

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1099 Session of
1993

INTRODUCED BY PESCI, ROBINSON, VEON, FREEMAN, CARONE, HUGHES,
JOSEPHS, KUKOVICH, LEVDANSKY, DeWEESE, GORDNER, MARKOSEK,
GIGLIOTTI, MELIO, VAN HORNE, BELFANTI, PISTELLA, SANTONI,
HANNA, TRELLO, LAUGHLIN, SAURMAN, STURLA, SURRA, ROONEY,
FAJT, STETLER, CAWLEY, RAYMOND, KASUNIC, KAISER, HERMAN,
HALUSKA, STEELMAN, ROEBUCK, ROBERTS, FLICK, TANGRETTI, DRUCE,
COWELL, PLATTS, WOZNIAK, BELARDI AND JAMES, MARCH 30, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 15, 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," PROVIDING FOR A WARNING OF VIOLATIONS ON <—
12 ENVELOPES FOR OFFICIAL ABSENTEE BALLOTS; AUTHORIZING COUNTY
13 BOARDS OF ELECTIONS TO PLACE NONBINDING REFERENDUMS ON
14 BALLOTS; PROVIDING FOR SPECIAL ELECTIONS FOR SENATORS AND
15 REPRESENTATIVES IN THE GENERAL ASSEMBLY AND FOR THE POSTING
16 OF REFERENDUM QUESTIONS AT POLLING PLACES; further providing
17 for POWERS AND DUTIES OF THE SECRETARY OF THE COMMONWEALTH, <—
18 FOR THE PRINTING OF CONSTITUTIONAL AMENDMENTS OR OTHER
19 QUESTIONS ON ELECTION BALLOTS AND FOR absentee ballots;
20 authorizing the filing of certain reports by facsimile; and <—
21 making an appropriation; AND MAKING EDITORIAL CHANGES. <—

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 ~~Section 1. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of~~ <—

1 ~~the act of June 3, 1937 (P.L.1333, No.320), known as the~~
2 ~~Pennsylvania Election Code, amended December 11, 1968 (P.L.1183,~~
3 ~~No.375), are amended to read:~~

4 SECTION 1. SECTION 201 OF THE ACT OF JUNE 3, 1937 (P.L.1333, <—
5 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, IS AMENDED TO
6 READ:

7 SECTION 201. POWERS AND DUTIES OF THE SECRETARY OF THE
8 COMMONWEALTH.--THE SECRETARY OF THE COMMONWEALTH SHALL EXERCISE
9 IN THE MANNER PROVIDED BY THIS ACT ALL POWERS GRANTED TO HIM BY
10 THIS ACT, AND SHALL PERFORM ALL THE DUTIES IMPOSED UPON HIM BY
11 THIS ACT, WHICH SHALL INCLUDE THE FOLLOWING:

12 (A) TO DETERMINE, IN ACCORDANCE WITH THE PROVISIONS OF THIS
13 ACT, THE FORMS OF NOMINATION PETITIONS AND PAPERS, EXPENSE
14 ACCOUNTS AND ALL OTHER FORMS AND RECORDS, THE FORM OF WHICH HE
15 IS REQUIRED TO DETERMINE UNDER THE PROVISIONS OF THIS ACT. THE
16 FORM OF NOMINATION PETITIONS AND PAPERS SHALL REQUIRE A
17 STATEMENT AS TO WHETHER THE CANDIDATE HAS EVER BEEN CONVICTED
18 OF, OR PLEADED GUILTY OR NO CONTEST TO, AN OFFENSE GRADED HIGHER
19 THAN A MISDEMEANOR OF THE FIRST DEGREE.

20 (B) TO EXAMINE AND REEXAMINE VOTING MACHINES, AND TO APPROVE
21 OR DISAPPROVE THEM FOR USE IN THIS STATE, IN ACCORDANCE WITH THE
22 PROVISIONS OF THIS ACT.

