

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 654 Session of  
1993

INTRODUCED BY PESCI, HERMAN, GORDNER, CAWLEY, CURRY, VEON,  
BELFANTI, YANDRISEVITS, VAN HORNE, JOSEPHS AND ROONEY,  
MARCH 22, 1993

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 22, 1993

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," eliminating cross-filing by a candidate for  
12 school board; further providing for signing of nomination  
13 petitions for certain specimen ballots and for absentee  
14 ballots; authorizing the filing of certain reports by  
15 facsimile; and making an appropriation.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 630.1 of the act of June 3, 1937  
19 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
20 amended February 19, 1986 (P.L.29, No.11), is amended to read:

21 Section 630.1. Affidavits of Candidates.--Each candidate for  
22 any State, county, city, borough, incorporated town, township,  
23 school district or poor district office, or for the office of  
24 United States Senator or Representative in Congress, selected as

1 provided in section 630 of this act, shall file with the  
2 nomination certificate an affidavit stating--(a) his residence,  
3 with street and number, if any, and his post-office address; (b)  
4 his election district, giving city, borough, town or township;  
5 (c) the name of the office for which he consents to be a  
6 candidate; (d) that he is eligible for such office; (e) that he  
7 will not knowingly violate any provision of this act, or of any  
8 law regulating and limiting election expenses and prohibiting  
9 corrupt practices in connection therewith; (f) unless he is a  
10 candidate for judge of a court of common pleas, the Philadelphia  
11 Municipal Court or the Traffic Court of Philadelphia, or [for  
12 the office of school board in a district where that office is  
13 elective or] for the office of justice of the peace, that he is  
14 not a candidate for the same office of any party or political  
15 body other than the one designated in such certificate; and (g)  
16 that he is aware of the provisions of section 1626 of this act  
17 requiring election and post-election reporting of campaign  
18 contributions and expenditures. In cases of certificates for  
19 candidates for the General Assembly, the candidate's affidavit  
20 shall state (1) that the candidate will satisfy the eligibility  
21 requirements contained in sections 5 and 7 of Article II of the  
22 Constitution of Pennsylvania; (2) (i) that, in the case of a  
23 candidate for the office of Senator in the General Assembly, the  
24 candidate will be twenty-five (25) years of age on or before the  
25 first day of the term for which the candidate seeks election or  
26 (ii) that, in the case of a candidate for the office of  
27 Representative in the General Assembly, the candidate will be  
28 twenty-one (21) years of age on or before the first day of the  
29 term for which the candidate seeks election; (3) that the  
30 candidate shall have been a citizen and an inhabitant of

1 Pennsylvania four (4) years and an inhabitant of the respective  
2 district one (1) year next before the election (unless absent on  
3 the public business of the United States or of this State); and  
4 (4) that the candidate has not been convicted of embezzlement of  
5 public moneys, bribery, perjury or other infamous crime.

6 Section 2. Section 908 of the act, amended August 13, 1963  
7 (P.L.707, No.379), is amended to read:

8 Section 908. Manner of Signing Nomination Petitions; Time of  
9 Circulating.--Each signer of a nomination petition shall sign  
10 but one such petition for each office to be filled, and shall  
11 declare therein that he is a registered and enrolled member of  
12 the party designated in such petition: Provided, however, That  
13 where there are to be elected two or more persons to the same  
14 office, each signer may sign petitions for as many candidates  
15 for such office as, and no more than, he could vote for at the  
16 succeeding election. He shall also declare therein that he is a  
17 qualified elector of the county therein named, and in case the  
18 nomination is not to be made or candidates are not to be elected  
19 by the electors of the State at large, or the political district  
20 therein named, in which the nomination is to be made or the  
21 election is to be held. He shall add his [occupation and]  
22 residence, giving city, borough or township, with street and  
23 number, if any, and shall add the date of signing, expressed in  
24 words or numbers: Provided, however, That if the said political  
25 district named in the petition lies wholly within any city,  
26 borough or township, or is coextensive with same, it shall not  
27 be necessary for any signer of a nomination petition to state  
28 therein the city, borough or township of his residence. No  
29 nomination petition shall be circulated prior to the thirteenth  
30 Tuesday before the primary, and no signature shall be counted

1 unless it bears a date affixed not earlier than the thirteenth  
2 Tuesday nor later than the tenth Tuesday prior to the primary.  
3 If it is otherwise apparent from the signature that the signer  
4 of the petition and the elector are one and the same, an  
5 otherwise valid signature shall be counted when a comparison  
6 between the signature on the petition and the signature on the  
7 voter registration card indicates any of the following--(a) the  
8 signer's middle initial is missing from his signature; (b) the  
9 signer wrote his first name with an initial only; or (c) the  
10 signer provided a familiar, common or abbreviated substitute for  
11 his first or middle name.

