRY, PETRI, PICKETT, PYLE,
RAPP, REED, ROAE, SACCONI, SAYLOR, SCHRODER, SIMMONS, SONNEY,
STEVENSON, TALLMAN, TRUITT, VULAKOVICH AND REICHLEY,
MARCH 4, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MARCH 5, 2012

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 preliminary provisions, defining "proof of~~ ←
12 ~~identification"; in the Secretary of the Commonwealth,~~
13 ~~providing for requirements relating to voter identification;~~
14 ~~and, in preparation for and conduct of primaries and~~
15 ~~elections, further providing for manner of applying to vote,~~
16 ~~persons entitled to vote, voter's certificates, entries to be~~
17 ~~made in district register, numbered lists of voters and~~
18 ~~challenges~~ IN PRELIMINARY PROVISIONS, DEFINING "PROOF OF" ←
19 IDENTIFICATION"; IN THE SECRETARY OF THE COMMONWEALTH,
20 PROVIDING FOR REQUIREMENTS RELATING TO VOTER IDENTIFICATION;
21 IN PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS,
22 FURTHER PROVIDING FOR MANNER OF APPLYING TO VOTE, PERSONS
23 ENTITLED TO VOTE, VOTER'S CERTIFICATES, ENTRIES TO BE MADE IN
24 DISTRICT REGISTER, NUMBERED LISTS OF VOTERS AND CHALLENGES;
25 IN VOTING BY QUALIFIED ABSENTEE ELECTORS, FURTHER PROVIDING
26 FOR APPLICATIONS FOR OFFICIAL ABSENTEE BALLOTS, FOR APPROVAL

1 OF APPLICATION FOR ABSENTEE BALLOT, FOR DELIVERING OR MAILING
2 BALLOTS, FOR CANVASSING OF OFFICIAL ABSENTEE BALLOTS AND FOR
3 PUBLIC RECORDS; AND PROVIDING FOR ENFORCEMENT AND FOR A
4 SPECIAL PROCEDURE AT CERTAIN ELECTIONS.

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

7 ~~Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,~~ ←
8 ~~No.320), known as the Pennsylvania Election Code, is amended by~~
9 ~~adding a definition to read:~~

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

13 * * *

14 ~~(z.5) The words "proof of identification" shall mean~~

15 ~~:~~

16 ~~(1) In the case of an elector who has a religious objection~~
17 ~~to being photographed, a valid without photo driver's license or~~
18 ~~a valid without photo identification card issued by the~~
19 ~~Department of Transportation.~~

20 ~~(2) In the case of all other electors, a document that:~~

21 ~~(i) shows the name of the individual to whom the document~~
22 ~~was issued and the name conforms to the name of the individual~~
23 ~~as it appears in the district register;~~

24 ~~(ii) shows a photograph of the individual to whom the~~
25 ~~document was issued;~~

26 ~~(iii) includes an expiration date;~~

27 ~~(iv) is not expired or expired after the date of the most~~
28 ~~recent general election; and~~

29 ~~(v) was issued by the United States or the Commonwealth.~~

30 ~~Section 2. The act is amended by adding a section to read:~~

31 ~~Section 206. Requirements Relating to Voter~~

32 ~~Identification. (a) The Secretary of the Commonwealth shall~~

1 ~~prepare and disseminate information to the public regarding the~~
2 ~~proof of identification requirements established under section~~
3 ~~1210.~~

4 ~~(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)~~
5 ~~(relating to issuance and content of driver's license) to the~~
6 ~~contrary, the Department of Transportation shall issue an~~
7 ~~identification card described in 75 Pa.C.S. § 1510(b) at no cost~~
8 ~~to any registered elector who has made application therefor and~~
9 ~~has included with the completed application a statement signed~~
10 ~~by the elector declaring that the elector does not possess proof~~
11 ~~of identification and requires proof of identification for~~
12 ~~voting purposes.~~

13 ~~(c) The Secretary of the Commonwealth shall prepare the form~~
14 ~~of the statement described in subsection (b) and shall~~
15 ~~distribute the form to the counties and the Department of~~
16 ~~Transportation. The Secretary of the Commonwealth, the Secretary~~
17 ~~of Transportation and the county boards of election shall~~
18 ~~disseminate information to the public regarding the availability~~
19 ~~of identification cards under subsection (b).~~

20 ~~Section 3. Section 1210(a), (a.1), (a.2), (a.3) and (a.4)(1)~~
21 ~~and (5) of the act, amended October 8, 2004 (P.L.807, No.97) and~~
22 ~~May 12, 2006 (P.L.178, No.45), are amended and the section is~~
23 ~~amended by adding a subsection to read:~~

24 ~~Section 1210. Manner of Applying to Vote; Persons Entitled~~
25 ~~to Vote; Voter's Certificates; Entries to Be Made in District~~
26 ~~Register; Numbered Lists of Voters; Challenges. (a) [At]~~
27 ~~Except as otherwise provided in subsection (a.1), at every~~
28 ~~primary and election each elector who appears to vote [in that~~
29 ~~election district for the first time] and who desires to vote~~
30 ~~shall first present to an election officer [one of the following~~

1 ~~forms of photo identification:~~

2 ~~(1) a valid driver's license or identification card issued~~
3 ~~by the Department of Transportation;~~

4 ~~(2) a valid identification card issued by any other agency~~
5 ~~of the Commonwealth;~~

6 ~~(3) a valid identification card issued by the United States~~
7 ~~Government;~~

8 ~~(4) a valid United States passport;~~

9 ~~(5) a valid student identification card;~~

10 ~~(6) a valid employe identification card; or~~

11 ~~(7) a valid armed forces of the United States identification~~
12 ~~card] proof of identification.~~

13 ~~The election officer shall examine the proof of identification~~
14 ~~presented by the elector and sign an affidavit stating that this~~
15 ~~has been done.~~

16 ~~(a.1) [Where the elector does not have a photo~~
17 ~~identification as provided for in subsection (a), the elector~~
18 ~~shall present for examination one of the following forms of~~
19 ~~identification that shows the name and address of the elector:~~

20 ~~(1) nonphoto identification issued by the Commonwealth, or~~
21 ~~any agency thereof;~~

22 ~~(2) nonphoto identification issued by the United States~~
23 ~~Government, or agency thereof;~~

24 ~~(3) a firearm permit;~~

25 ~~(4) a current utility bill;~~

26 ~~(5) a current bank statement;~~

27 ~~(6) a paycheck;~~

28 ~~(7) a government check.~~

29 ~~The election officer shall examine the identification presented~~
30 ~~by the elector and sign an affidavit stating that this has been~~

1 ~~done.] In the case of an elector who resides in a care facility~~
2 ~~and votes in a polling place that is located in the care~~
3 ~~facility, the following shall apply:~~

4 ~~(1) For the primary or election at which the elector appears~~
5 ~~to vote in the election district for the first time, the elector~~
6 ~~shall first present to an election officer proof of~~
7 ~~identification.~~

8 ~~(2) The election officer shall examine the proof of~~
9 ~~identification presented by the elector and sign an affidavit~~
10 ~~stating that this has been done.~~

11 ~~(a.2) If the elector is unable to produce proof of~~
12 ~~identification:~~

13 ~~(1) on the grounds that the elector is indigent and unable~~
14 ~~to obtain proof of identification without the payment of a fee;~~
15 ~~or~~

16 ~~(2) on any other grounds~~
17 ~~or the elector's proof of identification is challenged by the~~
18 ~~judge of elections, the elector shall be permitted to cast a~~
19 ~~provisional ballot in accordance with subsection (a.4).~~

20 ~~(a.3) (1) All electors, including any elector that shows~~
21 ~~proof of identification pursuant to subsection (a), shall~~
22 ~~subsequently sign a voter's certificate in blue, black or blue~~
23 ~~black ink with a fountain pen or ball point pen, and, unless he~~
24 ~~is a State or Federal employe who has registered under any~~
25 ~~registration act without declaring his residence by street and~~
26 ~~number, he shall insert his address therein, and hand the same~~
27 ~~to the election officer in charge of the district register.~~

28 ~~(2) Such election officer shall thereupon announce the~~
29 ~~elector's name so that it may be heard by all members of the~~
30 ~~election board and by all watchers present in the polling place~~

