

AMENDMENTS TO SENATE BILL NO. 48

Sponsor: REPRESENTATIVE EVERETT

Printer's No. 584

1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

3 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
4 "An act concerning elections, including general, municipal,
5 special and primary elections, the nomination of candidates,
6 primary and election expenses and election contests; creating
7 and defining membership of county boards of elections;
8 imposing duties upon the Secretary of the Commonwealth,
9 courts, county boards of elections, county commissioners;
10 imposing penalties for violation of the act, and codifying,
11 revising and consolidating the laws relating thereto; and
12 repealing certain acts and parts of acts relating to
13 elections," in ballots, further providing for form of
14 official election ballot and for number of ballots to be
15 printed and specimen ballots; in voting machines, further
16 providing for requirements of voting machines and for form of
17 ballot labels on voting machines; in electronic voting
18 systems, further providing for requirements of electronic
19 voting systems, for forms and for election day procedures and
20 the process of voting; providing for voting systems
21 decertification; in preparation for and conduct of primaries
22 and elections, further providing for instructions of voters
23 and manner of voting in districts in which voting machines
24 are used, for count and return of votes in districts in which
25 ballots are used and for what ballots shall be counted,
26 manner of counting and defective ballots; and, in voting by
27 qualified absentee electors, further providing for date of
28 application for absentee ballot, for approval of application
29 for absentee ballot, for voting by absentee electors and for
30 canvassing of official absentee ballots.

31 Amend Bill, page 1, lines 6 through 18; pages 2 through 4,
32 lines 1 through 30; page 5, lines 1 through 21; by striking out
33 all of said lines on said pages and inserting

34 Section 1. Sections 1003(a), 1007, 1107(b), 1110(h), 1107-
35 A(3), 1109-A(a)(2) and (d) and 1112-A(a)(2) and (4) of the act

of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, are amended to read:

Section 1003. Form of Official Election Ballot.--

(a) The official ballots for general, municipal and special elections shall be in substantially the following form:

OFFICIAL BALLOT

..... District, Ward,
City of, County of,
State of Pennsylvania
Election held on the day of, [19]

20.....

A cross (X) or check () mark in the square opposite the name of any candidate indicates a vote for that candidate.

[To vote a straight party ticket, mark a cross (X) or check () in the square, in the Party Column, opposite the name of the party of your choice. To vote for an individual candidate of another party after making a mark in the party square, mark a cross (X) or check () opposite his name. For an office where more than one candidate is to be voted for, the voter, after marking in the party square, may divide his vote by marking a cross (X) or check () to the right of each candidate for whom he or she desires to vote. For such office votes shall not be counted for candidates not individually marked.]

To vote for a person whose name is not on the ballot, write, print or paste his name in the blank space provided for that purpose. A cross (X) or check () mark in the square opposite the names of the candidates of any party for President and Vice-President of the United States indicates a vote for all the candidates of that party for presidential elector. To vote for individual candidates for presidential elector, write, print or paste their names in the blank spaces provided for that purpose under the title "Presidential Electors." Mark ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen; use the same pencil or pen for all markings you place on the ballot.

Before leaving the voting compartment, fold this ballot, without displaying the markings thereon, in the same way it was folded when received, then leave the compartment and exhibit the ballot to one of the election officers who shall ascertain by an inspection of the number appearing upon the right hand corner of the back of the ballot whether the ballot so exhibited to him is the same ballot which the elector received before entering the voting compartment. If it is the same, the election officer shall direct the elector, without unfolding the ballot, to remove the perforated corner containing the number, and the elector shall immediately deposit the ballot in the ballot box. Any ballot deposited in a ballot box at any primary or election without having the said number torn off shall be void and shall not be counted.

[Party Column	Presidential Electors
To Vote a Straight Party Ticket	(Vote for the candidates of

1 Mark a Cross (X) or Check () in one party for President and
 2 this Column. Vice-President, or insert the
 3 names of candidates.)
 4 For
 5 Democratic John Stiles
 6 and
 7 Richard Doe,
 8 Democratic
 9 For
 10 Republican John Doe
 11 and
 12 Richard Roe,
 13 Republican
 14 For
 15 Socialist John Smith
 16 and
 17 William Jones,
 18 Socialist
 19 Citizens]
 20 Presidential Electors.
 21 (Vote for the candidates of one party for President and Vice
 22 President, or insert the names of candidates)
 23 For
 24 John Stiles and Richard Doe..... Democratic
 25 For
 26 John Doe and Richard Roe..... Republican
 27 For
 28 John Smith and William Jones..... Socialist
 29 For
 30 Citizens
 31 United States Senator.
 32 (Vote for one)
 33 Richard Roe Democratic
 34 John Doe Republican
 35 Richard Stiles Socialist
 36 Governor.
 37 (Vote for one)
 38 Richard Roe Democratic
 39 John Doe Republican
 40 Richard Stiles Socialist
 41 Representatives in Congress,
 42 District.
 43 (Vote for one)
 44 Richard Roe Democratic
 45 John Doe Republican
 46 Richard Stiles Socialist
 47 Senator in the General Assembly,
 48 District.
 49 (Vote for one)
 50 John Doe Democratic
 51 Richard Roe Republican

1 * * *

2 Section 1007. Number of Ballots to Be Printed; Specimen
3 Ballots.--The county board of each county shall provide for each
4 election district in which a paper ballot is used in a primary
5 [is] or election to be held, [one book of fifty official ballots
6 of each party for every forty-five registered and enrolled
7 electors of such party and fraction thereof, appearing upon the
8 district register,] a supply of official ballots equal to ten
9 per centum more than the greatest number of ballots cast in
10 the prior three comparable elections in the election district
11 and shall provide for each election district in which an
12 election is to be held one book of fifty official ballots for
13 every forty-five registered electors and fraction thereof
14 appearing upon the district register. They shall also, in
15 addition to the number of ballots required to be printed for
16 general distribution, maintain a sufficient supply of such
17 ballots at the office of the county board for the use of
18 absentee electors and for the use of any district, the ballots
19 for which may be lost, destroyed or stolen. They shall also
20 cause to be printed on tinted paper, and without the facsimile
21 endorsements, permanent binding or stubs, copies of the form of
22 ballots provided for each polling place at each primary or
23 election therein, which shall be called specimen ballots, and
24 which shall be of the same size and form as the official
25 ballots, and at each election they shall deliver to the election
26 officers, in addition to the official ballots to be used at such
27 election, a suitable supply of specimen ballots for the use of
28 the electors. At each primary, a suitable supply of specimen
29 ballots of each party shall be furnished.