12 Section 3. Sections 910, 976 first paragraph, 981.1, 993(a),  
13 998(a) and (b) and 1004 of the act, amended February 19, 1986  
14 (P.L.29, No.11), are amended to read:

15 Section 910. Affidavits of Candidates.--Each candidate for  
16 any State, county, city, borough, incorporated town, township,  
17 ward, school district, poor district, election district, party  
18 office, party delegate or alternate, or for the office of United  
19 States Senator or Representative in Congress, shall file with  
20 his nomination petition his affidavit stating--(a) his  
21 residence, with street and number, if any, and his post-office  
22 address; (b) his election district, giving city, borough, town  
23 or township; (c) the name of the office for which he consents to  
24 be a candidate; (d) that he is eligible for such office; (e)  
25 that he will not knowingly violate any provision of this act, or  
26 of any law regulating and limiting nomination and election  
27 expenses and prohibiting corrupt practices in connection  
28 therewith; (f) unless he is a candidate for judge of a court of  
29 common pleas, the Philadelphia Municipal Court or the Traffic  
30 Court of Philadelphia, or for [the office of school director in

1 a district where that office is elective or for] the office of  
2 justice of the peace that he is not a candidate for nomination  
3 for the same office of any party other than the one designated  
4 in such petition; (g) if he is a candidate for a delegate, or  
5 alternate delegate, member of State committee, National  
6 committee or party officer, that he is a registered and enrolled  
7 member of the designated party; (h) if he is a candidate for  
8 delegate or alternate delegate the presidential candidate to  
9 whom he is committed or the term "uncommitted"; and (i) that he  
10 is aware of the provisions of section 1626 of this act requiring  
11 pre-election and post-election reporting of campaign  
12 contributions and expenditures. In cases of petitions for  
13 candidates for the General Assembly, the candidate's affidavit  
14 shall state (1) that the candidate will satisfy the eligibility  
15 requirements contained in sections 5 and 7 of Article II of the  
16 Constitution of Pennsylvania; (2) (i) that in the case of a  
17 candidate for the office of Senator in the General Assembly that  
18 the candidate will be twenty-five (25) years of age on or before  
19 the first day of the term for which the candidate seeks election  
20 or (ii) that in the case of a candidate for the office of  
21 Representative in the General Assembly that the candidate will  
22 be twenty-one (21) years of age on or before the first day of  
23 the term for which the candidate seeks election; (3) that the  
24 candidate shall have been a citizen and inhabitant of  
25 Pennsylvania four (4) years and an inhabitant of the respective  
26 district one (1) year next before the election (unless absent on  
27 the public business of the United States or of this State); and  
28 (4) that the candidate has not been convicted of embezzlement of  
29 public moneys, bribery, perjury or other infamous crime. In  
30 cases of petitions for delegate and alternate delegate to

1 National conventions, the candidate's affidavit shall state that  
2 his signature to the delegate's statement, as hereinafter set  
3 forth, if such statement is signed by said candidate, was  
4 affixed to the sheet or sheets of said petition prior to the  
5 circulation of same. In the case of a candidate for nomination  
6 as President of the United States, it shall not be necessary for  
7 such candidate to file the affidavit required in this section to  
8 be filed by candidates, but the post-office address of such  
9 candidate shall be stated in such nomination petition.

