

AMENDMENTS TO SENATE BILL NO. 421

Sponsor: REPRESENTATIVE EVERETT

Printer's No. 1015

1 Amend Bill, page 1, lines 1 through 22, by striking out all
2 of 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 preliminary provisions, further providing for
14 definitions; in the Secretary of the Commonwealth, providing
15 for requirements for disapproval or decertification of voting
16 apparatuses; in election districts and polling places,
17 further providing for restrictions on alteration; in
18 nomination of candidates, further providing for petition may
19 consist of several sheets and affidavit of circulator and for
20 nominations by political bodies; in ballots, further
21 providing for form of official primary ballot, for form of
22 official election ballot and for number of ballots to be
23 printed and specimen ballots; in voting machines, further
24 providing for requirements of voting machines and for form of
25 ballot labels on voting machines; in electronic voting
26 systems, further providing for requirements of electronic
27 voting systems, for forms, for election day procedures and
28 the process of voting and for post election procedures; in
29 preparation for and conduct of primaries and elections,
30 further providing for manner of applying to vote and persons
31 entitled to vote and voter's certificates and entries to be
32 made in district register and numbered lists of voters and
33 challenges, for method of marking ballots and depositing same
34 in districts in which ballots are used, for instructions of
35 voters and manner of voting in districts in which voting
36 machines are used, for count and return of votes in districts
37 in which ballots are used, for what ballots shall be counted,
38 manner of counting and defective ballots and for canvass and

1 return of votes in districts in which voting machines are
2 used and providing for deadline for receipt of valid voter
3 registration application, for appeals and for appeals to
4 court of common pleas; in voting by qualified absentee
5 electors, further providing for applications for official
6 absentee ballots, for date of application for absentee
7 ballot, for approval of application for absentee ballot, for
8 absentee electors files and lists, for official absentee
9 voters ballots, for delivering or mailing ballots, for voting
10 by absentee electors, for canvassing of official absentee
11 ballots and for public records; providing for voting by
12 qualified mail-in electors; in returns of primaries and
13 elections, further providing for manner of computing
14 irregular ballots; in primary and election expenses, further
15 providing for reporting by candidates and political
16 committees and other persons; providing for dissemination of
17 information and for jurisdiction; and making related repeals.

18 Amend Bill, page 1, lines 25 through 28; pages 2 through 15,
19 lines 1 through 30; page 16, lines 1 through 25; by striking out
20 all of said lines on said pages and inserting

21 Section 1. Section 102(z.5)(3) of the act of June 3, 1937
22 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
23 amended and the section is amended by adding a subsection to
24 read:

25 Section 102. Definitions.--The following words, when used in
26 this act, shall have the following meanings, unless otherwise
27 clearly apparent from the context:

28 * * *

29 (z.5) The words "proof of identification" shall mean:

30 * * *

31 (3) For a qualified absentee elector under section 1301 or a
32 qualified mail-in elector under section 1301-D:

33 (i) in the case of an elector who has been issued a current
34 and valid driver's license, the elector's driver's license
35 number;

36 (ii) in the case of an elector who has not been issued a
37 current and valid driver's license, the last four digits of the
38 elector's Social Security number;

39 (iii) in the case of an elector who has a religious
40 objection to being photographed, a copy of a document that
41 satisfies paragraph (1); or

42 (iv) in the case of an elector who has not been issued a
43 current and valid driver's license or Social Security number, a
44 copy of a document that satisfies paragraph (2).

45 (z.6) The words "qualified mail-in elector" shall mean a
46 qualified elector who is not a qualified absentee elector.

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

48 Section 207. Requirements for Disapproval or Decertification

1 of Voting Apparatuses.--(a) The Commonwealth may not disapprove
2 or decertify a voting apparatus in fifty per centum (50%) or
3 more counties until the requirements of this section have been
4 met.

5 (b) If the Commonwealth intends to make a disapproval or
6 decertification under subsection (a), the Department of State
7 must submit a written plan to the President pro tempore of the
8 Senate, the Speaker of the House of Representatives, the
9 Appropriations Committee of the Senate, the Appropriations
10 Committee of the House of Representatives, the State Government
11 Committee of the Senate and the State Government Committee of
12 the House of Representatives at least one hundred eighty (180)
13 days prior to the effective date of the replacement voting
14 apparatuses, containing all of the following information:

15 (1) The reason for the disapproval or decertification.

16 (2) The estimated cost to replace the disapproved or
17 decertified voting apparatus and the plan for how funding will
18 be obtained to cover the estimated cost.

19 (3) A plan for replacing the disapproved or decertified
20 voting apparatus.

21 (4) The effective date of the replacement voting apparatus.

22 (c) As used in this section, the following words and phrases
23 shall have the meanings given to them in this subsection unless
24 the context clearly indicates otherwise:

25 "Electronic voting system" shall have the meaning given to
26 the term in section 1101-A.

27 "Voting apparatus" shall mean a kind or type of electronic
28 voting system that received the approval of the Secretary of the
29 Commonwealth under section 1105-A.

30 Section 3. Sections 536(a) and (b), 909, 951(d), 1002(a) and
31 (b), 1003(a) and (e), 1007, 1107(b), 1110(h), 1107-A(3), 1109-
32 A(a)(2) and (d), 1112-A(a)(2) and (4) and (b)(4), 1113-A(d),
33 1210(a.4) and (5)(ii), 1215(b) and (c), 1216(d) and (f), 1222,
34 1223(a) and 1227(d) of the act are amended to read:

35 Section 536. Restrictions on Alteration.--(a) Except as
36 provided in subsection (b), there shall be no power to
37 establish, abolish, divide, consolidate or alter in any manner
38 an election district during the period [July 15, 2009] ~~from~~
39 ~~December 31, 2019~~, through November 30, [2012] ~~2022~~, or through
40 resolution of all judicial appeals to the [2012] ~~2022~~
41 Congressional Redistricting Plan, whichever occurs later.

42 (b) During the period from [July 15, 2009] ~~December 31,~~
43 ~~2019~~, through December 31, [2010] ~~2020~~, an election district may
44 be divided or election districts may be combined if the
45 following are met:

46 (1) In the case of the division of an election district, the
47 boundary of each resulting district is composed entirely of
48 clearly visible physical features conforming with the census
49 block lines or portions of the original boundary of the election
50 district which was divided.

51 (2) In the case of the combination of election districts,

1 the boundary of each resulting district is composed entirely of
2 portions of the original boundaries of the election districts
3 which were combined.

4 * * *

5 Section 909. Petition May Consist of Several Sheets;
6 [Affidavit] Statement of Circulator.--Said nomination petition
7 may be on one or more sheets, and different sheets must be used
8 for signers resident in different counties. If more than one
9 sheet is used, they shall be bound together when offered for
10 filing if they are intended to constitute one petition, and each
11 sheet shall be numbered consecutively beginning with number one,
12 at the foot of each page. In cases of petitions for delegate or
13 alternate delegate to National conventions, each sheet shall
14 contain a notation indicating the presidential candidate to whom
15 he is committed or the term "uncommitted." Each sheet shall have
16 appended thereto the [affidavit] statement of the circulator of
17 each sheet, setting forth, subject to the penalties of 18
18 Pa.C.S. § 4904 (relating to unsworn falsification to
19 authorities)--(a) that he or she is a qualified elector of the
20 Commonwealth, who is duly registered and enrolled as a member of
21 the [designated party of the State, or of the political
22 district, as the case may be, referred to] party designated in
23 said petition, unless said petition relates to the nomination of
24 a candidate for a court of common pleas, for the Philadelphia
25 Municipal Court or for the Traffic Court of Philadelphia or for
26 justice of the peace, in which event the circulator need not be
27 a duly registered and enrolled member of the designated party;
28 (b) his residence, giving city, borough or township, with street
29 and number, if any; (c) that the signers thereto signed with
30 full knowledge of the contents of the petition; (d) that their
31 respective residences are correctly stated therein; (e) that
32 they all reside in the county named in the [affidavit]
33 statement; (f) that each signed on the date set opposite his
34 name; and (g) that, to the best of [affiant's] the circulator's
35 knowledge and belief, the signers are qualified electors and
36 duly registered and enrolled members of the designated party of
37 the State, or of the political district, as the case may be.

38 Section 951. Nominations by Political Bodies.--* * *

39 (d) Nomination papers may be on one or more sheets and
40 different sheets must be used for signers resident in different
41 counties. If more than one sheet is used, they shall be bound
42 together when offered for filing if they are intended to
43 constitute one nomination paper, and each sheet shall be
44 numbered consecutively, beginning with number one (1) at the
45 foot of each page. Each sheet shall have appended thereto the
46 [affidavit] statement of some person, not necessarily a signer,
47 and not necessarily the same person on each sheet, setting
48 forth, subject to the penalties of 18 Pa.C.S. § 4904 (relating
49 to unsworn falsification to authorities)--[(1) that the affiant
50 is a qualified elector of the State, or of the electoral
51 district, as the case may be, referred to in the nomination

1 paper;] (2) [his] the person's residence, giving city, borough
2 or township with street and number, if any; (3) that the signers
3 signed with full knowledge of the contents of the nomination
4 paper; (4) that their respective residences are correctly stated
5 therein; (5) that they all reside in the county named in the
6 [affidavit] statement; (6) that each signed on the date set
7 opposite his name; and (7) that, to the best of [affiant's] the
8 person's knowledge and belief, the signers are qualified
9 electors of the State, or of the electoral district, as the case
10 may be.

11 * * *

12 Section 1002. Form of Official Primary Ballot.--(a) At
13 primaries separate official ballots shall be prepared for each
14 party which shall be in substantially the following form:

15 Official..... Primary Ballot.

16 (Name of Party)
17District,.....Ward, City of.....,
18 County of....., State of Pennsylvania
19Primary election held on the.....day of....., 19...

20 Make a cross (X) or check () in the square to the right of
21 each candidate for whom you wish to vote. If you desire to vote
22 for a person whose name is not on the ballot, write[, print or
23 paste] or stamp his name in the blank space provided for that
24 purpose. Mark ballot only in black lead pencil, indelible pencil
25 or blue, black or blue-black ink in fountain pen or ball point
26 pen. Use the same pencil or pen for all markings you place on
27 the ballot.

28 President of the United States.

29 (Vote for one)

30 John Doe
31 Richard Roe
32 John Stiles

33 United States Senator.
34 (Vote for one)

35 John Doe
36 Richard Roe
37 John Stiles

38 Governor.
39 (Vote for one)

40 John Doe
41 Richard Roe
42 John Stiles

43 Representative in Congress.....District.
44 (Vote for one)

45 John Doe
46 Richard Roe
47 John Stiles

48 Delegates at Large to National Convention.
49 (Vote for.....)

50 John Doe
51 (Committed to Jeremiah Smith)

1 John Stiles
 2 (Uncommitted)
 3 Delegate to National Convention.....District.
 4 (Vote for.....)
 5 John Doe
 6 (Committed to Jeremiah Smith)
 7 John Stiles
 8 (Uncommitted)
 9 Senator in the General Assembly.....District.
 10 (Vote for one)
 11 John Doe
 12 Richard Roe
 13 John Stiles
 14 Member of State Committee.
 15 (Vote for one)
 16 John Doe
 17 Richard Roe
 18 John Stiles
 19 Party Committeemen.
 20 (Vote for.....)
 21 John Doe
 22 Richard Roe
 23 John Stiles
 24 (b) On the back of each ballot shall be printed in prominent
 25 type the words "OFFICIAL PRIMARY BALLOT OFPARTY FOR"
 26 followed by the designation of the election district for which
 27 it is prepared, the date of the primary and the facsimile
 28 signatures of the members of the county board of elections. The
 29 names of candidates shall in all cases be arranged under the
 30 title of the office for which they are candidates, and be
 31 printed thereunder in the order determined by the casting of
 32 lots as provided by this act. Under the title of such offices
 33 where more than one candidate is to be voted for, shall be
 34 printed "Vote for not more than" (the blank space to
 35 indicate the number of candidates to be voted for the particular
 36 office.) At the right of the name of each candidate there shall
 37 be a square of sufficient size for the convenient insertion of a
 38 cross (x) or check () mark. There shall be left at the end of
 39 the list of candidates for each office (or under the title of
 40 the office itself in case there be no candidates who have filed
 41 nomination petitions therefor) as many blank spaces as there are
 42 persons to be voted for, for such office, in which space the
 43 elector may insert, by writing or stamping, the name of any
 44 person whose name is not printed on the ballot as a candidate
 45 for such office. Opposite or under the name of each candidate,
 46 except candidates for the office of President of the United
 47 States and candidates for delegate or alternate delegate to a
 48 National Party Convention, who is to be voted for by the
 49 electors of more than one county, shall be printed the name of
 50 the county in which such candidate resides; and opposite or
 51 under the name of each candidate except candidates for delegate

1 or alternate delegate to a National Party Convention who is to
2 be voted for by the electors of an entire county or any
3 congressional, senatorial or representative district within the
4 county, shall be printed the name of the city, borough, township
5 or ward, as the case may be, in which such candidate resides.