30 Section 1107. Requirements of Voting Machines.--No voting
31 machine shall, upon any examination or reexamination, be
32 approved by the Secretary of the Commonwealth, or by any
33 examiner appointed by him, unless it shall, at the time, satisfy
34 the following requirements:

35 * * *

36 [(b) It shall permit each voter, at other than primary
37 elections, to vote a straight political party ticket in one
38 operation, and, in one operation, to vote for all the candidates
39 of one political party for presidential electors, and, in one
40 operation, to vote for all the candidates of one political party
41 for every office to be voted for, except those offices as to
42 which he votes for individual candidates.]

43 * * *

44 Section 1110. Form of Ballot Labels on Voting Machines.--

45 * * *

46 (h) The names of all candidates of a political party shall
47 appear in the same row or column, and except in cases of names
48 of presidential commitments of nominees for delegate or
49 alternate delegate to political party National conventions no
50 other names shall appear in the same row or column[, to the left
51 or top of which shall be a straight party lever, by means of

1 which an elector may, in one operation, vote for all the
2 candidates of that political party for every office to be voted
3 for]. Where the names of the delegate or alternate delegate and
4 the presidential candidate he is supporting shall both appear,
5 the print size of the name of the delegate or alternate delegate
6 shall be equal to the size of the name of the particular
7 presidential candidate to whom he is committed, or in the case
8 where he is uncommitted, the word "uncommitted" shall appear in
9 the same size print. The names of such candidates shall be
10 arranged under or opposite the title of the office for which
11 they are candidates, and shall appear in the order of the votes
12 obtained by the candidate for Governor of the party nominated at
13 the last gubernatorial election, beginning with the party
14 obtaining the highest number of votes: Provided, however, That
15 in the case of parties or bodies not represented on the ballot
16 at the last gubernatorial election, the names of the candidates
17 of such parties shall be arranged alphabetically, according to
18 the party or body name. The names of all candidates of a
19 political body shall appear in the same row or column, and, if
20 the number of parties and bodies permits, each political body
21 shall be entitled exclusively to a separate row or column[, with
22 a straight party lever]. If, however, the number of political
23 parties and political bodies renders it impossible or
24 impracticable to so arrange the political bodies, in such case
25 said bodies shall not be entitled to a separate row or column
26 [and a straight party lever], but shall be listed by political
27 appellations on the first left hand or top row, with the
28 designating letter and number of the ballot label where their
29 candidates may be found, together with the political
30 appellations of other political bodies, whose candidates may be
31 interspersed on the same row or column. Subject to the aforesaid
32 limitations, the form and arrangement of ballot labels, as to
33 the placing thereon of political bodies, shall be within the
34 discretion of the county board.

35 * * *

36 Section 1107-A. Requirements of Electronic Voting Systems.--
37 No electronic voting system shall, upon any examination or
38 reexamination, be approved by the Secretary of the Commonwealth,
39 or by any examiner appointed by him, unless it shall be
40 established that such system, at the time of such examination or
41 reexamination:

42 * * *

43 [(3) Permits each voter, at other than primary elections, to
44 vote a straight political party ticket by one mark or act and,
45 by one mark or act, to vote for all the candidates of one
46 political party for presidential electors and, by one mark or
47 act, to vote for all the candidates of one political party for
48 every office to be voted for, and every such mark or act shall
49 be equivalent to and shall be counted as a vote for every
50 candidate of the political party so marked including its
51 candidates for presidential electors, except with respect to

1 those offices as to which the voter has registered a vote for
2 individual candidates of the same or another political party or
3 political body, in which case the automatic tabulating equipment
4 shall credit the vote for that office only for the candidate
5 individually so selected, notwithstanding the fact that the
6 voter may not have individually voted for the full number of
7 candidates for that office for which he was entitled to vote.]

8 * * *

9 Section 1109-A. Forms.--(a) * * *

10 (2) The pages placed on the voting device shall be of
11 sufficient number to include, following the listing of
12 particular candidates, the names of candidates for any
13 nonpartisan offices and any measures for which a voter may be
14 qualified to vote on a given election day, provided further that
15 for municipal, general or special elections, the first ballot
16 page shall list in the order that such political parties are
17 entitled to priority on the ballot, the names of such political
18 parties [with designating arrows so as to indicate the voting
19 square or position on the ballot card where the voter may insert
20 by one mark or punch the straight party ticket of his choice].

21 * * *

22 [(d) In partisan elections the ballot cards shall include a
23 voting square or position whereby the voter may by one punch or
24 mark record a straight party ticket vote for all the candidates
25 of one party or may vote a split ticket for the candidates of
26 his choice.]

27 * * *

28 Section 1112-A. Election Day Procedures and the Process of
29 Voting.--(a) In an election district which uses an electronic
30 voting system in which votes are registered electronically, the
31 following procedures will be applicable for the conduct of the
32 election at the election district:

33 * * *

34 (2) At [primary] all elections, the voter shall be able to
35 vote for each candidate individually by the means provided. [At
36 all other elections, he may vote for each candidate
37 individually, or he may vote a straight political party ticket
38 in one operation by operating the straight political party
39 mechanism of the political party or political body of his
40 choice. He may also, after having operated the straight party
41 mechanism and before recording his vote, cancel the vote for any
42 candidate of such political party or political body and may
43 thereupon vote for a candidate of another party, or political
44 body for the same office.] The voter may also vote individually
45 for or against a question submitted to the vote of the electors.