1 ~~and shall compare the elector's signature on his voter's~~
2 ~~certificate with his signature in the district register. If,~~
3 ~~upon such comparison, the signature upon the voter's certificate~~
4 ~~appears to be genuine, the elector who has signed the~~
5 ~~certificate shall, if otherwise qualified, be permitted to vote:~~
6 ~~Provided, That if the signature on the voter's certificate, as~~
7 ~~compared with the signature as recorded in the district~~
8 ~~register, shall not be deemed authentic by any of the election~~
9 ~~officers, such elector shall not be denied the right to vote for~~
10 ~~that reason, but shall be considered challenged as to identity~~
11 ~~and required to make the affidavit and produce the evidence as~~
12 ~~provided in subsection (d) of this section.~~

13 ~~(3) When an elector has been found entitled to vote, the~~
14 ~~election officer who examined his voter's certificate and~~
15 ~~compared his signature shall sign his name or initials on the~~
16 ~~voter's certificate, shall, if the elector's signature is not~~
17 ~~readily legible, print such elector's name over his signature,~~
18 ~~and the number of the stub of the ballot issued to him or his~~
19 ~~number in the order of admission to the voting machines, and at~~
20 ~~primaries a letter or abbreviation designating the party in~~
21 ~~whose primary he votes shall also be entered by one of the~~
22 ~~election officers or clerks.~~

23 ~~(4) As each voter is found to be qualified and votes, the~~
24 ~~election officer in charge of the district register shall write~~
25 ~~or stamp the date of the election or primary, the number of the~~
26 ~~stub of the ballot issued to him or his number in the order of~~
27 ~~admission to the voting machines, and at primaries a letter or~~
28 ~~abbreviation designating the party in whose primary he votes,~~
29 ~~and shall sign his name or initials in the proper space on the~~
30 ~~registration card of such voter contained in the district~~

1 register.

2 ~~(5) As each voter votes, his name in the order of voting~~
3 ~~shall be recorded in two (2) numbered lists of voters provided~~
4 ~~for that purpose, with the addition of a note of each voter's~~
5 ~~party enrollment after his name at primaries.~~

6 ~~(a.4) (1) At all elections an individual who claims to be~~
7 ~~properly registered and eligible to vote at the election~~
8 ~~district but whose name does not appear on the district register~~
9 ~~and whose registration cannot be determined by the inspectors of~~
10 ~~election or the county election board shall be permitted to cast~~
11 ~~a provisional ballot. Individuals who [are voting for the first~~
12 ~~time at the election district] appear to vote shall be required~~
13 ~~to produce proof of identification pursuant to subsection (a) or~~
14 ~~(a.1) and if unable to do so shall be permitted to cast a~~
15 ~~provisional ballot. An individual presenting a judicial order to~~
16 ~~vote shall be permitted to cast a provisional ballot.~~

17 * * *

18 ~~(5) (i) Except as provided in subclause (ii), if it is~~
19 ~~determined that the individual was registered and entitled to~~
20 ~~vote at the election district where the ballot was cast, the~~
21 ~~county board of elections shall compare the signature on the~~
22 ~~provisional ballot envelope with the signature on the elector's~~
23 ~~registration form and, if the signatures are determined to be~~
24 ~~genuine, shall count the ballot if the county board of elections~~
25 ~~confirms that the individual did not cast any other ballot,~~
26 ~~including an absentee ballot, in the election.~~

27 ~~(ii) A provisional ballot shall not be counted if:~~

28 ~~(A) either the provisional ballot envelope under clause (3)~~
29 ~~or the affidavit under clause (2) is not signed by the~~
30 ~~individual;~~

1 ~~(B) the signature required under clause (3) and the~~
2 ~~signature required under clause (2) are either not genuine or~~
3 ~~are not executed by the same individual; [or]~~

4 ~~(C) a provisional ballot envelope does not contain a secrecy~~
5 ~~envelope;~~

6 ~~(D) in the case of a provisional ballot that was cast under~~
7 ~~subsection (a.2) (2), the elector fails to appear before the~~
8 ~~county board of elections within six calendar days following the~~
9 ~~election to execute an affidavit affirming, under penalty of~~
10 ~~perjury, that the elector is the same individual who personally~~
11 ~~appeared before the district election board on the day of the~~
12 ~~election and cast a provisional ballot and that the elector is~~
13 ~~indigent and unable to obtain proof of identification without~~
14 ~~the payment of a fee; or~~

15 ~~(E) in the case of a provisional ballot that was cast under~~
16 ~~subsection (a.2) (3), the elector fails to appear before the~~
17 ~~county board of elections within six calendar days following the~~
18 ~~election to present proof of identification and execute an~~
19 ~~affidavit affirming, under penalty of perjury, that the elector~~
20 ~~is the same individual who personally appeared before the~~
21 ~~district election board on the day of the election and cast a~~
22 ~~provisional ballot.~~

23 ~~(iii) One authorized representative of each candidate in an~~
24 ~~election and one representative from each party shall be~~
25 ~~permitted to remain in the room in which deliberation or~~
26 ~~determination of subclause (ii) is being made.~~

27 * * *

28 ~~(f) As used in this section, "care facility" means any of~~
29 ~~the following:~~

30 ~~(1) A long term care nursing facility as defined in section~~

1 ~~802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the~~
2 ~~"Health Care Facilities Act."~~

3 ~~(2) An assisted living residence as defined in section 1001~~
4 ~~of the act of June 13, 1967 (P.L.31, No.21), known as the~~
5 ~~"Public Welfare Code."~~

6 Section 4. ~~The amendment of section 1210 of the act shall~~
7 ~~apply to elections held after January 1, 2012.~~

8 Section 5. ~~This act shall take effect July 1, 2011, or~~
9 ~~immediately, whichever is later.~~

10 SECTION 1. SECTION 102 OF THE ACT OF JUNE 3, 1937 (P.L.1333, ←
11 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, IS AMENDED BY
12 ADDING A DEFINITION TO READ:

13 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS, WHEN USED IN
14 THIS ACT, SHALL HAVE THE FOLLOWING MEANINGS, UNLESS OTHERWISE
15 CLEARLY APPARENT FROM THE CONTEXT:

16 * * *

17 (Z.5) THE WORDS "PROOF OF IDENTIFICATION" SHALL MEAN:

18 (1) IN THE CASE OF AN ELECTOR WHO HAS A RELIGIOUS OBJECTION
19 TO BEING PHOTOGRAPHED, A VALID-WITHOUT-PHOTO DRIVER'S LICENSE OR
20 A VALID-WITHOUT-PHOTO IDENTIFICATION CARD ISSUED BY THE
21 DEPARTMENT OF TRANSPORTATION.

22 (2) FOR AN ELECTOR WHO APPEARS TO VOTE UNDER SECTION 1210, A
23 DOCUMENT THAT:

24 (I) SHOWS THE NAME OF THE INDIVIDUAL TO WHOM THE DOCUMENT
25 WAS ISSUED AND THE NAME SUBSTANTIALLY CONFORMS TO THE NAME OF
26 THE INDIVIDUAL AS IT APPEARS IN THE DISTRICT REGISTER;

27 (II) SHOWS A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE
28 DOCUMENT WAS ISSUED;

29 (III) INCLUDES AN EXPIRATION DATE AND IS NOT EXPIRED,
30 EXCEPT:

1 (A) FOR A DOCUMENT ISSUED BY THE DEPARTMENT OF
2 TRANSPORTATION WHICH IS NOT MORE THAN TWELVE (12) MONTHS PAST
3 THE EXPIRATION DATE; OR

4 (B) IN THE CASE OF A DOCUMENT FROM AN AGENCY OF THE ARMED
5 FORCES OF THE UNITED STATES OR THEIR RESERVE COMPONENTS,
6 INCLUDING THE PENNSYLVANIA NATIONAL GUARD, ESTABLISHING THAT THE
7 ELECTOR IS A CURRENT MEMBER OF OR A VETERAN OF THE UNITED STATES
8 ARMED FORCES OR NATIONAL GUARD WHICH DOES NOT DESIGNATE A
9 SPECIFIC DATE ON WHICH THE DOCUMENT EXPIRES, BUT INCLUDES A ←
10 DESIGNATION THAT THE EXPIRATION DATE IS INDEFINITE; AND

11 (IV) WAS ISSUED BY ONE OF THE FOLLOWING:

12 (A) THE UNITED STATES GOVERNMENT.

13 (B) THE COMMONWEALTH OF PENNSYLVANIA.

14 (C) A MUNICIPALITY OF THIS COMMONWEALTH TO AN EMPLOYE OF ←
15 THAT MUNICIPALITY.

16 ~~(C)~~ (D) AN ACCREDITED PENNSYLVANIA PUBLIC OR PRIVATE ←
17 INSTITUTION OF HIGHER LEARNING.

