
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 48 Session of
2019

INTRODUCED BY GORDNER, FOLMER, LANGERHOLC, MARTIN, HUTCHINSON,
DISANTO, YAW, BARTOLOTTA, K. WARD, WHITE, STEFANO AND
J. WARD, JANUARY 11, 2019

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 20, 2019

AN ACT

1 ~~Amending Title 25 (Elections) of the Pennsylvania Consolidated~~ <--
 2 ~~Statutes, in conduct of elections, providing for voting~~
 3 ~~systems.~~
 4 AMENDING THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), ENTITLED <--
 5 "AN ACT CONCERNING ELECTIONS, INCLUDING GENERAL, MUNICIPAL,
 6 SPECIAL AND PRIMARY ELECTIONS, THE NOMINATION OF CANDIDATES,
 7 PRIMARY AND ELECTION EXPENSES AND ELECTION CONTESTS; CREATING
 8 AND DEFINING MEMBERSHIP OF COUNTY BOARDS OF ELECTIONS;
 9 IMPOSING DUTIES UPON THE SECRETARY OF THE COMMONWEALTH,
 10 COURTS, COUNTY BOARDS OF ELECTIONS, COUNTY COMMISSIONERS;
 11 IMPOSING PENALTIES FOR VIOLATION OF THE ACT, AND CODIFYING,
 12 REVISING AND CONSOLIDATING THE LAWS RELATING THERETO; AND
 13 REPEALING CERTAIN ACTS AND PARTS OF ACTS RELATING TO
 14 ELECTIONS," IN BALLOTS, FURTHER PROVIDING FOR FORM OF
 15 OFFICIAL ELECTION BALLOT AND FOR NUMBER OF BALLOTS TO BE
 16 PRINTED AND SPECIMEN BALLOTS; IN VOTING MACHINES, FURTHER
 17 PROVIDING FOR REQUIREMENTS OF VOTING MACHINES AND FOR FORM OF
 18 BALLOT LABELS ON VOTING MACHINES; IN ELECTRONIC VOTING
 19 SYSTEMS, FURTHER PROVIDING FOR REQUIREMENTS OF ELECTRONIC
 20 VOTING SYSTEMS, FOR FORMS AND FOR ELECTION DAY PROCEDURES AND
 21 THE PROCESS OF VOTING; PROVIDING FOR VOTING SYSTEMS
 22 DECERTIFICATION; IN PREPARATION FOR AND CONDUCT OF PRIMARIES
 23 AND ELECTIONS, FURTHER PROVIDING FOR INSTRUCTIONS OF VOTERS
 24 AND MANNER OF VOTING IN DISTRICTS IN WHICH VOTING MACHINES
 25 ARE USED, FOR COUNT AND RETURN OF VOTES IN DISTRICTS IN WHICH
 26 BALLOTS ARE USED AND FOR WHAT BALLOTS SHALL BE COUNTED,
 27 MANNER OF COUNTING AND DEFECTIVE BALLOTS; AND, IN VOTING BY
 28 QUALIFIED ABSENTEE ELECTORS, FURTHER PROVIDING FOR DATE OF
 29 APPLICATION FOR ABSENTEE BALLOT, FOR APPROVAL OF APPLICATION
 30 FOR ABSENTEE BALLOT, FOR VOTING BY ABSENTEE ELECTORS AND FOR
 31 CANVASSING OF OFFICIAL ABSENTEE BALLOTS.

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

3 ~~Section 1. Part IX of Title 25 of the Pennsylvania~~ <--
4 ~~Consolidated Statutes is amended by adding a chapter to read:~~

5 CHAPTER 31

6 VOTING SYSTEMS

7 Subchapter

8 A. Preliminary Provisions

9 B. Voting Machines (Reserved)

10 C. Electronic Voting Systems (Reserved)

11 SUBCHAPTER A

12 PRELIMINARY PROVISIONS

13 Sec.

14 3101. Definitions.

15 3102. Decertification.

16 § 3101. Definitions.

17 The following words and phrases when used in this chapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Election Code." The act of June 3, 1937 (P.L.1333, No.320),
21 known as the Pennsylvania Election Code.

22 "Electronic voting system." As defined in section 1101 A of
23 the Election Code.

24 "Voting apparatus." A kind or type of any of the following:

25 (1) An electronic voting system.

26 (2) A voting machine.

27 "Voting machine." A voting machine as described under
28 Article XI of the Election Code.

29 § 3102. Decertification.

30 (a) Prohibition. The Commonwealth may not disapprove of or

1 ~~decertify voting apparatuses in 50% or more counties until the~~
2 ~~requirements of this subchapter have been met.~~

3 ~~(b) Plan. If the Commonwealth intends to disapprove or~~
4 ~~decertify voting apparatuses in 50% or more counties, the~~
5 ~~Department of State must submit a written plan to the President~~
6 ~~Pro Tempore of the Senate and the Speaker of the House of~~
7 ~~Representatives at least 180 days prior to the effective date of~~
8 ~~replacement, containing each of the following:~~

9 ~~(1) The reason for disapproval or decertification.~~

10 ~~(2) The estimated cost to replace the disapproved or~~
11 ~~decertified voting apparatuses and the plan for how funding~~
12 ~~is anticipated to be obtained.~~

13 ~~(3) A plan for replacing the disapproved or decertified~~
14 ~~voting apparatuses.~~

15 ~~(4) The effective date of replacement.~~

16 ~~(c) Voting System Decertification Commission.~~

17 ~~(1) Within 10 days of receipt of the written plan under~~
18 ~~subsection (b) by the President Pro Tempore of the Senate and~~
19 ~~the Speaker of the House of Representatives, a commission~~
20 ~~shall be established. The commission shall, within 90 days of~~
21 ~~establishment, do all of the following:~~

22 ~~(i) Review the written plan.~~

23 ~~(ii) Hold at least two public hearings on the~~
24 ~~matter, including the plan submitted under subsection~~
25 ~~(b).~~

26 ~~(iii) Issue a written report consistent with~~
27 ~~subparagraph (iv) to each of the following:~~

28 ~~(A) The President Pro Tempore of the Senate.~~

29 ~~(B) The Majority Leader of the Senate~~

30 ~~(C) The Minority Leader of the Senate.~~

1 ~~(D) The Speaker of the House of Representatives.~~

2 ~~(E) The Majority Leader of the House of~~
3 ~~Representatives.~~

4 ~~(F) The Minority Leader of the House of~~
5 ~~Representatives.~~

6 ~~(G) The majority and minority chair of the State~~
7 ~~Government Committee of the Senate and the majority~~
8 ~~and minority chair of the State Government Committee~~
9 ~~of the House of Representatives.~~

10 ~~(iv) The written report shall include all of the~~
11 ~~following:~~

12 ~~(A) An estimated cost for the written plan and~~
13 ~~estimated costs for the implementation of other~~
14 ~~voting apparatuses and how the costs will be divided.~~

15 ~~(B) Written justification for disapproval or~~
16 ~~decertification.~~

17 ~~(C) Each dissenting opinion of a member of the~~
18 ~~commission.~~

19 ~~(D) Recommended legislative action, if~~
20 ~~necessary, including draft legislation.~~

21 ~~(2) The commission shall be composed of the following~~
22 ~~members:~~

23 ~~(i) Two members appointed by the Governor, one of~~
24 ~~whom shall be a county commissioner and one of whom shall~~
25 ~~be a county election officer at the time of appointment.~~

26 ~~(ii) The Secretary of the Commonwealth or a~~
27 ~~designee.~~

28 ~~(iii) The chair and minority chair of the State~~
29 ~~Government Committee of the Senate and the chair and~~
30 ~~minority chair of the State Government Committee of the~~

~~House of Representatives or their designees.~~

~~(iv) One legislator from each of the four legislative caucuses, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, in consultation with the Majority Leader and Minority Leader of the Senate and the Majority Leader and Minority Leader of the House of Representatives or their designees.~~

~~(3) The commission shall appoint a member to serve as chair of the commission.~~

~~(4) The commission shall hold meetings at the call of the chair.~~

~~(5) The General Assembly shall provide administrative support, meeting space and any other assistance required by the commission to carry out its duties under this section in cooperation with the department.~~

~~(6) A member may not receive compensation for the member's services, but shall be reimbursed for necessary travel and other reasonable expenses incurred in connection with the performance of the member's duties as members of the commission.~~

~~SUBCHAPTER B~~

~~VOTING MACHINES~~

~~(Reserved)~~

~~SUBCHAPTER C~~

~~ELECTRONIC VOTING SYSTEMS~~

~~(Reserved)~~

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

SECTION 1. SECTIONS 1003(A), 1007, 1107(B), 1110(H), 1107-
A(3), 1109-A(A)(2) AND (D) AND 1112-A(A)(2) AND (4) OF THE ACT

<--

1 OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA
2 ELECTION CODE, ARE AMENDED TO READ:

3 SECTION 1003. FORM OF OFFICIAL ELECTION BALLOT.--

4 (A) THE OFFICIAL BALLOTS FOR GENERAL, MUNICIPAL AND SPECIAL
5 ELECTIONS SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

6 OFFICIAL BALLOT

7 DISTRICT, WARD,
8 CITY OF, COUNTY OF,
9 STATE OF PENNSYLVANIA
10 ELECTION HELD ON THE DAY OF, [19]
11 20.....

12 A CROSS (X) OR CHECK () MARK IN THE SQUARE OPPOSITE THE NAME OF
13 ANY CANDIDATE INDICATES A VOTE FOR THAT CANDIDATE.

14 [TO VOTE A STRAIGHT PARTY TICKET, MARK A CROSS (X) OR CHECK
15 () IN THE SQUARE, IN THE PARTY COLUMN, OPPOSITE THE NAME OF THE
16 PARTY OF YOUR CHOICE. TO VOTE FOR AN INDIVIDUAL CANDIDATE OF
17 ANOTHER PARTY AFTER MAKING A MARK IN THE PARTY SQUARE, MARK A
18 CROSS (X) OR CHECK () OPPOSITE HIS NAME. FOR AN OFFICE WHERE
19 MORE THAN ONE CANDIDATE IS TO BE VOTED FOR, THE VOTER, AFTER
20 MARKING IN THE PARTY SQUARE, MAY DIVIDE HIS VOTE BY MARKING A
21 CROSS (X) OR CHECK () TO THE RIGHT OF EACH CANDIDATE FOR WHOM
22 HE OR SHE DESIRES TO VOTE. FOR SUCH OFFICE VOTES SHALL NOT BE
23 COUNTED FOR CANDIDATES NOT INDIVIDUALLY MARKED.]

24 TO VOTE FOR A PERSON WHOSE NAME IS NOT ON THE BALLOT, WRITE,
25 PRINT OR PASTE [HIS] THE VOTER'S NAME IN THE BLANK SPACE
26 PROVIDED FOR THAT PURPOSE. A CROSS (X) OR CHECK () MARK IN THE
27 SQUARE OPPOSITE THE NAMES OF THE CANDIDATES OF ANY PARTY FOR
28 PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES INDICATES A
29 VOTE FOR ALL THE CANDIDATES OF THAT PARTY FOR PRESIDENTIAL
30 ELECTOR. TO VOTE FOR INDIVIDUAL CANDIDATES FOR PRESIDENTIAL

1 ELECTOR, WRITE, PRINT OR PASTE THEIR NAMES IN THE BLANK SPACES
2 PROVIDED FOR THAT PURPOSE UNDER THE TITLE "PRESIDENTIAL
3 ELECTORS." MARK BALLOT ONLY IN BLACK LEAD PENCIL, INDELIBLE
4 PENCIL OR BLUE, BLACK OR BLUE-BLACK INK, IN FOUNTAIN PEN OR BALL
5 POINT PEN; USE THE SAME PENCIL OR PEN FOR ALL MARKINGS YOU PLACE
6 ON THE BALLOT.

7 BEFORE LEAVING THE VOTING COMPARTMENT, FOLD THIS BALLOT,
8 WITHOUT DISPLAYING THE MARKINGS THEREON, IN THE SAME WAY IT WAS
9 FOLDED WHEN RECEIVED, THEN LEAVE THE COMPARTMENT AND EXHIBIT THE
10 BALLOT TO ONE OF THE ELECTION OFFICERS WHO SHALL ASCERTAIN BY AN
11 INSPECTION OF THE NUMBER APPEARING UPON THE RIGHT HAND CORNER OF
12 THE BACK OF THE BALLOT WHETHER THE BALLOT SO EXHIBITED TO [HIM]
13 THE VOTER IS THE SAME BALLOT WHICH THE ELECTOR RECEIVED BEFORE
14 ENTERING THE VOTING COMPARTMENT. IF IT IS THE SAME, THE ELECTION
15 OFFICER SHALL DIRECT THE ELECTOR, WITHOUT UNFOLDING THE BALLOT,
16 TO REMOVE THE PERFORATED CORNER CONTAINING THE NUMBER, AND THE
17 ELECTOR SHALL IMMEDIATELY DEPOSIT THE BALLOT IN THE BALLOT BOX.
18 ANY BALLOT DEPOSITED IN A BALLOT BOX AT ANY PRIMARY OR ELECTION
19 WITHOUT HAVING THE SAID NUMBER TORN OFF SHALL BE VOID AND SHALL
20 NOT BE COUNTED.