46 * * *

47 (4) At any general election at which presidential electors
48 are to be chosen, each elector shall be permitted to vote by one
49 operation for all the presidential electors of a political party
50 or political body. For each party or body nominating
51 presidential electors, a ballot label shall be provided

1 containing only the words "Presidential Electors," preceded by
2 the names of the party or body and followed by the names of the
3 candidates thereof for the Office of President and Vice-
4 President, and the corresponding counter or registering device
5 shall register votes cast for said electors when thus voted for
6 collectively. If any elector desires to vote a ticket for
7 presidential electors made up of the names of persons nominated
8 by different parties or bodies, or partially of names of persons
9 so in nomination and partially of names of persons not in
10 nomination by any party or body, he may write or deposit a paper
11 ballot prepared by himself in the receptacle provided in or on
12 the voting device for that purpose, or he may list their names
13 on the write-in ballot or envelope provided for that purpose.
14 The voting device shall be so constructed that it will not be
15 possible for any one voter to vote a straight party ticket for
16 presidential electors and at the same time to deposit a ballot
17 for presidential electors in a receptacle as [hereinabove]
18 provided in this section. When the votes for presidential
19 electors are counted, the votes appearing upon the counter or
20 registering device corresponding to the ballot label containing
21 the names of the candidates for President and Vice-President of
22 any party or body shall be counted as votes for each of the
23 candidates for presidential elector of such party or body, and
24 thereupon all candidates for presidential elector shall be
25 credited, in addition, with the votes cast for them upon the
26 ballots deposited in the machine, as [hereinabove] provided in
27 this section.

28 * * *

29 Section 2. The act is amended by adding an article to read:

30 ARTICLE XI-B

31 VOTING SYSTEMS DECERTIFICATION

32 Section 1101-B. Definitions.

33 The following words and phrases when used in this article
34 shall have the meanings given to them in this section unless the
35 context clearly indicates otherwise:

36 "Department." The Department of State of the Commonwealth.

37 "Electronic voting system." As defined in section 1101-A.

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

39 (1) An electronic voting system.

40 (2) A voting machine.

41 "Voting machine." A voting machine as described under
42 Article XI.

43 Section 1102-B. Decertification.

44 (a) Prohibition.--The Commonwealth may not disapprove of or
45 decertify voting apparatuses in 50% or more counties until the
46 requirements of this article have been met.

47 (b) Plan.--If the Commonwealth intends to disapprove or
48 decertify voting apparatuses in 50% or more counties, the
49 department must submit a written plan to the President pro
50 tempore of the Senate, the Speaker of the House of
51 Representatives, the Appropriations Committee of the Senate, the

Appropriations Committee of the House of Representatives, the
State Government Committee of the Senate and the State
Government Committee of the House of Representatives at least
180 days prior to the effective date of replacement, containing
each of the following:

(1) The reason for disapproval or decertification.

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

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

(4) The effective date of replacement.

Section 3. Sections 1216(d) and (f), 1222(a) and (b),
1223(a), 1302.1 and 1302.2 of the act are amended to read:

Section 1216. Instructions of Voters and Manner of Voting in
Districts in Which Voting Machines are Used.--

* * *

(d) At [primaries] all elections, he shall vote for each
candidate individually by operating the key, handle, pointer or
knob, upon or adjacent to which the name of such candidate is
placed. [At elections, he may vote for each candidate
individually by operating the key, handle, pointer or knob, upon
or adjacent to which the names of candidates of his choice are
placed, or he may vote a straight political party ticket in one
operation by operating the straight political party lever of the
political party or political body of his choice, if such machine
has thereon a separate lever for all the candidates of the
political body. He may also, after having operated the straight
party lever, and before recording his vote, cancel the vote for
any candidate of such political party or political body by
replacing the individual key, handle, pointer or knob of such
candidate, and may thereupon vote for a candidate of another
party, or political body for the same office by operating the
key, handle, pointer or knob, upon or adjacent to which the name
of such candidate appears.] In the case of a question submitted
to the vote of the electors, the elector shall operate the key,
handle, pointer or knob corresponding to the answer which he
desires to give.

* * *

(f) At any general election at which presidential electors
are to be chosen, each elector shall be permitted to vote by one
operation for all the presidential electors of a political party
or political body. For each party or body nominating
presidential electors, a ballot label shall be provided
containing only the words "Presidential Electors," preceded by
the names of the party or body and followed by the names of the
candidates thereof for the office of President and Vice-
President, and the corresponding counter or registering device
shall register votes cast for said electors when thus voted for
collectively. If an elector desires to vote a ticket for
presidential electors made up of the names of persons nominated

1 by different parties or bodies, or partially of names of persons
2 so in nomination and partially of names of persons not in
3 nomination by any party or body, or wholly of names of persons
4 not in nomination by any party or body, he may write or deposit
5 a paper ballot prepared by himself in the receptacle provided in
6 or on the machine for the purpose. The machine shall be so
7 constructed that it will not be possible for any one voter to
8 vote a straight party ticket for presidential electors and at
9 the same time to deposit a ballot for presidential electors in a
10 receptacle as [hereinabove] provided in this section. When the
11 votes for presidential electors are counted, the votes appearing
12 upon the counter or registering device corresponding to the
13 ballot label containing the names of the candidates for
14 President and Vice-President of any party or body shall be
15 counted as votes for each of the candidates for presidential
16 elector of such party or body, and thereupon all candidates for
17 presidential elector shall be credited, in addition, with the
18 votes cast for them upon the ballots deposited in the machine,
19 as [hereinabove] provided in 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
31 for each party. Then the judge, under the scrutiny of the
32 minority inspector, or the minority inspector, under the
33 scrutiny of the judge, in the presence of the other officers,
34 clerks, and of the overseers, if any, and within the hearing and
35 sight of the watchers outside the enclosed space, shall read
36 aloud the names of the candidates marked or inserted upon each
37 ballot (at primaries the ballots of each party being read in
38 sequence), together with the office for which the person named
39 is a candidate, and the answers contained on the ballots to the
40 questions submitted, if any, and the majority inspector and
41 clerks shall carefully enter each vote as read, and keep account
42 of the same in ink in triplicate tally papers (triplicate tally
43 papers for each party at primaries) to be provided by the county
44 board of elections for that purpose, all three of which shall be
45 made at the same time.[: Provided, That at all general,
46 municipal and special elections, in entering each vote received
47 by candidates at such election, it shall not be necessary to
48 enter separate tally marks for each vote received by such
49 candidates upon the ballots containing the same votes for the
50 same names, commonly known, and in this act designated as
51 "Straight Party Tickets" for such purpose straight party ticket