18 ~~(D)~~ (E) A PENNSYLVANIA CARE FACILITY. ←

19 (3) FOR A QUALIFIED ABSENTEE ELECTOR UNDER SECTION 1301:

20 (I) IN THE CASE OF AN ELECTOR WHO HAS BEEN ISSUED A CURRENT
21 AND VALID DRIVER'S LICENSE, THE ELECTOR'S DRIVER'S LICENSE
22 NUMBER;

23 (II) IN THE CASE OF AN ELECTOR WHO HAS NOT BEEN ISSUED A
24 CURRENT AND VALID DRIVER'S LICENSE, THE LAST FOUR DIGITS OF THE
25 ELECTOR'S SOCIAL SECURITY NUMBER;

26 (III) IN THE CASE OF AN ELECTOR WHO HAS A RELIGIOUS
27 OBJECTION TO BEING PHOTOGRAPHED, A COPY OF A DOCUMENT THAT
28 SATISFIES PARAGRAPH (1); OR

29 (IV) IN THE CASE OF AN ELECTOR WHO HAS NOT BEEN ISSUED A
30 CURRENT AND VALID DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER, A

1 COPY OF A DOCUMENT THAT SATISFIES PARAGRAPH (2).

2 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

3 SECTION 206. REQUIREMENTS RELATING TO VOTER

4 IDENTIFICATION.--(A) THE SECRETARY OF THE COMMONWEALTH SHALL

5 PREPARE AND DISSEMINATE INFORMATION TO THE PUBLIC REGARDING THE

6 PROOF OF IDENTIFICATION REQUIREMENTS ESTABLISHED UNDER SECTIONS

7 1210 AND 1302.

8 (B) NOTWITHSTANDING THE PROVISIONS OF 75 PA.C.S. § 1510(B)

9 (RELATING TO ISSUANCE AND CONTENT OF DRIVER'S LICENSE) TO THE

10 CONTRARY, THE DEPARTMENT OF TRANSPORTATION SHALL ISSUE AN

11 IDENTIFICATION CARD DESCRIBED IN 75 PA.C.S. § 1510(B) AT NO COST

12 TO ANY REGISTERED ELECTOR WHO HAS MADE APPLICATION THEREFOR AND

13 HAS INCLUDED WITH THE COMPLETED APPLICATION A STATEMENT SIGNED

14 BY THE ELECTOR DECLARING UNDER OATH OR AFFIRMATION THAT THE

15 ELECTOR DOES NOT POSSESS PROOF OF IDENTIFICATION AS DEFINED IN

16 SECTION 102(Z.5) (2) AND REQUIRES PROOF OF IDENTIFICATION FOR

17 VOTING PURPOSES.

18 (C) THE SECRETARY OF THE COMMONWEALTH SHALL PREPARE THE FORM

19 OF THE STATEMENT DESCRIBED IN SUBSECTION (B) AND SHALL

20 DISTRIBUTE THE FORM TO THE COUNTIES AND THE DEPARTMENT OF

21 TRANSPORTATION. THE SECRETARY OF THE COMMONWEALTH, THE SECRETARY

22 OF TRANSPORTATION AND THE COUNTY BOARDS OF ELECTION SHALL

23 DISSEMINATE INFORMATION TO THE PUBLIC REGARDING THE AVAILABILITY

24 OF IDENTIFICATION CARDS UNDER SUBSECTION (B).

25 SECTION 3. SECTION 1210(A), (A.1), (A.2), (A.3) AND (A.4) (1)

26 AND (5) OF THE ACT, AMENDED OCTOBER 8, 2004 (P.L.807, NO.97) AND

27 MAY 12, 2006 (P.L.178, NO.45), ARE AMENDED AND THE SECTION IS

28 AMENDED BY ADDING A SUBSECTION TO READ:

29 SECTION 1210. MANNER OF APPLYING TO VOTE; PERSONS ENTITLED

30 TO VOTE; VOTER'S CERTIFICATES; ENTRIES TO BE MADE IN DISTRICT

1 REGISTER; NUMBERED LISTS OF VOTERS; CHALLENGES.-- (A) AT EVERY
2 PRIMARY AND ELECTION EACH ELECTOR WHO APPEARS TO VOTE [IN THAT
3 ELECTION DISTRICT FOR THE FIRST TIME] AND WHO DESIRES TO VOTE
4 SHALL FIRST PRESENT TO AN ELECTION OFFICER [ONE OF THE FOLLOWING
5 FORMS OF PHOTO IDENTIFICATION:

6 (1) A VALID DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED
7 BY THE DEPARTMENT OF TRANSPORTATION;

8 (2) A VALID IDENTIFICATION CARD ISSUED BY ANY OTHER AGENCY
9 OF THE COMMONWEALTH;

10 (3) A VALID IDENTIFICATION CARD ISSUED BY THE UNITED STATES
11 GOVERNMENT;

12 (4) A VALID UNITED STATES PASSPORT;

13 (5) A VALID STUDENT IDENTIFICATION CARD;

14 (6) A VALID EMPLOYE IDENTIFICATION CARD; OR

15 (7) A VALID ARMED FORCES OF THE UNITED STATES IDENTIFICATION
16 CARD] PROOF OF IDENTIFICATION.

17 THE ELECTION OFFICER SHALL EXAMINE THE PROOF OF IDENTIFICATION
18 PRESENTED BY THE ELECTOR AND SIGN AN AFFIDAVIT STATING THAT THIS
19 HAS BEEN DONE.

20 [(A.1) WHERE THE ELECTOR DOES NOT HAVE A PHOTO
21 IDENTIFICATION AS PROVIDED FOR IN SUBSECTION (A), THE ELECTOR
22 SHALL PRESENT FOR EXAMINATION ONE OF THE FOLLOWING FORMS OF
23 IDENTIFICATION THAT SHOWS THE NAME AND ADDRESS OF THE ELECTOR:

24 (1) NONPHOTO IDENTIFICATION ISSUED BY THE COMMONWEALTH, OR
25 ANY AGENCY THEREOF;

26 (2) NONPHOTO IDENTIFICATION ISSUED BY THE UNITED STATES
27 GOVERNMENT, OR AGENCY THEREOF;

28 (3) A FIREARM PERMIT;

29 (4) A CURRENT UTILITY BILL;

30 (5) A CURRENT BANK STATEMENT;

1 (6) A PAYCHECK;

2 (7) A GOVERNMENT CHECK.

3 THE ELECTION OFFICER SHALL EXAMINE THE IDENTIFICATION PRESENTED
4 BY THE ELECTOR AND SIGN AN AFFIDAVIT STATING THAT THIS HAS BEEN
5 DONE.]

6 (A.2) [IF THE ELECTOR IS UNABLE TO PRODUCE IDENTIFICATION OR
7 THE ELECTOR'S IDENTIFICATION IS CHALLENGED BY THE JUDGE OF
8 ELECTIONS, THE ELECTOR SHALL BE PERMITTED TO CAST A PROVISIONAL
9 BALLOT IN ACCORDANCE WITH SUBSECTION (A.4).] IF ANY OF THE
10 FOLLOWING APPLY THE ELECTOR SHALL BE PERMITTED TO CAST A
11 PROVISIONAL BALLOT IN ACCORDANCE WITH SUBSECTION (A.4):

12 (1) THE ELECTOR IS UNABLE TO PRODUCE PROOF OF
13 IDENTIFICATION:

14 (I) ON THE GROUNDS THAT THE ELECTOR IS INDIGENT AND UNABLE
15 TO OBTAIN PROOF OF IDENTIFICATION WITHOUT THE PAYMENT OF A FEE;
16 OR

17 (II) ON ANY OTHER GROUNDS.

18 (2) THE ELECTOR'S PROOF OF IDENTIFICATION IS CHALLENGED BY
19 THE JUDGE OF ELECTIONS.

20 (A.3) (1) ALL ELECTORS, INCLUDING ANY ELECTOR THAT SHOWS
21 PROOF OF IDENTIFICATION PURSUANT TO SUBSECTION (A), SHALL
22 SUBSEQUENTLY SIGN A VOTER'S CERTIFICATE IN BLUE, BLACK OR BLUE-
23 BLACK INK WITH A FOUNTAIN PEN OR BALL POINT PEN, AND, UNLESS HE
24 IS A STATE OR FEDERAL EMPLOYE WHO HAS REGISTERED UNDER ANY
25 REGISTRATION ACT WITHOUT DECLARING HIS RESIDENCE BY STREET AND
26 NUMBER, HE SHALL INSERT HIS ADDRESS THEREIN, AND HAND THE SAME
27 TO THE ELECTION OFFICER IN CHARGE OF THE DISTRICT REGISTER.