23 (C) TO CERTIFY TO COUNTY BOARDS OF ELECTIONS FOR PRIMARIES
24 AND ELECTIONS THE NAMES OF THE CANDIDATES FOR PRESIDENT AND
25 VICE-PRESIDENT OF THE UNITED STATES, PRESIDENTIAL ELECTORS,
26 UNITED STATES SENATORS, REPRESENTATIVES IN CONGRESS AND ALL
27 STATE OFFICES, INCLUDING SENATORS, REPRESENTATIVES, AND JUDGES
28 OF ALL COURTS OF RECORD, AND DELEGATES AND ALTERNATE DELEGATES
29 TO NATIONAL CONVENTIONS, AND MEMBERS OF STATE COMMITTEES, AND
30 THE FORM AND WORDING OF CONSTITUTIONAL AMENDMENTS OR OTHER

1 QUESTIONS TO BE SUBMITTED TO THE ELECTORS OF THE STATE AT LARGE.

2 (D) TO RECEIVE AND DETERMINE, AS HEREINAFTER PROVIDED, THE
3 SUFFICIENCY OF NOMINATION PETITIONS, CERTIFICATES AND PAPERS OF
4 CANDIDATES FOR PRESIDENT OF THE UNITED STATES, PRESIDENTIAL
5 ELECTORS, UNITED STATES SENATORS, REPRESENTATIVES IN CONGRESS
6 AND ALL STATE OFFICES, INCLUDING SENATORS, REPRESENTATIVES AND
7 JUDGES OF ALL COURTS OF RECORD, AND DELEGATES AND ALTERNATE
8 DELEGATES TO NATIONAL CONVENTIONS AND MEMBERS OF STATE
9 COMMITTEES.

10 (E) TO RECEIVE SUCH REPORTS FROM COUNTY BOARDS OF ELECTIONS
11 AS ARE REQUIRED BY THIS ACT, AND TO DEMAND SUCH ADDITIONAL
12 REPORTS ON SPECIAL MATTERS AS HE MAY DEEM NECESSARY.

13 (F) TO RECEIVE FROM COUNTY BOARDS OF ELECTIONS THE RETURNS
14 OF PRIMARIES AND ELECTIONS, TO CANVASS AND COMPUTE THE VOTES
15 CAST FOR CANDIDATES AND UPON QUESTIONS AS REQUIRED BY THE
16 PROVISIONS OF THIS ACT; TO PROCLAIM THE RESULTS OF SUCH
17 PRIMARIES AND ELECTIONS, AND TO ISSUE CERTIFICATES OF ELECTION
18 TO THE SUCCESSFUL CANDIDATES AT SUCH ELECTIONS, EXCEPT IN CASES
19 WHERE THAT DUTY IS IMPOSED BY LAW ON ANOTHER OFFICER OR BOARD.

20 (G) TO PERFORM SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY
21 LAW.

22 SECTION 2. SECTION 302 OF THE ACT IS AMENDED BY ADDING A
23 CLAUSE TO READ:

24 SECTION 302. POWERS AND DUTIES OF COUNTY BOARDS.--THE COUNTY
25 BOARDS OF ELECTIONS, WITHIN THEIR RESPECTIVE COUNTIES, SHALL
26 EXERCISE, IN THE MANNER PROVIDED BY THIS ACT, ALL POWERS GRANTED
27 TO THEM BY THIS ACT, AND SHALL PERFORM ALL THE DUTIES IMPOSED
28 UPON THEM BY THIS ACT, WHICH SHALL INCLUDE THE FOLLOWING:

29 * * *

30 (P) TO PLACE NONBINDING PROPOSALS ON THE BALLOT IN A MANNER

1 FAIRLY REPRESENTING THE CONTENT OF A PETITION FOR DECISION BY
2 REFERENDUM AT AN ELECTION.

3 SECTION 3. SECTION 628 OF THE ACT, AMENDED AUGUST 13, 1963
4 (P.L.707, NO.379), IS AMENDED TO READ:

5 SECTION 628. SPECIAL ELECTIONS FOR SENATOR AND
6 REPRESENTATIVE IN THE GENERAL ASSEMBLY.--WHENEVER A VACANCY
7 SHALL OCCUR IN EITHER HOUSE OF THE GENERAL ASSEMBLY WHETHER OR
8 NOT IT THEN BE IN SESSION, THE PRESIDING OFFICER OF SUCH HOUSE
9 SHALL, WITHIN TEN (10) DAYS AFTER THE HAPPENING OF THE VACANCY,
10 ISSUE A WRIT OF ELECTION TO THE PROPER COUNTY BOARD OR BOARDS OF
11 ELECTION AND TO THE SECRETARY OF THE COMMONWEALTH, FOR A SPECIAL
12 ELECTION TO FILL SAID VACANCY, WHICH ELECTION SHALL BE HELD [ON
13 A DATE NAMED IN THE WRIT, WHICH SHALL BE NOT LESS THAN SIXTY
14 (60) DAYS AFTER THE ISSUANCE OF SAID WRIT. THE PRESIDING OFFICER
15 MAY FIX, IN SUCH WRIT OF ELECTION, THE DATE OF THE NEXT ENSUING
16 PRIMARY, MUNICIPAL OR GENERAL ELECTION AS THE DATE FOR HOLDING
17 ANY SUCH SPECIAL ELECTION] AT THE NEXT ENSUING PRIMARY,
18 MUNICIPAL OR GENERAL ELECTION SCHEDULED AT LEAST SIXTY (60) DAYS
19 AFTER THE ISSUANCE OF THE WRIT OR SUCH OTHER EARLIER DATE WHICH
20 IS AT LEAST SIXTY (60) DAYS FOLLOWING THE ISSUANCE OF THE WRIT
21 AS THE PRESIDING OFFICER MAY DEEM APPROPRIATE: PROVIDED,
22 HOWEVER, THAT SHOULD THE GOVERNOR AFTER THE ISSUANCE OF THE SAID
23 WRIT OF ELECTION ADVISE THE PRESIDING OFFICER THAT THE GENERAL
24 ASSEMBLY WILL BE CALLED INTO EXTRAORDINARY SESSION PRIOR TO THE
25 DATE SET FOR SUCH SPECIAL ELECTION, THE PRESIDING OFFICER MAY
26 COUNTERMAND THE WRIT THERETOFORE ISSUED AND SHALL ISSUE A NEW
27 WRIT OF ELECTION, FIXING THEREIN SUCH EARLIER DATE THEREFOR AS
28 IS DEEMED EXPEDIENT, BUT WHICH SHALL NOT BE LESS THAN SIXTY (60)
29 DAYS AFTER THE ISSUANCE OF SAID WRIT[.]: PROVIDED FURTHER, THAT
30 IF THE VACANCY SHALL OCCUR LESS THAN FIVE MONTHS PRIOR TO THE

1 EXPIRATION OF THE TERM, A SPECIAL ELECTION SHALL BE HELD ONLY
2 IF, IN THE OPINION OF THE PRESIDING OFFICER, THE ELECTION IS IN
3 THE PUBLIC INTEREST.

4 SECTION 4. SECTION 1003(G) OF THE ACT, AMENDED APRIL 24,
5 1947 (P.L.68, NO.33), IS AMENDED TO READ:

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

7 * * *

8 (G) THE OFFICIAL BALLOTS SHALL VARY IN FORM ONLY AS THE
9 NAMES OF DISTRICTS, OFFICES, CANDIDATES OR THE PROVISIONS OF
10 THIS ACT MAY REQUIRE. WHEN CONSTITUTIONAL AMENDMENTS OR OTHER
11 QUESTIONS ARE SUBMITTED TO A VOTE OF THE ELECTORS, EACH
12 AMENDMENT OR OTHER QUESTION SO SUBMITTED MAY BE PRINTED UPON THE
13 BALLOT BELOW THE GROUPS OF CANDIDATES FOR THE VARIOUS OFFICES,
14 AND, WHEN REQUIRED BY LAW, SHALL BE SO PRINTED. ANY
15 CONSTITUTIONAL AMENDMENT OR OTHER QUESTION SO SUBMITTED SHALL BE
16 PRINTED UPON THE BALLOT IN A CONTRASTING COLOR. CONSTITUTIONAL
17 AMENDMENTS SO SUBMITTED SHALL BE PRINTED IN BRIEF FORM, TO BE
18 DETERMINED BY THE SECRETARY OF THE COMMONWEALTH, AND OTHER
19 QUESTIONS SO SUBMITTED SHALL BE PRINTED IN BRIEF FORM, TO BE
20 DETERMINED BY THE SECRETARY OF THE COMMONWEALTH IN THE CASE OF
21 QUESTIONS TO BE VOTED ON BY THE ELECTORS OF THE STATE AT LARGE,
22 AND BY THE COUNTY BOARDS IN OTHER CASES. TO THE RIGHT OF EACH
23 QUESTION THERE SHALL BE PLACED THE WORDS "YES" AND "NO,"
24 TOGETHER WITH APPROPRIATE SQUARES TO THE RIGHT OF EACH FOR THE
25 CONVENIENT INSERTION OF A CROSS MARK.

26 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

27 SECTION 1201.3. REFERENDUM QUESTIONS.--THE ENTIRE CONTENTS
28 OF ANY REFERENDUM QUESTION TO BE VOTED UPON AT A PRIMARY OR
29 GENERAL ELECTION SHALL BE PROVIDED AND POSTED IN EACH POLLING
30 PLACE ON ELECTION DAY.