1 votes shall be entered carefully as each straight party ticket
2 vote is read on the triplicate tally sheets under the heading
3 "Number of votes received upon the straight party
4 tickets." Upon completing the number of votes received by each
5 straight party ticket, the number so tallied for each party
6 shall be entered numerically on the extreme right hand margin of
7 each such tally paper.] All ballots, after being removed from
8 the box, shall be kept within the unobstructed view of all
9 persons in the voting room until replaced in the box. No person
10 while handling the ballots shall have in his hand any pencil,
11 pen, stamp or other means of marking or spoiling any ballot. The
12 election officers shall forthwith proceed to canvass and compute
13 the votes cast, and shall not adjourn or postpone the canvass or
14 computation until it shall have been fully completed.

15 (b) When the vote cast for the different persons named upon
16 the ballots and upon the questions, if any, appearing thereon,
17 shall have been fully recorded in the tally papers and counted,
18 the election officers shall duly certify to the number of votes
19 cast for each person (upon the respective party tickets at
20 primaries), and shall prepare in ink two (2) general returns,
21 showing, in addition to the entries made thereon as aforesaid,
22 the total number of ballots received from the county board (the
23 total of each party at primaries), the number of ballots cast
24 (the number of each party at primaries), the number of ballots
25 (of each party at primaries) declared void, and the number of
26 ballots spoiled and cancelled, and any blank ballots cast, as
27 well as the votes cast for each candidate. At elections, the
28 number of votes cast for each candidate by each political party
29 or political body of which such candidate is a nominee shall be
30 separately stated.[: Provided, That the number of votes received
31 by each set of candidates upon "straight party tickets" shall be
32 entered opposite the names of the respective candidates in a
33 column immediately adjoining upon the left which column shall be
34 of convenient width and shall be headed "number of votes
35 received upon straight party tickets."] In an immediate column
36 to the left thereto, the number of votes received by each
37 candidate upon all ballots [other than "straight party tickets"
38 including all ballots known as "split tickets"] shall be
39 entered, such column to be of convenient width and shall be
40 headed "number of votes [received other than upon straight party
41 tickets." The number of votes received by each candidate as
42 shown in the column headed "number of votes received upon
43 straight party tickets" shall then be added, together with the
44 number of votes received by each candidate as shown in the
45 column headed "number of votes received other than upon straight
46 party tickets" and thereupon, the] received." The total number
47 of votes received by each candidate shall be entered in a column
48 on the extreme right-hand side of the return sheets, which
49 column shall be of convenient width and shall be headed "total
50 number of votes."

51 Nothing in this section contained shall be construed to

1 authorize or permit the canvassing, counting or tallying ballots
2 with any less degree of strictness than otherwise required by
3 law.[, the intention of this section being to dispense with the
4 individual tally marks only so far as the so-called "straight
5 party tickets" are concerned, and all other operations of
6 tallying, counting, canvassing and announcing the votes shall
7 proceed as near as may be in accordance with the other
8 provisions of this act.]

9 * * *

10 Section 1223. What Ballots Shall Be Counted; Manner of
11 Counting; Defective Ballots.--(a) No ballot which is so marked
12 as to be capable of identification shall be counted. Any ballot
13 that is marked in blue, black or blue-black ink, in fountain pen
14 or ball point pen, or black lead pencil or indelible pencil,
15 shall be valid and counted: Provided, That all markings on the
16 ballot are made by the same pen or pencil. Any ballot marked by
17 any other mark than an (X) or check () in the spaces provided
18 for that purpose shall be void and not counted: Provided,
19 however, That no vote recorded thereon shall be declared void
20 because a cross (X) or check () mark thereon is irregular in
21 form. [Any erasure, mutilation or defective marking of the
22 straight party column at November elections shall render the
23 entire ballot void, unless the voter has properly indicated his
24 choice for candidates in any office block, in which case the
25 vote or votes for such candidates only shall be counted.] Any
26 erasure or mutilation in the vote in any office block shall
27 render void the vote for any candidates in said block, but shall
28 not invalidate the votes cast on the remainder of the ballot, if
29 otherwise properly marked. Any ballot indicating a vote for any
30 person whose name is not printed on the ballot, by writing,
31 stamping or sticker, shall be counted as a vote for such person,
32 if placed in the proper space or spaces provided for that
33 purpose, whether or not an (X) or check () is placed after the
34 name of such person: Provided, however, That if such writing,
35 stamping or sticker is placed over the name of a candidate
36 printed on the ballot, it shall render the entire vote in said
37 office block void. If an elector shall mark his ballot for more
38 persons for any office than there are candidates to be voted for
39 for such office, or if, for any reason, it may be impossible to
40 determine his choice for any office, his ballot shall not be
41 counted for such office, but the ballot shall be counted for all
42 offices for which it is properly marked. Ballots not marked, or
43 improperly or defectively marked, so that the whole ballot is
44 void, shall be set aside and shall be preserved with the other
45 ballots.

46 * * *

47 Section 1302.1. Date of Application for Absentee Ballot.--
48 (a) Except as provided in subsections (a.1) and (a.2),
49 applications for absentee ballots shall be received in the
50 office of the county board of elections not earlier than fifty
51 (50) days before the primary or election [and], except that if a

1 county board of elections determines that it would be desirable
2 and consistent with its operational needs, any applications for
3 absentee ballots received more than fifty (50) days before the
4 primary or election may be processed before that time.

5 Applications for absentee ballots may be processed if received
6 not later than five o'clock P.M. of the first Tuesday prior to
7 the day of any primary or election.