28 (2) SUCH ELECTION OFFICER SHALL THEREUPON ANNOUNCE THE
29 ELECTOR'S NAME SO THAT IT MAY BE HEARD BY ALL MEMBERS OF THE
30 ELECTION BOARD AND BY ALL WATCHERS PRESENT IN THE POLLING PLACE

1 AND SHALL COMPARE THE ELECTOR'S SIGNATURE ON HIS VOTER'S
2 CERTIFICATE WITH HIS SIGNATURE IN THE DISTRICT REGISTER. IF,
3 UPON SUCH COMPARISON, THE SIGNATURE UPON THE VOTER'S CERTIFICATE
4 APPEARS TO BE GENUINE, THE ELECTOR WHO HAS SIGNED THE
5 CERTIFICATE SHALL, IF OTHERWISE QUALIFIED, BE PERMITTED TO VOTE:
6 PROVIDED, THAT IF THE SIGNATURE ON THE VOTER'S CERTIFICATE, AS
7 COMPARED WITH THE SIGNATURE AS RECORDED IN THE DISTRICT
8 REGISTER, SHALL NOT BE DEEMED AUTHENTIC BY ANY OF THE ELECTION
9 OFFICERS, SUCH ELECTOR SHALL NOT BE DENIED THE RIGHT TO VOTE FOR
10 THAT REASON, BUT SHALL BE CONSIDERED CHALLENGED AS TO IDENTITY
11 AND REQUIRED TO MAKE THE AFFIDAVIT AND PRODUCE THE EVIDENCE AS
12 PROVIDED IN SUBSECTION (D) OF THIS SECTION.

13 (3) WHEN AN ELECTOR HAS BEEN FOUND ENTITLED TO VOTE, THE
14 ELECTION OFFICER WHO EXAMINED HIS VOTER'S CERTIFICATE AND
15 COMPARED HIS SIGNATURE SHALL SIGN HIS NAME OR INITIALS ON THE
16 VOTER'S CERTIFICATE, SHALL, IF THE ELECTOR'S SIGNATURE IS NOT
17 READILY LEGIBLE, PRINT SUCH ELECTOR'S NAME OVER HIS SIGNATURE,
18 AND THE NUMBER OF THE STUB OF THE BALLOT ISSUED TO HIM OR HIS
19 NUMBER IN THE ORDER OF ADMISSION TO THE VOTING MACHINES, AND AT
20 PRIMARIES A LETTER OR ABBREVIATION DESIGNATING THE PARTY IN
21 WHOSE PRIMARY HE VOTES SHALL ALSO BE ENTERED BY ONE OF THE
22 ELECTION OFFICERS OR CLERKS.

23 (4) AS EACH VOTER IS FOUND TO BE QUALIFIED AND VOTES, THE
24 ELECTION OFFICER IN CHARGE OF THE DISTRICT REGISTER SHALL WRITE
25 OR STAMP THE DATE OF THE ELECTION OR PRIMARY, THE NUMBER OF THE
26 STUB OF THE BALLOT ISSUED TO HIM OR HIS NUMBER IN THE ORDER OF
27 ADMISSION TO THE VOTING MACHINES, AND AT PRIMARIES A LETTER OR
28 ABBREVIATION DESIGNATING THE PARTY IN WHOSE PRIMARY HE VOTES,
29 AND SHALL SIGN HIS NAME OR INITIALS IN THE PROPER SPACE ON THE
30 REGISTRATION CARD OF SUCH VOTER CONTAINED IN THE DISTRICT

1 REGISTER.

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

6 (A.4) (1) AT ALL ELECTIONS AN INDIVIDUAL WHO CLAIMS TO BE
7 PROPERLY REGISTERED AND ELIGIBLE TO VOTE AT THE ELECTION
8 DISTRICT BUT WHOSE NAME DOES NOT APPEAR ON THE DISTRICT REGISTER
9 AND WHOSE REGISTRATION CANNOT BE DETERMINED BY THE INSPECTORS OF
10 ELECTION OR THE COUNTY ELECTION BOARD SHALL BE PERMITTED TO CAST
11 A PROVISIONAL BALLOT. INDIVIDUALS WHO [ARE VOTING FOR THE FIRST
12 TIME AT THE ELECTION DISTRICT] APPEAR TO VOTE SHALL BE REQUIRED
13 TO PRODUCE PROOF OF IDENTIFICATION PURSUANT TO SUBSECTION (A)
14 [OR (A.1)] AND IF UNABLE TO DO SO SHALL BE PERMITTED TO CAST A
15 PROVISIONAL BALLOT. AN INDIVIDUAL PRESENTING A JUDICIAL ORDER TO
16 VOTE SHALL BE PERMITTED TO CAST A PROVISIONAL BALLOT.

17 * * *

18 (5) (I) EXCEPT AS PROVIDED IN SUBCLAUSE (II), IF IT IS
19 DETERMINED THAT THE INDIVIDUAL WAS REGISTERED AND ENTITLED TO
20 VOTE AT THE ELECTION DISTRICT WHERE THE BALLOT WAS CAST, THE
21 COUNTY BOARD OF ELECTIONS SHALL COMPARE THE SIGNATURE ON THE
22 PROVISIONAL BALLOT ENVELOPE WITH THE SIGNATURE ON THE ELECTOR'S
23 REGISTRATION FORM AND, IF THE SIGNATURES ARE DETERMINED TO BE
24 GENUINE, SHALL COUNT THE BALLOT IF THE COUNTY BOARD OF ELECTIONS
25 CONFIRMS THAT THE INDIVIDUAL DID NOT CAST ANY OTHER BALLOT,
26 INCLUDING AN ABSENTEE BALLOT, IN THE ELECTION.

27 (II) A PROVISIONAL BALLOT SHALL NOT BE COUNTED IF:

28 (A) EITHER THE PROVISIONAL BALLOT ENVELOPE UNDER CLAUSE (3)
29 OR THE AFFIDAVIT UNDER CLAUSE (2) IS NOT SIGNED BY THE
30 INDIVIDUAL;

1 (B) THE SIGNATURE REQUIRED UNDER CLAUSE (3) AND THE
2 SIGNATURE REQUIRED UNDER CLAUSE (2) ARE EITHER NOT GENUINE OR
3 ARE NOT EXECUTED BY THE SAME INDIVIDUAL; [OR]

4 (C) A PROVISIONAL BALLOT ENVELOPE DOES NOT CONTAIN A SECRECY
5 ENVELOPE;

6 (D) IN THE CASE OF A PROVISIONAL BALLOT THAT WAS CAST UNDER
7 SUBSECTION (A.2) (1) (I), WITHIN SIX CALENDAR DAYS FOLLOWING THE
8 ELECTION THE ELECTOR FAILS TO APPEAR BEFORE THE COUNTY BOARD OF
9 ELECTIONS TO EXECUTE AN AFFIRMATION OR THE COUNTY BOARD OF
10 ELECTIONS DOES NOT RECEIVE AN ELECTRONIC, FACSIMILE OR PAPER
11 COPY OF AN AFFIRMATION AFFIRMING, UNDER PENALTY OF PERJURY, THAT
12 THE ELECTOR IS THE SAME INDIVIDUAL WHO PERSONALLY APPEARED
13 BEFORE THE DISTRICT ELECTION BOARD ON THE DAY OF THE ELECTION
14 AND CAST A PROVISIONAL BALLOT AND THAT THE ELECTOR IS INDIGENT
15 AND UNABLE TO OBTAIN PROOF OF IDENTIFICATION WITHOUT THE PAYMENT
16 OF A FEE; OR

17 (E) IN THE CASE OF A PROVISIONAL BALLOT THAT WAS CAST UNDER
18 SUBSECTION (A.2) (1) (II), WITHIN SIX CALENDAR DAYS FOLLOWING THE
19 ELECTION, THE ELECTOR FAILS TO APPEAR BEFORE THE COUNTY BOARD OF
20 ELECTIONS TO PRESENT PROOF OF IDENTIFICATION AND EXECUTE AN
21 AFFIRMATION OR THE COUNTY BOARD OF ELECTIONS DOES NOT RECEIVE AN
22 ELECTRONIC, FACSIMILE OR PAPER COPY OF THE PROOF OF
23 IDENTIFICATION AND AN AFFIRMATION AFFIRMING, UNDER PENALTY OF
24 PERJURY, THAT THE ELECTOR IS THE SAME INDIVIDUAL WHO PERSONALLY
25 APPEARED BEFORE THE DISTRICT ELECTION BOARD ON THE DAY OF THE
26 ELECTION AND CAST A PROVISIONAL BALLOT.