21	[PARTY COLUMN	PRESIDENTIAL ELECTORS
22	TO VOTE A STRAIGHT PARTY TICKET	(VOTE FOR THE CANDIDATES OF
23	MARK A CROSS (X) OR CHECK () IN	ONE PARTY FOR PRESIDENT AND
24	THIS COLUMN.	VICE-PRESIDENT, OR INSERT THE
25		NAMES OF CANDIDATES.)
26		FOR
27	DEMOCRATIC	JOHN STILES
28		AND
29		RICHARD DOE,
30		DEMOCRATIC

1 FOR
 2 REPUBLICAN JOHN DOE
 3 AND
 4 RICHARD ROE,
 5 REPUBLICAN
 6 FOR
 7 SOCIALIST JOHN SMITH
 8 AND
 9 WILLIAM JONES,
 10 SOCIALIST
 11 CITIZENS]

12 PRESIDENTIAL ELECTORS.

13 (VOTE FOR THE CANDIDATES OF ONE PARTY FOR PRESIDENT AND VICE
 14 PRESIDENT, OR INSERT THE NAMES OF CANDIDATES)

15 FOR
 16 JOHN STILES AND RICHARD DOE..... DEMOCRATIC
 17 FOR
 18 JOHN DOE AND RICHARD ROE..... REPUBLICAN
 19 FOR
 20 JOHN SMITH AND WILLIAM JONES..... SOCIALIST
 21 FOR
 22 CITIZENS

23 UNITED STATES SENATOR.

24 (VOTE FOR ONE)

25 RICHARD ROE DEMOCRATIC
 26 JOHN DOE REPUBLICAN
 27 RICHARD STILES SOCIALIST

28 GOVERNOR.

29 (VOTE FOR ONE)

30 RICHARD ROE DEMOCRATIC

1 JOHN DOE REPUBLICAN
2 RICHARD STILES SOCIALIST
3 REPRESENTATIVES IN CONGRESS,

4 DISTRICT.

5 (VOTE FOR ONE)

6 RICHARD ROE DEMOCRATIC
7 JOHN DOE REPUBLICAN
8 RICHARD STILES SOCIALIST

9 SENATOR IN THE GENERAL ASSEMBLY,

10 DISTRICT.

11 (VOTE FOR ONE)

12 JOHN DOE DEMOCRATIC
13 RICHARD ROE REPUBLICAN

14 * * *

15 SECTION 1007. NUMBER OF BALLOTS TO BE PRINTED; SPECIMEN
16 BALLOTS.--THE COUNTY BOARD OF EACH COUNTY SHALL PROVIDE FOR EACH
17 ELECTION DISTRICT IN WHICH A PAPER BALLOT IS USED IN A PRIMARY
18 [IS] OR ELECTION TO BE HELD, [ONE BOOK OF FIFTY OFFICIAL BALLOTS
19 OF EACH PARTY FOR EVERY FORTY-FIVE REGISTERED AND ENROLLED
20 ELECTORS OF SUCH PARTY AND FRACTION THEREOF, APPEARING UPON THE
21 DISTRICT REGISTER,] A SUPPLY OF OFFICIAL BALLOTS EQUAL TO TEN
22 PER CENTUM MORE THAN THE GREATEST NUMBER OF BALLOTS CAST IN
23 THE PRIOR THREE COMPARABLE ELECTIONS IN THE ELECTION DISTRICT
24 AND SHALL PROVIDE FOR EACH ELECTION DISTRICT IN WHICH AN
25 ELECTION IS TO BE HELD ONE BOOK OF FIFTY OFFICIAL BALLOTS FOR
26 EVERY FORTY-FIVE REGISTERED ELECTORS AND FRACTION THEREOF
27 APPEARING UPON THE DISTRICT REGISTER. THEY SHALL ALSO, IN
28 ADDITION TO THE NUMBER OF BALLOTS REQUIRED TO BE PRINTED FOR
29 GENERAL DISTRIBUTION, MAINTAIN A SUFFICIENT SUPPLY OF SUCH
30 BALLOTS AT THE OFFICE OF THE COUNTY BOARD FOR THE USE OF

1 ABSENTEE ELECTORS AND FOR THE USE OF ANY DISTRICT, THE BALLOTS
2 FOR WHICH MAY BE LOST, DESTROYED OR STOLEN. THEY SHALL ALSO
3 CAUSE TO BE PRINTED ON TINTED PAPER, AND WITHOUT THE FACSIMILE
4 ENDORSEMENTS, PERMANENT BINDING OR STUBS, COPIES OF THE FORM OF
5 BALLOTS PROVIDED FOR EACH POLLING PLACE AT EACH PRIMARY OR
6 ELECTION THEREIN, WHICH SHALL BE CALLED SPECIMEN BALLOTS, AND
7 WHICH SHALL BE OF THE SAME SIZE AND FORM AS THE OFFICIAL
8 BALLOTS, AND AT EACH ELECTION THEY SHALL DELIVER TO THE ELECTION
9 OFFICERS, IN ADDITION TO THE OFFICIAL BALLOTS TO BE USED AT SUCH
10 ELECTION, A SUITABLE SUPPLY OF SPECIMEN BALLOTS FOR THE USE OF
11 THE ELECTORS. AT EACH PRIMARY, A SUITABLE SUPPLY OF SPECIMEN
12 BALLOTS OF EACH PARTY SHALL BE FURNISHED.

13 SECTION 1107. REQUIREMENTS OF VOTING MACHINES.--NO VOTING
14 MACHINE SHALL, UPON ANY EXAMINATION OR REEXAMINATION, BE
15 APPROVED BY THE SECRETARY OF THE COMMONWEALTH, OR BY ANY
16 EXAMINER APPOINTED BY HIM, UNLESS IT SHALL, AT THE TIME, SATISFY
17 THE FOLLOWING REQUIREMENTS:

18 * * *

19 [(B) IT SHALL PERMIT EACH VOTER, AT OTHER THAN PRIMARY
20 ELECTIONS, TO VOTE A STRAIGHT POLITICAL PARTY TICKET IN ONE
21 OPERATION, AND, IN ONE OPERATION, TO VOTE FOR ALL THE CANDIDATES
22 OF ONE POLITICAL PARTY FOR PRESIDENTIAL ELECTORS, AND, IN ONE
23 OPERATION, TO VOTE FOR ALL THE CANDIDATES OF ONE POLITICAL PARTY
24 FOR EVERY OFFICE TO BE VOTED FOR, EXCEPT THOSE OFFICES AS TO
25 WHICH HE VOTES FOR INDIVIDUAL CANDIDATES.]

26 * * *

27 SECTION 1110. FORM OF BALLOT LABELS ON VOTING MACHINES.--

28 * * *

29 (H) THE NAMES OF ALL CANDIDATES OF A POLITICAL PARTY SHALL
30 APPEAR IN THE SAME ROW OR COLUMN, AND EXCEPT IN CASES OF NAMES

1 OF PRESIDENTIAL COMMITMENTS OF NOMINEES FOR DELEGATE OR
2 ALTERNATE DELEGATE TO POLITICAL PARTY NATIONAL CONVENTIONS NO
3 OTHER NAMES SHALL APPEAR IN THE SAME ROW OR COLUMN[, TO THE LEFT
4 OR TOP OF WHICH SHALL BE A STRAIGHT PARTY LEVER, BY MEANS OF
5 WHICH AN ELECTOR MAY, IN ONE OPERATION, VOTE FOR ALL THE
6 CANDIDATES OF THAT POLITICAL PARTY FOR EVERY OFFICE TO BE VOTED
7 FOR]. WHERE THE NAMES OF THE DELEGATE OR ALTERNATE DELEGATE AND
8 THE PRESIDENTIAL CANDIDATE [HE] THE VOTER IS SUPPORTING SHALL
9 BOTH APPEAR, THE PRINT SIZE OF THE NAME OF THE DELEGATE OR
10 ALTERNATE DELEGATE SHALL BE EQUAL TO THE SIZE OF THE NAME OF THE
11 PARTICULAR PRESIDENTIAL CANDIDATE TO WHOM [HE] THE VOTER IS
12 COMMITTED, OR IN THE CASE WHERE [HE] THE VOTER IS UNCOMMITTED,
13 THE WORD "UNCOMMITTED" SHALL APPEAR IN THE SAME SIZE PRINT. THE
14 NAMES OF SUCH CANDIDATES SHALL BE ARRANGED UNDER OR OPPOSITE THE
15 TITLE OF THE OFFICE FOR WHICH THEY ARE CANDIDATES, AND SHALL
16 APPEAR IN THE ORDER OF THE VOTES OBTAINED BY THE CANDIDATE FOR
17 GOVERNOR OF THE PARTY NOMINATED AT THE LAST GUBERNATORIAL
18 ELECTION, BEGINNING WITH THE PARTY OBTAINING THE HIGHEST NUMBER
19 OF VOTES: PROVIDED, HOWEVER, THAT IN THE CASE OF PARTIES OR
20 BODIES NOT REPRESENTED ON THE BALLOT AT THE LAST GUBERNATORIAL
21 ELECTION, THE NAMES OF THE CANDIDATES OF SUCH PARTIES SHALL BE
22 ARRANGED ALPHABETICALLY, ACCORDING TO THE PARTY OR BODY NAME.
23 THE NAMES OF ALL CANDIDATES OF A POLITICAL BODY SHALL APPEAR IN
24 THE SAME ROW OR COLUMN, AND, IF THE NUMBER OF PARTIES AND BODIES
25 PERMITS, EACH POLITICAL BODY SHALL BE ENTITLED EXCLUSIVELY TO A
26 SEPARATE ROW OR COLUMN[, WITH A STRAIGHT PARTY LEVER]. IF,
27 HOWEVER, THE NUMBER OF POLITICAL PARTIES AND POLITICAL BODIES
28 RENDERS IT IMPOSSIBLE OR IMPRACTICABLE TO SO ARRANGE THE
29 POLITICAL BODIES, IN SUCH CASE SAID BODIES SHALL NOT BE ENTITLED
30 TO A SEPARATE ROW OR COLUMN [AND A STRAIGHT PARTY LEVER], BUT

1 SHALL BE LISTED BY POLITICAL APPELLATIONS ON THE FIRST LEFT HAND
2 OR TOP ROW, WITH THE DESIGNATING LETTER AND NUMBER OF THE BALLOT
3 LABEL WHERE THEIR CANDIDATES MAY BE FOUND, TOGETHER WITH THE
4 POLITICAL APPELLATIONS OF OTHER POLITICAL BODIES, WHOSE
5 CANDIDATES MAY BE INTERSPERSED ON THE SAME ROW OR COLUMN.
6 SUBJECT TO THE AFORESAID LIMITATIONS, THE FORM AND ARRANGEMENT
7 OF BALLOT LABELS, AS TO THE PLACING THEREON OF POLITICAL BODIES,
8 SHALL BE WITHIN THE DISCRETION OF THE COUNTY BOARD.

9 * * *

10 SECTION 1107-A. REQUIREMENTS OF ELECTRONIC VOTING SYSTEMS.--
11 NO ELECTRONIC VOTING SYSTEM SHALL, UPON ANY EXAMINATION OR
12 REEXAMINATION, BE APPROVED BY THE SECRETARY OF THE COMMONWEALTH,
13 OR BY ANY EXAMINER APPOINTED BY [HIM] THE SECRETARY OF THE
14 COMMONWEALTH, UNLESS IT SHALL BE ESTABLISHED THAT SUCH SYSTEM,
15 AT THE TIME OF SUCH EXAMINATION OR REEXAMINATION:

16 * * *

17 [(3) PERMITS EACH VOTER, AT OTHER THAN PRIMARY ELECTIONS, TO
18 VOTE A STRAIGHT POLITICAL PARTY TICKET BY ONE MARK OR ACT AND,
19 BY ONE MARK OR ACT, TO VOTE FOR ALL THE CANDIDATES OF ONE
20 POLITICAL PARTY FOR PRESIDENTIAL ELECTORS AND, BY ONE MARK OR
21 ACT, TO VOTE FOR ALL THE CANDIDATES OF ONE POLITICAL PARTY FOR
22 EVERY OFFICE TO BE VOTED FOR, AND EVERY SUCH MARK OR ACT SHALL
23 BE EQUIVALENT TO AND SHALL BE COUNTED AS A VOTE FOR EVERY
24 CANDIDATE OF THE POLITICAL PARTY SO MARKED INCLUDING ITS
25 CANDIDATES FOR PRESIDENTIAL ELECTORS, EXCEPT WITH RESPECT TO
26 THOSE OFFICES AS TO WHICH THE VOTER HAS REGISTERED A VOTE FOR
27 INDIVIDUAL CANDIDATES OF THE SAME OR ANOTHER POLITICAL PARTY OR
28 POLITICAL BODY, IN WHICH CASE THE AUTOMATIC TABULATING EQUIPMENT
29 SHALL CREDIT THE VOTE FOR THAT OFFICE ONLY FOR THE CANDIDATE
30 INDIVIDUALLY SO SELECTED, NOTWITHSTANDING THE FACT THAT THE

1 VOTER MAY NOT HAVE INDIVIDUALLY VOTED FOR THE FULL NUMBER OF
2 CANDIDATES FOR THAT OFFICE FOR WHICH HE WAS ENTITLED TO VOTE.]