6 * * *

7 Section 1003. Form of Official Election Ballot.--

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

10 OFFICIAL BALLOT

11 District, Ward,
12 City of, County of,
13 State of Pennsylvania
14 Election held on the day of, [19]
15 20.....

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

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

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

41 Before leaving the voting compartment, fold this ballot,
42 without displaying the markings thereon, in the same way it was
43 folded when received, then leave the compartment and exhibit the
44 ballot to one of the election officers who shall ascertain by an
45 inspection of the number appearing upon the right hand corner of
46 the back of the ballot whether the ballot so exhibited to him is
47 the same ballot which the elector received before entering the
48 voting compartment. If it is the same, the election officer
49 shall direct the elector, without unfolding the ballot, to
50 remove the perforated corner containing the number, and the
51 elector shall immediately deposit the ballot in the ballot box.

1 Any ballot deposited in a ballot box at any primary or election
2 without having the said number torn off shall be void and shall
3 not be counted.

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

Senator in the General Assembly,
..... District.
(Vote for one)

John Doe Democratic
Richard Roe Republican
* * *

(e) There shall be left at the end of the group of candidates for President and Vice-President of the United States under the title "Presidential Electors," as many blank spaces as there are presidential electors to be elected, in which spaces the elector may insert, by writing or stamping, the names of any individual candidates for presidential electors for whom he desires to vote. There shall also be left at the end of each group of candidates for each other office (or under the title of the office itself in case no candidates have been nominated therefor), as many blank spaces as there are persons to be voted for for such office, in which space the elector may insert the name of any person or persons whose name is not printed on the ballot as a candidate for such office.

* * *

Section 1007. Number of Ballots to Be Printed; Specimen Ballots.--(a) The county board of each county shall provide for each election district [in which a primary is to be held, one book of fifty official ballots of each party for every forty-five registered and enrolled electors of such party and fraction thereof, appearing upon the district register, and shall provide for each election district in which an election is to be held one book of fifty official ballots for every forty-five registered electors and fraction thereof appearing upon the district register. They] a supply of official election ballots for:

(1) the general primary election held in even-numbered years in which candidates for the office of President of the United States are not nominated in an amount of at least ten per centum greater than the highest number of ballots cast in the election district in any of the previous three general primary elections at which candidates for the office of President of the United States were not nominated;

(2) the general primary election held in even-numbered years in which candidates for the office of President of the United States are nominated in an amount of at least fifteen per centum greater than the highest number of ballots cast in the election district in any of the previous three general primary elections at which candidates for the office of President of the United States were nominated;

(3) the municipal primary election held in odd-numbered years in an amount of at least ten per centum greater than the highest number of ballots cast in any of the previous three municipal primary elections in the election district;

(4) the general election held in even-numbered years in which candidates for the office of President of the United

1 States are not elected in an amount of at least ten per centum
2 greater than the highest number of ballots cast in the election
3 district in any of the previous three general elections at which
4 candidates for the office of President of the United States were
5 not elected;

6 (5) the general election held in even-numbered years in
7 which candidates for the office of President of the United
8 States are elected in an amount of at least fifteen per centum
9 greater than the highest number of ballots cast in the election
10 districts in any of the previous three general elections at
11 which candidates for the office of President of the United
12 States were elected; and

13 (6) the municipal election held in odd-numbered years in an
14 amount of at least ten per centum greater than the highest
15 number of ballots cast in any of the previous three municipal
16 elections in the election district.

17 (b) The county board of each county shall also, in addition
18 to the number of ballots required to be printed for general
19 distribution, maintain a sufficient supply of such ballots at
20 the office of the county board for the use of absentee electors
21 or mail-in electors and for the use of any district, the ballots
22 for which may be lost, destroyed or stolen. They shall also
23 cause to be printed on tinted paper, and without the facsimile
24 endorsements, permanent binding or stubs, copies of the form of
25 ballots provided for each polling place at each primary or
26 election therein, which shall be called specimen ballots, and
27 which shall be of the same size and form as the official
28 ballots, and at each election they shall deliver to the election
29 officers, in addition to the official ballots to be used at such
30 election, a suitable supply of specimen ballots for the use of
31 the electors. At each primary, a suitable supply of specimen
32 ballots of each party shall be furnished.

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

38 * * *

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

46 * * *

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

48 * * *

49 (h) The names of all candidates of a political party shall
50 appear in the same row or column, and except in cases of names
51 of presidential commitments of nominees for delegate or

1 alternate delegate to political party National conventions no
2 other names shall appear in the same row or column[, to the left
3 or top of which shall be a straight party lever, by means of
4 which an elector may, in one operation, vote for all the
5 candidates of that political party for every office to be voted
6 for]. Where the names of the delegate or alternate delegate and
7 the presidential candidate he is supporting shall both appear,
8 the print size of the name of the delegate or alternate delegate
9 shall be equal to the size of the name of the particular
10 presidential candidate to whom he is committed, or in the case
11 where he is uncommitted, the word "uncommitted" shall appear in
12 the same size print. The names of such candidates shall be
13 arranged under or opposite the title of the office for which
14 they are candidates, and shall appear in the order of the votes
15 obtained by the candidate for Governor of the party nominated at
16 the last gubernatorial election, beginning with the party
17 obtaining the highest number of votes: Provided, however, That
18 in the case of parties or bodies not represented on the ballot
19 at the last gubernatorial election, the names of the candidates
20 of such parties shall be arranged alphabetically, according to
21 the party or body name. The names of all candidates of a
22 political body shall appear in the same row or column, and, if
23 the number of parties and bodies permits, each political body
24 shall be entitled exclusively to a separate row or column[, with
25 a straight party lever]. If, however, the number of political
26 parties and political bodies renders it impossible or
27 impracticable to so arrange the political bodies, in such case
28 said bodies shall not be entitled to a separate row or column
29 [and a straight party lever], but shall be listed by political
30 appellations on the first left hand or top row, with the
31 designating letter and number of the ballot label where their
32 candidates may be found, together with the political
33 appellations of other political bodies, whose candidates may be
34 interspersed on the same row or column. Subject to the aforesaid
35 limitations, the form and arrangement of ballot labels, as to
36 the placing thereon of political bodies, shall be within the
37 discretion of the county board.

38 * * *

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

45 * * *

46 [(3) Permits each voter, at other than primary elections, to
47 vote a straight political party ticket by one mark or act and,
48 by one mark or act, to vote for all the candidates of one
49 political party for presidential electors and, by one mark or
50 act, to vote for all the candidates of one political party for
51 every office to be voted for, and every such mark or act shall

1 be equivalent to and shall be counted as a vote for every
2 candidate of the political party so marked including its
3 candidates for presidential electors, except with respect to
4 those offices as to which the voter has registered a vote for
5 individual candidates of the same or another political party or
6 political body, in which case the automatic tabulating equipment
7 shall credit the vote for that office only for the candidate
8 individually so selected, notwithstanding the fact that the
9 voter may not have individually voted for the full number of
10 candidates for that office for which he was entitled to vote.]

11 * * *

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

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

24 * * *

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

30 * * *

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

36 * * *

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

49 * * *

50 (4) At any general election at which presidential electors
51 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 any elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the voting device for that purpose, or he may list their names on the write-in ballot or envelope provided for that purpose. The voting device shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as [hereinabove] provided in this section. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as [hereinabove] provided in this section.

* * *

(b) In an election district which uses an electronic voting system which utilizes paper ballots or ballot cards to register the votes, the following procedures will be applicable for the conduct of the election at the election district:

* * *

(4) If the voter desires to vote for every candidate of a political party or political body, except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided, he may make a cross (X) or check () or punch or mark sense mark in the square opposite the name of the party or political body so marked, including its candidates for presidential electors, except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body, by making a cross (X) or check () or punch or mark sense mark opposite their names in the manner hereinabove provided, as to which offices his ballot shall be counted only for the candidates which he has thus individually marked, notwithstanding the fact that he made a mark in the party column, and even though in the case of an office for which more than one candidate is to be

1 voted for, he has not individually marked for such office the
2 full number of candidates for which he is entitled to vote. If
3 he desires to vote for the entire group of presidential electors
4 nominated by any party or political body, he may make a cross
5 (X) or check () or punch or mark sense mark in the appropriate
6 space opposite the names of the candidates for President and
7 Vice-President of such party or body. If he desires to vote a
8 ticket for presidential electors made up of the names of persons
9 nominated by different parties or political bodies, or partially
10 of names of persons so in nomination and partially of names of
11 persons not in nomination by any party or political body, or
12 wholly of names of persons not in nomination by any party or
13 political body, he shall insert, by writing or stamping, the
14 names of the candidates for presidential electors for whom he
15 desires to vote in the blank spaces provided therefor on the
16 write-in ballot under the title of the office "Presidential
17 Electors". In case of a question submitted to the vote of the
18 electors, he may make a cross (X) or check () or punch or mark
19 sense mark in the appropriate square opposite the answer which
20 he desires to give.

21 * * *

22 Section 1113-A. Post Election Procedures.--* * *

23 (d) In returning any votes cast for any person whose name is
24 not printed on the official ballot, the election officers shall
25 record any such names exactly as they were written[, stamped or
26 applied to the ballot by sticker] or stamped.

27 * * *

28 Section 1210. Manner of Applying to Vote; Persons Entitled
29 to Vote; Voter's Certificates; Entries to Be Made in District
30 Register; Numbered Lists of Voters; Challenges.--* * *

31 (a.4) (1) At all elections an individual who claims to be
32 properly registered and eligible to vote at the election
33 district but whose name does not appear on the district register
34 and whose registration cannot be determined by the inspectors of
35 election or the county election board shall be permitted to cast
36 a provisional ballot. Individuals who appear to vote shall be
37 required to produce proof of identification pursuant to
38 subsection (a) and if unable to do so shall be permitted to cast
39 a provisional ballot. An individual presenting a judicial order
40 to vote shall be permitted to cast a provisional ballot. An
41 elector who appears to vote on election day having requested an
42 absentee ballot or mail-in ballot and who is not shown on the
43 district register as having voted an absentee ballot or mail-in
44 ballot shall be permitted to cast a provisional ballot.

45 * * *

46 (5) * * *

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

48 (A) either the provisional ballot envelope under clause (3)
49 or the affidavit under clause (2) is not signed by the
50 individual;

51 (B) the signature required under clause (3) and the

signature required under clause (2) are either not genuine or are not executed by the same individual;

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

(D) in the case of a provisional ballot that was cast under subsection (a.2)(1)(i), within six calendar days following the election the elector fails to appear before the county board of elections to execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or

(E) in the case of a provisional ballot that was cast under subsection (a.2)(1)(ii), within six calendar days following the election, the elector fails to appear before the county board of elections to present proof of identification and execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of the proof of identification and an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot.

(F) The elector's absentee ballot or mail-in ballot is timely received by a county board of elections

* * *

Section 1215. Method of Marking Ballots and Depositing Same in Districts in Which Ballots are Used.--* * *

(b) At primaries, the elector shall prepare his ballot in the following manner: He shall vote for the candidates of his choice for nomination or election, according to the number of persons to be voted for by him, for each office, by making a cross (X) or check () mark in the square opposite the name of the candidate, or he may insert by writing[,] or stamping [or sticker,] in the blank space provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without the making of a cross (X) or check () mark. In districts in which paper ballots or ballot cards are electronically tabulated, stickers or labels may not be used to mark ballots.