27 (III) ONE AUTHORIZED REPRESENTATIVE OF EACH CANDIDATE IN AN
28 ELECTION AND ONE REPRESENTATIVE FROM EACH PARTY SHALL BE
29 PERMITTED TO REMAIN IN THE ROOM IN WHICH DELIBERATION OR
30 DETERMINATION OF SUBCLAUSE (II) IS BEING MADE.

1 * * *

2 (F) AS USED IN THIS SECTION, "CARE FACILITY" MEANS ANY OF
3 THE FOLLOWING:

4 (1) A LONG-TERM CARE NURSING FACILITY AS DEFINED IN SECTION
5 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
6 "HEALTH CARE FACILITIES ACT."

7 (2) AN ASSISTED LIVING RESIDENCE OR A PERSONAL CARE HOME AS
8 DEFINED IN SECTION 1001 OF THE ACT OF JUNE 13, 1967 (P.L.31,
9 NO.21), KNOWN AS THE "PUBLIC WELFARE CODE."

10 SECTION 4. SECTION 1302(E) AND (E.2) OF THE ACT, AMENDED
11 FEBRUARY 13, 1998 (P.L.72, NO.18), ARE AMENDED AND THE SECTION
12 IS AMENDED BY ADDING A SUBSECTION TO READ:

13 SECTION 1302. APPLICATIONS FOR OFFICIAL ABSENTEE BALLOTS.--*

14 * *

15 (E) ANY QUALIFIED BEDRIDDEN OR HOSPITALIZED VETERAN ABSENT
16 FROM THE MUNICIPALITY OF HIS RESIDENCE AND UNABLE TO ATTEND HIS
17 POLLING PLACE BECAUSE OF SUCH ILLNESS OR PHYSICAL DISABILITY,
18 REGARDLESS OF WHETHER HE IS REGISTERED OR ENROLLED, MAY APPLY AT
19 ANY TIME BEFORE ANY PRIMARY OR ELECTION FOR AN OFFICIAL ABSENTEE
20 BALLOT ON ANY OFFICIAL COUNTY BOARD OF ELECTION FORM ADDRESSED
21 TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA OR THE
22 COUNTY BOARD OF ELECTIONS OF THE COUNTY IN WHICH HIS VOTING
23 RESIDENCE IS LOCATED.

24 THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
25 RESIDENCE AT THE TIME OF BECOMING BEDRIDDEN OR HOSPITALIZED,
26 LENGTH OF TIME A CITIZEN, LENGTH OF RESIDENCE IN PENNSYLVANIA,
27 DATE OF BIRTH, LENGTH OF TIME A RESIDENT IN VOTING DISTRICT,
28 VOTING DISTRICT IF KNOWN, PARTY CHOICE IN CASE OF PRIMARY, NAME
29 AND ADDRESS OF PRESENT RESIDENCE OR HOSPITAL AT WHICH
30 HOSPITALIZED. WHEN SUCH APPLICATION IS RECEIVED BY THE SECRETARY

1 OF THE COMMONWEALTH, IT SHALL BE FORWARDED TO THE PROPER COUNTY
2 BOARD OF ELECTIONS.

3 THE APPLICATION FOR AN OFFICIAL ABSENTEE BALLOT FOR ANY
4 PRIMARY OR ELECTION SHALL BE MADE ON INFORMATION SUPPLIED OVER
5 THE SIGNATURE OF THE BEDRIDDEN OR HOSPITALIZED VETERAN AS
6 REQUIRED IN THE PRECEDING SUBSECTION. ANY QUALIFIED REGISTERED
7 ELECTOR, INCLUDING A SPOUSE OR DEPENDENT REFERRED TO IN
8 SUBSECTION (L) OF SECTION 1301, WHO EXPECTS TO BE OR IS ABSENT
9 FROM THE MUNICIPALITY OF HIS RESIDENCE BECAUSE HIS DUTIES,
10 OCCUPATION OR BUSINESS REQUIRE HIM TO BE ELSEWHERE ON THE DAY OF
11 ANY PRIMARY OR ELECTION AND ANY QUALIFIED REGISTERED ELECTOR WHO
12 IS UNABLE TO ATTEND HIS POLLING PLACE ON THE DAY OF ANY PRIMARY
13 OR ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY AND ANY
14 QUALIFIED REGISTERED BEDRIDDEN OR HOSPITALIZED VETERAN IN THE
15 COUNTY OF RESIDENCE, OR IN THE CASE OF A COUNTY EMPLOYE WHO
16 CANNOT VOTE DUE TO DUTIES ON ELECTION DAY RELATING TO THE
17 CONDUCT OF THE ELECTION, OR IN THE CASE OF A PERSON WHO WILL NOT
18 ATTEND A POLLING PLACE BECAUSE OF THE OBSERVANCE OF A RELIGIOUS
19 HOLIDAY, MAY APPLY TO THE COUNTY BOARD OF ELECTIONS OF THE
20 COUNTY IN WHICH HIS VOTING RESIDENCE IS LOCATED FOR AN OFFICIAL
21 ABSENTEE BALLOT. SUCH APPLICATION SHALL BE MADE UPON AN OFFICIAL
22 APPLICATION FORM SUPPLIED BY THE COUNTY BOARD OF ELECTIONS. SUCH
23 OFFICIAL APPLICATION FORM SHALL BE DETERMINED AND PRESCRIBED BY
24 THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA.

25 (1) THE APPLICATION OF ANY QUALIFIED REGISTERED ELECTOR,
26 INCLUDING SPOUSE OR DEPENDENT REFERRED TO IN SUBSECTION (L) OF
27 SECTION 1301, WHO EXPECTS TO BE OR IS ABSENT FROM THE
28 MUNICIPALITY OF HIS RESIDENCE BECAUSE HIS DUTIES, OCCUPATION OR
29 BUSINESS REQUIRE HIM TO BE ELSEWHERE ON THE DAY OF ANY PRIMARY
30 OR ELECTION, OR IN THE CASE OF A COUNTY EMPLOYE WHO CANNOT VOTE

1 DUE TO DUTIES ON ELECTION DAY RELATING TO THE CONDUCT OF THE
2 ELECTION, OR IN THE CASE OF A PERSON WHO WILL NOT ATTEND A
3 POLLING PLACE BECAUSE OF THE OBSERVANCE OF A RELIGIOUS HOLIDAY,
4 SHALL BE SIGNED BY THE APPLICANT AND SHALL INCLUDE THE SURNAME
5 AND GIVEN NAME OR NAMES OF THE APPLICANT, PROOF OF
6 IDENTIFICATION, HIS OCCUPATION, DATE OF BIRTH, LENGTH OF TIME A
7 RESIDENT IN VOTING DISTRICT, VOTING DISTRICT IF KNOWN, PLACE OF
8 RESIDENCE, POST OFFICE ADDRESS TO WHICH BALLOT IS TO BE MAILED,
9 THE REASON FOR HIS ABSENCE, AND SUCH OTHER INFORMATION AS SHALL
10 MAKE CLEAR TO THE COUNTY BOARD OF ELECTIONS THE APPLICANT'S
11 RIGHT TO AN OFFICIAL ABSENTEE BALLOT.

12 (2) THE APPLICATION OF ANY QUALIFIED REGISTERED ELECTOR WHO
13 IS UNABLE TO ATTEND HIS POLLING PLACE ON THE DAY OF ANY PRIMARY
14 OR ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY AND THE
15 APPLICATION OF ANY QUALIFIED REGISTERED BEDRIDDEN OR
16 HOSPITALIZED VETERAN IN THE COUNTY OF RESIDENCE SHALL BE SIGNED
17 BY THE APPLICANT AND SHALL INCLUDE SURNAME AND GIVEN NAME OR
18 NAMES OF THE APPLICANT, PROOF OF IDENTIFICATION, HIS OCCUPATION,
19 DATE OF BIRTH, RESIDENCE AT THE TIME OF BECOMING BEDRIDDEN OR
20 HOSPITALIZED, LENGTH OF TIME A RESIDENT IN VOTING DISTRICT,
21 VOTING DISTRICT IF KNOWN, PLACE OF RESIDENCE, POST OFFICE
22 ADDRESS TO WHICH BALLOT IS TO BE MAILED, AND SUCH OTHER
23 INFORMATION AS SHALL MAKE CLEAR TO THE COUNTY BOARD OF ELECTIONS
24 THE APPLICANT'S RIGHT TO AN OFFICIAL BALLOT. IN ADDITION, THE
25 APPLICATION OF SUCH ELECTORS SHALL INCLUDE A DECLARATION STATING
26 THE NATURE OF THEIR DISABILITY OR ILLNESS, AND THE NAME, OFFICE
27 ADDRESS AND OFFICE TELEPHONE NUMBER OF THEIR ATTENDING
28 PHYSICIAN: PROVIDED, HOWEVER, THAT IN THE EVENT ANY ELECTOR
29 ENTITLED TO AN ABSENTEE BALLOT UNDER THIS SUBSECTION BE UNABLE
30 TO SIGN HIS APPLICATION BECAUSE OF ILLNESS OR PHYSICAL

1 DISABILITY, HE SHALL BE EXCUSED FROM SIGNING UPON MAKING A
2 STATEMENT WHICH SHALL BE WITNESSED BY ONE ADULT PERSON IN
3 SUBSTANTIALLY THE FOLLOWING FORM: I HEREBY STATE THAT I AM
4 UNABLE TO SIGN MY APPLICATION FOR AN ABSENTEE BALLOT WITHOUT
5 ASSISTANCE BECAUSE I AM UNABLE TO WRITE BY REASON OF MY ILLNESS
6 OR PHYSICAL DISABILITY. I HAVE MADE OR HAVE RECEIVED ASSISTANCE
7 IN MAKING MY MARK IN LIEU OF MY SIGNATURE.