8 [(a.1) Except as provided in subsection (a.2), in the event
9 any elector otherwise qualified who is so physically disabled or
10 ill on or before the first Tuesday prior to any primary or
11 election that he is unable to file his application or who
12 becomes physically disabled or ill after the first Tuesday prior
13 to any primary or election and is unable to appear at his
14 polling place or any elector otherwise qualified who because of
15 the conduct of his business, duties or occupation will
16 necessarily be absent from the municipality of his residence on
17 the day of the primary or election, which fact was not and could
18 not reasonably be known to said elector on or before the first
19 Tuesday prior to any primary or election, the elector shall be
20 entitled to an absentee ballot at any time prior to five o'clock
21 P.M. on the first Friday preceding any primary or election upon
22 execution of an Emergency Application in such form prescribed by
23 the Secretary of the Commonwealth.

24 (a.2) In the event any elector otherwise qualified who
25 becomes so physically disabled or ill between five o'clock P.M.
26 on the first Friday preceding any primary or election and eight
27 o'clock P.M. on the day of any primary or election that he is
28 unable to appear at his polling place or any elector otherwise
29 qualified who because of the conduct of his business, duties or
30 occupation will necessarily be absent from the municipality of
31 his residence on the day of the primary or election, which fact
32 was not and could not reasonably be known to said elector prior
33 to five o'clock P.M. on the first Friday preceding any primary
34 or election, the elector shall be entitled to an absentee ballot
35 if the elector completes and files with the court of common
36 pleas in the county in which the elector is qualified to vote an
37 Emergency Application or a letter or other signed document,
38 which includes the same information as is provided on the
39 Emergency Application. Upon a determination that the elector is
40 a qualified absentee elector under section 1301, the judge shall
41 issue an absentee ballot to the elector.]

42 (a.3) (1) The following categories of electors may apply
43 for an absentee ballot under this subsection, if otherwise
44 qualified:

45 (i) An elector whose physical disability or illness
46 prevented the elector from applying for an absentee ballot
47 before five o'clock P.M. on the first Tuesday prior to the day
48 of the primary or election.

49 (ii) An elector who, because of the elector's business,
50 duties or occupation, was unable to apply for an absentee ballot
51 before five o'clock P.M. on the first Tuesday prior to the day

1 of the primary or election.

2 (iii) An elector who becomes so physically disabled or ill
3 after five o'clock P.M. on the first Tuesday prior to the day of
4 the primary or election that the elector is unable to appear at
5 the polling place on the day of the primary or election.

6 (iv) An elector who, because of the conduct of the elector's
7 business, duties or occupation, will necessarily be absent from
8 the elector's municipality of residence on the day of the
9 primary or election, which fact was not and could not reasonably
10 be known to the elector on or before five o'clock P.M. on the
11 first Tuesday prior to the day of the primary or election.

12 (2) An elector described in paragraph (1) may submit an
13 application for an absentee ballot at any time up until the time
14 of the closing of the polls on the day of the primary or
15 election. The application shall include a declaration describing
16 the circumstances that prevented the elector from applying for
17 an absentee ballot before five o'clock P.M. on the first Tuesday
18 prior to the day of the primary or election or that prevent the
19 elector from appearing at the polling place on the day of the
20 primary or election, and the elector's qualifications under
21 paragraph (1). The declaration shall be made subject to the
22 provisions of 18 Pa.C.S. § 4904 (relating to unsworn
23 falsification to authorities).

24 (3) If the county board of elections determines that the
25 elector meets the requirements of this section, the board shall
26 issue an absentee ballot to the elector.

27 (4) If the elector is unable to appear [in court] at the
28 office of the county board of elections to receive the ballot,
29 the [judge] board shall give the elector's absentee ballot to an
30 authorized representative of the elector who is designated in
31 writing by the elector. The authorized representative shall
32 deliver the absentee ballot to the elector and return the
33 completed absentee ballot, sealed in the official absentee
34 ballot envelopes, to the office of the county board of
35 elections, [who] which shall [distribute] retain the ballot,
36 unopened, [to the absentee voter's election district] until the
37 canvassing of all absentee ballots.

38 (5) If the elector is unable to appear [in court] at the
39 office of the county board of elections or unable to obtain
40 assistance from an authorized representative, the county board
41 may provide an authorized representative or ask the judge
42 [shall] of the court of common pleas in the county in which the
43 elector is qualified to vote to direct a deputy sheriff of the
44 county to deliver the absentee ballot to the elector if the
45 elector is at a physical location within the county and return
46 the completed absentee ballot, sealed in the official absentee
47 ballot envelopes, to the county board of elections, who shall
48 distribute the ballots, unopened, to the absentee voter's
49 respective election district. If there is no authorized
50 representative and a deputy sheriff is unavailable to deliver an
51 absentee ballot under this section, the judge may direct a

1 constable to make such delivery in accordance with the
2 provisions of this section.

3 (6) In the case of an elector who requires assistance in
4 marking the elector's ballot, the elector shall designate in
5 writing the person who will assist in marking the ballot. Such
6 person shall be otherwise eligible to provide assistance to
7 electors eligible for assistance, and such person shall declare
8 in writing that assistance was rendered. Any person other than
9 the designee who shall render assistance in marking a ballot or
10 any person rendering assistance who shall fail to execute a
11 declaration shall be guilty of a violation of this act.

12 (7) No absentee ballot under this subsection shall be
13 counted which is received in the office of the county board of
14 elections later than [eight o'clock P.M. on the day of the
15 primary or election] the deadline for its receipt as provided in
16 section 1308(g).

17 (b) In the case of an elector whose application for an
18 absentee ballot is received by the office of the county board of
19 elections earlier than fifty (50) days before the primary or
20 election, the application shall be held and processed upon
21 commencement of the fifty-day period or at such earlier time as
22 the county board of elections determines may be appropriate.

23 [(c) In the case of an elector who is physically disabled or
24 ill on or before the first Tuesday prior to a primary or
25 election or becomes physically disabled or ill after the first
26 Tuesday prior to a primary or election, such Emergency
27 Application, letter or other signed document shall contain a
28 supporting affidavit from his attending physician stating that
29 due to physical disability or illness said elector was unable to
30 apply for an absentee ballot on or before the first Tuesday
31 prior to the primary or election or became physically disabled
32 or ill after that period.