SECTION 6. SECTION 1302(E.1) OF THE ACT, AMENDED MAY 5, 1986
(P.L.150, NO.47), IS AMENDED TO READ:

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

* *

(E.1) ANY QUALIFIED REGISTERED ELECTOR, INCLUDING ANY
QUALIFIED BEDRIDDEN OR HOSPITALIZED VETERAN, WHO IS UNABLE
BECAUSE OF ILLNESS OR PHYSICAL DISABILITY TO ATTEND HIS POLLING
PLACE ON THE DAY OF ANY PRIMARY OR ELECTION OR OPERATE A VOTING
MACHINE AND STATE DISTINCTLY AND AUDIBLY THAT HE IS UNABLE TO DO
SO AS REQUIRED BY SECTION 1218 OF THIS ACT [MAY,] SHALL, UPON
APPLICATION AND WITH THE CERTIFICATION BY HIS ATTENDING
PHYSICIAN THAT HE IS PERMANENTLY DISABLED, AND PHYSICALLY UNABLE
TO ATTEND THE POLLS OR OPERATE A VOTING MACHINE AND MAKE THE
DISTINCT AND AUDIBLE STATEMENT REQUIRED BY SECTION 1218 APPENDED
TO THE APPLICATION HEREINBEFORE REQUIRED, BE PLACED ON A
PERMANENTLY DISABLED ABSENTEE BALLOT LIST FILE. AN ABSENTEE
BALLOT APPLICATION SHALL BE MAILED TO EVERY SUCH PERSON FOR EACH
PRIMARY OR ELECTION SO LONG AS HE DOES NOT LOSE HIS VOTING
RIGHTS BY FAILURE TO VOTE AS OTHERWISE REQUIRED BY THIS ACT.
SUCH PERSON SHALL NOT BE REQUIRED TO FILE A PHYSICIAN'S
CERTIFICATE OF DISABILITY WITH EACH APPLICATION AS REQUIRED IN
SUBSECTION (E) OF THIS SECTION BUT SUCH PERSON MUST SUBMIT A
WRITTEN STATEMENT ASSERTING CONTINUING DISABILITY EVERY FOUR
YEARS IN ORDER TO MAINTAIN HIS ELIGIBILITY TO VOTE UNDER THE
PROVISIONS OF THIS SUBSECTION. SHOULD ANY SUCH PERSON LOSE HIS
DISABILITY HE SHALL INFORM THE COUNTY BOARD OF ELECTIONS OF THE
COUNTY OF HIS RESIDENCE. NO PERSON SHALL BE PLACED ON A
PERMANENTLY DISABLED ABSENTEE BALLOT LIST FILE WITHOUT EXPRESS
VOLUNTARY AUTHORIZATION BY THE PERSON PERMITTING THE COUNTY
BOARD OF ELECTIONS TO DO SO. FURTHER, PERSONS PLACED ON A

PERMANENTLY DISABLED ABSENTEE BALLOT LIST FILE MAY REQUIRE THE
COUNTY BOARD OF ELECTIONS TO REMOVE THEIR NAMES FROM SUCH LIST
AT ANY TIME WITHOUT CONDITION BY SUBMITTING A WRITTEN STATEMENT
TO THE COUNTY BOARD OF ELECTIONS REQUESTING SUCH ACTION. NO
PERSON SHALL BE PLACED ON A PERMANENTLY DISABLED ABSENTEE BALLOT
LIST FILE SOLELY BASED ON THE ACCESSIBILITY, INACCESSIBILITY OR
PHYSICAL CONDITION OF POLLING PLACES IN THE COUNTY IN WHICH THE
PERSON IS REGISTERED TO VOTE.

* * *

SECTION 7. SECTIONS 1302.1, 1302.2, 1304, 1306(A) AND
1308(A) OF THE ACT, AMENDED DECEMBER 11, 1968 (P.L.1183,
NO.375), ARE AMENDED TO READ:

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

(a) Applications for absentee ballots unless otherwise
specified shall be received in the office of the county board of
elections not earlier than fifty (50) days before the primary or
election and not later than five o'clock P.M. of the first
Tuesday prior to the day of any primary or election: Provided,
however, That in the event any elector otherwise qualified who
is so physically disabled or ill on or before the first Tuesday
prior to any primary or election that he is unable to file his
application or who becomes physically disabled or ill after the
first Tuesday prior to any primary or election and is unable to
appear at his polling place or any elector otherwise qualified
who because of the conduct of his business, duties or occupation
will necessarily be absent from the State or county of his
residence on the day of the primary or election, which fact was
not and could not reasonably be known to said elector on or
before the first Tuesday prior to any primary or election, shall
be entitled to an absentee ballot at any time prior to five

1 o'clock P.M. [on the first Friday preceding any] of the day
2 before a primary or election upon execution of an Emergency
3 Application in such form prescribed by the Secretary of the
4 Commonwealth.