8 (MARK)

9 (DATE)

10

11 (COMPLETE ADDRESS OF WITNESS) (SIGNATURE OF WITNESS)

12 * * *

13 (E.2) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS ACT ANY
14 QUALIFIED ELECTOR WHO EXPECTS TO BE OR IS ABSENT FROM THE
15 MUNICIPALITY OF HIS RESIDENCE BECAUSE HIS DUTIES, OCCUPATION OR
16 BUSINESS REQUIRE HIM TO BE ELSEWHERE ON THE DAY OF ANY ELECTION
17 OR A COUNTY EMPLOYE WHO CANNOT VOTE DUE TO DUTIES ON ELECTION
18 DAY RELATING TO THE CONDUCT OF THE ELECTION OR A PERSON WHO WILL
19 NOT ATTEND A POLLING PLACE BECAUSE OF THE OBSERVANCE OF A
20 RELIGIOUS HOLIDAY MAY MAKE AN APPLICATION FOR AN ABSENTEE BALLOT
21 BY MAIL BY SENDING A LETTER TO THE COUNTY BOARD OF ELECTIONS IN
22 THE COUNTY IN WHICH HIS VOTING RESIDENCE IS LOCATED. THE LETTER
23 SHALL BE SIGNED BY THE APPLICANT AND CONTAIN HIS NAME [AND],
24 PLACE OF RESIDENCE AND PROOF OF IDENTIFICATION.

25 * * *

26 (J) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION REQUIRING
27 PROOF OF IDENTIFICATION, A QUALIFIED ABSENTEE ELECTOR SHALL NOT
28 BE REQUIRED TO PROVIDE PROOF OF IDENTIFICATION IF THE ELECTOR IS
29 ENTITLED TO VOTE BY ABSENTEE BALLOT UNDER THE UNIFORMED AND
30 OVERSEAS CITIZENS ABSENTEE VOTING ACT (PUBLIC LAW 99-410, 100

1 STAT. 924) OR BY AN ALTERNATIVE BALLOT UNDER THE VOTING
2 ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT (PUBLIC LAW
3 98-435, 98 STAT. 1678).

4 SECTION 5. SECTION 1302.2(C) AND (D) OF THE ACT, AMENDED
5 DECEMBER 11, 1968 (P.L.1183, NO.375), ARE AMENDED AND THE
6 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

7 SECTION 1302.2. APPROVAL OF APPLICATION FOR ABSENTEE
8 BALLOT.--

9 * * *

10 (C) THE COUNTY BOARD OF ELECTIONS, UPON RECEIPT OF ANY
11 APPLICATION OF A QUALIFIED ELECTOR REQUIRED TO BE REGISTERED
12 UNDER THE PROVISIONS OF PRECEDING SECTION 1301, SHALL DETERMINE
13 THE QUALIFICATIONS OF SUCH APPLICANT BY VERIFYING THE PROOF OF
14 IDENTIFICATION AND COMPARING THE INFORMATION SET FORTH ON SUCH
15 APPLICATION WITH THE INFORMATION CONTAINED ON THE APPLICANT'S
16 PERMANENT REGISTRATION CARD. IF THE BOARD IS SATISFIED THAT THE
17 APPLICANT IS QUALIFIED TO RECEIVE AN OFFICIAL ABSENTEE BALLOT,
18 THE APPLICATION SHALL BE MARKED "APPROVED." SUCH APPROVAL
19 DECISION SHALL BE FINAL AND BINDING, EXCEPT THAT CHALLENGES MAY
20 BE MADE ONLY ON THE GROUND THAT THE APPLICANT DID NOT POSSESS
21 THE QUALIFICATIONS OF AN ABSENTEE ELECTOR. SUCH CHALLENGES MUST
22 BE MADE TO THE COUNTY BOARD OF ELECTIONS PRIOR TO 5:00 O'CLOCK
23 P. M. ON THE FIRST FRIDAY PRIOR TO THE ELECTION. WHEN SO
24 APPROVED, THE REGISTRATION COMMISSION SHALL CAUSE AN ABSENTEE
25 VOTER'S TEMPORARY REGISTRATION CARD TO BE INSERTED IN THE
26 DISTRICT REGISTER ON TOP OF AND ALONG WITH THE PERMANENT
27 REGISTRATION CARD. THE ABSENTEE VOTER'S TEMPORARY REGISTRATION
28 CARD SHALL BE IN THE COLOR AND FORM PRESCRIBED IN SUBSECTION (E)
29 OF THIS SECTION:

30 PROVIDED, HOWEVER, THAT THE DUTIES OF THE COUNTY BOARDS OF

1 ELECTIONS AND THE REGISTRATION COMMISSIONS WITH RESPECT TO THE
2 INSERTION OF THE ABSENTEE VOTER'S TEMPORARY REGISTRATION CARD OF
3 ANY ELECTOR FROM THE DISTRICT REGISTER AS SET FORTH IN SECTION
4 1302.2 SHALL INCLUDE ONLY SUCH APPLICATIONS AND EMERGENCY
5 APPLICATIONS AS ARE RECEIVED ON OR BEFORE THE FIRST TUESDAY
6 PRIOR TO THE PRIMARY OR ELECTION. IN ALL CASES WHERE
7 APPLICATIONS ARE RECEIVED AFTER THE FIRST TUESDAY PRIOR TO THE
8 PRIMARY OR ELECTION AND BEFORE FIVE O'CLOCK P. M. ON THE FIRST
9 FRIDAY PRIOR TO THE PRIMARY OR ELECTION, THE COUNTY BOARD OF
10 ELECTIONS SHALL DETERMINE THE QUALIFICATIONS OF SUCH APPLICANT
11 BY VERIFYING THE PROOF OF IDENTIFICATION AND COMPARING THE
12 INFORMATION SET FORTH ON SUCH APPLICATION WITH THE INFORMATION
13 CONTAINED ON THE APPLICANT'S DUPLICATE REGISTRATION CARD ON FILE
14 IN THE GENERAL REGISTER (ALSO REFERRED TO AS THE MASTER FILE) IN
15 THE OFFICE OF THE REGISTRATION COMMISSION AND SHALL CAUSE THE
16 NAME AND RESIDENCE (AND AT PRIMARIES, THE PARTY ENROLLMENT) TO
17 BE INSERTED IN THE MILITARY, VETERANS AND EMERGENCY CIVILIAN
18 ABSENTEE VOTERS FILE AS PROVIDED IN SECTION 1302.3, SUBSECTION
19 (B). IN ADDITION, THE LOCAL DISTRICT BOARDS OF ELECTIONS SHALL,
20 UPON CANVASSING THE OFFICIAL ABSENTEE BALLOTS UNDER SECTION
21 1308, EXAMINE THE VOTING CHECK LIST OF THE ELECTION DISTRICT OF
22 SAID ELECTOR'S RESIDENCE AND SATISFY ITSELF THAT SUCH ELECTOR
23 DID NOT CAST ANY BALLOT OTHER THAN THE ONE PROPERLY ISSUED TO
24 HIM UNDER HIS ABSENTEE BALLOT APPLICATION. IN ALL CASES WHERE
25 THE EXAMINATION OF THE LOCAL DISTRICT BOARD OF ELECTIONS
26 DISCLOSES THAT AN ELECTOR DID VOTE A BALLOT OTHER THAN THE ONE
27 PROPERLY ISSUED TO HIM UNDER THE ABSENTEE BALLOT APPLICATION,
28 THE LOCAL DISTRICT BOARD OF ELECTIONS SHALL THEREUPON CANCEL
29 SAID ABSENTEE BALLOT AND SAID ELECTOR SHALL BE SUBJECT TO THE
30 PENALTIES AS HEREINAFTER SET FORTH.