33 (d) In the case of an elector who is necessarily absent
34 because of the conduct of his business, duties or occupation
35 under the unforeseen circumstances specified in subsections
36 (a.1) and (a.2), such Emergency Application, letter or other
37 signed document shall contain a supporting affidavit from such
38 elector stating that because of the conduct of his business,
39 duties or occupation said elector will necessarily be absent
40 from the municipality of his residence on the day of the primary
41 or election which fact was not and could not reasonably be known
42 to said elector on or before the first Tuesday prior to the
43 primary or election.]

44 Section 1302.2. Approval of Application for Absentee
45 Ballot.--

46 (a) The county board of elections, upon receipt of any
47 application filed by a qualified elector not required to be
48 registered under preceding section 1301, shall ascertain from
49 the information on such application, district register or from
50 any other source that such applicant possesses all the
51 qualifications of a qualified elector other than being

1 registered or enrolled. If the board is satisfied that the
2 applicant is qualified to receive an official absentee ballot,
3 the application shall be marked approved such approval decision
4 shall be final and binding except that challenges may be made
5 only on the ground that the applicant did not possess
6 qualifications of an absentee elector. Such challenges must be
7 made to the county board of elections prior to [5:00 o'clock
8 P.M. on the first Friday prior to the election.] the applicable
9 deadline for the absentee ballots to be received, as provided in
10 section 1308(g). When so approved, the county board of elections
11 shall cause the applicant's name and residence (and at a
12 primary, the party enrollment) to be inserted in the Military,
13 Veterans and Emergency Civilians Absentee Voters File as
14 provided in section 1302.3, subsection (b): Providing, however,
15 That no application of any qualified elector in military service
16 shall be rejected for failure to include on his application any
17 information if such information may be ascertained within a
18 reasonable time by the county board of elections.

19 (b) The county board of elections, upon receipt of any
20 application filed by a qualified elector who is entitled, under
21 the provisions of the Permanent Registration Law as now or
22 hereinafter enacted by the General Assembly, to absentee
23 registration prior to or concurrently with the time of voting as
24 provided under preceding section 1301, shall ascertain from the
25 information on such application or from any other source that
26 such applicant possesses all the qualifications of a qualified
27 elector. If the board is satisfied that the applicant is
28 entitled, under the provisions of the Permanent Registration Law
29 as now or hereinafter enacted by the General Assembly, to
30 absentee registration prior to or concurrently with the time of
31 voting and that the applicant is qualified to receive an
32 official absentee ballot, the application shall be marked
33 "approved." Such approval decision shall be final and binding
34 except that challenges may be made only on the ground that the
35 applicant did not possess the qualifications of an absentee
36 elector prior to or concurrently with the time of voting. Such
37 challenges must be made to the county board of elections prior
38 to [5:00 o'clock P.M. on the first Friday prior to the
39 election.] the applicable deadline for the absentee ballots to
40 be received, as provided in section 1308(g). When so approved,
41 the county board of elections shall cause the applicant's name
42 and residence (and at a primary, the party enrollment) to be
43 inserted in the Military, Veterans and Emergency Civilian
44 Absentee Voters File as provided in section 1302.3 subsection
45 (b).

46 (c) The county board of elections, upon receipt of any
47 application of a qualified elector required to be registered
48 under the provisions of preceding section 1301, shall determine
49 the qualifications of such applicant by verifying the proof of
50 identification and comparing the information set forth on such
51 application with the information contained on the applicant's

1 permanent registration card. If the board is satisfied that the
2 applicant is qualified to receive an official absentee ballot,
3 the application shall be marked "approved." Such approval
4 decision shall be final and binding, except that challenges may
5 be made only on the ground that the applicant did not possess
6 the qualifications of an absentee elector. Such challenges must
7 be made to the county board of elections prior to [5:00 o'clock
8 P.M. on the first Friday prior to the election.] the applicable
9 deadline for the absentee ballots to be received, as provided in
10 section 1308(g). When so approved, the registration commission
11 shall cause an absentee voter's temporary registration card to
12 be inserted in the district register on top of and along with
13 the permanent registration card. The absentee voter's temporary
14 registration card shall be in the color and form prescribed in
15 subsection (e) of this section:

16 Provided, however, That the duties of the county boards of
17 elections and the registration commissions with respect to the
18 insertion of the absentee voter's temporary registration card of
19 any elector from the district register as set forth in section
20 1302.2 shall include only such applications and emergency
21 applications as are received on or before the first Tuesday
22 prior to the primary or election. In all cases where
23 applications are received after the first Tuesday prior to the
24 primary or election and before five o'clock P. M. on the first
25 Friday prior to the primary or election, the county board of
26 elections shall determine the qualifications of such applicant
27 by verifying the proof of identification and comparing the
28 information set forth on such application with the information
29 contained on the applicant's duplicate registration card on file
30 in the General Register (also referred to as the Master File) in
31 the office of the Registration Commission and shall cause the
32 name and residence (and at primaries, the party enrollment) to
33 be inserted in the Military, Veterans and Emergency Civilian
34 Absentee Voters File as provided in section 1302.3, subsection
35 (b). In addition, the local district boards of elections shall,
36 upon canvassing the official absentee ballots under section
37 1308, examine the voting check list of the election district of
38 said elector's residence and satisfy itself that such elector
39 did not cast any ballot other than the one properly issued to
40 him under his absentee ballot application. In all cases where
41 the examination of the local district board of elections
42 discloses that an elector did vote a ballot other than the one
43 properly issued to him under the absentee ballot application,
44 the local district board of elections shall thereupon cancel
45 said absentee ballot and said elector shall be subject to the
46 penalties as hereinafter set forth.

47 (d) In the event that any application for an official
48 absentee ballot is not approved by the county board of
49 elections, the elector shall be notified immediately to that
50 effect with a statement by the county board of the reasons for
51 the disapproval. For those applicants whose proof of

1 identification was not provided with the application or could
2 not be verified by the board, the board shall send notice to the
3 elector with the absentee ballot requiring the elector to
4 provide proof of identification with the absentee ballot or the
5 ballot will not be counted.