3 * * *

4 SECTION 1109-A. FORMS.-- (A) * * *

5 (2) THE PAGES PLACED ON THE VOTING DEVICE SHALL BE OF
6 SUFFICIENT NUMBER TO INCLUDE, FOLLOWING THE LISTING OF
7 PARTICULAR CANDIDATES, THE NAMES OF CANDIDATES FOR ANY
8 NONPARTISAN OFFICES AND ANY MEASURES FOR WHICH A VOTER MAY BE
9 QUALIFIED TO VOTE ON A GIVEN ELECTION DAY, PROVIDED FURTHER THAT
10 FOR MUNICIPAL, GENERAL OR SPECIAL ELECTIONS, THE FIRST BALLOT
11 PAGE SHALL LIST IN THE ORDER THAT SUCH POLITICAL PARTIES ARE
12 ENTITLED TO PRIORITY ON THE BALLOT, THE NAMES OF SUCH POLITICAL
13 PARTIES [WITH DESIGNATING ARROWS SO AS TO INDICATE THE VOTING
14 SQUARE OR POSITION ON THE BALLOT CARD WHERE THE VOTER MAY INSERT
15 BY ONE MARK OR PUNCH THE STRAIGHT PARTY TICKET OF HIS CHOICE].

16 * * *

17 [(D) IN PARTISAN ELECTIONS THE BALLOT CARDS SHALL INCLUDE A
18 VOTING SQUARE OR POSITION WHEREBY THE VOTER MAY BY ONE PUNCH OR
19 MARK RECORD A STRAIGHT PARTY TICKET VOTE FOR ALL THE CANDIDATES
20 OF ONE PARTY OR MAY VOTE A SPLIT TICKET FOR THE CANDIDATES OF
21 HIS CHOICE.]

22 * * *

23 SECTION 1112-A. ELECTION DAY PROCEDURES AND THE PROCESS OF
24 VOTING.-- (A) IN AN ELECTION DISTRICT WHICH USES AN ELECTRONIC
25 VOTING SYSTEM IN WHICH VOTES ARE REGISTERED ELECTRONICALLY, THE
26 FOLLOWING PROCEDURES WILL BE APPLICABLE FOR THE CONDUCT OF THE
27 ELECTION AT THE ELECTION DISTRICT:

28 * * *

29 (2) AT [PRIMARY] ALL ELECTIONS, THE VOTER SHALL BE ABLE TO
30 VOTE FOR EACH CANDIDATE INDIVIDUALLY BY THE MEANS PROVIDED. [AT

1 ALL OTHER ELECTIONS, HE MAY VOTE FOR EACH CANDIDATE
2 INDIVIDUALLY, OR HE MAY VOTE A STRAIGHT POLITICAL PARTY TICKET
3 IN ONE OPERATION BY OPERATING THE STRAIGHT POLITICAL PARTY
4 MECHANISM OF THE POLITICAL PARTY OR POLITICAL BODY OF HIS
5 CHOICE. HE MAY ALSO, AFTER HAVING OPERATED THE STRAIGHT PARTY
6 MECHANISM AND BEFORE RECORDING HIS VOTE, CANCEL THE VOTE FOR ANY
7 CANDIDATE OF SUCH POLITICAL PARTY OR POLITICAL BODY AND MAY
8 THEREUPON VOTE FOR A CANDIDATE OF ANOTHER PARTY, OR POLITICAL
9 BODY FOR THE SAME OFFICE.] THE VOTER MAY ALSO VOTE INDIVIDUALLY
10 FOR OR AGAINST A QUESTION SUBMITTED TO THE VOTE OF THE ELECTORS.

11 * * *

12 (4) AT ANY GENERAL ELECTION AT WHICH PRESIDENTIAL ELECTORS
13 ARE TO BE CHOSEN, EACH ELECTOR SHALL BE PERMITTED TO VOTE BY ONE
14 OPERATION FOR ALL THE PRESIDENTIAL ELECTORS OF A POLITICAL PARTY
15 OR POLITICAL BODY. FOR EACH PARTY OR BODY NOMINATING
16 PRESIDENTIAL ELECTORS, A BALLOT LABEL SHALL BE PROVIDED
17 CONTAINING ONLY THE WORDS "PRESIDENTIAL ELECTORS," PRECEDED BY
18 THE NAMES OF THE PARTY OR BODY AND FOLLOWED BY THE NAMES OF THE
19 CANDIDATES THEREOF FOR THE OFFICE OF PRESIDENT AND VICE-
20 PRESIDENT, AND THE CORRESPONDING COUNTER OR REGISTERING DEVICE
21 SHALL REGISTER VOTES CAST FOR SAID ELECTORS WHEN THUS VOTED FOR
22 COLLECTIVELY. IF ANY ELECTOR DESIRES TO VOTE A TICKET FOR
23 PRESIDENTIAL ELECTORS MADE UP OF THE NAMES OF PERSONS NOMINATED
24 BY DIFFERENT PARTIES OR BODIES, OR PARTIALLY OF NAMES OF PERSONS
25 SO IN NOMINATION AND PARTIALLY OF NAMES OF PERSONS NOT IN
26 NOMINATION BY ANY PARTY OR BODY, [HE] THE VOTER MAY WRITE OR
27 DEPOSIT A PAPER BALLOT PREPARED BY [HIMSELF] THE VOTER IN THE
28 RECEPTACLE PROVIDED IN OR ON THE VOTING DEVICE FOR THAT PURPOSE,
29 OR [HE] THE VOTER MAY LIST THEIR NAMES ON THE WRITE-IN BALLOT OR
30 ENVELOPE PROVIDED FOR THAT PURPOSE. THE VOTING DEVICE SHALL BE

1 SO CONSTRUCTED THAT IT WILL NOT BE POSSIBLE FOR ANY ONE VOTER TO
2 VOTE A STRAIGHT PARTY TICKET FOR PRESIDENTIAL ELECTORS AND AT
3 THE SAME TIME TO DEPOSIT A BALLOT FOR PRESIDENTIAL ELECTORS IN A
4 RECEPTACLE AS [HEREINABOVE] PROVIDED IN THIS SECTION. WHEN THE
5 VOTES FOR PRESIDENTIAL ELECTORS ARE COUNTED, THE VOTES APPEARING
6 UPON THE COUNTER OR REGISTERING DEVICE CORRESPONDING TO THE
7 BALLOT LABEL CONTAINING THE NAMES OF THE CANDIDATES FOR
8 PRESIDENT AND VICE-PRESIDENT OF ANY PARTY OR BODY SHALL BE
9 COUNTED AS VOTES FOR EACH OF THE CANDIDATES FOR PRESIDENTIAL
10 ELECTOR OF SUCH PARTY OR BODY, AND THEREUPON ALL CANDIDATES FOR
11 PRESIDENTIAL ELECTOR SHALL BE CREDITED, IN ADDITION, WITH THE
12 VOTES CAST FOR THEM UPON THE BALLOTS DEPOSITED IN THE MACHINE,
13 AS [HEREINABOVE] PROVIDED IN THIS SECTION.

14 * * *

15 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

16 ARTICLE XI-B

17 VOTING SYSTEMS DECERTIFICATION

18 SECTION 1101-B. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.

23 "ELECTRONIC VOTING SYSTEM." AS DEFINED IN SECTION 1101-A.

24 "VOTING APPARATUS." A KIND OR TYPE OF ANY OF THE FOLLOWING:

25 (1) AN ELECTRONIC VOTING SYSTEM.

26 (2) A VOTING MACHINE.

27 "VOTING MACHINE." A VOTING MACHINE AS DESCRIBED UNDER

28 ARTICLE XI.

29 SECTION 1102-B. DECERTIFICATION.

30 (A) PROHIBITION.--THE COMMONWEALTH MAY NOT DISAPPROVE OF OR

1 DECERTIFY VOTING APPARATUSES IN 50% OR MORE COUNTIES UNTIL THE
2 REQUIREMENTS OF THIS ARTICLE HAVE BEEN MET.

3 (B) PLAN.--IF THE COMMONWEALTH INTENDS TO DISAPPROVE OR
4 DECERTIFY VOTING APPARATUSES IN 50% OR MORE COUNTIES, THE
5 DEPARTMENT MUST SUBMIT A WRITTEN PLAN TO THE PRESIDENT PRO
6 TEMPORE OF THE SENATE, THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES, THE APPROPRIATIONS COMMITTEE OF THE SENATE, THE
8 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE
9 STATE GOVERNMENT COMMITTEE OF THE SENATE AND THE STATE
10 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AT LEAST
11 180 DAYS PRIOR TO THE EFFECTIVE DATE OF REPLACEMENT, CONTAINING
12 EACH OF THE FOLLOWING:

13 (1) THE REASON FOR DISAPPROVAL OR DECERTIFICATION.

14 (2) THE ESTIMATED COST TO REPLACE THE DISAPPROVED OR
15 DECERTIFIED VOTING APPARATUSES AND THE PLAN FOR HOW FUNDING
16 IS ANTICIPATED TO BE OBTAINED.

17 (3) A PLAN FOR REPLACING THE DISAPPROVED OR DECERTIFIED
18 VOTING APPARATUSES.

19 (4) THE EFFECTIVE DATE OF REPLACEMENT.

20 SECTION 3. SECTIONS 1216(D) AND (F), 1222(A) AND (B),
21 1223(A), 1302.1 AND 1302.2 OF THE ACT ARE AMENDED TO READ:

22 SECTION 1216. INSTRUCTIONS OF VOTERS AND MANNER OF VOTING IN
23 DISTRICTS IN WHICH VOTING MACHINES ARE USED.--

24 * * *

25 (D) AT [PRIMARIES] ALL ELECTIONS, [HE] THE VOTER SHALL VOTE
26 FOR EACH CANDIDATE INDIVIDUALLY BY OPERATING THE KEY, HANDLE,
27 POINTER OR KNOB, UPON OR ADJACENT TO WHICH THE NAME OF SUCH
28 CANDIDATE IS PLACED. [AT ELECTIONS, HE MAY VOTE FOR EACH
29 CANDIDATE INDIVIDUALLY BY OPERATING THE KEY, HANDLE, POINTER OR
30 KNOB, UPON OR ADJACENT TO WHICH THE NAMES OF CANDIDATES OF HIS

1 CHOICE ARE PLACED, OR HE MAY VOTE A STRAIGHT POLITICAL PARTY
2 TICKET IN ONE OPERATION BY OPERATING THE STRAIGHT POLITICAL
3 PARTY LEVER OF THE POLITICAL PARTY OR POLITICAL BODY OF HIS
4 CHOICE, IF SUCH MACHINE HAS THEREON A SEPARATE LEVER FOR ALL THE
5 CANDIDATES OF THE POLITICAL BODY. HE MAY ALSO, AFTER HAVING
6 OPERATED THE STRAIGHT PARTY LEVER, AND BEFORE RECORDING HIS
7 VOTE, CANCEL THE VOTE FOR ANY CANDIDATE OF SUCH POLITICAL PARTY
8 OR POLITICAL BODY BY REPLACING THE INDIVIDUAL KEY, HANDLE,
9 POINTER OR KNOB OF SUCH CANDIDATE, AND MAY THEREUPON VOTE FOR A
10 CANDIDATE OF ANOTHER PARTY, OR POLITICAL BODY FOR THE SAME
11 OFFICE BY OPERATING THE KEY, HANDLE, POINTER OR KNOB, UPON OR
12 ADJACENT TO WHICH THE NAME OF SUCH CANDIDATE APPEARS.] IN THE
13 CASE OF A QUESTION SUBMITTED TO THE VOTE OF THE ELECTORS, THE
14 ELECTOR SHALL OPERATE THE KEY, HANDLE, POINTER OR KNOB
15 CORRESPONDING TO THE ANSWER WHICH [HE] THE ELECTOR DESIRES TO
16 GIVE.