(c) At elections, the elector shall prepare his ballot in the following manner: He may vote for the candidates of his choice for each office to be filled according to the number of persons to be voted for by him for each office, by making a cross (X) or check () mark in the square opposite the name of the candidate, or he may insert by writing[,] or stamping [or sticker,] in the blank spaces provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without the making of a cross (X) or check () mark. In

districts in which paper ballots or ballot cards are
electronically tabulated, stickers or labels may not be used to
mark ballots. If he desires to vote for every candidate of a
political party or political body, except its candidates for
offices as to which he votes for individual candidates in the
manner hereinafter provided, he may make a cross (X) or check
() mark in the square opposite the name of the party or
political body of his choice in the party column on the left of
the ballot, and every such cross (X) or check () mark shall be
equivalent to and be counted as a vote for every candidate of a
party or political body so marked, including its candidates for
presidential electors, except for those offices as to which he
has indicated a choice for individual candidates of the same or
another party or political body, by making a cross (X) or check
() mark opposite their names in the manner hereinabove
provided, as to which offices his ballot shall be counted only
for the candidates which he has thus individually marked,
notwithstanding the fact that he made a mark in the party
column, and even though in the case of an office for which more
than one candidate is to be voted for, he has not individually
marked for such office the full number of candidates for which
he is entitled to vote. If he desires to vote for the entire
group of presidential electors nominated by any party or
political body, he may make a cross (X) or check () mark in the
appropriate square at the right of the names of the candidates
for President and Vice-President of such party or body. If he
desires to vote a ticket for presidential electors made up of
the names of persons nominated by different parties or political
bodies, or partially of names of persons so in nomination and
partially of names of persons not in nomination by any party or
political body, or wholly of names of persons not in nomination
by any party or political body, he shall insert, by writing or
stamping, the names of the candidates for presidential electors
for whom he desires to vote in the blank spaces provided
therefor under the title of the office "Presidential Electors."
In case of a question submitted to the vote of the electors, he
may make a cross (X) or check () mark in the appropriate square
opposite the answer which he desires to give.

* * *

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

* * *

(d) At [primaries, he] all elections, the elector 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

1 choice, if such machine has thereon a separate lever for all the
2 candidates of the political body. He may also, after having
3 operated the straight party lever, and before recording his
4 vote, cancel the vote for any candidate of such political party
5 or political body by replacing the individual key, handle,
6 pointer or knob of such candidate, and may thereupon vote for a
7 candidate of another party, or political body for the same
8 office by operating the key, handle, pointer or knob, upon or
9 adjacent to which the name of such candidate appears.] In the
10 case of a question submitted to the vote of the electors, the
11 elector shall operate the key, handle, pointer or knob
12 corresponding to the answer which he desires to give.

13 * * *

14 (f) At any general election at which presidential electors
15 are to be chosen, each elector shall be permitted to vote by one
16 operation for all the presidential electors of a political party
17 or political body. For each party or body nominating
18 presidential electors, a ballot label shall be provided
19 containing only the words "Presidential Electors," preceded by
20 the names of the party or body and followed by the names of the
21 candidates thereof for the office of President and Vice-
22 President, and the corresponding counter or registering device
23 shall register votes cast for said electors when thus voted for
24 collectively. If an elector desires to vote a ticket for
25 presidential electors made up of the names of persons nominated
26 by different parties or bodies, or partially of names of persons
27 so in nomination and partially of names of persons not in
28 nomination by any party or body, or wholly of names of persons
29 not in nomination by any party or body, he may write or deposit
30 a paper ballot prepared by himself in the receptacle provided in
31 or on the machine for the purpose. The machine shall be so
32 constructed that it will not be possible for any one voter to
33 vote a straight party ticket for presidential electors and at
34 the same time to deposit a ballot for presidential electors in a
35 receptacle as [hereinabove] provided in this section. When the
36 votes for presidential electors are counted, the votes appearing
37 upon the counter or registering device corresponding to the
38 ballot label containing the names of the candidates for
39 President and Vice-President of any party or body shall be
40 counted as votes for each of the candidates for presidential
41 elector of such party or body, and thereupon all candidates for
42 presidential elector shall be credited, in addition, with the
43 votes cast for them upon the ballots deposited in the machine,
44 as [hereinabove] provided in this section.

45 * * *

46 Section 1222. Count and Return of Votes in Districts in
47 Which Ballots are Used.--

48 (a) As soon as all the ballots have been properly accounted
49 for, and those outside the ballot box, as well as the "Voting
50 Check List," numbered lists of voters and district register
51 sealed, the election officers shall forthwith open the ballot

1 box, and take therefrom all ballots therein, and at primaries,
2 separate the same according to the party to which they belong.
3 The ballots shall then be counted one by one, and a record made
4 of the total number, and at primaries of the total number cast
5 for each party. Then the judge, under the scrutiny of the
6 minority inspector, or the minority inspector, under the
7 scrutiny of the judge, in the presence of the other officers,
8 clerks, and of the overseers, if any, and within the hearing and
9 sight of the watchers outside the enclosed space, shall read
10 aloud the names of the candidates marked or inserted upon each
11 ballot (at primaries the ballots of each party being read in
12 sequence), together with the office for which the person named
13 is a candidate, and the answers contained on the ballots to the
14 questions submitted, if any, and the majority inspector and
15 clerks shall carefully enter each vote as read, and keep account
16 of the same in ink in triplicate tally papers (triplicate tally
17 papers for each party at primaries) to be provided by the county
18 board of elections for that purpose, all three of which shall be
19 made at the same time.[: Provided, That at all general,
20 municipal and special elections, in entering each vote received
21 by candidates at such election, it shall not be necessary to
22 enter separate tally marks for each vote received by such
23 candidates upon the ballots containing the same votes for the
24 same names, commonly known, and in this act designated as
25 "Straight Party Tickets" for such purpose straight party ticket
26 votes shall be entered carefully as each straight party ticket
27 vote is read on the triplicate tally sheets under the heading
28 "Number of votes received upon
29 the straight party tickets." Upon
30 completing the number of votes received by each straight party
31 ticket, the number so tallied for each party shall be entered
32 numerically on the extreme right hand margin of each such tally
33 paper.] All ballots, after being removed from the box, shall be
34 kept within the unobstructed view of all persons in the voting
35 room until replaced in the box. No person while handling the
36 ballots shall have in his hand any pencil, pen, stamp or other
37 means of marking or spoiling any ballot. The election officers
38 shall forthwith proceed to canvass and compute the votes cast,
39 and shall not adjourn or postpone the canvass or computation
40 until it shall have been fully completed.

41 (b) When the vote cast for the different persons named upon
42 the ballots and upon the questions, if any, appearing thereon,
43 shall have been fully recorded in the tally papers and counted,
44 the election officers shall duly certify to the number of votes
45 cast for each person (upon the respective party tickets at
46 primaries), and shall prepare in ink two (2) general returns,
47 showing, in addition to the entries made thereon as aforesaid,
48 the total number of ballots received from the county board (the
49 total of each party at primaries), the number of ballots cast
50 (the number of each party at primaries), the number of ballots
51 (of each party at primaries) declared void, and the number of

1 ballots spoiled and cancelled, and any blank ballots cast, as
2 well as the votes cast for each candidate. At elections, the
3 number of votes cast for each candidate by each political party
4 or political body of which such candidate is a nominee shall be
5 separately stated.[: Provided, That the number of votes received
6 by each set of candidates upon "straight party tickets" shall be
7 entered opposite the names of the respective candidates in a
8 column immediately adjoining upon the left which column shall be
9 of convenient width and shall be headed "number of votes
10 received upon straight party tickets."] In an immediate column
11 to the left thereto, the number of votes received by each
12 candidate upon all ballots [other than "straight party tickets"
13 including all ballots known as "split tickets"] shall be
14 entered, such column to be of convenient width and shall be
15 headed "number of votes [received other than upon straight party
16 tickets." The number of votes received by each candidate as
17 shown in the column headed "number of votes received upon
18 straight party tickets" shall then be added, together with the
19 number of votes received by each candidate as shown in the
20 column headed "number of votes received other than upon straight
21 party tickets" and thereupon, the] received." The total number
22 of votes received by each candidate shall be entered in a column
23 on the extreme right-hand side of the return sheets, which
24 column shall be of convenient width and shall be headed "total
25 number of votes."

26 Nothing in this section contained shall be construed to
27 authorize or permit the canvassing, counting or tallying ballots
28 with any less degree of strictness than otherwise required by
29 law.[, the intention of this section being to dispense with the
30 individual tally marks only so far as the so-called "straight
31 party tickets" are concerned, and all other operations of
32 tallying, counting, canvassing and announcing the votes shall
33 proceed as near as may be in accordance with the other
34 provisions of this act.]

35 (c) In returning any votes cast for any person whose name is
36 not printed on the ballot, the election officers shall record
37 any such names exactly as they were written[,] or stamped [or
38 applied to] upon the ballot [by sticker]. In districts in which
39 paper ballots or ballot cards are electronically tabulated,
40 stickers or labels may not be used to mark ballots. A vote cast
41 by means of a sticker or label affixed to a ballot or ballot
42 card shall be void and may not be counted.

43 Section 1223. What Ballots Shall Be Counted; Manner of
44 Counting; Defective Ballots.--(a) No ballot which is so marked
45 as to be capable of identification shall be counted. Any ballot
46 that is marked in blue, black or blue-black ink, in fountain pen
47 or ball point pen, or black lead pencil or indelible pencil,
48 shall be valid and counted: Provided, That all markings on the
49 ballot are made by the same pen or pencil. Any ballot marked by
50 any other mark than an (X) or check () in the spaces provided
51 for that purpose shall be void and not counted: Provided,

1 however, That no vote recorded thereon shall be declared void
2 because a cross (X) or check () mark thereon is irregular in
3 form. [Any erasure, mutilation or defective marking of the
4 straight party column at November elections shall render the
5 entire ballot void, unless the voter has properly indicated his
6 choice for candidates in any office block, in which case the
7 vote or votes for such candidates only shall be counted.] Any
8 erasure or mutilation in the vote in any office block shall
9 render void the vote for any candidates in said block, but shall
10 not invalidate the votes cast on the remainder of the ballot, if
11 otherwise properly marked. Any ballot indicating a vote for any
12 person whose name is not printed on the ballot, by writing[,
13 stamping or sticker] or stamping, shall be counted as a vote for
14 such person, if placed in the proper space or spaces provided
15 for that purpose, whether or not an (X) or check () is placed
16 after the name of such person: Provided, however, That if such
17 writing[, stamping or sticker] or stamping is placed over the
18 name of a candidate printed on the ballot, it shall render the
19 entire vote in said office block void. In districts in which
20 paper ballots or ballot cards are electronically tabulated,
21 stickers or labels may not be used to mark ballots. A vote cast
22 by means of a sticker or label affixed to a ballot or ballot
23 card shall be void and may not be counted. If an elector shall
24 mark his ballot for more persons for any office than there are
25 candidates to be voted for for such office, or if, for any
26 reason, it may be impossible to determine his choice for any
27 office, his ballot shall not be counted for such office, but the
28 ballot shall be counted for all offices for which it is properly
29 marked. Ballots not marked, or improperly or defectively marked,
30 so that the whole ballot is void, shall be set aside and shall
31 be preserved with the other ballots.

32 * * *

33 Section 1227. Canvass and Return of Votes in Districts in
34 Which Voting Machines are Used.--* * *

35 (d) The election officers, on the foregoing returns, shall
36 record any votes which have been cast for a person whose name is
37 not printed on the ballot labels, by means of an irregular
38 ballot, as defined herein. In returning any such votes which
39 have been written[,] or deposited [or affixed] upon receptacles
40 or devices provided for the purpose, the election officers shall
41 record any such names exactly as they were written[,] or
42 deposited [or affixed].

43 Section 4. The act is amended by adding sections to read:

44 Section 1231. Deadline for Receipt of Valid Voter
45 Registration Application.--(a) Except as provided under
46 subsection (b), each commission, commissioner and registrar or
47 clerk appointed by the commission shall receive, during ordinary
48 business hours and during additional hours as the commission
49 prescribes, at the office of the commission and at additional
50 places as the commission designates, applications from
51 individuals who apply to be registered to vote as provided under

1 25 Pa.C.S. Part IV (relating to voter registration) who appear
2 and claim that they are entitled to be registered as electors of
3 a municipality.