10 Section 976. Examination of Nomination Petitions,  
11 Certificates and Papers; Return of Rejected Nomination  
12 Petitions, Certificates and Papers.--When any nomination  
13 petition, nomination certificate or nomination paper is  
14 presented in the office of the Secretary of the Commonwealth or  
15 of any county board of elections for filing within the period  
16 limited by this act, it shall be the duty of the said officer or  
17 board to examine the same. No nomination petition, nomination  
18 paper or nomination certificate shall be permitted to be filed  
19 if--(a) it contains material errors or defects apparent on the  
20 face thereof, or on the face of the appended or accompanying  
21 affidavits; or (b) it contains material alterations made after  
22 signing without the consent of the signers; or (c) it does not  
23 contain a sufficient number of signatures as required by law;  
24 Provided, however, That the Secretary of the Commonwealth or the  
25 county board of elections, although not hereby required so to  
26 do, may question the genuineness of any signature or signatures  
27 appearing thereon, and if he or it shall thereupon find that any  
28 such signature or signatures are not genuine, such signature or  
29 signatures shall be disregarded in determining whether the  
30 nomination petition, nomination paper or nomination certificate

1 contains a sufficient number of signatures as required by law;  
2 or (d) in the case of nomination petitions, if nomination  
3 petitions have been filed for printing the name of the same  
4 person for the same office, except the office of judge of a  
5 court of common pleas, the Philadelphia Municipal Court or the  
6 Traffic Court of Philadelphia, [or the office of school director  
7 in districts where that office is elective] or the office of  
8 justice of the peace upon the official ballot of more than one  
9 political party; or (e) in the case of nomination papers, if the  
10 candidate named therein has filed a nomination petition for any  
11 public office for the ensuing primary, or has been nominated for  
12 any such office by nomination papers previously filed; or (f) if  
13 the nomination petitions or papers are not accompanied by the  
14 filing fee or certified check required for said office; or (g)  
15 in the case of nomination papers, the appellation set forth  
16 therein is identical with or deceptively similar to the words  
17 used by any existing party or by any political body which has  
18 already filed nomination papers for the same office, or if the  
19 appellation set forth therein contains part of the name, or an  
20 abbreviation of the name or part of the name of an existing  
21 political party, or of a political body which has already filed  
22 nomination papers for the same office. The invalidity of any  
23 sheet of a nomination petition or nomination paper shall not  
24 affect the validity of such petition or paper if a sufficient  
25 petition or paper remains after eliminating such invalid sheet.  
26 The action of said officer or board in refusing to receive and  
27 file any such nomination petition, certificate or paper, may be  
28 reviewed by the court upon an application to compel its  
29 reception as of the date when it was presented to the office of  
30 such officer or board: Provided, however, That said officer or

1 board shall be entitled to a reasonable time in which to examine  
2 any petitions, certificates or papers, and to summon and  
3 interrogate the candidates named therein, or the persons  
4 presenting said petitions, certificates or papers, and his or  
5 their retention of same for the purpose of making such  
6 examination or interrogation shall not be construed as an  
7 acceptance or filing.

8 \* \* \*

9 Section 981.1. Affidavits of Candidates.--Each candidate for  
10 any State, county, city, borough, incorporated town, township,  
11 ward, school district, poor district or election district  
12 office, or for the office of United States Senator or  
13 Representative in Congress, selected as provided in sections 979  
14 and 980 of this act, shall file with the substituted nomination  
15 certificate an affidavit stating--(a) his residence, with street  
16 and number, if any, and his post-office address; (b) his  
17 election district, giving city, borough, town or township; (c)  
18 the name of the office for which he consents to be a candidate;  
19 (d) that he is eligible for such office; (e) that he will not  
20 knowingly violate any provision of this act, or of any law  
21 regulating and limiting election expenses and prohibiting  
22 corrupt practices in connection therewith; (f) unless he is a  
23 candidate for judge of a court of common pleas, the Philadelphia  
24 Municipal Court or the Traffic Court of Philadelphia, or [for  
25 the office of school board in a district where that office is  
26 elective or] for the office of justice of the peace, that he is  
27 not a candidate for the same office of any party or political  
28 body other than the one designated in such certificate; and (g)  
29 that he is aware of the provisions of section 1626 of this act  
30 requiring election and post-election reporting of campaign



1 contributions and expenditures. In cases of certificates for  
2 candidates for the General Assembly, the candidate's affidavit  
3 shall state (1) that the candidate will satisfy the eligibility  
4 requirements contained in sections 5 and 7 of Article II of the  
5 Constitution of Pennsylvania; (2) (i) that, in the case of a  
6 candidate for the office of Senator in the General Assembly, the  
7 candidate will be twenty-five (25) years of age on or before the  
8 first day of the term for which the candidate seeks election or  
9 (ii) that, in the case of a candidate for the office of  
10 Representative in the General Assembly, the candidate will be  
11 twenty-one (21) years of age on or before the first day of the  
12 term for which the candidate seeks election; (3) that the  
13 candidate shall have been a citizen and an inhabitant of  
14 Pennsylvania four (4) years and an inhabitant of the respective  
15 district one (1) year next before the election (unless absent on  
16 the public business of the United States or of this State); and  
17 (4) that the candidate has not been convicted of embezzlement of  
18 public moneys, bribery, perjury or other infamous crime.