17 * * *

18 (F) AT ANY GENERAL ELECTION AT WHICH PRESIDENTIAL ELECTORS
19 ARE TO BE CHOSEN, EACH ELECTOR SHALL BE PERMITTED TO VOTE BY ONE
20 OPERATION FOR ALL THE PRESIDENTIAL ELECTORS OF A POLITICAL PARTY
21 OR POLITICAL BODY. FOR EACH PARTY OR BODY NOMINATING
22 PRESIDENTIAL ELECTORS, A BALLOT LABEL SHALL BE PROVIDED
23 CONTAINING ONLY THE WORDS "PRESIDENTIAL ELECTORS," PRECEDED BY
24 THE NAMES OF THE PARTY OR BODY AND FOLLOWED BY THE NAMES OF THE
25 CANDIDATES THEREOF FOR THE OFFICE OF PRESIDENT AND VICE-
26 PRESIDENT, AND THE CORRESPONDING COUNTER OR REGISTERING DEVICE
27 SHALL REGISTER VOTES CAST FOR SAID ELECTORS WHEN THUS VOTED FOR
28 COLLECTIVELY. IF AN ELECTOR DESIRES TO VOTE A TICKET FOR
29 PRESIDENTIAL ELECTORS MADE UP OF THE NAMES OF PERSONS NOMINATED
30 BY DIFFERENT PARTIES OR BODIES, OR PARTIALLY OF NAMES OF PERSONS

1 SO IN NOMINATION AND PARTIALLY OF NAMES OF PERSONS NOT IN
2 NOMINATION BY ANY PARTY OR BODY, OR WHOLLY OF NAMES OF PERSONS
3 NOT IN NOMINATION BY ANY PARTY OR BODY, [HE] THE ELECTOR MAY
4 WRITE OR DEPOSIT A PAPER BALLOT PREPARED BY [HIMSELF] THE VOTER
5 IN THE RECEPTACLE PROVIDED IN OR ON THE MACHINE FOR THE PURPOSE.
6 THE MACHINE SHALL BE SO CONSTRUCTED THAT IT WILL NOT BE POSSIBLE
7 FOR ANY ONE VOTER TO VOTE A STRAIGHT PARTY TICKET FOR
8 PRESIDENTIAL ELECTORS AND AT THE SAME TIME TO DEPOSIT A BALLOT
9 FOR PRESIDENTIAL ELECTORS IN A RECEPTACLE AS [HEREINABOVE]
10 PROVIDED IN THIS SECTION. WHEN THE VOTES FOR PRESIDENTIAL
11 ELECTORS ARE COUNTED, THE VOTES APPEARING UPON THE COUNTER OR
12 REGISTERING DEVICE CORRESPONDING TO THE BALLOT LABEL CONTAINING
13 THE NAMES OF THE CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT OF
14 ANY PARTY OR BODY SHALL BE COUNTED AS VOTES FOR EACH OF THE
15 CANDIDATES FOR PRESIDENTIAL ELECTOR OF SUCH PARTY OR BODY, AND
16 THEREUPON ALL CANDIDATES FOR PRESIDENTIAL ELECTOR SHALL BE
17 CREDITED, IN ADDITION, WITH THE VOTES CAST FOR THEM UPON THE
18 BALLOTS DEPOSITED IN THE MACHINE, AS [HEREINABOVE] PROVIDED IN
19 THIS SECTION.

20 * * *

21 SECTION 1222. COUNT AND RETURN OF VOTES IN DISTRICTS IN
22 WHICH BALLOTS ARE USED.--

23 (A) AS SOON AS ALL THE BALLOTS HAVE BEEN PROPERLY ACCOUNTED
24 FOR, AND THOSE OUTSIDE THE BALLOT BOX, AS WELL AS THE "VOTING
25 CHECK LIST," NUMBERED LISTS OF VOTERS AND DISTRICT REGISTER
26 SEALED, THE ELECTION OFFICERS SHALL FORTHWITH OPEN THE BALLOT
27 BOX, AND TAKE THEREFROM ALL BALLOTS THEREIN, AND AT PRIMARIES,
28 SEPARATE THE SAME ACCORDING TO THE PARTY TO WHICH THEY BELONG.
29 THE BALLOTS SHALL THEN BE COUNTED ONE BY ONE, AND A RECORD MADE
30 OF THE TOTAL NUMBER, AND AT PRIMARIES OF THE TOTAL NUMBER CAST

1 FOR EACH PARTY. THEN THE JUDGE, UNDER THE SCRUTINY OF THE
2 MINORITY INSPECTOR, OR THE MINORITY INSPECTOR, UNDER THE
3 SCRUTINY OF THE JUDGE, IN THE PRESENCE OF THE OTHER OFFICERS,
4 CLERKS, AND OF THE OVERSEERS, IF ANY, AND WITHIN THE HEARING AND
5 SIGHT OF THE WATCHERS OUTSIDE THE ENCLOSED SPACE, SHALL READ
6 ALOUD THE NAMES OF THE CANDIDATES MARKED OR INSERTED UPON EACH
7 BALLOT (AT PRIMARIES THE BALLOTS OF EACH PARTY BEING READ IN
8 SEQUENCE), TOGETHER WITH THE OFFICE FOR WHICH THE PERSON NAMED
9 IS A CANDIDATE, AND THE ANSWERS CONTAINED ON THE BALLOTS TO THE
10 QUESTIONS SUBMITTED, IF ANY, AND THE MAJORITY INSPECTOR AND
11 CLERKS SHALL CAREFULLY ENTER EACH VOTE AS READ, AND KEEP ACCOUNT
12 OF THE SAME IN INK IN TRIPLICATE TALLY PAPERS (TRIPPLICATE TALLY
13 PAPERS FOR EACH PARTY AT PRIMARIES) TO BE PROVIDED BY THE COUNTY
14 BOARD OF ELECTIONS FOR THAT PURPOSE, ALL THREE OF WHICH SHALL BE
15 MADE AT THE SAME TIME. [: PROVIDED, THAT AT ALL GENERAL,
16 MUNICIPAL AND SPECIAL ELECTIONS, IN ENTERING EACH VOTE RECEIVED
17 BY CANDIDATES AT SUCH ELECTION, IT SHALL NOT BE NECESSARY TO
18 ENTER SEPARATE TALLY MARKS FOR EACH VOTE RECEIVED BY SUCH
19 CANDIDATES UPON THE BALLOTS CONTAINING THE SAME VOTES FOR THE
20 SAME NAMES, COMMONLY KNOWN, AND IN THIS ACT DESIGNATED AS
21 "STRAIGHT PARTY TICKETS" FOR SUCH PURPOSE STRAIGHT PARTY TICKET
22 VOTES SHALL BE ENTERED CAREFULLY AS EACH STRAIGHT PARTY TICKET
23 VOTE IS READ ON THE TRIPLICATE TALLY SHEETS UNDER THE HEADING
24 "NUMBER OF VOTES RECEIVED UPON THE STRAIGHT PARTY
25 TICKETS." UPON COMPLETING THE NUMBER OF VOTES RECEIVED BY EACH
26 STRAIGHT PARTY TICKET, THE NUMBER SO TALLIED FOR EACH PARTY
27 SHALL BE ENTERED NUMERICALLY ON THE EXTREME RIGHT HAND MARGIN OF
28 EACH SUCH TALLY PAPER.] ALL BALLOTS, AFTER BEING REMOVED FROM
29 THE BOX, SHALL BE KEPT WITHIN THE UNOBSTRUCTED VIEW OF ALL
30 PERSONS IN THE VOTING ROOM UNTIL REPLACED IN THE BOX. NO PERSON

1 WHILE HANDLING THE BALLOTS SHALL HAVE IN [HIS] THE PERSON'S HAND
2 ANY PENCIL, PEN, STAMP OR OTHER MEANS OF MARKING OR SPOILING ANY
3 BALLOT. THE ELECTION OFFICERS SHALL FORTHWITH PROCEED TO CANVASS
4 AND COMPUTE THE VOTES CAST, AND SHALL NOT ADJOURN OR POSTPONE
5 THE CANVASS OR COMPUTATION UNTIL IT SHALL HAVE BEEN FULLY
6 COMPLETED.

7 (B) WHEN THE VOTE CAST FOR THE DIFFERENT PERSONS NAMED UPON
8 THE BALLOTS AND UPON THE QUESTIONS, IF ANY, APPEARING THEREON,
9 SHALL HAVE BEEN FULLY RECORDED IN THE TALLY PAPERS AND COUNTED,
10 THE ELECTION OFFICERS SHALL DULY CERTIFY TO THE NUMBER OF VOTES
11 CAST FOR EACH PERSON (UPON THE RESPECTIVE PARTY TICKETS AT
12 PRIMARIES), AND SHALL PREPARE IN INK TWO (2) GENERAL RETURNS,
13 SHOWING, IN ADDITION TO THE ENTRIES MADE THEREON AS AFORESAID,
14 THE TOTAL NUMBER OF BALLOTS RECEIVED FROM THE COUNTY BOARD (THE
15 TOTAL OF EACH PARTY AT PRIMARIES), THE NUMBER OF BALLOTS CAST
16 (THE NUMBER OF EACH PARTY AT PRIMARIES), THE NUMBER OF BALLOTS
17 (OF EACH PARTY AT PRIMARIES) DECLARED VOID, AND THE NUMBER OF
18 BALLOTS SPOILED AND CANCELLED, AND ANY BLANK BALLOTS CAST, AS
19 WELL AS THE VOTES CAST FOR EACH CANDIDATE. AT ELECTIONS, THE
20 NUMBER OF VOTES CAST FOR EACH CANDIDATE BY EACH POLITICAL PARTY
21 OR POLITICAL BODY OF WHICH SUCH CANDIDATE IS A NOMINEE SHALL BE
22 SEPARATELY STATED. [: PROVIDED, THAT THE NUMBER OF VOTES RECEIVED
23 BY EACH SET OF CANDIDATES UPON "STRAIGHT PARTY TICKETS" SHALL BE
24 ENTERED OPPOSITE THE NAMES OF THE RESPECTIVE CANDIDATES IN A
25 COLUMN IMMEDIATELY ADJOINING UPON THE LEFT WHICH COLUMN SHALL BE
26 OF CONVENIENT WIDTH AND SHALL BE HEADED "NUMBER OF VOTES
27 RECEIVED UPON STRAIGHT PARTY TICKETS."] IN AN IMMEDIATE COLUMN
28 TO THE LEFT THERETO, THE NUMBER OF VOTES RECEIVED BY EACH
29 CANDIDATE UPON ALL BALLOTS [OTHER THAN "STRAIGHT PARTY TICKETS"
30 INCLUDING ALL BALLOTS KNOWN AS "SPLIT TICKETS"] SHALL BE

1 ENTERED, SUCH COLUMN TO BE OF CONVENIENT WIDTH AND SHALL BE
2 HEADED "NUMBER OF VOTES [RECEIVED OTHER THAN UPON STRAIGHT PARTY
3 TICKETS." THE NUMBER OF VOTES RECEIVED BY EACH CANDIDATE AS
4 SHOWN IN THE COLUMN HEADED "NUMBER OF VOTES RECEIVED UPON
5 STRAIGHT PARTY TICKETS" SHALL THEN BE ADDED, TOGETHER WITH THE
6 NUMBER OF VOTES RECEIVED BY EACH CANDIDATE AS SHOWN IN THE
7 COLUMN HEADED "NUMBER OF VOTES RECEIVED OTHER THAN UPON STRAIGHT
8 PARTY TICKETS" AND THEREUPON, THE] RECEIVED." THE TOTAL NUMBER
9 OF VOTES RECEIVED BY EACH CANDIDATE SHALL BE ENTERED IN A COLUMN
10 ON THE EXTREME RIGHT-HAND SIDE OF THE RETURN SHEETS, WHICH
11 COLUMN SHALL BE OF CONVENIENT WIDTH AND SHALL BE HEADED "TOTAL
12 NUMBER OF VOTES."

13 NOTHING IN THIS SECTION CONTAINED SHALL BE CONSTRUED TO
14 AUTHORIZE OR PERMIT THE CANVASSING, COUNTING OR TALLYING BALLOTS
15 WITH ANY LESS DEGREE OF STRICTNESS THAN OTHERWISE REQUIRED BY
16 LAW. [, THE INTENTION OF THIS SECTION BEING TO DISPENSE WITH THE
17 INDIVIDUAL TALLY MARKS ONLY SO FAR AS THE SO-CALLED "STRAIGHT
18 PARTY TICKETS" ARE CONCERNED, AND ALL OTHER OPERATIONS OF
19 TALLYING, COUNTING, CANVASSING AND ANNOUNCING THE VOTES SHALL
20 PROCEED AS NEAR AS MAY BE IN ACCORDANCE WITH THE OTHER
21 PROVISIONS OF THIS ACT.]