6 (e) [The absentee voter's temporary registration card shall
7 be in duplicate and the same size as the permanent registration
8 card, in a different and contrasting color to the permanent
9 registration card and shall contain the absentee voter's name
10 and address and shall conspicuously contain the words "Absentee
11 Voter." Such card shall also contain the affidavit required by
12 subsection (b) of section 1306.] The voter's record in the
13 district register shall contain the words "absentee voter."

14 (f) Notwithstanding the provisions of this section, a
15 qualified absentee elector shall not be required to provide
16 proof of identification if the elector is entitled to vote by
17 absentee ballot under the Uniformed and Overseas Citizens
18 Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an
19 alternative ballot under the Voting Accessibility for the
20 Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).

21 Section 4. Section 1306(a)(1) of the act is amended and the
22 section is amended by adding a subsection to read:

23 Section 1306. Voting by Absentee Electors.--(a) Except as
24 provided in paragraphs (1), (2) and (3), at any time after
25 receiving an official absentee ballot, but on or before [five
26 o'clock P.M. on the Friday prior to] eight o'clock p.m. the day
27 of the primary or election, the elector shall, in secret,
28 proceed to mark the ballot only in black lead pencil, indelible
29 pencil or blue, black or blue-black ink, in fountain pen or ball
30 point pen, and then fold the ballot, enclose and securely seal
31 the same in the envelope on which is printed, stamped or
32 endorsed "Official Absentee Ballot."

33 (1) [Any elector who submits an Emergency Application and
34 receives an absentee ballot in accordance with section
35 1302.1(a.2) or (c) shall mark the ballot on or before eight
36 o'clock P.M. on the day of the primary or election. This
37 envelope shall then be placed in the second one, on which is
38 printed the form of declaration of the elector, and the address
39 of the elector's county board of election and the local election
40 district of the elector. The elector shall then fill out, date
41 and sign the declaration printed on such envelope. Such envelope
42 shall then be securely sealed and the elector shall send same by
43 mail, postage prepaid, except where franked, or deliver it in
44 person to said county board of election.] (Reserved).

45 * * *

46 (c) The following apply:

47 (1) An elector voting via an absentee ballot shall:

48 (i) deliver the ballot in person to the county board of
49 elections by eight o'clock P.M. on the day of the primary or
50 election; or

51 (ii) mail the ballot such that it is postmarked no later

1 than the day immediately preceding the election.

2 (2) When a ballot is presented to a county board of
3 elections with a postmark that is missing or illegible, the
4 board may determine that the ballot was timely cast and
5 submitted if there are other reliable indicia of the date it was
6 sent. In that case, a board may rely on the date given on the
7 voter's affidavit or on additional information obtained from the
8 United States Postal Service, the foreign postal agency or the
9 private carrier or courier service through which the ballot was
10 delivered.

11 (3) As used in this subsection, "postmark" means the
12 official cancellation of postage or other indicia, as stamped,
13 printed or written on the delivery envelope to indicate the date
14 it was submitted for delivery by the United States Postal
15 Service, a foreign postal agency or a recognized private common
16 carrier or courier service.

17 Section 5. Section 1308(a), (b.1), (e), (f), (g)(1) and (2)
18 of the act are amended to read:

19 Section 1308. Canvassing of Official Absentee Ballots.--(a)
20 The county boards of election, upon receipt of official absentee
21 ballots in [such] sealed official absentee ballot envelopes,
22 shall safely keep the [same] absentee ballots in sealed or
23 locked containers until they [distribute same to the appropriate
24 local election districts in a manner prescribed by the Secretary
25 of the Commonwealth.

26 Except as provided in section 1302.1(a.2), the county board
27 of elections shall then distribute the absentee ballots,
28 unopened, to the absentee voter's respective election district
29 concurrently with the distribution of the other election
30 supplies. Absentee ballots shall be canvassed immediately and
31 continuously without interruption until completed after the
32 close of the polls on the day of the election in each election
33 district. The results of the canvass of the absentee ballots
34 shall then be included in and returned to the county board with
35 the returns of that district. Except as provided in section
36 1302.1(a.2) and subsection (g), no absentee ballot shall be
37 counted which is received in the office of the county board of
38 election later than five o'clock P.M. on the Friday immediately
39 preceding the primary or November election.] are to be canvassed
40 by the county board of elections. An absentee ballot, whether
41 issued to a civilian, military or other voter during the regular
42 or emergency application period, shall be canvassed in
43 accordance with subsection (g).

44 * * *

45 (b.1) [In all election districts in which electronic voting
46 systems are used, absentee ballots shall be opened at the
47 election district, checked for write-in votes in accordance with
48 section 1113-A and then either hand-counted or counted by means
49 of the automatic tabulation equipment, whatever the case may
50 be.] (Reserved).

51 * * *

1 (e) [At such time the local election board shall then
2 further examine the declaration on each envelope not so set
3 aside and shall compare the information thereon with that
4 contained in the "Registered Absentee Voters File," the absentee
5 voters' list and the "Military Veterans and Emergency Civilians
6 Absentee Voters File." If the local election board is satisfied
7 that the declaration is sufficient and the information contained
8 in the "Registered Absentee Voters File," the absentee voters'
9 list and the "Military Veterans and Emergency Civilians Absentee
10 Voters File" verifies his right to vote, the local election
11 board shall announce the name of the elector and shall give any
12 watcher present an opportunity to challenge any absentee elector
13 upon the ground or grounds (1) that the absentee elector is not
14 a qualified elector; or (2) that the absentee elector was within
15 the municipality of his residence on the day of the primary or
16 election during the period the polls were open, except where he
17 was in military service or except in the case where his ballot
18 was obtained for the reason that he was unable to appear
19 personally at the polling place because of illness or physical
20 disability; or (3) that the absentee elector was able to appear
21 personally at the polling place on the day of the primary or
22 election during the period the polls were open in the case his
23 ballot was obtained for the reason that he was unable to appear
24 personally at the polling place because of illness or physical
25 disability. Upon challenge of any absentee elector, as set forth
26 herein the local election board shall mark "challenged" on the
27 envelope together with the reason or reasons therefor, and the
28 same shall be set aside for return to the county board unopened
29 pending decision by the county board and shall not be counted.
30 All absentee ballots not challenged for any of the reasons
31 provided herein shall be counted and included with the general
32 return of paper ballots or voting machines, as the case may be
33 as follows. Thereupon, the local election board shall open the
34 envelope of every unchallenged absentee elector in such manner
35 as not to destroy the declaration executed thereon. All of such
36 envelopes on which are printed, stamped or endorsed the words
37 "Official Absentee Ballot" shall be placed in one or more
38 depositories at one time and said depository or depositories
39 well shaken and the envelopes mixed before any envelope is taken
40 therefrom. If any of these envelopes shall contain any
41 extraneous marks or identifying symbols other than the words
42 "Official Absentee Ballot," the envelopes and the ballots
43 contained therein shall be set aside and declared void. The
44 local election board shall then break the seals of such
45 envelopes, remove the ballots and record the votes in the same
46 manner as district election officers are required to record
47 votes. With respect to the challenged ballots, they shall be
48 returned to the county board with the returns of the local
49 election district where they shall be placed unopened in a
50 secure, safe and sealed container in the custody of the county
51 board until it shall fix a time and place for a formal hearing