19 Section 993. Filling of Certain Vacancies in Public Office  
20 by Means of Nomination Certificates and Nomination Papers.--(a)  
21 In all cases where a vacancy shall occur for any cause in an  
22 elective public office, including that of judge of a court of  
23 record, at a time when such vacancy is required by the  
24 provisions of the Constitution or the laws of this Commonwealth  
25 to be filled at the ensuing election but at a time when  
26 nominations for such office cannot be made under any other  
27 provision of this act, nominations to fill such vacancies shall  
28 be made by political parties in accordance with party rules  
29 relating to the filling of vacancies by means of nomination  
30 certificates in the form prescribed in section nine hundred

1 ninety-four of this act, and by political bodies by means of  
2 nomination papers in accordance with the provisions of sections  
3 nine hundred fifty-one, nine hundred fifty-two and nine hundred  
4 fifty-four of this act. No such nomination certificate shall  
5 nominate any person who has already been nominated by any other  
6 political party or by any political body for the same office  
7 unless such person is a candidate for the office of judge of a  
8 court of common pleas, the Philadelphia Municipal Court or the  
9 Traffic Court of Philadelphia, or [for the office of school  
10 director in districts where that office is elective or] for the  
11 office of justice of the peace. No such nomination papers shall  
12 nominate any person who has already been nominated by any  
13 political party or by any other political body for any office to  
14 be filled at the ensuing November election, unless such person  
15 is a candidate for the office of judge of a court of common  
16 pleas, the Philadelphia Municipal Court or the Traffic Court of  
17 Philadelphia, or [for the office of school director in districts  
18 where that office is elective or] for the office of justice of  
19 the peace.

20 \* \* \*

21 Section 998. Substituted Nominations to Fill Certain  
22 Vacancies for a November Election.--(a) Any vacancy happening  
23 or existing in any party nomination made in accordance with the  
24 provisions of section nine hundred ninety-three of this act for  
25 a November election by reason of the death or withdrawal of any  
26 candidate may be filled by a substituted nomination made by such  
27 committee as is authorized by the rules of the party to make  
28 nominations in the event of vacancies on the party ticket, in  
29 the form prescribed by section nine hundred ninety-four of this  
30 act. But no substituted nomination certificate shall nominate

1 any person who has already been nominated by any other political  
2 party or by any political body for the same office, unless such  
3 person is a candidate for the office of judge of a court of  
4 common pleas, the Philadelphia Municipal Court or the Traffic  
5 Court of Philadelphia, or [for the office of school director in  
6 districts where that office is elective or] for the office of  
7 justice of the peace.

8 (b) In case of the death or withdrawal of any candidate  
9 nominated by a political body for an election, the committee  
10 named in the original nomination papers may nominate a  
11 substitute in his place by filing a substituted nomination  
12 certificate in the form and manner prescribed by section nine  
13 hundred eighty of this act. In the case of a vacancy caused by  
14 the death of any candidate, said nomination certificate shall be  
15 accompanied by a death certificate properly certified. No  
16 substituted nomination certificate shall nominate any person who  
17 has already been nominated by any political party or by any  
18 other political body for any office to be filled at the ensuing  
19 November election, unless such person is a candidate for the  
20 office of judge of a court of common pleas, the Philadelphia  
21 Municipal Court or the Traffic Court of Philadelphia, or [for  
22 the office of school director in districts where that office is  
23 elective or] for the office of justice of the peace.