4 (b) In the administration of voter registration, each
5 commission shall ensure that an applicant who is a qualified
6 elector is registered to vote in an election when the applicant
7 has met any of the following conditions:

8 (1) In the case of voter registration with a motor vehicle
9 driver's license application under 25 Pa.C.S. § 1323 (relating
10 to application with driver's license application), if the valid
11 voter registration application is received by the appropriate
12 commission not later than fifteen days before the election.

13 (2) (Reserved).

14 (3) In the case of voter registration at a voter
15 registration agency under 25 Pa.C.S. § 1325 (relating to
16 government agencies), if the valid voter registration
17 application is received by the appropriate commission not later
18 than fifteen days before the election.

19 (4) In any other case, if the valid voter registration
20 application of the applicant is received by the appropriate
21 commission not later than fifteen days before the election.

22 (c) (1) In the case of a special election within a
23 congressional, senatorial or representative district held on a
24 day other than the day of a primary, general or municipal
25 election, the registration application forms shall not be
26 processed in the wards and election districts comprising the
27 district for the fifteen days prior to the special election for
28 such election.

29 (2) No applications shall be received as follows:

30 (i) On Sundays.

31 (ii) On holidays.

32 (iii) On the day of the election.

33 (iv) During the fifteen days next preceding each general,
34 municipal and primary election except as provided under
35 subsection (b).

36 (d) As used in this section, the following words and phrases
37 shall have the meanings given to them in this subsection unless
38 the context clearly indicates otherwise:

39 "Commission" shall mean a registration commission established
40 under 25 Pa.C.S. § 1203 (relating to commissions).

41 "Commissioner" shall mean a member of a commission.

42 Section 1232. Appeals.--(a) An individual whose application
43 to be registered has been denied may file with the commission a
44 petition to be registered, setting forth the grounds of the
45 petition under oath or affirmation. The petition must be filed
46 by the eighth day prior to an election.

47 (b) (1) The commission shall fix a time for a public
48 hearing at its office not later than the fifth day prior to the
49 election.

50 (2) The commission shall give the person responsible for the
51 rejection forty-eight hours' notice of the hearing.

1 (3) At the hearing, a clerk, inspector of registration or
2 qualified elector of the county may offer evidence as to why the
3 petitioner should not be registered.

4 (4) The commission, if satisfied that the petitioner is
5 entitled to be registered, shall direct registration.

6 (c) As used in this section, the following words and phrases
7 shall have the meanings given to them in this subsection unless
8 the context clearly indicates otherwise:

9 "Commission" shall mean a registration commission established
10 under 25 Pa.C.S. § 1203 (relating to commissions).

11 Section 1233. Appeals to Court of Common Pleas.--(a) An
12 applicant whose claim for registration under section 1231 and 25
13 Pa.C.S. Part IV (relating to voter registration) has been denied
14 shall have standing to appeal an action of a commission to the
15 appropriate court of common pleas.

16 (b) An appeal under subsection (a) must be made by the third
17 day preceding an election.

18 (c) The appeal must request relief and specify the grounds
19 for relief.

20 (d) Upon timely receipt of an appeal under this section, the
21 court shall conduct a hearing.

22 (e) If the court finds that an injustice has been done, the
23 court shall reverse or modify the ruling of the commission and
24 issue appropriate injunctive relief.

25 (f) The following shall apply:

26 (1) Except as provided in paragraph (2), the court may award
27 costs for the appeal to the prevailing party.

28 (2) Costs may not be assessed against a commission or a
29 county.

30 (e) As used in this section, "commission" shall mean a
31 registration commission established under 25 Pa.C.S. § 1203
32 (relating to commissions).

33 Section 5. Section 1302(c), (d), (e.1) and (i) of the act
34 are amended and the section is amended by adding a subsection to
35 read:

36 Section 1302. Applications for Official Absentee Ballots.--*
37 * *

38 (c) [The application of any qualified elector, as defined in
39 section 1301(a), (b), (c), (d), (e), (f), (g) and (h), for an
40 official absentee ballot in any primary or election may not be
41 made over the signature of any person, other than the qualified
42 elector or an adult member of his immediate family, as required
43 in the preceding subsection.] A qualified absentee military or
44 overseas elector, as defined by the Uniformed and Overseas
45 Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924),
46 may submit his application for an official absentee ballot by
47 [facsimile method if the original application is received prior
48 to the election by the county election office. The absentee
49 ballot of the qualified military or overseas elector shall not
50 be counted unless the elector's original application is received
51 prior to the election by the county election office. The

1 facsimile] electronic transmission method. The electronic
2 transmission method shall not be acceptable for the official
3 absentee ballot. As used in this subsection, "electronic
4 transmission method" means any technology that can transmit a
5 document or an image of a document via electronic or
6 electromechanical means, including, but not limited to,
7 facsimile method. An elector entitled to submit an application
8 for an official absentee ballot under a method authorized under
9 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas
10 voters) may submit an application using a method authorized
11 under 25 Pa.C.S. Ch. 35, in addition to the methods authorized
12 in this article.

13 (d) The application of any qualified elector, as defined in
14 preceding section 1301, subsections [(b)] (a) to (h), inclusive,
15 for an official absentee ballot in any primary or election shall
16 be signed by the applicant[.], except that for electors under
17 section 1301(a), an adult member of the applicant's immediate
18 family may sign the application on the elector's behalf.

19 * * *

20 (e.1) Any qualified registered elector[, including any
21 qualified bedridden or hospitalized veteran,] who is unable
22 because of illness or physical disability to attend his polling
23 place on the day of any primary or election or operate a voting
24 machine and state distinctly and audibly that he is unable to do
25 so as required by section 1218 of this act may, with the
26 certification by his attending physician that he is permanently
27 disabled, and physically unable to attend the polls or operate a
28 voting machine and make the distinct and audible statement
29 required by section 1218 appended to the application
30 hereinbefore required, be placed on a permanently disabled
31 absentee ballot list file. An absentee ballot application shall
32 be mailed to every such person [for each primary or election]
33 otherwise eligible to receive one, by the first Monday in
34 February each year, so long as he does not lose his voting
35 rights by failure to vote as otherwise required by this act.
36 Such person shall not be required to file a physician's
37 certificate of disability with each application as required in
38 subsection (e) of this section [but such person must submit a
39 written statement asserting continuing disability every four
40 years in order to maintain his eligibility to vote under the
41 provisions of this subsection]. Should any such person lose his
42 disability he shall inform the county board of elections of the
43 county of his residence. An absentee ballot application mailed
44 to a voter under this section, which is completed and timely
45 returned by the voter, shall serve as an application for any and
46 all primary, general or special elections to be held in the
47 remainder of that calendar year and for all special elections to
48 be held before the third Monday in February of the succeeding
49 year.

50 * * *

51 (i) (1) Application for official absentee ballots shall be

1 on physical and electronic forms prescribed by the Secretary of
2 the Commonwealth. The application shall state that [a voter] an
3 elector who receives and votes an absentee ballot pursuant to
4 section 1301 [and who, on election day, is capable of voting at
5 the appropriate polling place must void the absentee ballot and
6 vote in the normal manner at the appropriate voting place] shall
7 not be eligible to vote at a polling place on election day. Such
8 physical application forms shall be made freely available to the
9 public at county board of elections, municipal buildings and at
10 such other locations designated by the secretary. Such
11 electronic application forms shall be made freely available to
12 the public through publicly accessible means. No written
13 application or personal request shall be necessary to receive or
14 access the application forms. Copies and records of all
15 completed physical and electronic applications for official
16 absentee ballots shall be retained by the county board of
17 elections.

18 (2) Nothing in this act shall prohibit a private
19 organization or individual from printing blank voter
20 applications for absentee ballots or shall prohibit the use of
21 such applications by another individual, provided the form,
22 content and paper quality have been approved by the Secretary of
23 the Commonwealth.

24 * * *

25 (k) The Secretary of the Commonwealth may develop an
26 electronic system through which all qualified electors may apply
27 for an absentee ballot and request permanent absentee voter
28 status under subsection (e.1), provided the system is able to
29 capture a digitized or electronic signature of the applicant. A
30 county board of elections shall treat any application or request
31 received through the electronic system as if the application or
32 request had been submitted on a paper form or any other format
33 used by the county.

34 Section 5.1. Sections 1302.1, 1302.2, 1302.3 heading, (a)
35 and (c), 1303(d) and (e) and 1305(b) of the act are amended to
36 read:

37 Section 1302.1. Date of Application for Absentee Ballot.--
38 (a) Except as provided in [subsections (a.1) and (a.2)]
39 subsection (a.3), applications for absentee ballots shall be
40 received in the office of the county board of elections not
41 earlier than fifty (50) days before the primary or election
42 [and], except that if a county board of elections determines
43 that it would be appropriate to its operational needs, any
44 applications for absentee ballots received more than fifty (50)
45 days before the primary or election may be processed before that
46 time. Applications for absentee ballots shall be processed if
47 received not later than five o'clock P.M. of the first Tuesday
48 prior to the day of any primary or election.

49 [(a.1) Except as provided in subsection (a.2), in the event
50 any elector otherwise qualified who is so physically disabled or
51 ill on or before the first Tuesday prior to any primary or

1 election that he is unable to file his application or who
2 becomes physically disabled or ill after the first Tuesday prior
3 to any primary or election and is unable to appear at his
4 polling place or any elector otherwise qualified who because of
5 the conduct of his business, duties or occupation will
6 necessarily be absent from the municipality of his residence on
7 the day of the primary or election, which fact was not and could
8 not reasonably be known to said elector on or before the first
9 Tuesday prior to any primary or election, the elector shall be
10 entitled to an absentee ballot at any time prior to five o'clock
11 P.M. on the first Friday preceding any primary or election upon
12 execution of an Emergency Application in such form prescribed by
13 the Secretary of the Commonwealth.

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

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

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

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

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

47 (iv) An elector who, because of the conduct of the elector's
48 business, duties or occupation, will necessarily be absent from
49 the elector's municipality of residence on the day of the
50 primary or election, which fact was not and could not reasonably
51 be known to the elector on or before five o'clock P.M. on the

1 first Tuesday prior to the day of the primary or election.

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

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

17 (4) If the elector is unable to appear [in court] at the
18 office of the county board of elections to receive the ballot,
19 the [judge] board shall give the elector's absentee ballot to an
20 authorized representative of the elector who is designated in
21 writing by the elector. The authorized representative shall
22 deliver the absentee ballot to the elector and return the
23 completed absentee ballot, sealed in the official absentee
24 ballot envelopes, to the office of the county board of
25 elections, [who] which shall [distribute] retain the ballot,
26 unopened, [to the absentee voter's election district] until the
27 canvassing of all absentee ballots.

28 (5) Multiple people qualified under this subsection may
29 designate the same person, and a single person may serve as the
30 authorized representative for multiple qualified electors.

31 (6) If the elector is unable to appear [in court] at the
32 office of the county board of elections or unable to obtain
33 assistance from an authorized representative, the county board
34 may provide an authorized representative or ask the judge
35 [shall] of the court of common pleas in the county in which the
36 elector is qualified to vote to direct a deputy sheriff of the
37 county to deliver the absentee ballot to the elector if the
38 elector is at a physical location within the county and return
39 the completed absentee ballot, sealed in the official absentee
40 ballot envelopes, to the county board of elections[, who shall
41 distribute the ballots, unopened, to the absentee voter's
42 respective election district]. If there is no authorized
43 representative and a deputy sheriff is unavailable to deliver an
44 absentee ballot under this section, the judge may direct a
45 constable to make such delivery in accordance with the
46 provisions of this section.

47 (7) In the case of an elector who requires assistance in
48 marking the elector's ballot, the elector shall designate in
49 writing the person who will assist in marking the ballot. Such
50 person shall be otherwise eligible to provide assistance to
51 electors eligible for assistance, and such person shall declare

1 in writing that assistance was rendered. Any person other than
2 the designee who shall render assistance in marking a ballot or
3 any person rendering assistance who shall fail to execute a
4 declaration shall be guilty of a violation of this act.