22 * * *

23 SECTION 1223. WHAT BALLOTS SHALL BE COUNTED; MANNER OF
24 COUNTING; DEFECTIVE BALLOTS.--(A) NO BALLOT WHICH IS SO MARKED
25 AS TO BE CAPABLE OF IDENTIFICATION SHALL BE COUNTED. ANY BALLOT
26 THAT IS MARKED IN BLUE, BLACK OR BLUE-BLACK INK, IN FOUNTAIN PEN
27 OR BALL POINT PEN, OR BLACK LEAD PENCIL OR INDELIBLE PENCIL,
28 SHALL BE VALID AND COUNTED: PROVIDED, THAT ALL MARKINGS ON THE
29 BALLOT ARE MADE BY THE SAME PEN OR PENCIL. ANY BALLOT MARKED BY
30 ANY OTHER MARK THAN AN (X) OR CHECK () IN THE SPACES PROVIDED

1 FOR THAT PURPOSE SHALL BE VOID AND NOT COUNTED: PROVIDED,
2 HOWEVER, THAT NO VOTE RECORDED THEREON SHALL BE DECLARED VOID
3 BECAUSE A CROSS (X) OR CHECK () MARK THEREON IS IRREGULAR IN
4 FORM. [ANY ERASURE, MUTILATION OR DEFECTIVE MARKING OF THE
5 STRAIGHT PARTY COLUMN AT NOVEMBER ELECTIONS SHALL RENDER THE
6 ENTIRE BALLOT VOID, UNLESS THE VOTER HAS PROPERLY INDICATED HIS
7 CHOICE FOR CANDIDATES IN ANY OFFICE BLOCK, IN WHICH CASE THE
8 VOTE OR VOTES FOR SUCH CANDIDATES ONLY SHALL BE COUNTED.] ANY
9 ERASURE OR MUTILATION IN THE VOTE IN ANY OFFICE BLOCK SHALL
10 RENDER VOID THE VOTE FOR ANY CANDIDATES IN SAID BLOCK, BUT SHALL
11 NOT INVALIDATE THE VOTES CAST ON THE REMAINDER OF THE BALLOT, IF
12 OTHERWISE PROPERLY MARKED. ANY BALLOT INDICATING A VOTE FOR ANY
13 PERSON WHOSE NAME IS NOT PRINTED ON THE BALLOT, BY WRITING,
14 STAMPING OR STICKER, SHALL BE COUNTED AS A VOTE FOR SUCH PERSON,
15 IF PLACED IN THE PROPER SPACE OR SPACES PROVIDED FOR THAT
16 PURPOSE, WHETHER OR NOT AN (X) OR CHECK () IS PLACED AFTER THE
17 NAME OF SUCH PERSON: PROVIDED, HOWEVER, THAT IF SUCH WRITING,
18 STAMPING OR STICKER IS PLACED OVER THE NAME OF A CANDIDATE
19 PRINTED ON THE BALLOT, IT SHALL RENDER THE ENTIRE VOTE IN SAID
20 OFFICE BLOCK VOID. IF AN ELECTOR SHALL MARK [HIS] THEIR BALLOT
21 FOR MORE PERSONS FOR ANY OFFICE THAN THERE ARE CANDIDATES TO BE
22 VOTED FOR FOR SUCH OFFICE, OR IF, FOR ANY REASON, IT MAY BE
23 IMPOSSIBLE TO DETERMINE [HIS] THEIR CHOICE FOR ANY OFFICE, [HIS]
24 THEIR BALLOT SHALL NOT BE COUNTED FOR SUCH OFFICE, BUT THE
25 BALLOT SHALL BE COUNTED FOR ALL OFFICES FOR WHICH IT IS PROPERLY
26 MARKED. BALLOTS NOT MARKED, OR IMPROPERLY OR DEFECTIVELY MARKED,
27 SO THAT THE WHOLE BALLOT IS VOID, SHALL BE SET ASIDE AND SHALL
28 BE PRESERVED WITH THE OTHER BALLOTS.

29 * * *

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

1 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (A.1) AND (A.2),
2 APPLICATIONS FOR ABSENTEE BALLOTS SHALL BE RECEIVED IN THE
3 OFFICE OF THE COUNTY BOARD OF ELECTIONS NOT EARLIER THAN FIFTY
4 (50) DAYS BEFORE THE PRIMARY OR ELECTION [AND], EXCEPT THAT IF A
5 COUNTY BOARD OF ELECTIONS DETERMINES THAT IT WOULD BE DESIRABLE
6 AND CONSISTENT WITH ITS OPERATIONAL NEEDS, ANY APPLICATIONS FOR
7 ABSENTEE BALLOTS RECEIVED MORE THAN FIFTY (50) DAYS BEFORE THE
8 PRIMARY OR ELECTION MAY BE PROCESSED BEFORE THAT TIME.
9 APPLICATIONS FOR ABSENTEE BALLOTS MAY BE PROCESSED IF RECEIVED
10 NOT LATER THAN FIVE O'CLOCK P.M. OF THE FIRST TUESDAY PRIOR TO
11 THE DAY OF ANY PRIMARY OR ELECTION.

12 [(A.1) EXCEPT AS PROVIDED IN SUBSECTION (A.2), IN THE EVENT
13 ANY ELECTOR OTHERWISE QUALIFIED WHO IS SO PHYSICALLY DISABLED OR
14 ILL ON OR BEFORE THE FIRST TUESDAY PRIOR TO ANY PRIMARY OR
15 ELECTION THAT HE IS UNABLE TO FILE HIS APPLICATION OR WHO
16 BECOMES PHYSICALLY DISABLED OR ILL AFTER THE FIRST TUESDAY PRIOR
17 TO ANY PRIMARY OR ELECTION AND IS UNABLE TO APPEAR AT HIS
18 POLLING PLACE OR ANY ELECTOR OTHERWISE QUALIFIED WHO BECAUSE OF
19 THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION WILL
20 NECESSARILY BE ABSENT FROM THE MUNICIPALITY OF HIS RESIDENCE ON
21 THE DAY OF THE PRIMARY OR ELECTION, WHICH FACT WAS NOT AND COULD
22 NOT REASONABLY BE KNOWN TO SAID ELECTOR ON OR BEFORE THE FIRST
23 TUESDAY PRIOR TO ANY PRIMARY OR ELECTION, THE ELECTOR SHALL BE
24 ENTITLED TO AN ABSENTEE BALLOT AT ANY TIME PRIOR TO FIVE O'CLOCK
25 P.M. ON THE FIRST FRIDAY PRECEDING ANY PRIMARY OR ELECTION UPON
26 EXECUTION OF AN EMERGENCY APPLICATION IN SUCH FORM PRESCRIBED BY
27 THE SECRETARY OF THE COMMONWEALTH.

28 (A.2) IN THE EVENT ANY ELECTOR OTHERWISE QUALIFIED WHO
29 BECOMES SO PHYSICALLY DISABLED OR ILL BETWEEN FIVE O'CLOCK P.M.
30 ON THE FIRST FRIDAY PRECEDING ANY PRIMARY OR ELECTION AND EIGHT

1 O'CLOCK P.M. ON THE DAY OF ANY PRIMARY OR ELECTION THAT HE IS
2 UNABLE TO APPEAR AT HIS POLLING PLACE OR ANY ELECTOR OTHERWISE
3 QUALIFIED WHO BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR
4 OCCUPATION WILL NECESSARILY BE ABSENT FROM THE MUNICIPALITY OF
5 HIS RESIDENCE ON THE DAY OF THE PRIMARY OR ELECTION, WHICH FACT
6 WAS NOT AND COULD NOT REASONABLY BE KNOWN TO SAID ELECTOR PRIOR
7 TO FIVE O'CLOCK P.M. ON THE FIRST FRIDAY PRECEDING ANY PRIMARY
8 OR ELECTION, THE ELECTOR SHALL BE ENTITLED TO AN ABSENTEE BALLOT
9 IF THE ELECTOR COMPLETES AND FILES WITH THE COURT OF COMMON
10 PLEAS IN THE COUNTY IN WHICH THE ELECTOR IS QUALIFIED TO VOTE AN
11 EMERGENCY APPLICATION OR A LETTER OR OTHER SIGNED DOCUMENT,
12 WHICH INCLUDES THE SAME INFORMATION AS IS PROVIDED ON THE
13 EMERGENCY APPLICATION. UPON A DETERMINATION THAT THE ELECTOR IS
14 A QUALIFIED ABSENTEE ELECTOR UNDER SECTION 1301, THE JUDGE SHALL
15 ISSUE AN ABSENTEE BALLOT TO THE ELECTOR.]

16 (A.3) (1) THE FOLLOWING CATEGORIES OF ELECTORS MAY APPLY
17 FOR AN ABSENTEE BALLOT UNDER THIS SUBSECTION, IF OTHERWISE
18 QUALIFIED:

19 (I) AN ELECTOR WHOSE PHYSICAL DISABILITY OR ILLNESS
20 PREVENTED THE ELECTOR FROM APPLYING FOR AN ABSENTEE BALLOT
21 BEFORE FIVE O'CLOCK P.M. ON THE FIRST TUESDAY PRIOR TO THE DAY
22 OF THE PRIMARY OR ELECTION.

23 (II) AN ELECTOR WHO, BECAUSE OF THE ELECTOR'S BUSINESS,
24 DUTIES OR OCCUPATION, WAS UNABLE TO APPLY FOR AN ABSENTEE BALLOT
25 BEFORE FIVE O'CLOCK P.M. ON THE FIRST TUESDAY PRIOR TO THE DAY
26 OF THE PRIMARY OR ELECTION.

27 (III) AN ELECTOR WHO BECOMES SO PHYSICALLY DISABLED OR ILL
28 AFTER FIVE O'CLOCK P.M. ON THE FIRST TUESDAY PRIOR TO THE DAY OF
29 THE PRIMARY OR ELECTION THAT THE ELECTOR IS UNABLE TO APPEAR AT
30 THE POLLING PLACE ON THE DAY OF THE PRIMARY OR ELECTION.

1 (IV) AN ELECTOR WHO, BECAUSE OF THE CONDUCT OF THE ELECTOR'S
2 BUSINESS, DUTIES OR OCCUPATION, WILL NECESSARILY BE ABSENT FROM
3 THE ELECTOR'S MUNICIPALITY OF RESIDENCE ON THE DAY OF THE
4 PRIMARY OR ELECTION, WHICH FACT WAS NOT AND COULD NOT REASONABLY
5 BE KNOWN TO THE ELECTOR ON OR BEFORE FIVE O'CLOCK P.M. ON THE
6 FIRST TUESDAY PRIOR TO THE DAY OF THE PRIMARY OR ELECTION.

7 (2) AN ELECTOR DESCRIBED IN PARAGRAPH (1) MAY SUBMIT AN
8 APPLICATION FOR AN ABSENTEE BALLOT AT ANY TIME UP UNTIL THE TIME
9 OF THE CLOSING OF THE POLLS ON THE DAY OF THE PRIMARY OR
10 ELECTION. THE APPLICATION SHALL INCLUDE A DECLARATION DESCRIBING
11 THE CIRCUMSTANCES THAT PREVENTED THE ELECTOR FROM APPLYING FOR
12 AN ABSENTEE BALLOT BEFORE FIVE O'CLOCK P.M. ON THE FIRST TUESDAY
13 PRIOR TO THE DAY OF THE PRIMARY OR ELECTION OR THAT PREVENT THE
14 ELECTOR FROM APPEARING AT THE POLLING PLACE ON THE DAY OF THE
15 PRIMARY OR ELECTION, AND THE ELECTOR'S QUALIFICATIONS UNDER
16 PARAGRAPH (1). THE DECLARATION SHALL BE MADE SUBJECT TO THE
17 PROVISIONS OF 18 PA.C.S. § 4904 (RELATING TO UNSWORN
18 FALSIFICATION TO AUTHORITIES).

19 (3) IF THE COUNTY BOARD OF ELECTIONS DETERMINES THAT THE
20 ELECTOR MEETS THE REQUIREMENTS OF THIS SECTION, THE BOARD SHALL
21 ISSUE AN ABSENTEE BALLOT TO THE ELECTOR.

22 (4) IF THE ELECTOR IS UNABLE TO APPEAR [IN COURT] AT THE
23 OFFICE OF THE COUNTY BOARD OF ELECTIONS TO RECEIVE THE BALLOT,
24 THE [JUDGE] BOARD SHALL GIVE THE ELECTOR'S ABSENTEE BALLOT TO AN
25 AUTHORIZED REPRESENTATIVE OF THE ELECTOR WHO IS DESIGNATED IN
26 WRITING BY THE ELECTOR. THE AUTHORIZED REPRESENTATIVE SHALL
27 DELIVER THE ABSENTEE BALLOT TO THE ELECTOR AND RETURN THE
28 COMPLETED ABSENTEE BALLOT, SEALED IN THE OFFICIAL ABSENTEE
29 BALLOT ENVELOPES, TO THE OFFICE OF THE COUNTY BOARD OF
30 ELECTIONS, [WHO] WHICH SHALL [DISTRIBUTE] RETAIN THE BALLOT,

1 UNOPENED, [TO THE ABSENTEE VOTER'S ELECTION DISTRICT] UNTIL THE
2 CANVASSING OF ALL ABSENTEE BALLOTS.

3 (5) IF THE ELECTOR IS UNABLE TO APPEAR [IN COURT] AT THE
4 OFFICE OF THE COUNTY BOARD OF ELECTIONS OR UNABLE TO OBTAIN
5 ASSISTANCE FROM AN AUTHORIZED REPRESENTATIVE, THE COUNTY BOARD
6 MAY PROVIDE AN AUTHORIZED REPRESENTATIVE OR ASK THE JUDGE
7 [SHALL] OF THE COURT OF COMMON PLEAS IN THE COUNTY IN WHICH THE
8 ELECTOR IS QUALIFIED TO VOTE TO DIRECT A DEPUTY SHERIFF OF THE
9 COUNTY TO DELIVER THE ABSENTEE BALLOT TO THE ELECTOR IF THE
10 ELECTOR IS AT A PHYSICAL LOCATION WITHIN THE COUNTY AND RETURN
11 THE COMPLETED ABSENTEE BALLOT, SEALED IN THE OFFICIAL ABSENTEE
12 BALLOT ENVELOPES, TO THE COUNTY BOARD OF ELECTIONS, WHO SHALL
13 DISTRIBUTE THE BALLOTS, UNOPENED, TO THE ABSENTEE VOTER'S
14 RESPECTIVE ELECTION DISTRICT. IF THERE IS NO AUTHORIZED
15 REPRESENTATIVE AND A DEPUTY SHERIFF IS UNAVAILABLE TO DELIVER AN
16 ABSENTEE BALLOT UNDER THIS SECTION, THE JUDGE MAY DIRECT A
17 CONSTABLE TO MAKE SUCH DELIVERY IN ACCORDANCE WITH THE
18 PROVISIONS OF THIS SECTION.