24 \* \* \*

25 Section 1004. Form of Ballots; Printing Ballots; Stubs;  
26 Numbers.--From the lists furnished by the Secretary of the  
27 Commonwealth under the provisions of sections 915 and 984, and  
28 from petitions and papers filed in their office, the county  
29 election board shall print the official primary and election  
30 ballots in accordance with the provisions of this act: Provided,

1 however, That in no event, shall the name of any person  
2 consenting to be a candidate for nomination for any one office,  
3 except the office of judge of a court of common pleas, the  
4 Philadelphia Municipal Court or the Traffic Court of  
5 Philadelphia, or [the office of school director in districts  
6 where that office is elective or] the office of justice of the  
7 peace be printed as a candidate for such office upon the  
8 official primary ballot of more than one party. All ballots for  
9 use in the same election district at any primary or election  
10 shall be alike. They shall be at least six inches long and four  
11 inches wide, and shall have a margin extending beyond any  
12 printing thereon. They shall be printed with the same kind of  
13 type (which shall not be smaller than the size known as  
14 "brevier" or "eight point body") upon white paper of uniform  
15 quality, without any impression or mark to distinguish one from  
16 another, and with sufficient thickness to prevent the printed  
17 matter from showing through. Each ballot shall be attached to a  
18 stub, and all the ballots for the same election district shall  
19 be bound together in books of fifty, in such manner that each  
20 ballot may be detached from its stub and removed separately. The  
21 ballots for each party to be used at a primary shall be bound  
22 separately. The stubs of the ballots shall be consecutively  
23 numbered, and in the case of primary ballots, the number shall  
24 be preceded by an initial or abbreviation designating the party  
25 name. The number and initial or abbreviation which appears upon  
26 the stub shall also be printed in the upper right hand corner of  
27 the back of the ballot, separated from the remainder of the  
28 ballot by a diagonal perforated line so prepared that the upper  
29 right hand corner of the back of the ballot containing the  
30 number may be detached from the ballot before it is deposited in

1 the ballot box and beside that corner shall also be printed,  
2 "Remove numbered stub immediately before depositing your ballot  
3 in ballot box."

4 Section 4. Section 1008 of the act is amended to read:

5 Section 1008. Forms of Ballots on File and Open to Public  
6 Inspection; Ballots and Diagrams to Be Furnished to Candidates  
7 and Parties.--

8 (a) The county board of elections shall have on file in its  
9 office, on and after the [Thursday] twentieth day preceding each  
10 primary and election, open to public inspection, forms of the  
11 ballots and ballot labels, with the names and such statements  
12 and notations as may be required by the provisions of this act,  
13 printed thereon, which shall be used in each election district  
14 within the county.

15 (b) [On the Thursday] On and after the twentieth day  
16 preceding each primary, the county board shall, upon request  
17 made at their office, there deliver to each candidate whose name  
18 is printed on the ballot of any party, or to his authorized  
19 representative, without charge, three specimen ballots of such  
20 party for the entire district in which such candidate is to be  
21 voted for, and the candidate may, at his own expense, have  
22 printed on different colored paper as many copies as he requires  
23 for conducting his campaign.

24 (c) [On the Thursday] On and after the twentieth day  
25 preceding each November election, the county board shall, upon  
26 request made at their office, there deliver to the county  
27 chairman or other authorized representative of each political  
28 party and political body in the county, without charge, two  
29 specimen ballots or diagrams for each election district within  
30 the county in which candidates of such party or political body

1 are to be voted for, and such political party or political body  
2 may, at its own expense, have printed on different colored paper  
3 as many copies as it requires for conducting its campaign.

4 Section 5. Section 1301 of the act is amended by adding a  
5 subsection to read:

6 Section 1301. Qualified Absentee Electors.--The following  
7 persons shall be entitled to vote by an official absentee ballot  
8 in any primary or election held in this Commonwealth in the  
9 manner hereinafter provided:

10 \* \* \*

11 (1.1) Any qualified elector attending an institution of  
12 post-secondary education who temporarily resides outside of  
13 their domiciliary voting district for more than thirty days; or

14 \* \* \*

15 Section 6. Section 1302(e.1) of the act, amended May 5, 1986  
16 (P.L.150, No.47), is amended to read:

17 Section 1302. Applications for Official Absentee Ballots.--\*

18 \* \*

19 (e.1) Any qualified registered elector, including any  
20 qualified bedridden or hospitalized veteran, who is unable  
21 because of illness or physical disability to attend his polling  
22 place on the day of any primary or election or operate a voting  
23 machine and state distinctly and audibly that he is unable to do  
24 so as required by section 1218 of this act [may,] shall, upon  
25 application and with the certification by his attending  
26 physician that he is permanently disabled, and physically unable  
27 to attend the polls or operate a voting machine and make the  
28 distinct and audible statement required by section 1218 appended  
29 to the application hereinbefore required, be placed on a  
30 permanently disabled absentee ballot list file. An absentee