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

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

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

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

37 Section 1302.2. Approval of Application for Absentee
38 Ballot.--

39 (a) The county board of elections, upon receipt of any
40 application filed by a qualified elector not required to be
41 registered under preceding section 1301, shall ascertain from
42 the information on such application, district register or from
43 any other source that such applicant possesses all the
44 qualifications of a qualified elector other than being
45 registered or enrolled. If the board is satisfied that the
46 applicant is qualified to receive an official absentee ballot,
47 the application shall be marked approved such approval decision
48 shall be final and binding except that challenges may be made
49 only on the ground that the applicant did not possess
50 qualifications of an absentee elector. Such challenges must be
51 made to the county board of elections prior to [5:00 o'clock

1 P.M. on the first Friday prior to the election.] the applicable
2 deadline for the absentee ballots to be received, as provided in
3 section 1308(g). When so approved, the county board of elections
4 shall cause the applicant's name and residence (and at a
5 primary, the party enrollment) to be inserted in the Military,
6 Veterans and Emergency Civilians Absentee Voters File as
7 provided in section 1302.3, subsection (b): Providing, however,
8 That no application of any qualified elector in military service
9 shall be rejected for failure to include on [his] the elector's
10 application any information if such information may be
11 ascertained within a reasonable time by the county board of
12 elections.

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

40 (c) The county board of elections, upon receipt of any
41 application of a qualified elector required to be registered
42 under the provisions of preceding section 1301, shall determine
43 the qualifications of such applicant by verifying the proof of
44 identification and comparing the information set forth on such
45 application with the information contained on the applicant's
46 permanent registration card. If the board is satisfied that the
47 applicant is qualified to receive an official absentee ballot,
48 the application shall be marked "approved." Such approval
49 decision shall be final and binding, except that challenges may
50 be made only on the ground that the applicant did not possess
51 the qualifications of an absentee elector. Such challenges must

1 be made to the county board of elections prior to [5:00 o'clock
2 P.M. on the first Friday prior to the election.] the applicable
3 deadline for the absentee ballots to be received, as provided in
4 section 1308(g). When so approved, the registration commission
5 shall cause an absentee voter's temporary registration card to
6 be inserted in the district register on top of and along with
7 the permanent registration card. The absentee voter's temporary
8 registration card shall be in the color and form prescribed in
9 subsection (e) of this section:

10 Provided, however, That the duties of the county boards of
11 elections and the registration commissions with respect to the
12 insertion of the absentee voter's temporary registration card of
13 any elector from the district register as set forth in section
14 1302.2 shall include only such applications and emergency
15 applications as are received on or before the first Tuesday
16 prior to the primary or election. In all cases where
17 applications are received after the first Tuesday prior to the
18 primary or election and before [five o'clock P. M. on the first
19 Friday prior to] eight o'clock P.M. on the day of the primary or
20 election, the county board of elections shall determine the
21 qualifications of such applicant by verifying the proof of
22 identification and comparing the information set forth on such
23 application with the information contained on the applicant's
24 duplicate registration card on file in the General Register
25 (also referred to as the Master File) in the office of the
26 Registration Commission and shall cause the name and residence
27 (and at primaries, the party enrollment) to be inserted in the
28 Military, Veterans and Emergency Civilian Absentee Voters File
29 as provided in section 1302.3, subsection (b). [In addition, the
30 local district boards of elections shall, upon canvassing the
31 official absentee ballots under section 1308, examine the voting
32 check list of the election district of said elector's residence
33 and satisfy itself that such elector did not cast any ballot
34 other than the one properly issued to him under his absentee
35 ballot application. In all cases where the examination of the
36 local district board of elections discloses that an elector did
37 vote a ballot other than the one properly issued to him under
38 the absentee ballot application, the local district board of
39 elections shall thereupon cancel said absentee ballot and said
40 elector shall be subject to the penalties as hereinafter set
41 forth.]

42 (d) In the event that any application for an official
43 absentee ballot is not approved by the county board of
44 elections, the elector shall be notified immediately to that
45 effect with a statement by the county board of the reasons for
46 the disapproval. For those applicants whose proof of
47 identification was not provided with the application or could
48 not be verified by the board, the board shall send notice to the
49 elector with the absentee ballot requiring the elector to
50 provide proof of identification with the absentee ballot or the
51 ballot will not be counted.

1 (e) The absentee voter's temporary registration card shall
2 be in duplicate and the same size as the permanent registration
3 card, in a different and contrasting color to the permanent
4 registration card and shall contain the absentee voter's name
5 and address and shall conspicuously contain the words "Absentee
6 Voter." [Such card shall also contain the affidavit required by
7 subsection (b) of section 1306.]

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

15 Section 1302.3. Absentee and Mail-in Electors Files and
16 Lists.--(a) The county board of elections shall maintain at its
17 office a file containing the duplicate absentee voter's
18 temporary registration cards of every registered elector to whom
19 an absentee ballot has been sent. Such duplicate absentee
20 voter's temporary registration cards shall be filed by election
21 districts and within each election district in exact
22 alphabetical order and indexed. The registration cards and the
23 registration cards under section 1302.3-D so filed shall
24 constitute the Registered Absentee and Mail-in Voters File for
25 the Primary or Election of (date of primary or election) and
26 shall be kept on file for a period commencing the Tuesday prior
27 to the day of the primary or election until the day following
28 the primary or election or the day the county board of elections
29 certifies the returns of the primary or election, whichever date
30 is later. Such file shall be open to public inspection at all
31 times subject to reasonable safeguards, rules and regulations.

32 * * *

33 (c) Not less than five days preceding the election, the
34 chief clerk shall prepare a list for each election district
35 showing the names and post office addresses of all voting
36 residents thereof to whom official absentee or mail-in ballots
37 shall have been issued. Each such list shall be prepared in
38 duplicate, shall be headed "Persons in (give identity of
39 election district) to whom absentee or mail-in ballots have been
40 issued for the election of (date of election)," and shall be
41 signed by him not less than four days preceding the election. He
42 shall post the original of each such list in a conspicuous place
43 in the office of the county election board and see that it is
44 kept so posted until the close of the polls on election day. He
45 shall cause the duplicate of each such list to be delivered to
46 the judge of election in the election district in the same
47 manner and at the same time as are provided in this act for the
48 delivery of other election supplies, and it shall be the duty of
49 such judge of election to post such duplicate list in a
50 conspicuous place within the polling place of his district and
51 see that it is kept so posted throughout the time that the polls

1 are open. Upon written request, he shall furnish a copy of such
2 list to any candidate or party county chairman.

3 Section 1303. Official Absentee Voters Ballots.--* * *

4 (d) In cases where there is not time to print on said
5 ballots the names of the various candidates, the county board of
6 elections shall print special write-in absentee ballots which
7 shall be in substantially the form of other official absentee
8 ballots except that such special write-in absentee ballots shall
9 contain blank spaces only under the titles of such offices in
10 which electors may insert, by writing or stamping, the names of
11 the candidates for whom they desire to vote, and in such cases
12 the county board of elections shall furnish to electors lists
13 containing the names of all the candidates named in nomination
14 petitions or who have been regularly nominated under the
15 provisions of this act, for the use of such electors in
16 preparing their ballots. Special write-in absentee ballots also
17 shall include all constitutional amendments and other questions
18 to be voted on by the electors.

19 (e) The official absentee voter ballot shall state that a
20 voter who receives an absentee ballot pursuant to section 1301
21 and whose ballot is not timely received and who, on election
22 day, is capable of voting at the appropriate polling place [must
23 void the absentee ballot and vote in the normal manner at the
24 appropriate voting place] may only vote on election day by
25 provisional ballot.

26 Section 1305. Delivering or Mailing Ballots.--

27 * * *

28 (b) (1) The county board of elections upon receipt and
29 approval of an application filed by any elector qualified in
30 accordance with the provisions of section 1301, subsections (i)
31 to (l), inclusive, shall commence to deliver or mail official
32 absentee ballots [on] as soon as a ballot is certified and the
33 ballots are available. While any proceeding is pending in a
34 Federal or State court which would affect the contents of any
35 ballot, the county board of elections may await a resolution of
36 that proceeding but in any event, shall commence to deliver or
37 mail official absentee ballots not later than the second Tuesday
38 prior to the primary or election. For those applicants whose
39 proof of identification was not provided with the application or
40 could not be verified by the board, the board shall send the
41 notice required under section 1302.2(d) with the absentee
42 ballot. As additional applications are received and approved
43 after the time that the county board of elections begins
44 delivering or mailing official absentee and mail-in ballots, the
45 board shall deliver or mail official absentee ballots to such
46 additional electors within forty-eight hours.

47 (2) Notwithstanding any other provisions of this act and
48 notwithstanding the inclusion of a mailing address on an
49 absentee or mail-in ballot application, a voter who presents the
50 voter's own application for an absentee or mail-in ballot within
51 the office of the county board of elections during regular

business hours may request to receive the voter's absentee or mail-in ballot while the voter is at the office. This request may be made orally or in writing. Upon presentation of the application and the making of the request and upon approval under sections 1302.2 and 1302.2-D, the county board of elections shall promptly present the voter with the voter's absentee or mail-in ballot. If a voter presents the voter's application within the county board of elections' office in accordance with this section, a county board of elections may not deny the voter's request to have the ballot presented to the voter while the voter is at the office unless there is a bona fide objection to the absentee or mail-in ballot application.

* * *

Section 6. Section 1306(a)(1) and (b) of the act are amended and the section is amended by adding a subsection to read:

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

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

* * *

(b) [In the event that any such elector, excepting an elector in military service or any elector unable to go to his polling place because of illness or physical disability, entitled to vote an official absentee ballot shall be in the municipality of his residence on the day for holding the primary or election for which the ballot was issued, or in the event any such elector shall have recovered from his illness or physical disability sufficiently to permit him to present himself at the proper polling place for the purpose of casting his ballot, such absentee ballot cast by such elector shall, be declared void.

Any such elector referred to in this subsection, who is within the municipality of his residence, must present himself at his polling place and shall be permitted to vote upon

1 presenting himself at his regular polling place in the same
2 manner as he could have voted had he not received an absentee
3 ballot: Provided, That such elector has first presented himself
4 to the judge of elections in his local election district and
5 shall have signed the affidavit on the absentee voter's
6 temporary registration card, which affidavit shall be in
7 substantially the following form:

8 I hereby swear that I am a qualified registered elector who
9 has obtained an absentee ballot, however, I am present in the
10 municipality of my residence and physically able to present
11 myself at my polling place and therefore request that my
12 absentee ballot be voided.

13

14 (Date)

15
16
17 (Local Judge of Elections) (Signature of Elector)

18 An elector who has received an absentee ballot under the
19 emergency application provisions of section 1302.1, and for
20 whom, therefore, no temporary absentee voter's registration card
21 is in the district register, shall sign the aforementioned
22 affidavit in any case, which the local judge of elections shall
23 then cause to be inserted in the district register with the
24 elector's permanent registration card.]

25 (1) Any elector who receives and votes an absentee ballot
26 pursuant to section 1301 shall not be eligible to vote at a
27 polling place on election day. The district register at each
28 polling place shall clearly identify electors who have received
29 and voted absentee ballots as ineligible to vote at the polling
30 place, and district election officers shall not permit electors
31 who voted an absentee ballot to vote at the polling place.

32 (2) An elector who requests an absentee ballot and who is
33 not shown on the district register as having voted the ballot
34 may vote by provisional ballot under section 1210(a.4)(1).

35 (c) Except as provided under 25 Pa.C.S. § 3511 (relating to
36 receipt of voted ballot), a completed absentee ballot must be
37 received in the office of the county board of elections no later
38 than eight o'clock P.M. on the day of the primary or election.

39 Section 7. Sections 1308 heading, (a), (b), (b.1), (d), (e),
40 (f), (g)(1), (2), (3), (4) and (5) and (h) and 1309 of the act
41 are amended to read:

42 Section 1308. Canvassing of Official Absentee Ballots and
43 Mail-in Ballots.--(a) The county boards of election, upon
44 receipt of official absentee ballots in [such] sealed official
45 absentee ballot envelopes as provided under this article and
46 mail-in ballots as in sealed official mail-in ballot envelopes
47 as provided under Article XIII-D, shall safely keep the [same]
48 ballots in sealed or locked containers until they [distribute
49 same to the appropriate local election districts in a manner
50 prescribed by the Secretary of the Commonwealth.