19 (6) IN THE CASE OF AN ELECTOR WHO REQUIRES ASSISTANCE IN
20 MARKING THE ELECTOR'S BALLOT, THE ELECTOR SHALL DESIGNATE IN
21 WRITING THE PERSON WHO WILL ASSIST IN MARKING THE BALLOT. SUCH
22 PERSON SHALL BE OTHERWISE ELIGIBLE TO PROVIDE ASSISTANCE TO
23 ELECTORS ELIGIBLE FOR ASSISTANCE, AND SUCH PERSON SHALL DECLARE
24 IN WRITING THAT ASSISTANCE WAS RENDERED. ANY PERSON OTHER THAN
25 THE DESIGNEE WHO SHALL RENDER ASSISTANCE IN MARKING A BALLOT OR
26 ANY PERSON RENDERING ASSISTANCE WHO SHALL FAIL TO EXECUTE A
27 DECLARATION SHALL BE GUILTY OF A VIOLATION OF THIS ACT.

28 (7) NO ABSENTEE BALLOT UNDER THIS SUBSECTION SHALL BE
29 COUNTED WHICH IS RECEIVED IN THE OFFICE OF THE COUNTY BOARD OF
30 ELECTIONS LATER THAN [EIGHT O'CLOCK P.M. ON THE DAY OF THE

1 PRIMARY OR ELECTION] THE DEADLINE FOR ITS RECEIPT AS PROVIDED IN
2 SECTION 1308(G).

3 (B) IN THE CASE OF AN ELECTOR WHOSE APPLICATION FOR AN
4 ABSENTEE BALLOT IS RECEIVED BY THE OFFICE OF THE COUNTY BOARD OF
5 ELECTIONS EARLIER THAN FIFTY (50) DAYS BEFORE THE PRIMARY OR
6 ELECTION, THE APPLICATION SHALL BE HELD AND PROCESSED UPON
7 COMMENCEMENT OF THE FIFTY-DAY PERIOD OR AT SUCH EARLIER TIME AS
8 THE COUNTY BOARD OF ELECTIONS DETERMINES MAY BE APPROPRIATE.

9 [(C) IN THE CASE OF AN ELECTOR WHO IS PHYSICALLY DISABLED OR
10 ILL ON OR BEFORE THE FIRST TUESDAY PRIOR TO A PRIMARY OR
11 ELECTION OR BECOMES PHYSICALLY DISABLED OR ILL AFTER THE FIRST
12 TUESDAY PRIOR TO A PRIMARY OR ELECTION, SUCH EMERGENCY
13 APPLICATION, LETTER OR OTHER SIGNED DOCUMENT SHALL CONTAIN A
14 SUPPORTING AFFIDAVIT FROM HIS ATTENDING PHYSICIAN STATING THAT
15 DUE TO PHYSICAL DISABILITY OR ILLNESS SAID ELECTOR WAS UNABLE TO
16 APPLY FOR AN ABSENTEE BALLOT ON OR BEFORE THE FIRST TUESDAY
17 PRIOR TO THE PRIMARY OR ELECTION OR BECAME PHYSICALLY DISABLED
18 OR ILL AFTER THAT PERIOD.]

19 (D) IN THE CASE OF AN ELECTOR WHO IS NECESSARILY ABSENT
20 BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION
21 UNDER THE UNFORESEEN CIRCUMSTANCES SPECIFIED IN SUBSECTIONS
22 (A.1) AND (A.2), SUCH EMERGENCY APPLICATION, LETTER OR OTHER
23 SIGNED DOCUMENT SHALL CONTAIN A SUPPORTING AFFIDAVIT FROM SUCH
24 ELECTOR STATING THAT BECAUSE OF THE CONDUCT OF HIS BUSINESS,
25 DUTIES OR OCCUPATION SAID ELECTOR WILL NECESSARILY BE ABSENT
26 FROM THE MUNICIPALITY OF HIS RESIDENCE ON THE DAY OF THE PRIMARY
27 OR ELECTION WHICH FACT WAS NOT AND COULD NOT REASONABLY BE KNOWN
28 TO SAID ELECTOR ON OR BEFORE THE FIRST TUESDAY PRIOR TO THE
29 PRIMARY OR ELECTION.]

30 SECTION 1302.2. APPROVAL OF APPLICATION FOR ABSENTEE

1 BALLOT.--

2 (A) THE COUNTY BOARD OF ELECTIONS, UPON RECEIPT OF ANY
3 APPLICATION FILED BY A QUALIFIED ELECTOR NOT REQUIRED TO BE
4 REGISTERED UNDER PRECEDING SECTION 1301, SHALL ASCERTAIN FROM
5 THE INFORMATION ON SUCH APPLICATION, DISTRICT REGISTER OR FROM
6 ANY OTHER SOURCE THAT SUCH APPLICANT POSSESSES ALL THE
7 QUALIFICATIONS OF A QUALIFIED ELECTOR OTHER THAN BEING
8 REGISTERED OR ENROLLED. IF THE BOARD IS SATISFIED THAT THE
9 APPLICANT IS QUALIFIED TO RECEIVE AN OFFICIAL ABSENTEE BALLOT,
10 THE APPLICATION SHALL BE MARKED APPROVED SUCH APPROVAL DECISION
11 SHALL BE FINAL AND BINDING EXCEPT THAT CHALLENGES MAY BE MADE
12 ONLY ON THE GROUND THAT THE APPLICANT DID NOT POSSESS
13 QUALIFICATIONS OF AN ABSENTEE ELECTOR. SUCH CHALLENGES MUST BE
14 MADE TO THE COUNTY BOARD OF ELECTIONS PRIOR TO [5:00 O'CLOCK
15 P.M. ON THE FIRST FRIDAY PRIOR TO THE ELECTION.] THE APPLICABLE
16 DEADLINE FOR THE ABSENTEE BALLOTS TO BE RECEIVED, AS PROVIDED IN
17 SECTION 1308(G). WHEN SO APPROVED, THE COUNTY BOARD OF ELECTIONS
18 SHALL CAUSE THE APPLICANT'S NAME AND RESIDENCE (AND AT A
19 PRIMARY, THE PARTY ENROLLMENT) TO BE INSERTED IN THE MILITARY,
20 VETERANS AND EMERGENCY CIVILIANS ABSENTEE VOTERS FILE AS
21 PROVIDED IN SECTION 1302.3, SUBSECTION (B): PROVIDING, HOWEVER,
22 THAT NO APPLICATION OF ANY QUALIFIED ELECTOR IN MILITARY SERVICE
23 SHALL BE REJECTED FOR FAILURE TO INCLUDE ON [HIS] THE ELECTOR'S
24 APPLICATION ANY INFORMATION IF SUCH INFORMATION MAY BE
25 ASCERTAINED WITHIN A REASONABLE TIME BY THE COUNTY BOARD OF
26 ELECTIONS.

27 (B) THE COUNTY BOARD OF ELECTIONS, UPON RECEIPT OF ANY
28 APPLICATION FILED BY A QUALIFIED ELECTOR WHO IS ENTITLED, UNDER
29 THE PROVISIONS OF THE PERMANENT REGISTRATION LAW AS NOW OR
30 HEREINAFTER ENACTED BY THE GENERAL ASSEMBLY, TO ABSENTEE

1 REGISTRATION PRIOR TO OR CONCURRENTLY WITH THE TIME OF VOTING AS
2 PROVIDED UNDER PRECEDING SECTION 1301, SHALL ASCERTAIN FROM THE
3 INFORMATION ON SUCH APPLICATION OR FROM ANY OTHER SOURCE THAT
4 SUCH APPLICANT POSSESSES ALL THE QUALIFICATIONS OF A QUALIFIED
5 ELECTOR. IF THE BOARD IS SATISFIED THAT THE APPLICANT IS
6 ENTITLED, UNDER THE PROVISIONS OF THE PERMANENT REGISTRATION LAW
7 AS NOW OR HEREINAFTER ENACTED BY THE GENERAL ASSEMBLY, TO
8 ABSENTEE REGISTRATION PRIOR TO OR CONCURRENTLY WITH THE TIME OF
9 VOTING AND THAT THE APPLICANT IS QUALIFIED TO RECEIVE AN
10 OFFICIAL ABSENTEE BALLOT, THE APPLICATION SHALL BE MARKED
11 "APPROVED." SUCH APPROVAL DECISION SHALL BE FINAL AND BINDING
12 EXCEPT THAT CHALLENGES MAY BE MADE ONLY ON THE GROUND THAT THE
13 APPLICANT DID NOT POSSESS THE QUALIFICATIONS OF AN ABSENTEE
14 ELECTOR PRIOR TO OR CONCURRENTLY WITH THE TIME OF VOTING. SUCH
15 CHALLENGES MUST BE MADE TO THE COUNTY BOARD OF ELECTIONS PRIOR
16 TO [5:00 O'CLOCK P.M. ON THE FIRST FRIDAY PRIOR TO THE
17 ELECTION.] THE APPLICABLE DEADLINE FOR THE ABSENTEE BALLOTS TO
18 BE RECEIVED, AS PROVIDED IN SECTION 1308(G). WHEN SO APPROVED,
19 THE COUNTY BOARD OF ELECTIONS SHALL CAUSE THE APPLICANT'S NAME
20 AND RESIDENCE (AND AT A PRIMARY, THE PARTY ENROLLMENT) TO BE
21 INSERTED IN THE MILITARY, VETERANS AND EMERGENCY CIVILIAN
22 ABSENTEE VOTERS FILE AS PROVIDED IN SECTION 1302.3 SUBSECTION
23 (B).

24 (C) THE COUNTY BOARD OF ELECTIONS, UPON RECEIPT OF ANY
25 APPLICATION OF A QUALIFIED ELECTOR REQUIRED TO BE REGISTERED
26 UNDER THE PROVISIONS OF PRECEDING SECTION 1301, SHALL DETERMINE
27 THE QUALIFICATIONS OF SUCH APPLICANT BY VERIFYING THE PROOF OF
28 IDENTIFICATION AND COMPARING THE INFORMATION SET FORTH ON SUCH
29 APPLICATION WITH THE INFORMATION CONTAINED ON THE APPLICANT'S
30 PERMANENT REGISTRATION CARD. IF THE BOARD IS SATISFIED THAT THE

1 APPLICANT IS QUALIFIED TO RECEIVE AN OFFICIAL ABSENTEE BALLOT,
2 THE APPLICATION SHALL BE MARKED "APPROVED." SUCH APPROVAL
3 DECISION SHALL BE FINAL AND BINDING, EXCEPT THAT CHALLENGES MAY
4 BE MADE ONLY ON THE GROUND THAT THE APPLICANT DID NOT POSSESS
5 THE QUALIFICATIONS OF AN ABSENTEE ELECTOR. SUCH CHALLENGES MUST
6 BE MADE TO THE COUNTY BOARD OF ELECTIONS PRIOR TO [5:00 O'CLOCK
7 P.M. ON THE FIRST FRIDAY PRIOR TO THE ELECTION.] THE APPLICABLE
8 DEADLINE FOR THE ABSENTEE BALLOTS TO BE RECEIVED, AS PROVIDED IN
9 SECTION 1308(G). WHEN SO APPROVED, THE REGISTRATION COMMISSION
10 SHALL CAUSE AN ABSENTEE VOTER'S TEMPORARY REGISTRATION CARD TO
11 BE INSERTED IN THE DISTRICT REGISTER ON TOP OF AND ALONG WITH
12 THE PERMANENT REGISTRATION CARD. THE ABSENTEE VOTER'S TEMPORARY
13 REGISTRATION CARD SHALL BE IN THE COLOR AND FORM PRESCRIBED IN
14 SUBSECTION (E) OF THIS SECTION:

15 PROVIDED, HOWEVER, THAT THE DUTIES OF THE COUNTY BOARDS OF
16 ELECTIONS AND THE REGISTRATION COMMISSIONS WITH RESPECT TO THE
17 INSERTION OF THE ABSENTEE VOTER'S TEMPORARY REGISTRATION CARD OF
18 ANY ELECTOR FROM THE DISTRICT REGISTER AS SET FORTH IN SECTION
19 1302.2 SHALL INCLUDE ONLY SUCH APPLICATIONS AND EMERGENCY
20 APPLICATIONS AS ARE RECEIVED ON OR BEFORE THE FIRST TUESDAY
21 PRIOR TO THE PRIMARY OR ELECTION. IN ALL CASES WHERE
22 APPLICATIONS ARE RECEIVED AFTER THE FIRST TUESDAY PRIOR TO THE
23 PRIMARY OR ELECTION AND BEFORE FIVE O'CLOCK P. M. ON THE FIRST
24 FRIDAY PRIOR TO THE PRIMARY OR ELECTION, THE COUNTY BOARD OF
25 ELECTIONS SHALL DETERMINE THE QUALIFICATIONS OF SUCH APPLICANT
26 BY VERIFYING THE PROOF OF IDENTIFICATION AND COMPARING THE
27 INFORMATION SET FORTH ON SUCH APPLICATION WITH THE INFORMATION
28 CONTAINED ON THE APPLICANT'S DUPLICATE REGISTRATION CARD ON FILE
29 IN THE GENERAL REGISTER (ALSO REFERRED TO AS THE MASTER FILE) IN
30 THE OFFICE OF THE REGISTRATION COMMISSION AND SHALL CAUSE THE