1 ballot application shall be mailed to every such person for each  
2 primary or election so long as he does not lose his voting  
3 rights by failure to vote as otherwise required by this act.  
4 Such person shall not be required to file a physician's  
5 certificate of disability with each application as required in  
6 subsection (e) of this section but such person must submit a  
7 written statement asserting continuing disability every four  
8 years in order to maintain his eligibility to vote under the  
9 provisions of this subsection. Should any such person lose his  
10 disability he shall inform the county board of elections of the  
11 county of his residence. No person shall be placed on a  
12 permanently disabled absentee ballot list file without express  
13 voluntary authorization by the person permitting the county  
14 board of elections to do so. Further, persons placed on a  
15 permanently disabled absentee ballot list file may require the  
16 county board of elections to remove their names from such list  
17 at any time without condition by submitting a written statement  
18 to the county board of elections requesting such action. No  
19 person shall be placed on a permanently disabled absentee ballot  
20 list file solely based on the accessibility, inaccessibility or  
21 physical condition of polling places in the county in which the  
22 person is registered to vote.

23 \* \* \*

24 Section 7. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of  
25 the act, amended December 11, 1968 (P.L.1183, No.375), are  
26 amended to read:

27 Section 1302.1. Date of Application for Absentee Ballot.--

28 Applications for absentee ballots unless otherwise specified  
29 shall be received in the office of the county board of elections  
30 not earlier than fifty (50) days before the primary or election

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

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

28 In the case of an elector who is necessarily absent because  
29 of the conduct of his business, duties or occupation under the  
30 unforeseen circumstances specified in this subsection, such



1 Emergency Application shall contain a supporting affidavit from  
2 such elector stating that because of the conduct of his  
3 business, duties or occupation said elector will necessarily be  
4 absent from the State or county of his residence on the day of  
5 the primary or election which fact was not and could not  
6 reasonably be known to said elector on or before the first  
7 Tuesday prior to the primary or election.

8 Section 1302.2. Approval of Application for Absentee  
9 Ballot.--

10 (a) The county board of elections, upon receipt of any  
11 application filed by a qualified elector not required to be  
12 registered under preceding section 1301, shall ascertain from  
13 the information on such application, district register or from  
14 any other source that such applicant possesses all the  
15 qualifications of a qualified elector other than being  
16 registered or enrolled. If the board is satisfied that the  
17 applicant is qualified to receive an official absentee ballot,  
18 the application shall be marked approved such approval decision  
19 shall be final and binding except that challenges may be made  
20 only on the ground that the applicant did not possess  
21 qualifications of an absentee elector. Such challenges must be  
22 made to the county board of elections prior to [5:00 o'clock P.  
23 M. on the first Friday prior to the] 8:00 o'clock P.M. on the  
24 day of any election. When so approved, the county board of  
25 elections shall cause the applicant's name and residence (and at  
26 a primary, the party enrollment) to be inserted in the Military,  
27 Veterans and Emergency Civilians Absentee Voters File as  
28 provided in section 1302.3, subsection (b): Providing, however,  
29 That no application of any qualified elector in military service  
30 shall be rejected for failure to include on his application any

1 information if such information may be ascertained within a  
2 reasonable time by the county board of elections.

3 (b) The county board of elections, upon receipt of any  
4 application filed by a qualified elector who is entitled, under  
5 the provisions of the Permanent Registration Law as now or  
6 hereinafter enacted by the General Assembly, to absentee  
7 registration prior to or concurrently with the time of voting as  
8 provided under preceding section 1301, shall ascertain from the  
9 information on such application or from any other source that  
10 such applicant possesses all the qualifications of a qualified  
11 elector. If the board is satisfied that the applicant is  
12 entitled, under the provisions of the Permanent Registration Law  
13 as now or hereinafter enacted by the General Assembly, to  
14 absentee registration prior to or concurrently with the time of  
15 voting and that the applicant is qualified to receive an  
16 official absentee ballot, the application shall be marked  
17 "approved." Such approval decision shall be final and binding  
18 except that challenges may be made only on the ground that the  
19 applicant did not possess the qualifications of an absentee  
20 elector prior to or concurrently with the time of voting. Such  
21 challenges must be made to the county board of elections prior  
22 to [5:00 o'clock P. M. on the first Friday prior to the] 8:00  
23 o'clock P.M. on the day of any election. When so approved, the  
24 county board of elections shall cause the applicant's name and  
25 residence (and at a primary, the party enrollment) to be  
26 inserted in the Military, Veterans and Emergency Civilian  
27 Absentee Voters File as provided in section 1302.3 subsection  
28 (b).