51 Except as provided in section 1302.1(a.2), the county board

1 of elections shall then distribute the absentee ballots,
2 unopened, to the absentee voter's respective election district
3 concurrently with the distribution of the other election
4 supplies. Absentee ballots shall be canvassed immediately and
5 continuously without interruption until completed after the
6 close of the polls on the day of the election in each election
7 district. The results of the canvass of the absentee ballots
8 shall then be included in and returned to the county board with
9 the returns of that district. Except as provided in section
10 1302.1(a.2) and subsection (g), no absentee ballot shall be
11 counted which is received in the office of the county board of
12 election later than five o'clock P.M. on the Friday immediately
13 preceding the primary or November election.] are to be canvassed
14 by the county board of elections. An absentee ballot, whether
15 issued to a civilian, military or other voter during the regular
16 or emergency application period, shall be canvassed in
17 accordance with subsection (g). A mail-in ballot shall be
18 canvassed in accordance with subsection (g).

19 (b) Watchers shall be permitted to be present when the
20 envelopes containing official absentee ballots and mail-in
21 ballots are opened and when such ballots are counted and
22 recorded.

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

29 (d) Whenever it shall appear by due proof that any absentee
30 elector or mail-in elector who has returned his ballot in
31 accordance with the provisions of this act has died prior to the
32 opening of the polls on the day of the primary or election, the
33 ballot of such deceased elector shall be rejected by the
34 canvassers but the counting of the ballot of an absentee elector
35 or a mail-in elector thus deceased shall not of itself
36 invalidate any nomination or election.

37 [(e) At such time the local election board shall then
38 further examine the declaration on each envelope not so set
39 aside and shall compare the information thereon with that
40 contained in the "Registered Absentee Voters File," the absentee
41 voters' list and the "Military Veterans and Emergency Civilians
42 Absentee Voters File." If the local election board is satisfied
43 that the declaration is sufficient and the information contained
44 in the "Registered Absentee Voters File," the absentee voters'
45 list and the "Military Veterans and Emergency Civilians Absentee
46 Voters File" verifies his right to vote, the local election
47 board shall announce the name of the elector and shall give any
48 watcher present an opportunity to challenge any absentee elector
49 upon the ground or grounds (1) that the absentee elector is not
50 a qualified elector; or (2) that the absentee elector was within
51 the municipality of his residence on the day of the primary or

1 election during the period the polls were open, except where he
2 was in military service or except in the case where his ballot
3 was obtained for the reason that he was unable to appear
4 personally at the polling place because of illness or physical
5 disability; or (3) that the absentee elector was able to appear
6 personally at the polling place on the day of the primary or
7 election during the period the polls were open in the case his
8 ballot was obtained for the reason that he was unable to appear
9 personally at the polling place because of illness or physical
10 disability. Upon challenge of any absentee elector, as set forth
11 herein the local election board shall mark "challenged" on the
12 envelope together with the reason or reasons therefor, and the
13 same shall be set aside for return to the county board unopened
14 pending decision by the county board and shall not be counted.
15 All absentee ballots not challenged for any of the reasons
16 provided herein shall be counted and included with the general
17 return of paper ballots or voting machines, as the case may be
18 as follows. Thereupon, the local election board shall open the
19 envelope of every unchallenged absentee elector in such manner
20 as not to destroy the declaration executed thereon. All of such
21 envelopes on which are printed, stamped or endorsed the words
22 "Official Absentee Ballot" shall be placed in one or more
23 depositories at one time and said depository or depositories
24 well shaken and the envelopes mixed before any envelope is taken
25 therefrom. If any of these envelopes shall contain any
26 extraneous marks or identifying symbols other than the words
27 "Official Absentee Ballot," the envelopes and the ballots
28 contained therein shall be set aside and declared void. The
29 local election board shall then break the seals of such
30 envelopes, remove the ballots and record the votes in the same
31 manner as district election officers are required to record
32 votes. With respect to the challenged ballots, they shall be
33 returned to the county board with the returns of the local
34 election district where they shall be placed unopened in a
35 secure, safe and sealed container in the custody of the county
36 board until it shall fix a time and place for a formal hearing
37 of all such challenges and notice shall be given where possible
38 to all absentee electors thus challenged and to every attorney,
39 watcher or candidate who made such challenge. The time for the
40 hearing shall not be later than seven (7) days after the date of
41 said challenge. On the day fixed for said hearing, the county
42 board shall proceed without delay to hear said challenges and,
43 in hearing the testimony, the county board shall not be bound by
44 technical rules of evidence. The testimony presented shall be
45 stenographically recorded and made part of the record of the
46 hearing. The decision of the county board in upholding or
47 dismissing any challenge may be reviewed by the court of common
48 pleas of the county upon a petition filed by any person
49 aggrieved by the decision of the county board. Such appeal shall
50 be taken, within two (2) days after such decision shall have
51 been made, whether reduced to writing or not, to the court of

1 common pleas setting forth the objections to the county board's
2 decision and praying for an order reversing same. Pending the
3 final determination of all appeals, the county board shall
4 suspend any action in canvassing and computing all challenged
5 ballots irrespective of whether or not appeal was taken from the
6 county board's decision. Upon completion of the computation of
7 the returns of the county, the votes cast upon the challenged
8 official absentee ballots shall be added to the other votes cast
9 within the county.]

10 (f) Any person challenging an application for an absentee
11 ballot [or], an absentee ballot, an application for a mail-in
12 ballot or a mail-in ballot for any of the reasons provided in
13 this act shall deposit the sum of ten dollars (\$10.00) in cash
14 with the [local election] county board, [in cases of challenges
15 made to the local election board and with the county board in
16 cases of challenges made to the county board for which he shall
17 be issued a receipt for each challenge made,] which sum shall
18 only be refunded if the challenge is sustained or if the
19 challenge is withdrawn within five (5) days after the primary or
20 election. If the challenge is dismissed by any lawful order then
21 the deposit shall be forfeited. [All deposit money received by
22 the local election board shall be turned over to the county
23 board simultaneously with the return of the challenged ballots.]
24 The county board shall deposit all deposit money in the general
25 fund of the county.

26 Notice of the requirements of subsection (b) of section 1306
27 shall be printed on the envelope for the absentee ballot or
28 mail-in ballot.

29 (g) (1) (i) An absentee ballot cast by any absentee
30 elector as defined in section 1301(a), (b), (c), (d), (e), (f),
31 (g) and (h) [which is received in the office of the county board
32 of elections after five o'clock P.M. on the Friday immediately
33 preceding the election and no later than five o'clock P.M. on
34 the seventh day following an election] shall be canvassed in
35 accordance with this subsection if [the absentee ballot is
36 postmarked no later than the day immediately preceding the
37 election.] the ballot is cast, submitted and received in
38 accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to
39 uniform military and overseas voters).

40 (ii) An absentee ballot cast by any absentee elector as
41 defined in section 1301(i), (j), (k), (l), (m) and (n), an
42 absentee ballot under section 1302(a.3) or a mail-in ballot cast
43 by a mail-in elector shall be canvassed in accordance with this
44 subsection if the absentee ballot or mail-in ballot is received
45 in the office of the county board of elections no later than
46 eight o'clock P.M. on the day of the primary or election.

47 (2) The county board of elections shall meet [on the eighth
48 day following the election to canvass] no earlier than the close
49 of polls on the day of the election and no later than the third
50 day following the election to begin canvassing the absentee
51 ballots and mail-in ballots received under this subsection and

1 subsection (h) (2). The canvass shall continue through the eighth
2 day following the election. One authorized representative of
3 each candidate in an election and one representative from each
4 political party shall be permitted to remain in the room in
5 which the absentee ballots and mail-in ballots are canvassed.
6 Representatives shall be permitted to challenge any absentee
7 elector or mail-in elector in accordance with the provisions of
8 paragraph (3).

9 (3) When the county board meets to canvass absentee ballots
10 and mail-in ballots under paragraph (2), the board shall examine
11 the declaration on the envelope of each ballot not set aside
12 under subsection (d) and shall compare the information thereon
13 with that contained in the "Registered Absentee and Mail-in
14 Voters File," the absentee voters' list and/or the "Military
15 Veterans and Emergency Civilians Absentee Voters File,"
16 whichever is applicable. If the county board has verified the
17 proof of identification as required under this act and is
18 satisfied that the declaration is sufficient and the information
19 contained in the "Registered Absentee and Mail-in Voters File,"
20 the absentee voters' list and/or the "Military Veterans and
21 Emergency Civilians Absentee Voters File" verifies his right to
22 vote, the county board shall announce the name of the elector
23 and shall give any candidate representative or party
24 representative present an opportunity to challenge any absentee
25 elector upon the ground or grounds: (i) that the absentee
26 elector or mail-in elector is not a qualified elector; or (ii)
27 that the absentee elector was within the municipality of his
28 residence on the day of the primary or election during the
29 period the polls were open, except where he was in the military
30 service or except in the case where his ballot was obtained for
31 the reason that he was unable to appear personally at the
32 polling place because of illness or physical disability; or
33 (iii) that the absentee elector was able to appear personally at
34 the polling place on the day of the primary or election during
35 the period the polls were open in the case his ballot was
36 obtained for the reason that he was unable to appear personally
37 at the polling place because of illness or physical disability.
38 Upon challenge of any absentee elector, as set forth herein, the
39 board shall mark "challenged" on the envelope together with the
40 reasons therefor, and the same shall be set aside unopened
41 pending final determination of the challenge according to the
42 procedure described in paragraph (5).

43 (4) All absentee ballots and mail-in ballots not challenged
44 for any of the reasons provided in paragraph (3) shall be
45 counted and included with the returns of the applicable election
46 district as follows[.]:

47 (i) The county board shall open the envelope of every
48 unchallenged absentee elector and mail-in elector in such manner
49 as not to destroy the declaration executed thereon.

50 (ii) If any of the envelopes on which are printed, stamped
51 or endorsed the words "Official Absentee Ballot" or "Official

1 Mail-in Ballot" contain any extraneous marks or identifying
2 symbols, the envelopes and the ballots contained therein shall
3 be set aside and declared void.

4 (iii) The county board shall then break the seals of such
5 envelopes, remove the ballots and record the votes.

6 (5) With respect to the challenged ballots, they shall be
7 placed unopened in a secure, safe and sealed container in the
8 custody of the county board until it shall fix a time and place
9 for a formal hearing of all such challenges, and notice shall be
10 given where possible to all absentee electors and mail-in

11 electors thus challenged and to every individual who made a
12 challenge. The time for the hearing shall not be later than five

13 (5) days after the date of the challenge. On the day fixed for
14 said hearing, the county board shall proceed without delay to
15 hear said challenges, and, in hearing the testimony, the county
16 board shall not be bound by the Pennsylvania Rules of Evidence.
17 The testimony presented shall be stenographically recorded and
18 made part of the record of the hearing.

19 * * *

20 (h) For those absentee ballots or mail-in ballots for which
21 proof of identification has not been received or could not be
22 verified:

23 (1) If the proof of identification is received and verified
24 by the county board of elections prior to the distribution of
25 the absentee ballots or mail-in ballots to the local election
26 districts, then the county shall distribute the absentee ballots
27 and mail-in ballots for which proof of identification is
28 received and verified, along with the other absentee ballots and
29 mail-in ballots, to the absentee voter's respective election
30 district or the mail-in voter's respective election district. If
31 the county board of elections does not receive or is not able to
32 verify the proof of identification for an elector prior to the
33 absentee ballots' or mail-in ballots being sent to the
34 appropriate local election districts, the county board shall
35 keep the absentee ballot or mail-in ballot and follow the
36 procedures set forth in paragraph (2) or (3), whichever is
37 applicable.

38 (2) If the proof of identification is received and verified
39 after the absentee ballots and mail-in ballots have been
40 distributed to the appropriate local election districts, but
41 prior to the sixth calendar day following the election, then the
42 county board of elections shall canvass the absentee ballots and
43 mail-in ballots under this subsection in accordance with
44 subsection (g)(2), unless the elector appeared to vote at the
45 proper polling place for the purpose of casting a ballot, then
46 the absentee ballot or mail-in ballot cast by that elector shall
47 be declared void.

48 (3) If an elector fails to provide proof of identification
49 that can be verified by the county board of elections by the
50 sixth calendar day following the election, then the absentee
51 ballot or mail-in ballot shall not be counted.