1 of all such challenges and notice shall be given where possible
2 to all absentee electors thus challenged and to every attorney,
3 watcher or candidate who made such challenge. The time for the
4 hearing shall not be later than seven (7) days after the date of
5 said challenge. On the day fixed for said hearing, the county
6 board shall proceed without delay to hear said challenges and,
7 in hearing the testimony, the county board shall not be bound by
8 technical rules of evidence. The testimony presented shall be
9 stenographically recorded and made part of the record of the
10 hearing. The decision of the county board in upholding or
11 dismissing any challenge may be reviewed by the court of common
12 pleas of the county upon a petition filed by any person
13 aggrieved by the decision of the county board. Such appeal shall
14 be taken, within two (2) days after such decision shall have
15 been made, whether reduced to writing or not, to the court of
16 common pleas setting forth the objections to the county board's
17 decision and praying for an order reversing same. Pending the
18 final determination of all appeals, the county board shall
19 suspend any action in canvassing and computing all challenged
20 ballots irrespective of whether or not appeal was taken from the
21 county board's decision. Upon completion of the computation of
22 the returns of the county, the votes cast upon the challenged
23 official absentee ballots shall be added to the other votes cast
24 within the county.] (Reserved).

25 (f) Any person challenging an application for an absentee
26 ballot or an absentee ballot for any of the reasons provided in
27 this act shall deposit the sum of ten dollars (\$10.00) in cash
28 with the local election board, in cases of challenges made to
29 the local election board and with the county board in cases of
30 challenges made to the county board for which he shall be issued
31 a receipt for each challenge made, which sum shall only be
32 refunded if the challenge is sustained or if the challenge is
33 withdrawn within five (5) days after the primary or election. If
34 the challenge is dismissed by any lawful order then the deposit
35 shall be forfeited. [All deposit money received by the local
36 election board shall be turned over to the county board
37 simultaneously with the return of the challenged ballots.] The
38 county board shall deposit all deposit money in the general fund
39 of the county.

40 Notice of the requirements of subsection (b) of section 1306
41 shall be printed on the envelope for the absentee ballot.

42 (g) (1) (i) An absentee ballot cast by any absentee
43 elector as defined in section 1301(a), (b), (c), (d), (e), (f),
44 (g) and (h) [which is received in the office of the county board
45 of elections after five o'clock P.M. on the Friday immediately
46 preceding the election and no later than five o'clock P.M. on
47 the seventh day following an election] shall be canvassed in
48 accordance with this subsection if [the absentee ballot is
49 postmarked no later than the day immediately preceding the
50 election.] the ballot is cast, submitted and received in
51 accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to

1 uniform military and overseas voters).

2 (ii) An absentee ballot cast by any absentee elector as
3 defined in section 1301 (i), (j), (k), (l), (m), (n) and (o)
4 shall be canvassed in accordance with this subsection if the
5 absentee ballot is received in the office of the county board of
6 elections:

7 (A) by hand delivery no later than eight o'clock P.M. on the
8 day of the election or primary; or

9 (B) by mail no later than five o'clock p.m. on the third day
10 following an election if the absentee ballot is postmarked no
11 later than the day immediately preceding the election.

12 (2) The county board of elections shall meet [on the eighth
13 day following the election to canvass] no earlier than the close
14 of polls on the day of the election and no later than the third
15 day following the election to begin canvassing the absentee
16 ballots received under this subsection and subsection (h) (2).
17 The canvass shall continue through the deadline for receipt of
18 all absentee ballots as provided in 25 Pa.C.S. § 3511 (relating
19 to receipt of voted ballot.) One authorized representative of
20 each candidate in an election and one representative from each
21 political party shall be permitted to remain in the room in
22 which the absentee ballots are canvassed. Representatives shall
23 be permitted to challenge any absentee elector in accordance
24 with the provisions of paragraph (3).

25 * * *

26 Section 6. This act shall apply as follows:

27 (1) The addition of Article XI-B of the act shall apply
28 to decertifications occurring after December 31, 2019.

29 (2) The amendment or addition of the following
30 provisions of this act shall apply to the first general or
31 municipal election occurring after the effective date of this
32 section and to all elections thereafter:

33 (i) Section 1003(a).

34 (ii) section 1007.

35 (iii) Section 1107(b).

36 (iv) Section 1110(h).

37 (v) Section 1107-A(3).

38 (vi) Section 1109-A(a)(2) and (d).

39 (vii) Section 1112-A(a)(2) and (4).

40 (viii) Section 1216(d) and (f).

41 (ix) Section 1222 (a) and (b).

42 (x) Section 1223(a).

43 (xi) Section 1302.1.

44 (xii) Section 1302.2.

45 (xiii) Section 1306(a)(1) and (c).

46 (xiv) Section 1308(a), (b.1), (e), (f), (g)(1) and

47 (2).

48 Section 7. This act shall take effect immediately.