29 (c) The county board of elections, upon receipt of any  
30 application of a qualified elector required to be registered

1 under the provisions of preceding section 1301, shall determine  
2 the qualifications of such applicant by comparing the  
3 information set forth on such application with the information  
4 contained on the applicant's permanent registration card. If the  
5 board is satisfied that the applicant is qualified to receive an  
6 official absentee ballot, the application shall be marked  
7 "approved." Such approval decision shall be final and binding,  
8 except that challenges may be made only on the ground that the  
9 applicant did not possess the qualifications of an absentee  
10 elector. Such challenges must be made to the county board of  
11 elections prior to [5:00 o'clock P. M. on the first Friday prior  
12 to the] 8:00 o'clock P.M. on the day of any election. When so  
13 approved, the registration commission shall cause an absentee  
14 voter's temporary registration card to be inserted in the  
15 district register on top of and along with the permanent  
16 registration card. The absentee voter's temporary registration  
17 card shall be in the color and form prescribed in subsection (e)  
18 of this section:

19       Provided, however, That the duties of the county boards of  
20 elections and the registration commissions with respect to the  
21 insertion of the absentee voter's temporary registration card of  
22 any elector from the district register as set forth in section  
23 1302.2 shall include only such applications and emergency  
24 applications as are received on or before the first Tuesday  
25 prior to the primary or election. In all cases where  
26 applications are received after the first Tuesday prior to the  
27 primary or election and before [five o'clock P. M. on the first  
28 Friday prior to the primary or] 8:00 o'clock P.M. on the day of  
29 any election, the county board of elections shall determine the  
30 qualifications of such applicant by comparing the information

1 set forth on such application with the information contained on  
2 the applicant's duplicate registration card on file in the  
3 General Register (also referred to as the Master File) in the  
4 office of the Registration Commission and shall cause the name  
5 and residence (and at primaries, the party enrollment) to be  
6 inserted in the Military, Veterans and Emergency Civilian  
7 Absentee Voters File as provided in section 1302.3, subsection  
8 (b). In addition, the local district boards of elections shall,  
9 upon canvassing the official absentee ballots under section  
10 1308, examine the voting check list of the election district of  
11 said elector's residence and satisfy itself that such elector  
12 did not cast any ballot other than the one properly issued to  
13 him under his absentee ballot application. In all cases where  
14 the examination of the local district board of elections  
15 discloses that an elector did vote a ballot other than the one  
16 properly issued to him under the absentee ballot application,  
17 the local district board of elections shall thereupon cancel  
18 said absentee ballot and said elector shall be subject to the  
19 penalties as hereinafter set forth.

20 (d) In the event that any application for an official  
21 absentee ballot is not approved by the county board of  
22 elections, the elector shall be notified immediately to that  
23 effect with a statement by the county board of the reasons for  
24 the disapproval.

25 (e) The absentee voter's temporary registration card shall be  
26 in duplicate and the same size as the permanent registration  
27 card, in a different and contrasting color to the permanent  
28 registration card and shall contain the absentee voter's name  
29 and address and shall conspicuously contain the words "Absentee  
30 Voter." Such card shall also contain the affidavit required by

1 subsection (b) of section 1306.

2 Section 1306. Voting by Absentee Electors.--(a) At any time  
3 after receiving an official absentee ballot, but on or before  
4 [five o'clock P. M. on the Friday prior to the primary or] eight  
5 o'clock P.M. on the day of any election, the elector shall, in  
6 secret, proceed to mark the ballot only in black lead pencil,  
7 indelible pencil or blue, black or blue-black ink, in fountain  
8 pen or ball point pen, and then fold the ballot, enclose and  
9 securely seal the same in the envelope on which is printed,  
10 stamped or endorsed "Official Absentee Ballot." This envelope  
11 shall then be placed in the second one, on which is printed the  
12 form of declaration of the elector, and the address of the  
13 elector's county board of election and the local election  
14 district of the elector. The elector shall then fill out, date  
15 and sign the declaration printed on such envelope. Such envelope  
16 shall then be securely sealed and the elector shall send same by  
17 mail, postage prepaid, except where franked, or deliver it in  
18 person to said county board of election:

19 Provided, however, That any elector, spouse of the elector or  
20 dependent of the elector, qualified in accordance with the  
21 provisions of section 1301, subsections (e), (f), (g) and (h) to  
22 vote by absentee ballot as herein provided, shall be required to  
23 include on the form of declaration a supporting declaration in  
24 form prescribed by the Secretary of the Commonwealth, to be  
25 signed by the head of the department or chief of division or  
26 bureau in which the elector is employed, setting forth the  
27 identity of the elector, spouse of the elector or dependent of  
28 the elector:

29 Provided further, That any elector who has filed his  
30 application in accordance with section 1302 subsection (e) (2),

1 and is unable to sign his declaration because of illness or  
2 physical disability, shall be excused from signing upon making a  
3 declaration which shall be witnessed by one adult person in  
4 substantially the following form: I hereby declare that I am  
5 unable to sign my declaration for voting my absentee ballot  
6 without assistance because I am unable to write by reason of my  
7 illness or physical disability. I have made or received  
8 assistance in making my mark in lieu of my signature.

9 .....(Mark)

10 .....

11 (Date)

12 .....

13 (Signature of Witness)

14 .....

15 (Complete Address of Witness)

16 \* \* \*

17 Section 1308. Canvassing of Official Absentee Ballots.--

18 (a) The county boards of election, upon receipt of official  
19 absentee ballots in such envelopes, shall safely keep the same  
20 in sealed or locked containers until they distribute same to the  
21 appropriate local election districts in a manner prescribed by  
22 the Secretary of the Commonwealth. Official absentee ballots  
23 received after five o'clock P.M. on the Friday immediately  
24 preceding the primary or election day and before eight o'clock  
25 P.M. on the primary or election day shall be canvassed by the  
26 county board of elections.

27 The county board of elections shall then distribute the  
28 absentee ballots received prior to five o'clock P.M. on the  
29 Friday immediately preceding the primary or election day,  
30 unopened, to the absentee voter's respective election district

1 concurrently with the distribution of the other election  
2 supplies. Absentee ballots shall be canvassed immediately and  
3 continuously without interruption until completed after the  
4 close of the polls on the day of the election in each election  
5 district. The results of the canvass of the absentee ballots  
6 shall then be included in and returned to the county board with  
7 the returns of that district. No absentee ballot shall be  
8 counted which is received in the office of the county board of  
9 election later than [five o'clock P. M. on the Friday  
10 immediately preceding the primary or November] eight o'clock  
11 P.M. on the day of any election.

12 \* \* \*

13 Section 8. Section 1628 of the act, amended July 11, 1980  
14 (P.L.600, No.128), is amended to read:

15 Section 1628. Late Contributions and Independent  
16 Expenditures.--

17 Any candidate or political committee, authorized by a  
18 candidate and created solely for the purpose of influencing an  
19 election on behalf of that candidate, which receives any  
20 contribution or pledge of five hundred dollars (\$500) or more,  
21 and any person making an independent expenditure, as defined by  
22 this act, of five hundred dollars (\$500) or more after the final  
23 pre-election report has been deemed completed shall report such  
24 contribution, pledge or expenditure to the appropriate  
25 supervisor by telegram [or], mailgram or facsimile. Such  
26 telegram [or], mailgram or facsimile shall be sent by the  
27 candidate, chairman or treasurer of the political committee  
28 within twenty-four (24) hours of receipt of the contribution. It  
29 shall be the duty of the supervisor to confirm the substance of  
30 such telegram [or], mailgram or facsimile. Original reports

1 submitted by facsimile shall also be sent to the appropriate  
2 supervisor by regular mail within twenty-four (24) hours of  
3 receipt of the contribution. Any candidate in his own behalf, or  
4 chairman, treasurer or candidate in behalf of the political  
5 committee may also comply with this section by appearing  
6 personally before such supervisor and reporting such late  
7 contributions or pledges.

8       Section 9. The sum of \$1,000, or as much thereof as may be  
9 necessary, is hereby appropriated to the Department of State for  
10 the purchase of a facsimile machine.

11       Section 10. This act shall take effect as follows:

12           (1) The amendment of section 1302(e.1) of the act and  
13 this section shall take effect immediately.

14           (2) The remainder of this act shall take effect in 60  
15 days.