1 * * *

2 Section 1309. Public Records.--(a) All official absentee
3 ballots, files, applications for such ballots and envelopes on
4 which the executed declarations appear, and all information and
5 lists are hereby designated and declared to be public records
6 and shall be safely kept for a period of two years, except that
7 no proof of identification shall be made public, nor shall
8 information concerning a military elector be made public which
9 is expressly forbidden by the Department of Defense because of
10 military security.

11 (b) For each election, the county board shall maintain a
12 record of the following information, if applicable, for each
13 elector who makes application for an absentee ballot:

14 (1) The elector's name and voter registration address.

15 (2) The date on which the elector's application is received
16 by the county board.

17 (3) The date on which the elector's application is approved
18 or rejected by the county board.

19 (4) The date on which the county board mails or delivers the
20 absentee ballot to the elector.

21 (5) The date on which the elector's completed absentee
22 ballot is received by the county board.

23 (6) The date of the postmark on the mailing envelope of the
24 elector's completed absentee ballot.

25 (c) The county board shall compile the records listed under
26 subsection (b) and make the records publicly available upon
27 request within forty-eight hours.

28 Section 8. The act is amended by adding an article to read:

29 ARTICLE XIII-D

30 VOTING BY QUALIFIED MAIL-IN ELECTORS

31 Section 1301-D. Qualified mail-in electors.

32 (a) General rule.--The following individuals shall be
33 entitled to vote by an official mail-in ballot in any primary or
34 election held in this Commonwealth in the manner provided under
35 this article:

36 (1) Any qualified elector who is not eligible to be a
37 qualified absentee elector under Article XIII.

38 (b) Construction.--The term "qualified mail-in elector"
39 shall not be construed to include a person not otherwise
40 qualified as a qualified elector in accordance with the
41 definition in section 102(t).

42 Section 1302-D. Applications for official mail-in ballots.

43 (a) General rule.--A qualified elector under section 1301-D
44 may apply at any time before any primary or election for an
45 official mail-in ballot in person or on any official county
46 board of election form addressed to the Secretary of the
47 Commonwealth or the county board of election of the county in
48 which the qualified elector's voting residence is located.

49 (b) Content.--The following shall apply:

50 (1) The qualified elector's application shall contain
51 the following information:

- (i) Length of time a citizen.
(ii) Length of residence in this Commonwealth.
(iii) Date of birth.
(iv) Length of time a resident of voting district.
(v) Voting district, if known.
(vi) Party choice in case of primary.
(vii) Name.

(2) A qualified elector shall, in addition, specify the address to which the ballot is to be sent, the relationship where necessary and other information as may be determined by the Secretary of the Commonwealth.

(3) When an application is received by the Secretary of the Commonwealth it shall be forwarded to the proper county board of election.

(c) Signature required.--Except as provided in subsection (d), the application of a qualified elector under section 1301-D for an official mail-in ballot in any primary or election shall be signed by the applicant.

(d) If any elector entitled to a mail-in ballot under this section is unable to sign the application because of illness or physical disability, the elector shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form:

I hereby state that I am unable to sign my application for a mail-in ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

(Mark)

(Date)

(Complete Address of Witness)

(Signature of Witness)

(e) Numbering.--The county board of elections shall number, in chronological order, the applications for an official mail-in ballot, which number shall likewise appear on the official mail-in ballot for the qualified elector. The numbers shall appear legibly and in a conspicuous place but before the ballots are distributed, the number on the ballot shall be torn off by the county board of election. The number information shall be appropriately inserted and become a part of the Registered Absentee and Mail-in Voters File provided under section 1302.3.

(f) Form.--Application for an official mail-in ballot shall be on physical and electronic forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who receives and votes a mail-in ballot under section 1301-D shall not be eligible to vote at a polling place on election day. The physical application forms shall be made freely available to the public at county board of elections, municipal buildings and at other locations designated by the Secretary of the Commonwealth. The electronic application forms shall be made freely available to the public through publicly accessible

1 means. No written application or personal request shall be
2 necessary to receive or access the application forms. Copies and
3 records of all completed physical and electronic applications
4 for official mail-in ballots shall be retained by the county
5 board of elections.

6 (g) Permanent mail-in voting list.--

7 (1) Any qualified registered elector may request to be
8 placed on a permanent mail-in ballot list file. A mail-in
9 ballot application shall be mailed to every person otherwise
10 eligible to receive a mail-in ballot application by the first
11 Monday in February each year, so long as the person does not
12 lose the person's voting rights by failure to vote as
13 otherwise required by this act. A mail-in ballot application
14 mailed to a voter under this section, which is completed and
15 timely returned by the voter, shall serve as an application
16 for any and all primary, general or special elections to be
17 held in the remainder of that calendar year and for all
18 special elections to be held before the third Monday in
19 February of the succeeding year.

20 (2) The Secretary of the Commonwealth may develop an
21 electronic system through which all qualified electors may
22 apply for a mail-in ballot and request permanent mail-in
23 voter status under this section, provided the system is able
24 to capture a digitized or electronic signature of the
25 applicant. A county board of elections shall treat an
26 application or request received through the electronic system
27 as if the application or request had been submitted on a
28 paper form or any other format used by the county.

29 Section 1302.1-D. Date of application for mail-in ballot.

30 (a) General rule.--Applications for mail-in ballots shall be
31 received in the office of the county board of elections not
32 earlier than 50 days before the primary or election, except that
33 if a county board of elections determines that it would be
34 appropriate to the county board of elections' operational needs,
35 any applications for mail-in ballots received more than 50 days
36 before the primary or election may be processed before that
37 time. Applications for mail-in ballots shall be processed if
38 received not later than five o'clock P.M. of the first Tuesday
39 prior to the day of any primary or election.

40 (b) Early applications.--In the case of an elector whose
41 application for a mail-in ballot is received by the office of
42 the county board of elections earlier than 50 days before the
43 primary or election, the application shall be held and processed
44 upon commencement of the 50-day period or at such earlier time
45 as the county board of elections determines may be appropriate.

46 Section 1302.2-D. Approval of application for mail-in ballot.

47 (a) Approval process.--The county board of elections, upon
48 receipt of any application of a qualified elector under section
49 1301-D, shall determine the qualifications of the applicant by
50 verifying the proof of identification and comparing the
51 information provided on the application with the information

1 contained on the applicant's permanent registration card. The
2 following shall apply:

3 (1) If the board is satisfied that the applicant is
4 qualified to receive an official mail-in ballot, the
5 application shall be marked "approved."

6 (2) The approval decision shall be final and binding,
7 except that challenges may be made only on the grounds that
8 the applicant did not possess the qualifications of a mail-in
9 elector.

10 (3) Challenges must be made to the county board of
11 elections prior to the applicable deadline for the mail-in
12 ballots to be received, as provided in section 1308(g).

13 (4) When approved, the registration commission shall
14 cause a mail-in voter's temporary registration card to be
15 inserted in the district register on top of and along with
16 the permanent registration card.

17 (5) The mail-in voter's temporary registration card
18 shall be in the color and form prescribed under subsection
19 (d).

20 (b) Duties of county boards of elections and registration
21 commissions.--The duties of the county boards of elections and
22 the registration commissions with respect to the insertion of
23 the mail-in voter's temporary registration card of any elector
24 from the district register as provided under this section shall
25 include only the applications as are received on or before the
26 first Tuesday prior to the primary or election.

27 (c) Notice.--In the event that an application for an
28 official mail-in ballot is not approved by the county board of
29 elections, the elector shall be notified immediately with a
30 statement by the county board of the reasons for the
31 disapproval. For applicants whose proof of identification was
32 not provided with the application or could not be verified by
33 the board, the board shall send notice to the elector with the
34 mail-in ballot requiring the elector to provide proof of
35 identification with the mail-in ballot or the ballot will not be
36 counted.

37 (d) Temporary registration card.--The mail-in voter's
38 temporary registration card shall be in duplicate and the same
39 size as the permanent registration card, in a different and
40 contrasting color to the permanent registration card and shall
41 contain the mail-in voter's name and address and shall
42 conspicuously contain the words "Mail-in Voter."
43 Section 1302.3-D. Mail-in electors files and lists.

44 The county board of elections shall maintain at its office a
45 file containing the duplicate mail-in voter's temporary
46 registration cards of every registered elector to whom a mail-in
47 ballot has been sent. The duplicate mail-in voter's temporary
48 registration cards shall be filed by election districts and
49 within each election district in exact alphabetical order and
50 indexed. The registration cards filed shall be included in the
51 Registered Absentee and Mail-in Voters File for the Primary or

1 Election of (date of primary or election) under 1302.3(a).

2 Section 1303-D. Official mail-in elector ballots.

3 (a) General rule.--In election districts in which ballots
4 are used, the ballots for use by mail-in voters under this act
5 shall be the official ballots printed in accordance with
6 sections 1002 and 1003.

7 (a.1) Duties of county boards of elections.--The county
8 board of elections, when detaching the official ballots for
9 mail-in voters, shall be required to indicate on the stub of
10 each detached ballot the name of the applicant to which that
11 precise ballot is being sent. The county board of elections
12 shall also remove the numbered stub from each ballot and shall
13 print, stamp or endorse in red color on the official ballots the
14 words, "Official Mail-in Ballot." The ballots shall be
15 distributed by a board as provided under this section.

16 (b) Preparation of ballots.--In election districts in which
17 voting machines are used and in election districts in which
18 paper ballots are used, the county board of elections in that
19 election district will not print official mail-in ballots in
20 accordance with sections 1002 and 1003. The ballots for use by
21 mail-in voters under this section shall be prepared sufficiently
22 in advance by the county board of elections and shall be
23 distributed by the boards as provided under this act. The
24 ballots shall be marked "Official Mail-in Ballot" but shall not
25 be numbered and shall otherwise be in substantially the form for
26 ballots required by Article X, which form shall be prescribed by
27 the Secretary of the Commonwealth.

28 (c) Use of ballot cards.--In election districts in which
29 electronic voting systems are utilized, the mail-in ballot may
30 be in the form of a ballot card which shall be clearly stamped
31 on the ballot card's face "Mail-in Ballot."

32 (d) Special write-in mail-in ballots.--In cases where there
33 is not time to print on the ballots the names of the various
34 candidates, the county board of elections shall print special
35 write-in mail-in ballots which shall be in substantially the
36 form of other official mail-in ballots, except that the special
37 write-in mail-in ballots shall contain blank spaces only under
38 the titles of the offices in which electors may insert by
39 writing or stamping the names of the candidates for whom they
40 desire to vote, and in those cases, the county board of
41 elections shall furnish to electors lists containing the names
42 of all the candidates named in nomination petitions or who have
43 been regularly nominated under the provisions of this act, for
44 the use of the electors in preparing their ballots. Special
45 write-in mail-in ballots shall include all constitutional
46 amendments and other questions to be voted on by the electors.

47 (e) Notice.--The official mail-in voter ballot shall state
48 that a voter who receives a mail-in ballot under section 1301-D
49 and whose mail-in ballot is not timely received may only vote on
50 election day by provisional ballot.

51 Section 1304-D. Envelopes for official mail-in ballots.

1 (a) Additional envelopes.--The county boards of election
2 shall provide two additional envelopes for each official mail-in
3 ballot of a size and shape as shall be prescribed by the
4 Secretary of the Commonwealth, in order to permit the placing of
5 one within the other and both within the mailing envelope. On
6 the smaller of the two envelopes to be enclosed in the mailing
7 envelope shall be printed, stamped or endorsed the words
8 "Official Mail-in Ballot," and nothing else. On the larger of
9 the two envelopes, to be enclosed within the mailing envelope,
10 shall be printed the form of the declaration of the elector and
11 the name and address of the county board of election of the
12 proper county. The larger envelope shall also contain
13 information indicating the local election district of the mail-
14 in voter.

15 (b) Form of declaration and envelope.--The form of
16 declaration and envelope shall be as prescribed by the Secretary
17 of the Commonwealth and shall contain, among other things, a
18 statement of the elector's qualifications, together with a
19 statement that the elector has not already voted in the primary
20 or election.

21 (c) Mailing envelope.--The mailing envelope addressed to the
22 elector shall contain the two envelopes, the official mail-in
23 ballot, lists of candidates, when authorized by section 1303-
24 D(b), the uniform instructions in form and substance as
25 prescribed by the Secretary of the Commonwealth and nothing
26 else.