1 (D) IN THE EVENT THAT ANY APPLICATION FOR AN OFFICIAL
2 ABSENTEE BALLOT IS NOT APPROVED BY THE COUNTY BOARD OF
3 ELECTIONS, THE ELECTOR SHALL BE NOTIFIED IMMEDIATELY TO THAT
4 EFFECT WITH A STATEMENT BY THE COUNTY BOARD OF THE REASONS FOR
5 THE DISAPPROVAL. FOR THOSE APPLICANTS WHOSE PROOF OF
6 IDENTIFICATION WAS NOT PROVIDED WITH THE APPLICATION OR COULD
7 NOT BE VERIFIED BY THE BOARD, THE BOARD SHALL SEND NOTICE TO THE
8 ELECTOR WITH THE ABSENTEE BALLOT REQUIRING THE ELECTOR TO
9 PROVIDE PROOF OF IDENTIFICATION WITH THE ABSENTEE BALLOT OR THE
10 BALLOT WILL NOT BE COUNTED.

11 * * *

12 (F) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
13 QUALIFIED ABSENTEE ELECTOR SHALL NOT BE REQUIRED TO PROVIDE
14 PROOF OF IDENTIFICATION IF THE ELECTOR IS ENTITLED TO VOTE BY
15 ABSENTEE BALLOT UNDER THE UNIFORMED AND OVERSEAS CITIZENS
16 ABSENTEE VOTING ACT (PUBLIC LAW 99-410, 100 STAT. 924) OR BY AN
17 ALTERNATIVE BALLOT UNDER THE VOTING ACCESSIBILITY FOR THE
18 ELDERLY AND HANDICAPPED ACT (PUBLIC LAW 98-435, 98 STAT. 1678).

19 SECTION 6. SECTION 1305 OF THE ACT, AMENDED AUGUST 13, 1963
20 (P.L.707, NO.379) AND DECEMBER 17, 1990 (P.L.681, NO.169), IS
21 AMENDED TO READ:

22 SECTION 1305. DELIVERING OR MAILING BALLOTS.--

23 (A) THE COUNTY BOARD OF ELECTIONS UPON RECEIPT AND APPROVAL
24 OF AN APPLICATION FILED BY ANY ELECTOR QUALIFIED IN ACCORDANCE
25 WITH THE PROVISIONS OF SECTION 1301, SUBSECTIONS (A) TO (H),
26 INCLUSIVE, SHALL NOT LATER THAN FIFTY DAYS PRIOR TO THE DAY OF
27 THE PRIMARY OR NOT LATER THAN SEVENTY DAYS PRIOR TO THE DAY OF
28 THE ELECTION COMMENCE TO DELIVER OR MAIL TO SUCH ELECTOR WHO HAS
29 INCLUDED WITH SAID APPLICATION A STATEMENT THAT HE OR SHE IS
30 UNABLE TO VOTE DURING THE REGULAR ABSENTEE BALLOTING PERIOD BY

1 REASON OF LIVING OR PERFORMING MILITARY SERVICE IN AN EXTREMELY
2 REMOTE OR ISOLATED AREA OF THE WORLD, AND NOT LATER THAN FORTY-
3 FIVE DAYS PRIOR TO THE DAY OF THE PRIMARY OR ELECTION COMMENCE
4 TO DELIVER OR MAIL TO ALL OTHER SUCH ELECTORS AS PROVIDED FOR IN
5 SECTION 1301, SUBSECTIONS (A) TO (H), INCLUSIVE, OFFICIAL
6 ABSENTEE BALLOTS OR SPECIAL WRITE-IN ABSENTEE BALLOTS AS
7 PRESCRIBED BY SUBSECTION (D) OF SECTION 1303 WHEN OFFICIAL
8 ABSENTEE BALLOTS ARE NOT YET PRINTED; AS ADDITIONAL APPLICATIONS
9 OF SUCH ELECTORS ARE RECEIVED, THE BOARD SHALL DELIVER OR MAIL
10 OFFICIAL ABSENTEE BALLOTS OR SPECIAL WRITE-IN ABSENTEE BALLOTS
11 WHEN OFFICIAL ABSENTEE BALLOTS ARE NOT YET PRINTED TO SUCH
12 ADDITIONAL ELECTORS WITHIN FORTY-EIGHT HOURS AFTER APPROVAL OF
13 THEIR APPLICATION. IF THE CALLING OF A SPECIAL ELECTION WOULD
14 MAKE IT IMPOSSIBLE TO COMPLY WITH THE FORTY-FIVE DAY DELIVERY OR
15 MAILING REQUIREMENT OF THIS SECTION, THEN THE COUNTY BOARD OF
16 ELECTIONS SHALL MAIL ABSENTEE BALLOTS OR SPECIAL WRITE-IN
17 ABSENTEE BALLOTS WITHIN FIVE DAYS OF THE COUNTY BOARD'S RECEIPT
18 OF THE INFORMATION NECESSARY TO PREPARE SAID BALLOTS.

19 (B) THE COUNTY BOARD OF ELECTIONS UPON RECEIPT AND APPROVAL
20 OF AN APPLICATION FILED BY ANY ELECTOR QUALIFIED IN ACCORDANCE
21 WITH THE PROVISIONS OF SECTION 1301, SUBSECTIONS (I) TO (L),
22 INCLUSIVE, SHALL COMMENCE TO DELIVER OR MAIL OFFICIAL ABSENTEE
23 BALLOTS ON THE SECOND TUESDAY PRIOR TO THE PRIMARY OR ELECTION.
24 FOR THOSE APPLICANTS WHOSE PROOF OF IDENTIFICATION WAS NOT
25 PROVIDED WITH THE APPLICATION OR COULD NOT BE VERIFIED BY THE
26 BOARD, THE BOARD SHALL SEND THE NOTICE REQUIRED UNDER SECTION
27 1302.2(D) WITH THE ABSENTEE BALLOT. AS ADDITIONAL APPLICATIONS
28 ARE RECEIVED AND APPROVED, THE BOARD SHALL DELIVER OR MAIL
29 OFFICIAL ABSENTEE BALLOTS TO SUCH ADDITIONAL ELECTORS WITHIN
30 FORTY-EIGHT HOURS.

1 (C) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
2 QUALIFIED ABSENTEE ELECTOR SHALL NOT BE REQUIRED TO PROVIDE
3 PROOF OF IDENTIFICATION IF THE ELECTOR IS ENTITLED TO VOTE BY
4 ABSENTEE BALLOT UNDER THE UNIFORMED AND OVERSEAS CITIZENS
5 ABSENTEE VOTING ACT (PUBLIC LAW 99-410, 100 STAT. 924) OR BY AN
6 ALTERNATIVE BALLOT UNDER THE VOTING ACCESSIBILITY FOR THE
7 ELDERLY AND HANDICAPPED ACT (PUBLIC LAW 98-435, 98 STAT. 1678).

8 SECTION 7. SECTION 1308(G) (2) AND (3) OF THE ACT, ADDED MAY
9 12, 2006 (P.L.178, NO.45), ARE AMENDED AND THE SECTION IS
10 AMENDED BY ADDING SUBSECTIONS TO READ:

11 SECTION 1308. CANVASSING OF OFFICIAL ABSENTEE BALLOTS.--* * *

12 (G) * * *

13 (2) THE COUNTY BOARD OF ELECTIONS SHALL MEET ON THE EIGHTH
14 DAY FOLLOWING THE ELECTION TO CANVASS THE ABSENTEE BALLOTS
15 RECEIVED UNDER THIS SUBSECTION AND SUBSECTION (H) (2). ONE
16 AUTHORIZED REPRESENTATIVE OF EACH CANDIDATE IN AN ELECTION AND
17 ONE REPRESENTATIVE FROM EACH POLITICAL PARTY SHALL BE PERMITTED
18 TO REMAIN IN THE ROOM IN WHICH THE ABSENTEE BALLOTS ARE
19 CANVASSED. REPRESENTATIVES SHALL BE PERMITTED TO CHALLENGE ANY
20 ABSENTEE ELECTOR IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH
21 (3).