1 NAME AND RESIDENCE (AND AT PRIMARIES, THE PARTY ENROLLMENT) TO
2 BE INSERTED IN THE MILITARY, VETERANS AND EMERGENCY CIVILIAN
3 ABSENTEE VOTERS FILE AS PROVIDED IN SECTION 1302.3, SUBSECTION
4 (B). IN ADDITION, THE LOCAL DISTRICT BOARDS OF ELECTIONS SHALL,
5 UPON CANVASSING THE OFFICIAL ABSENTEE BALLOTS UNDER SECTION
6 1308, EXAMINE THE VOTING CHECK LIST OF THE ELECTION DISTRICT OF
7 SAID ELECTOR'S RESIDENCE AND SATISFY ITSELF THAT SUCH ELECTOR
8 DID NOT CAST ANY BALLOT OTHER THAN THE ONE PROPERLY ISSUED TO
9 [HIM] THE ELECTOR UNDER [HIS] THE ELECTOR'S ABSENTEE BALLOT
10 APPLICATION. IN ALL CASES WHERE THE EXAMINATION OF THE LOCAL
11 DISTRICT BOARD OF ELECTIONS DISCLOSES THAT AN ELECTOR DID VOTE A
12 BALLOT OTHER THAN THE ONE PROPERLY ISSUED TO [HIM] THE ELECTOR
13 UNDER THE ABSENTEE BALLOT APPLICATION, THE LOCAL DISTRICT BOARD
14 OF ELECTIONS SHALL THEREUPON CANCEL SAID ABSENTEE BALLOT AND
15 SAID ELECTOR SHALL BE SUBJECT TO THE PENALTIES AS HEREINAFTER
16 SET FORTH.

17 (D) IN THE EVENT THAT ANY APPLICATION FOR AN OFFICIAL
18 ABSENTEE BALLOT IS NOT APPROVED BY THE COUNTY BOARD OF
19 ELECTIONS, THE ELECTOR SHALL BE NOTIFIED IMMEDIATELY TO THAT
20 EFFECT WITH A STATEMENT BY THE COUNTY BOARD OF THE REASONS FOR
21 THE DISAPPROVAL. FOR THOSE APPLICANTS WHOSE PROOF OF
22 IDENTIFICATION WAS NOT PROVIDED WITH THE APPLICATION OR COULD
23 NOT BE VERIFIED BY THE BOARD, THE BOARD SHALL SEND NOTICE TO THE
24 ELECTOR WITH THE ABSENTEE BALLOT REQUIRING THE ELECTOR TO
25 PROVIDE PROOF OF IDENTIFICATION WITH THE ABSENTEE BALLOT OR THE
26 BALLOT WILL NOT BE COUNTED.

27 (E) [THE ABSENTEE VOTER'S TEMPORARY REGISTRATION CARD SHALL
28 BE IN DUPLICATE AND THE SAME SIZE AS THE PERMANENT REGISTRATION
29 CARD, IN A DIFFERENT AND CONTRASTING COLOR TO THE PERMANENT
30 REGISTRATION CARD AND SHALL CONTAIN THE ABSENTEE VOTER'S NAME

1 AND ADDRESS AND SHALL CONSPICUOUSLY CONTAIN THE WORDS "ABSENTEE
2 VOTER." SUCH CARD SHALL ALSO CONTAIN THE AFFIDAVIT REQUIRED BY
3 SUBSECTION (B) OF SECTION 1306.] THE VOTER'S RECORD IN THE
4 DISTRICT REGISTER SHALL CONTAIN THE WORDS "ABSENTEE VOTER."

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

12 SECTION 4. SECTION 1306(A)(1) OF THE ACT IS AMENDED AND THE
13 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

14 SECTION 1306. VOTING BY ABSENTEE ELECTORS.--(A) EXCEPT AS
15 PROVIDED IN PARAGRAPHS (1), (2) AND (3), AT ANY TIME AFTER
16 RECEIVING AN OFFICIAL ABSENTEE BALLOT, BUT ON OR BEFORE [FIVE
17 O'CLOCK P.M. ON THE FRIDAY PRIOR TO] EIGHT O'CLOCK P.M. THE DAY
18 OF THE PRIMARY OR ELECTION, THE ELECTOR SHALL, IN SECRET,
19 PROCEED TO MARK THE BALLOT ONLY IN BLACK LEAD PENCIL, INDELIBLE
20 PENCIL OR BLUE, BLACK OR BLUE-BLACK INK, IN FOUNTAIN PEN OR BALL
21 POINT PEN, AND THEN FOLD THE BALLOT, ENCLOSE AND SECURELY SEAL
22 THE SAME IN THE ENVELOPE ON WHICH IS PRINTED, STAMPED OR
23 ENDORSED "OFFICIAL ABSENTEE BALLOT."

24 (1) [ANY ELECTOR WHO SUBMITS AN EMERGENCY APPLICATION AND
25 RECEIVES AN ABSENTEE BALLOT IN ACCORDANCE WITH SECTION
26 1302.1(A.2) OR (C) SHALL MARK THE BALLOT ON OR BEFORE EIGHT
27 O'CLOCK P.M. ON THE DAY OF THE PRIMARY OR ELECTION. THIS
28 ENVELOPE SHALL THEN BE PLACED IN THE SECOND ONE, ON WHICH IS
29 PRINTED THE FORM OF DECLARATION OF THE ELECTOR, AND THE ADDRESS
30 OF THE ELECTOR'S COUNTY BOARD OF ELECTION AND THE LOCAL ELECTION

1 DISTRICT OF THE ELECTOR. THE ELECTOR SHALL THEN FILL OUT, DATE
2 AND SIGN THE DECLARATION PRINTED ON SUCH ENVELOPE. SUCH ENVELOPE
3 SHALL THEN BE SECURELY SEALED AND THE ELECTOR SHALL SEND SAME BY
4 MAIL, POSTAGE PREPAID, EXCEPT WHERE FRANKED, OR DELIVER IT IN
5 PERSON TO SAID COUNTY BOARD OF ELECTION.] (RESERVED).

6 * * *

7 (C) THE FOLLOWING APPLY:

8 (1) AN ELECTOR VOTING VIA AN ABSENTEE BALLOT SHALL:

9 (I) DELIVER THE BALLOT IN PERSON TO THE COUNTY BOARD OF
10 ELECTIONS BY EIGHT O'CLOCK P.M. ON THE DAY OF THE PRIMARY OR
11 ELECTION; OR

12 (II) MAIL THE BALLOT SUCH THAT IT IS POSTMARKED NO LATER
13 THAN THE DAY IMMEDIATELY PRECEDING THE ELECTION.

14 (2) WHEN A BALLOT IS PRESENTED TO A COUNTY BOARD OF
15 ELECTIONS WITH A POSTMARK THAT IS MISSING OR ILLEGIBLE, THE
16 BOARD MAY DETERMINE THAT THE BALLOT WAS TIMELY CAST AND
17 SUBMITTED IF THERE ARE OTHER RELIABLE INDICIA OF THE DATE IT WAS
18 SENT. IN THAT CASE, A BOARD MAY RELY ON THE DATE GIVEN ON THE
19 VOTER'S AFFIDAVIT OR ON ADDITIONAL INFORMATION OBTAINED FROM THE
20 UNITED STATES POSTAL SERVICE, THE FOREIGN POSTAL AGENCY OR THE
21 PRIVATE CARRIER OR COURIER SERVICE THROUGH WHICH THE BALLOT WAS
22 DELIVERED.

23 (3) AS USED IN THIS SUBSECTION, "POSTMARK" MEANS THE
24 OFFICIAL CANCELLATION OF POSTAGE OR OTHER INDICIA, AS STAMPED,
25 PRINTED OR WRITTEN ON THE DELIVERY ENVELOPE TO INDICATE THE DATE
26 IT WAS SUBMITTED FOR DELIVERY BY THE UNITED STATES POSTAL
27 SERVICE, A FOREIGN POSTAL AGENCY OR A RECOGNIZED PRIVATE COMMON
28 CARRIER OR COURIER SERVICE.

29 SECTION 5. SECTION 1308 (A), (B.1), (E), (F), (G) (1) AND (2)
30 OF THE ACT ARE AMENDED TO READ:

1 SECTION 1308. CANVASSING OF OFFICIAL ABSENTEE BALLOTS.-- (A)
2 THE COUNTY BOARDS OF ELECTION, UPON RECEIPT OF OFFICIAL ABSENTEE
3 BALLOTS IN [SUCH] SEALED OFFICIAL ABSENTEE BALLOT ENVELOPES,
4 SHALL SAFELY KEEP THE [SAME] ABSENTEE BALLOTS IN SEALED OR
5 LOCKED CONTAINERS UNTIL THEY [DISTRIBUTE SAME TO THE APPROPRIATE
6 LOCAL ELECTION DISTRICTS IN A MANNER PRESCRIBED BY THE SECRETARY
7 OF THE COMMONWEALTH.

8 EXCEPT AS PROVIDED IN SECTION 1302.1(A.2), THE COUNTY BOARD
9 OF ELECTIONS SHALL THEN DISTRIBUTE THE ABSENTEE BALLOTS,
10 UNOPENED, TO THE ABSENTEE VOTER'S RESPECTIVE ELECTION DISTRICT
11 CONCURRENTLY WITH THE DISTRIBUTION OF THE OTHER ELECTION
12 SUPPLIES. ABSENTEE BALLOTS SHALL BE CANVASSED IMMEDIATELY AND
13 CONTINUOUSLY WITHOUT INTERRUPTION UNTIL COMPLETED AFTER THE
14 CLOSE OF THE POLLS ON THE DAY OF THE ELECTION IN EACH ELECTION
15 DISTRICT. THE RESULTS OF THE CANVASS OF THE ABSENTEE BALLOTS
16 SHALL THEN BE INCLUDED IN AND RETURNED TO THE COUNTY BOARD WITH
17 THE RETURNS OF THAT DISTRICT. EXCEPT AS PROVIDED IN SECTION
18 1302.1(A.2) AND SUBSECTION (G), NO ABSENTEE BALLOT SHALL BE
19 COUNTED WHICH IS RECEIVED IN THE OFFICE OF THE COUNTY BOARD OF
20 ELECTION LATER THAN FIVE O'CLOCK P.M. ON THE FRIDAY IMMEDIATELY
21 PRECEDING THE PRIMARY OR NOVEMBER ELECTION.] ARE TO BE CANVASSED
22 BY THE COUNTY BOARD OF ELECTIONS. AN ABSENTEE BALLOT, WHETHER
23 ISSUED TO A CIVILIAN, MILITARY OR OTHER VOTER DURING THE REGULAR
24 OR EMERGENCY APPLICATION PERIOD, SHALL BE CANVASSED IN
25 ACCORDANCE WITH SUBSECTION (G).

26 * * *

27 (B.1) [IN ALL ELECTION DISTRICTS IN WHICH ELECTRONIC VOTING
28 SYSTEMS ARE USED, ABSENTEE BALLOTS SHALL BE OPENED AT THE
29 ELECTION DISTRICT, CHECKED FOR WRITE-IN VOTES IN ACCORDANCE WITH
30 SECTION 1113-A AND THEN EITHER HAND-COUNTED OR COUNTED BY MEANS

1 OF THE AUTOMATIC TABULATION EQUIPMENT, WHATEVER THE CASE MAY
2 BE.] (RESERVED).

3 * * *

4 (E) [AT SUCH TIME THE LOCAL ELECTION BOARD SHALL THEN
5 FURTHER EXAMINE THE DECLARATION ON EACH ENVELOPE NOT SO SET
6 ASIDE AND SHALL COMPARE THE INFORMATION THEREON WITH THAT
7 CONTAINED IN THE "REGISTERED ABSENTEE VOTERS FILE," THE ABSENTEE
8 VOTERS' LIST AND THE "MILITARY VETERANS AND EMERGENCY CIVILIANS
9 ABSENTEE VOTERS FILE." IF THE LOCAL ELECTION BOARD IS SATISFIED
10 THAT THE DECLARATION IS SUFFICIENT AND THE INFORMATION CONTAINED
11 IN THE "REGISTERED ABSENTEE VOTERS FILE," THE ABSENTEE VOTERS '
12 LIST AND THE "MILITARY VETERANS AND EMERGENCY CIVILIANS ABSENTEE
13 VOTERS FILE" VERIFIES HIS RIGHT TO VOTE, THE LOCAL ELECTION
14 BOARD SHALL ANNOUNCE THE NAME OF THE ELECTOR AND SHALL GIVE ANY
15 WATCHER PRESENT AN OPPORTUNITY TO CHALLENGE ANY ABSENTEE ELECTOR
16 UPON THE GROUND OR GROUNDS (1) THAT THE ABSENTEE ELECTOR IS NOT
17 A QUALIFIED ELECTOR; OR (2) THAT THE ABSENTEE ELECTOR WAS WITHIN
18 THE MUNICIPALITY OF HIS RESIDENCE ON THE DAY OF THE PRIMARY OR
19 ELECTION DURING THE PERIOD THE POLLS WERE OPEN, EXCEPT WHERE HE
20 WAS IN MILITARY SERVICE OR EXCEPT IN THE CASE WHERE HIS BALLOT
21 WAS OBTAINED FOR THE REASON THAT HE WAS UNABLE TO APPEAR
22 PERSONALLY AT THE POLLING PLACE BECAUSE OF ILLNESS OR PHYSICAL
23 DISABILITY; OR (3) THAT THE ABSENTEE ELECTOR WAS ABLE TO APPEAR
24 PERSONALLY AT THE POLLING PLACE ON THE DAY OF THE PRIMARY OR
25 ELECTION DURING THE PERIOD THE POLLS WERE OPEN IN THE CASE HIS
26 BALLOT WAS OBTAINED FOR THE REASON THAT HE WAS UNABLE TO APPEAR
27 PERSONALLY AT THE POLLING PLACE BECAUSE OF ILLNESS OR PHYSICAL
28 DISABILITY. UPON CHALLENGE OF ANY ABSENTEE ELECTOR, AS SET FORTH
29 HEREIN THE LOCAL ELECTION BOARD SHALL MARK "CHALLENGED" ON THE
30 ENVELOPE TOGETHER WITH THE REASON OR REASONS THEREFOR, AND THE