27 (d) Notice.--Notice of the requirements under section 1306-D
28 shall be printed on the envelope for the mail-in ballot.
29 Section 1305-D. Delivering or mailing ballots.

30 The county board of elections, upon receipt and approval of
31 an application filed by a qualified elector under section 1301-
32 D, shall commence to deliver or mail official mail-in ballots on
33 the second Tuesday prior to the primary or election. For
34 applicants whose proof of identification was not provided with
35 the application or could not be verified by the board, the board
36 shall send the notice required under section 1302.2-D(c) with
37 the mail-in ballot. As additional applications are received and
38 approved, the board shall deliver or mail official mail-in
39 ballots to the additional electors within 48 hours.
40 Section 1306-D. Voting by mail-in electors.

41 (a) General rule.--At any time after receiving an official
42 mail-in ballot, but on or before eight o'clock P.M. the day of
43 the primary or election, the mail-in elector shall, in secret,
44 proceed to mark the ballot only in black lead pencil, indelible
45 pencil or blue, black or blue-black ink, in fountain pen or ball
46 point pen, and then fold the ballot, enclose and securely seal
47 the same in the envelope on which is printed, stamped or
48 endorsed "Official Mail-in Ballot."

49 (a.1) Signature.--Any elector who is unable to sign the
50 declaration because of illness or physical disability, shall be
51 excused from signing upon making a declaration which shall be

1 witnessed by one adult person in substantially the following
2 form:

3 I hereby declare that I am unable to sign my declaration
4 for voting my mail-in ballot without assistance because I
5 am unable to write by reason of my illness or physical
6 disability. I have made or received assistance in making
7 my mark in lieu of my signature.

8 (Mark)

9 (Date)

10 (Complete Address of Witness)

11 (Signature of Witness)

12 (b) Eligibility.--

13 (1) Any elector who receives and votes a mail-in ballot
14 under section 1301-D shall not be eligible to vote at a
15 polling place on election day. The district register at each
16 polling place shall clearly identify electors who have
17 received and voted mail-in ballots as ineligible to vote at
18 the polling place, and district election officers shall not
19 permit electors who voted a mail-in ballot to vote at the
20 polling place.

21 (2) An elector who requests a mail-in ballot and who is
22 not shown on the district register as having voted may vote
23 by provisional ballot under section 1210(a.4)(1).

24 (c) Deadline.--Except as provided under 25 Pa.C.S. § 3511
25 (relating to receipt of voted ballot), a completed mail-in
26 ballot must be received in the office of the county board of
27 elections no later than eight o'clock P.M. on the day of the
28 primary or election.

29 Section 1307-D. Public records.

30 (a) General rule.--All official mail-in ballots, files,
31 applications for ballots and envelopes on which the executed
32 declarations appear, and all information and lists are
33 designated and declared to be public records and shall be safely
34 kept for a period of two years, except that no proof of
35 identification shall be made public, nor shall information
36 concerning a military elector be made public which is expressly
37 forbidden by the Department of Defense because of military
38 security.

39 (b) Record.--For each election, the county board shall
40 maintain a record of the following information, if applicable,
41 for each elector who makes application for a mail-in ballot:

42 (1) The elector's name and voter registration address.

43 (2) The date on which the elector's application is
44 received by the county board.

45 (3) The date on which the elector's application is
46 approved or rejected by the county board.

47 (4) The date on which the county board mails or delivers
48 the mail-in ballot to the elector.

49 (5) The date on which the elector's completed mail-in
50 ballot is received by the county board.

51 (6) The date of the postmark on the mailing envelope of

1 the elector's completed mail-in ballot.
2 (c) Compilation.--The county board shall compile the records
3 listed under subsection (b) and make the records publicly
4 available upon request within 48 hours.

5 Section 1308-D. Violation of provisions relating to mail-in
6 voting.

7 (a) Penalties.--Except as provided under subsection (b), a
8 person who violates any of the provisions of this act relating
9 to mail-in voting shall, unless otherwise provided, be subject
10 to the penalties provided under section 1850.

11 (b) Persons not qualified as mail-in voters.--A person who
12 knowingly assists another person who is not a qualified mail-in
13 voter in filling out a mail-in ballot application or mail-in
14 ballot commits a misdemeanor of the third degree.

15 Section 9. Sections 1405 and 1626(c) of the act are amended
16 to read:

17 Section 1405. Manner of Computing Irregular Ballots.--The
18 county board, in computing the votes cast at any primary or
19 election, shall compute and certify votes cast on irregular
20 ballots exactly as such names were written, stamped[, affixed to
21 the ballot by sticker,] or deposited [or affixed] in or on
22 receptacles for that purpose, and as they have been so returned
23 by the election officers. In districts in which paper ballots or
24 ballots cards are electronically tabulated, stickers or labels
25 may not be used to mark ballots. A vote cast by means of a
26 sticker or label affixed to a ballot or ballot card shall be
27 void and may not be counted. In the primary the Secretary of the
28 Commonwealth shall not certify the votes cast on irregular
29 ballots for any person for a National office including that of
30 the President of the United States, United States Senator and
31 Representative in Congress; or for any State office including
32 that of Governor and Lieutenant Governor, Auditor General, State
33 Treasurer, Senator and Representative in the General Assembly,
34 justices and judges of courts of record or for any party office
35 including that of delegate or alternate delegate to National
36 conventions and member of State committee unless the total
37 number of votes cast for said person is equal to or greater than
38 the number of signatures required on a nomination petition for
39 the particular office. In the primary the county board shall not
40 certify the votes cast on irregular ballots for any person for a
41 justice of the peace, constable, National, State, county, city,
42 borough, town, township, ward, school district, election or
43 local party office unless the total number of votes cast for
44 said person is equal to or greater than the number of signatures
45 required on a nomination petition for the particular office.

46 Section 1626. Reporting by Candidate and Political
47 Committees and other Persons.--

48 * * *

49 (c) [Vouchers or copies of vouchers for all sums expended
50 amounting to more than twenty-five dollars (\$25) shall be
51 retained by the candidate or the committee treasurer and shall

1 be available for public inspection and copying as herein
2 provided. Any person may inspect or copy such vouchers or copies
3 thereof by filing a written request with the appropriate
4 supervisory office which shall notify the candidate or political
5 committee of such request. The candidate or political committee
6 shall have the option of either forwarding such vouchers or copy
7 of the same to the supervisor for such purpose or making the
8 vouchers or copy of the same available to the requesting person.
9 If a candidate or a treasurer of a political committee shall
10 fail to make said vouchers or copies thereof available for
11 inspection and copying when requested by the appropriate
12 supervisory officer, such officer shall direct the candidate or
13 political committee to promptly deliver the vouchers or copies
14 thereof to the supervisory office for purposes of inspection and
15 copying. Costs of copying and costs of delivery by the candidate
16 or treasurer of the requested vouchers or copies thereof shall
17 be borne by the person requesting same.] (1) Vouchers or copies
18 of vouchers for all sums expended amounting to more than twenty-
19 five dollars (\$25) shall be retained by the candidate or the
20 political committee treasurer for a period of three (3) years as
21 required under section 1622(c) and shall be available for public
22 inspection and copying.

23 (2) A person may inspect or copy vouchers or copies of
24 vouchers by filing a written request directly with the candidate
25 or political committee. The candidate or political committee
26 shall make the vouchers or copies of the vouchers available to
27 the requesting person. Costs of copying and costs of delivery by
28 the candidate or treasurer of the requested vouchers or copies
29 shall be borne by the requesting person. If a candidate or a
30 treasurer of a political committee fails to make the vouchers or
31 copies of the vouchers available for inspection and copying when
32 requested, the requesting person shall provide written notice of
33 the violation to the candidate or political committee. If the
34 violation is not corrected within 30 days after receipt of a
35 notice, the requesting person may file an action in an
36 appropriate court of common pleas seeking declaratory or
37 injunctive relief. In an action under this subsection, the court
38 may allow the prevailing party reasonable attorney fees,
39 including litigation costs and expenses.

40 (3) Prior to granting a request for inspection and copying
41 vouchers, a candidate or political committee may require a
42 requester to prepay an estimate of the fees authorized under
43 this section if the costs of copying and costs of delivery
44 required to fulfill the request are expected to exceed one
45 hundred dollars (\$100). If no prepayment is requested or made, a
46 candidate or political committee may require the requestor to
47 pay the actual costs of copying and costs of delivery prior to
48 the release of the requested documents.

49 (4) A person who violates this section shall be subject to
50 the penalties under this act. The Attorney General shall have
51 prosecutorial jurisdiction over a violation committed under this

1 section. The district attorney of any county in which a
2 violation occurred has concurrent powers and responsibilities
3 with the Attorney General over the violations.

4 (5) A candidate or political committee may deny a requesting
5 person access to a voucher or copies if the requesting person
6 has made repeated requests for the same record and the repeated
7 requests have placed an unreasonable burden on the candidate or
8 political committee. A denial under this paragraph shall not
9 restrict the ability to request a different record.

10 (6) The following words and phrases when used in this
11 section shall have the meanings given to them in this paragraph
12 unless the context clearly indicates otherwise:

13 "Committee." As defined in section 1621.

14 "Costs of copying." Up to twenty-five cents (25¢) per copy
15 for black and white copies, and up to fifty cents (50¢) per copy
16 for color copies. If a CD or DVD is provided, the cost of
17 copying will be up to the actual cost of the CD or DVD, not to
18 exceed three dollars (\$3) per disc. For a flash drive the cost
19 of copying will be up to the actual cost of the flash drive.

20 "Costs of delivery." The cost of postage or shipping of
21 documents from the candidate or committee to the requester. The
22 allowable fee for postage or shipping will be up to the actual
23 cost of the United States Postal Service's first-class postage.

24 "Political committee." As defined in section 1621.

25 "Voucher." A document that reasonably describes the campaign
26 expense.

27 * * *

28 Section 10. The Secretary of the Commonwealth shall prepare
29 and disseminate information to the public regarding the changes
30 to the voting procedures under this act.

31 Section 11. Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 8, 9, and 12
32 of this act are nonseverable. If any provision of this act or
33 its application to any person or circumstance is held invalid,
34 the remaining provisions or applications of this act are void.

35 Section 12. Repeals are as follows:

36 (1) The General Assembly declares that the repeal under
37 paragraph (2) is necessary to effectuate the addition of
38 section 1231 of the act.

39 (2) 25 Pa.C.S. § 1326 is repealed.

40 (3) The General Assembly declares that the repeal under
41 paragraph (4) is necessary to effectuate the addition of
42 section 1232 of the act.

43 (4) 25 Pa.C.S. § 1330 is repealed.

44 (5) The General Assembly declares that the repeal under
45 paragraph (6) is necessary to effectuate the addition of
46 section 1233 of the act.

47 (6) 25 Pa.C.S. § 1602(a)(1) is repealed.

48 Section 13. The following apply:

49 (1) This section applies to the amendment or addition of
50 the following provisions:

51 (i) Section 102.

(ii) section 1003(a).
(iii) Section 1007(b).
(iv) Section 1107.
(v) Section 1110.
(vi) Section 1107-A.
(vii) Section 1109-A.
(viii) Section 1112-A(a).
(ix) Section 1216(d).
(x) Section 1222(a) and (b).
(xi) Section 1223.
(xii) Section 1231.
(xiii) Section 1232.
(xiv) Section 1233.
(xv) Section 1302.
(xvi) Section 1302.1.
(xvii) Section 1302.2.
(xviii) Section 1305.
(xix) Section 1306.
(xx) Section 1308.
(xxi) Article XIII-D.

(2) The Pennsylvania Supreme Court has exclusive jurisdiction to hear a challenge to or to render a declaratory judgment concerning the constitutionality of a provision referred to in paragraph (1). The Supreme Court may take action it deems appropriate, consistent with the Supreme Court retaining jurisdiction over the matter, to find facts or to expedite a final judgment in connection with such a challenge or request for declaratory relief.

(3) An action under paragraph (2) must be commenced within 180 days of the effective date of this section.

Section 14. This act shall apply to elections held on or after April 28, 2020:

Section 15. This act shall take effect as follows:

(1) The addition of section 207 of the act shall take effect in 180 days.

(2) The remainder of this act shall take effect immediately.