22 (3) WHEN THE COUNTY BOARD MEETS TO CANVASS ABSENTEE BALLOTS
23 UNDER PARAGRAPH (2), THE BOARD SHALL EXAMINE THE DECLARATION ON
24 THE ENVELOPE OF EACH BALLOT NOT SET ASIDE UNDER SUBSECTION (D)
25 AND SHALL COMPARE THE INFORMATION THEREON WITH THAT CONTAINED IN
26 THE "REGISTERED ABSENTEE VOTERS FILE," THE ABSENTEE VOTERS' LIST
27 AND/OR THE "MILITARY VETERANS AND EMERGENCY CIVILIANS ABSENTEE
28 VOTERS FILE," WHICHEVER IS APPLICABLE. IF THE COUNTY BOARD HAS
29 VERIFIED THE PROOF OF IDENTIFICATION AS REQUIRED UNDER THIS ACT
30 IS SATISFIED THAT THE DECLARATION IS SUFFICIENT AND THE

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

25 * * *

26 (H) FOR THOSE ABSENTEE BALLOTS FOR WHICH PROOF OF
27 IDENTIFICATION HAS NOT BEEN RECEIVED OR COULD NOT BE VERIFIED:

28 (1) IF THE PROOF OF IDENTIFICATION IS RECEIVED AND VERIFIED
29 BY THE COUNTY BOARD OF ELECTIONS PRIOR TO THE DISTRIBUTION OF
30 THE ABSENTEE BALLOTS TO THE LOCAL ELECTION DISTRICTS, THEN THE

1 COUNTY SHALL DISTRIBUTE THE ABSENTEE BALLOTS FOR WHICH PROOF OF
2 IDENTIFICATION IS RECEIVED AND VERIFIED, ALONG WITH THE OTHER
3 ABSENTEE BALLOTS, TO THE ABSENTEE VOTER'S RESPECTIVE ELECTION
4 DISTRICT. IF THE COUNTY BOARD OF ELECTIONS DOES NOT RECEIVE OR
5 IS NOT ABLE TO VERIFY THE PROOF OF IDENTIFICATION FOR AN ELECTOR
6 PRIOR TO THE ABSENTEE BALLOTS' BEING SENT TO THE APPROPRIATE
7 LOCAL ELECTION DISTRICTS, THE COUNTY BOARD SHALL KEEP THE
8 ABSENTEE BALLOT AND FOLLOW THE PROCEDURES SET FORTH IN PARAGRAPH
9 (2) OR (3), WHICHEVER IS APPLICABLE.

10 (2) IF THE PROOF OF IDENTIFICATION IS RECEIVED AND VERIFIED
11 AFTER THE ABSENTEE BALLOTS HAVE BEEN DISTRIBUTED TO THE
12 APPROPRIATE LOCAL ELECTION DISTRICTS, BUT PRIOR TO THE SIXTH
13 CALENDAR DAY FOLLOWING THE ELECTION, THEN THE COUNTY BOARD OF
14 ELECTIONS SHALL CANVASS THE ABSENTEE BALLOTS UNDER THIS
15 SUBSECTION IN ACCORDANCE WITH SUBSECTION (G) (2), UNLESS THE
16 ELECTOR APPEARED TO VOTE AT THE PROPER POLLING PLACE FOR THE
17 PURPOSE OF CASTING A BALLOT, THEN THE ABSENTEE BALLOT CAST BY
18 THAT ELECTOR SHALL BE DECLARED VOID.

19 (3) IF AN ELECTOR FAILS TO PROVIDE PROOF OF IDENTIFICATION
20 THAT CAN BE VERIFIED BY THE COUNTY BOARD OF ELECTIONS BY THE
21 SIXTH CALENDAR DAY FOLLOWING THE ELECTION, THEN THE ABSENTEE
22 BALLOT SHALL NOT BE COUNTED.

23 (I) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
24 QUALIFIED ABSENTEE ELECTOR SHALL NOT BE REQUIRED TO PROVIDE
25 PROOF OF IDENTIFICATION IF THE ELECTOR IS ENTITLED TO VOTE BY
26 ABSENTEE BALLOT UNDER THE UNIFORMED AND OVERSEAS CITIZENS
27 ABSENTEE VOTING ACT (PUBLIC LAW 99-410, 100 STAT. 924) OR BY AN
28 ALTERNATIVE BALLOT UNDER THE VOTING ACCESSIBILITY FOR THE
29 ELDERLY AND HANDICAPPED ACT (PUBLIC LAW 98-435, 98 STAT. 1678).

30 SECTION 8. SECTION 1309 OF THE ACT, AMENDED AUGUST 13, 1963

1 (P.L.707, NO.379), IS AMENDED TO READ:

2 SECTION 1309. PUBLIC RECORDS.--ALL OFFICIAL ABSENTEE
3 BALLOTS, FILES, APPLICATIONS FOR SUCH BALLOTS AND ENVELOPES ON
4 WHICH THE EXECUTED DECLARATIONS APPEAR, AND ALL INFORMATION AND
5 LISTS ARE HEREBY DESIGNATED AND DECLARED TO BE PUBLIC RECORDS
6 AND SHALL BE SAFELY KEPT FOR A PERIOD OF TWO YEARS, EXCEPT THAT
7 NO PROOF OF IDENTIFICATION SHALL BE MADE PUBLIC, NOR SHALL
8 INFORMATION CONCERNING A MILITARY ELECTOR [SHALL] BE MADE PUBLIC
9 WHICH IS EXPRESSLY FORBIDDEN BY THE [WAR] DEPARTMENT OF DEFENSE
10 BECAUSE OF MILITARY SECURITY.

11 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

12 SECTION 1854. ENFORCEMENT.--

13 (1) THE ATTORNEY GENERAL SHALL HAVE PROSECUTORIAL
14 JURISDICTION OVER ALL VIOLATIONS COMMITTED UNDER THIS ACT.

15 (2) THE DISTRICT ATTORNEY OF ANY COUNTY IN WHICH A VIOLATION
16 HAS OCCURRED SHALL HAVE CONCURRENT POWERS AND RESPONSIBILITIES
17 WITH THE ATTORNEY GENERAL OVER VIOLATIONS COMMITTED UNDER THIS
18 ACT.

19 SECTION 10. THE FOLLOWING SHALL APPLY TO ELECTIONS HELD
20 AFTER JANUARY 1, 2012, AND PRIOR TO SEPTEMBER 17, 2012:

21 (1) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) AND
22 NOTWITHSTANDING ANY LAW, ELECTION OFFICIALS AT THE
23 POLLING PLACE AT AN ELECTION HELD AFTER JANUARY 1, 2012,
24 SHALL REQUEST THAT EVERY ELECTOR SHOW PROOF OF
25 IDENTIFICATION.

26 (II) NOTWITHSTANDING SUBPARAGRAPH (I), PRIOR TO
27 SEPTEMBER 17, 2012, IF THE ELECTOR DOES NOT PROVIDE PROOF
28 OF IDENTIFICATION AND THE ELECTOR IS OTHERWISE QUALIFIED,
29 THE ELECTOR MAY CAST A BALLOT THAT SHALL BE COUNTED
30 WITHOUT THE NECESSITY OF PRESENTING PROOF OF

1 IDENTIFICATION AND WITHOUT THE NECESSITY OF CASTING A
2 PROVISIONAL BALLOT, EXCEPT AS REQUIRED BY THE ACT.

3 (2) BEGINNING JANUARY 1, 2012, IF ANY ELECTOR VOTES AT A
4 POLLING PLACE AT AN ELECTION AND DOES NOT PROVIDE PROOF OF
5 IDENTIFICATION AND WILL BE REQUIRED TO PROVIDE PROOF OF
6 IDENTIFICATION BEGINNING SEPTEMBER 17, 2012, THE ELECTION
7 OFFICIAL THAT REQUESTED THE PROOF OF IDENTIFICATION SHALL
8 PROVIDE TO THE ELECTOR WRITTEN INFORMATION PRESCRIBED BY THE
9 SECRETARY OF THE COMMONWEALTH BRIEFLY DESCRIBING THE VOTER
10 IDENTIFICATION REQUIREMENT CREATED BY THIS ACT AND INFORM THE
11 ELECTOR THAT HE OR SHE WILL BE REQUIRED TO COMPLY WITH THAT
12 REQUIREMENT WHEN VOTING AT FUTURE ELECTIONS BEGINNING
13 SEPTEMBER 17, 2012, UNLESS AN EXEMPTION APPLIES.

14 SECTION 11. THE AMENDMENT OF SECTIONS 102, 1210, 1302,
15 1302.2, 1305, 1308 AND 1309 OF THE ACT SHALL APPLY TO ELECTIONS
16 HELD AFTER SEPTEMBER 17, 2012.

17 SECTION 12. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.