1 SAME SHALL BE SET ASIDE FOR RETURN TO THE COUNTY BOARD UNOPENED
2 PENDING DECISION BY THE COUNTY BOARD AND SHALL NOT BE COUNTED.
3 ALL ABSENTEE BALLOTS NOT CHALLENGED FOR ANY OF THE REASONS
4 PROVIDED HEREIN SHALL BE COUNTED AND INCLUDED WITH THE GENERAL
5 RETURN OF PAPER BALLOTS OR VOTING MACHINES, AS THE CASE MAY BE
6 AS FOLLOWS. THEREUPON, THE LOCAL ELECTION BOARD SHALL OPEN THE
7 ENVELOPE OF EVERY UNCHALLENGED ABSENTEE ELECTOR IN SUCH MANNER
8 AS NOT TO DESTROY THE DECLARATION EXECUTED THEREON. ALL OF SUCH
9 ENVELOPES ON WHICH ARE PRINTED, STAMPED OR ENDORSED THE WORDS
10 "OFFICIAL ABSENTEE BALLOT" SHALL BE PLACED IN ONE OR MORE
11 DEPOSITORIES AT ONE TIME AND SAID DEPOSITORY OR DEPOSITORIES
12 WELL SHAKEN AND THE ENVELOPES MIXED BEFORE ANY ENVELOPE IS TAKEN
13 THEREFROM. IF ANY OF THESE ENVELOPES SHALL CONTAIN ANY
14 EXTRANEOUS MARKS OR IDENTIFYING SYMBOLS OTHER THAN THE WORDS
15 "OFFICIAL ABSENTEE BALLOT," THE ENVELOPES AND THE BALLOTS
16 CONTAINED THEREIN SHALL BE SET ASIDE AND DECLARED VOID. THE
17 LOCAL ELECTION BOARD SHALL THEN BREAK THE SEALS OF SUCH
18 ENVELOPES, REMOVE THE BALLOTS AND RECORD THE VOTES IN THE SAME
19 MANNER AS DISTRICT ELECTION OFFICERS ARE REQUIRED TO RECORD
20 VOTES. WITH RESPECT TO THE CHALLENGED BALLOTS, THEY SHALL BE
21 RETURNED TO THE COUNTY BOARD WITH THE RETURNS OF THE LOCAL
22 ELECTION DISTRICT WHERE THEY SHALL BE PLACED UNOPENED IN A
23 SECURE, SAFE AND SEALED CONTAINER IN THE CUSTODY OF THE COUNTY
24 BOARD UNTIL IT SHALL FIX A TIME AND PLACE FOR A FORMAL HEARING
25 OF ALL SUCH CHALLENGES AND NOTICE SHALL BE GIVEN WHERE POSSIBLE
26 TO ALL ABSENTEE ELECTORS THUS CHALLENGED AND TO EVERY ATTORNEY,
27 WATCHER OR CANDIDATE WHO MADE SUCH CHALLENGE. THE TIME FOR THE
28 HEARING SHALL NOT BE LATER THAN SEVEN (7) DAYS AFTER THE DATE OF
29 SAID CHALLENGE. ON THE DAY FIXED FOR SAID HEARING, THE COUNTY
30 BOARD SHALL PROCEED WITHOUT DELAY TO HEAR SAID CHALLENGES AND,

1 IN HEARING THE TESTIMONY, THE COUNTY BOARD SHALL NOT BE BOUND BY
2 TECHNICAL RULES OF EVIDENCE. THE TESTIMONY PRESENTED SHALL BE
3 STENOGRAPHICALLY RECORDED AND MADE PART OF THE RECORD OF THE
4 HEARING. THE DECISION OF THE COUNTY BOARD IN UPHOLDING OR
5 DISMISSING ANY CHALLENGE MAY BE REVIEWED BY THE COURT OF COMMON
6 PLEAS OF THE COUNTY UPON A PETITION FILED BY ANY PERSON
7 AGGRIEVED BY THE DECISION OF THE COUNTY BOARD. SUCH APPEAL SHALL
8 BE TAKEN, WITHIN TWO (2) DAYS AFTER SUCH DECISION SHALL HAVE
9 BEEN MADE, WHETHER REDUCED TO WRITING OR NOT, TO THE COURT OF
10 COMMON PLEAS SETTING FORTH THE OBJECTIONS TO THE COUNTY BOARD'S
11 DECISION AND PRAYING FOR AN ORDER REVERSING SAME. PENDING THE
12 FINAL DETERMINATION OF ALL APPEALS, THE COUNTY BOARD SHALL
13 SUSPEND ANY ACTION IN CANVASSING AND COMPUTING ALL CHALLENGED
14 BALLOTS IRRESPECTIVE OF WHETHER OR NOT APPEAL WAS TAKEN FROM THE
15 COUNTY BOARD'S DECISION. UPON COMPLETION OF THE COMPUTATION OF
16 THE RETURNS OF THE COUNTY, THE VOTES CAST UPON THE CHALLENGED
17 OFFICIAL ABSENTEE BALLOTS SHALL BE ADDED TO THE OTHER VOTES CAST
18 WITHIN THE COUNTY.] (RESERVED).

19 (F) ANY PERSON CHALLENGING AN APPLICATION FOR AN ABSENTEE
20 BALLOT OR AN ABSENTEE BALLOT FOR ANY OF THE REASONS PROVIDED IN
21 THIS ACT SHALL DEPOSIT THE SUM OF TEN DOLLARS (\$10.00) IN CASH
22 WITH THE LOCAL ELECTION BOARD, IN CASES OF CHALLENGES MADE TO
23 THE LOCAL ELECTION BOARD AND WITH THE COUNTY BOARD IN CASES OF
24 CHALLENGES MADE TO THE COUNTY BOARD FOR WHICH [HE] THE PERSON
25 SHALL BE ISSUED A RECEIPT FOR EACH CHALLENGE MADE, WHICH SUM
26 SHALL ONLY BE REFUNDED IF THE CHALLENGE IS SUSTAINED OR IF THE
27 CHALLENGE IS WITHDRAWN WITHIN FIVE (5) DAYS AFTER THE PRIMARY OR
28 ELECTION. IF THE CHALLENGE IS DISMISSED BY ANY LAWFUL ORDER THEN
29 THE DEPOSIT SHALL BE FORFEITED. [ALL DEPOSIT MONEY RECEIVED BY
30 THE LOCAL ELECTION BOARD SHALL BE TURNED OVER TO THE COUNTY

1 BOARD SIMULTANEOUSLY WITH THE RETURN OF THE CHALLENGED BALLOTS.]
2 THE COUNTY BOARD SHALL DEPOSIT ALL DEPOSIT MONEY IN THE GENERAL
3 FUND OF THE COUNTY.

4 NOTICE OF THE REQUIREMENTS OF SUBSECTION (B) OF SECTION 1306
5 SHALL BE PRINTED ON THE ENVELOPE FOR THE ABSENTEE BALLOT.

6 (G) (1) (I) AN ABSENTEE BALLOT CAST BY ANY ABSENTEE
7 ELECTOR AS DEFINED IN SECTION 1301(A), (B), (C), (D), (E), (F),
8 (G) AND (H) [WHICH IS RECEIVED IN THE OFFICE OF THE COUNTY BOARD
9 OF ELECTIONS AFTER FIVE O'CLOCK P.M. ON THE FRIDAY IMMEDIATELY
10 PRECEDING THE ELECTION AND NO LATER THAN FIVE O'CLOCK P.M. ON
11 THE SEVENTH DAY FOLLOWING AN ELECTION] SHALL BE CANVASSED IN
12 ACCORDANCE WITH THIS SUBSECTION IF [THE ABSENTEE BALLOT IS
13 POSTMARKED NO LATER THAN THE DAY IMMEDIATELY PRECEDING THE
14 ELECTION.] THE BALLOT IS CAST, SUBMITTED AND RECEIVED IN
15 ACCORDANCE WITH THE PROVISIONS OF 25 PA.C.S. CH. 35 (RELATING TO
16 UNIFORM MILITARY AND OVERSEAS VOTERS).

17 (II) AN ABSENTEE BALLOT CAST BY ANY ABSENTEE ELECTOR AS
18 DEFINED IN SECTION 1301 (I), (J), (K), (L), (M), (N) AND (O)
19 SHALL BE CANVASSED IN ACCORDANCE WITH THIS SUBSECTION IF THE
20 ABSENTEE BALLOT IS RECEIVED IN THE OFFICE OF THE COUNTY BOARD OF
21 ELECTIONS:

22 (A) BY HAND DELIVERY NO LATER THAN EIGHT O'CLOCK P.M. ON THE
23 DAY OF THE ELECTION OR PRIMARY; OR

24 (B) BY MAIL NO LATER THAN FIVE O'CLOCK P.M. ON THE THIRD DAY
25 FOLLOWING AN ELECTION IF THE ABSENTEE BALLOT IS POSTMARKED NO
26 LATER THAN THE DAY IMMEDIATELY PRECEDING THE ELECTION.

27 (2) THE COUNTY BOARD OF ELECTIONS SHALL MEET [ON THE EIGHTH
28 DAY FOLLOWING THE ELECTION TO CANVASS] NO EARLIER THAN THE CLOSE
29 OF POLLS ON THE DAY OF THE ELECTION AND NO LATER THAN THE THIRD
30 DAY FOLLOWING THE ELECTION TO BEGIN CANVASSING THE ABSENTEE

1 BALLOTS RECEIVED UNDER THIS SUBSECTION AND SUBSECTION (H) (2) .
2 THE CANVASS SHALL CONTINUE THROUGH THE DEADLINE FOR RECEIPT OF
3 ALL ABSENTEE BALLOTS AS PROVIDED IN 25 PA.C.S. § 3511 (RELATING
4 TO RECEIPT OF VOTED BALLOT.) ONE AUTHORIZED REPRESENTATIVE OF
5 EACH CANDIDATE IN AN ELECTION AND ONE REPRESENTATIVE FROM EACH
6 POLITICAL PARTY SHALL BE PERMITTED TO REMAIN IN THE ROOM IN
7 WHICH THE ABSENTEE BALLOTS ARE CANVASSED. REPRESENTATIVES SHALL
8 BE PERMITTED TO CHALLENGE ANY ABSENTEE ELECTOR IN ACCORDANCE
9 WITH THE PROVISIONS OF PARAGRAPH (3) .

10 * * *

11 SECTION 6. THIS ACT SHALL APPLY AS FOLLOWS:

12 (1) THE ADDITION OF ARTICLE XI-B OF THE ACT SHALL APPLY
13 TO DECERTIFICATIONS OCCURRING AFTER DECEMBER 31, 2019.

14 (2) THE AMENDMENT OR ADDITION OF THE FOLLOWING
15 PROVISIONS OF THIS ACT SHALL APPLY TO THE FIRST GENERAL OR
16 MUNICIPAL ELECTION OCCURRING AFTER THE EFFECTIVE DATE OF THIS
17 SECTION AND TO ALL ELECTIONS THEREAFTER:

- 18 (I) SECTION 1003(A) .
19 (II) SECTION 1007 .
20 (III) SECTION 1107(B) .
21 (IV) SECTION 1110(H) .
22 (V) SECTION 1107-A(3) .
23 (VI) SECTION 1109-A(A) (2) AND (D) .
24 (VII) SECTION 1112-A(A) (2) AND (4) .
25 (VIII) SECTION 1216(D) AND (F) .
26 (IX) SECTION 1222 (A) AND (B) .
27 (X) SECTION 1223(A) .
28 (XI) SECTION 1302.1 .
29 (XII) SECTION 1302.2 .
30 (XIII) SECTION 1306(A) (1) AND (C) .

1 (XIV) SECTION 1308 (A), (B.1), (E), (F), (G) (1) AND
2 (2) .
3 SECTION 7. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.