5 (b) In the case of an elector who is physically disabled or
6 ill on or before the first Tuesday prior to a primary or
7 election or becomes physically disabled or ill after the first
8 Tuesday prior to a primary or election, such Emergency
9 Application shall contain a supporting affidavit from his
10 attending physician stating that due to physical disability or
11 illness said elector was unable to apply for an absentee ballot
12 on or before the first Tuesday prior to the primary or election
13 or became physically disabled or ill after that period.

14 (c) In the case of an elector who is necessarily absent
15 because of the conduct of his business, duties or occupation
16 under the unforeseen circumstances specified in this subsection,
17 such Emergency Application shall contain a supporting affidavit
18 from such elector stating that because of the conduct of his
19 business, duties or occupation said elector will necessarily be
20 absent from the State or county of his residence on the day of
21 the primary or election which fact was not and could not
22 reasonably be known to said elector on or before the first
23 Tuesday prior to the primary or election.

24 Section 1302.2. Approval of Application for Absentee
25 Ballot.--

26 (a) The county board of elections, upon receipt of any
27 application filed by a qualified elector not required to be
28 registered under preceding section 1301, shall ascertain from
29 the information on such application, district register or from
30 any other source that such applicant possesses all the

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

19 (b) The county board of elections, upon receipt of any
20 application filed by a qualified elector who is entitled, under
21 the provisions of the Permanent Registration Law as now or
22 hereinafter enacted by the General Assembly, to absentee
23 registration prior to or concurrently with the time of voting as
24 provided under preceding section 1301, shall ascertain from the
25 information on such application or from any other source that
26 such applicant possesses all the qualifications of a qualified
27 elector. If the board is satisfied that the applicant is
28 entitled, under the provisions of the Permanent Registration Law
29 as now or hereinafter enacted by the General Assembly, to
30 absentee registration prior to or concurrently with the time of

1 voting and that the applicant is qualified to receive an
2 official absentee ballot, the application shall be marked
3 "approved." Such approval decision shall be final and binding
4 except that challenges may be made only on the ground that the
5 applicant did not possess the qualifications of an absentee
6 elector prior to or concurrently with the time of voting. Such
7 challenges must be made to the county board of elections prior
8 to 5:00 o'clock P. M. [on the first Friday prior to the] of the
9 day before the primary or election. When so approved, the county
10 board of elections shall cause the applicant's name and
11 residence (and at a primary, the party enrollment) to be
12 inserted in the Military, Veterans and Emergency Civilian
13 Absentee Voters File as provided in section 1302.3 subsection
14 (b).

15 (c) The county board of elections, upon receipt of any
16 application of a qualified elector required to be registered
17 under the provisions of preceding section 1301, shall determine
18 the qualifications of such applicant by comparing the
19 information set forth on such application with the information
20 contained on the applicant's permanent registration card. If the
21 board is satisfied that the applicant is qualified to receive an
22 official absentee ballot, the application shall be marked
23 "approved." Such approval decision shall be final and binding,
24 except that challenges may be made only on the ground that the
25 applicant did not possess the qualifications of an absentee
26 elector. Such challenges must be made to the county board of
27 elections prior to 5:00 o'clock P. M. [on the first Friday prior
28 to the] of the day before the primary or election. When so
29 approved, the registration commission shall cause an absentee
30 voter's temporary registration card to be inserted in the

1 district register on top of and along with the permanent
2 registration card. The absentee voter's temporary registration
3 card shall be in the color and form prescribed in subsection (e)
4 of this section:

5 Provided, however, That the duties of the county boards of
6 elections and the registration commissions with respect to the
7 insertion of the absentee voter's temporary registration card of
8 any elector from the district register as set forth in section
9 1302.2 shall include only such applications and emergency
10 applications as are received on or before the first Tuesday
11 prior to the primary or election. In all cases where
12 applications are received after the first Tuesday prior to the
13 primary or election and before five o'clock P. M. [on the first
14 Friday prior to] of the day before the primary or election, the
15 county board of elections shall determine the qualifications of
16 such applicant by comparing the information set forth on such
17 application with the information contained on the applicant's
18 duplicate registration card on file in the General Register
19 (also referred to as the Master File) in the office of the
20 Registration Commission and shall cause the name and residence
21 (and at primaries, the party enrollment) to be inserted in the
22 Military, Veterans and Emergency Civilian Absentee Voters File
23 as provided in section 1302.3, subsection (b). In addition, the
24 local district boards of elections shall, upon canvassing the
25 official absentee ballots under section 1308, examine the voting
26 check list of the election district of said elector's residence
27 and satisfy itself that such elector did not cast any ballot
28 other than the one properly issued to him under his absentee
29 ballot application. In all cases where the examination of the
30 local district board of elections discloses that an elector did

1 vote a ballot other than the one properly issued to him under
2 the absentee ballot application, the local district board of
3 elections shall thereupon cancel said absentee ballot and said
4 elector shall be subject to the penalties as hereinafter set
5 forth.

6 (d) In the event that any application for an official
7 absentee ballot is not approved by the county board of
8 elections, the elector shall be notified immediately to that
9 effect with a statement by the county board of the reasons for
10 the disapproval.

11 (e) The absentee voter's temporary registration card shall
12 be in duplicate and the same size as the permanent registration
13 card, in a different and contrasting color to the permanent
14 registration card and shall contain the absentee voter's name
15 and address and shall conspicuously contain the words "Absentee
16 Voter." Such card shall also contain the affidavit required by
17 subsection (b) of section 1306.

18 SECTION 1304. ENVELOPES FOR OFFICIAL ABSENTEE BALLOTS.--

<—

19 (A) (1) THE COUNTY BOARDS OF ELECTION SHALL PROVIDE TWO
20 ADDITIONAL ENVELOPES FOR EACH OFFICIAL ABSENTEE BALLOT OF SUCH
21 SIZE AND SHAPE AS SHALL BE PRESCRIBED BY THE SECRETARY OF THE
22 COMMONWEALTH, IN ORDER TO PERMIT THE PLACING OF ONE WITHIN THE
23 OTHER AND BOTH WITHIN THE MAILING ENVELOPE. ON THE SMALLER OF
24 THE TWO ENVELOPES TO BE ENCLOSED IN THE MAILING ENVELOPE SHALL
25 BE PRINTED, STAMPED OR ENDORSED [THE WORDS "OFFICIAL ABSENTEE
26 BALLOT," AND NOTHING ELSE.] IN TEN-POINT TYPE THE WORDS
27 "OFFICIAL ABSENTEE BALLOT" AND THE FOLLOWING WORDS, ALSO IN TEN-
28 POINT TYPE:

29 "VIOLATIONS OF PROVISIONS RELATING TO
30 ABSENTEE ELECTORS BALLOTS

1 IF ANY PERSON SHALL SIGN AN APPLICATION FOR ABSENTEE
2 BALLOT OR DECLARATION OF ELECTOR IN THE FORMS PRESCRIBED
3 KNOWING ANY MATTER DECLARED HEREIN TO BE FALSE, OR SHALL
4 VOTE ANY BALLOT OTHER THAN ONE PROPERLY ISSUED TO HIM, OR
5 VOTE OR ATTEMPT TO VOTE MORE THAN ONCE IN ANY ELECTION
6 FOR WHICH AN ABSENTEE BALLOT SHALL HAVE BEEN ISSUED TO
7 HIM, OR SHALL VIOLATE ANY OTHER PROVISIONS OF ARTICLE
8 XIII OF THIS ACT, HE SHALL BE GUILTY OF A MISDEMEANOR,
9 AND, UPON CONVICTION, SHALL BE SENTENCED TO PAY A FINE
10 NOT EXCEEDING ONE THOUSAND DOLLARS (\$1,000), OR BE
11 IMPRISONED FOR A TERM NOT EXCEEDING ONE YEAR, OR BOTH, AT
12 THE DISCRETION OF THE COURT."

13 IN PRINTING, STAMPING OR ENDORSING THE ENVELOPE WITH THE ABOVE
14 WORDS, THE COUNTY BOARDS OF ELECTION SHALL PRINT, STAMP OR
15 ENDORSE, OR CAUSE TO BE PRINTED, STAMPED OR ENDORSED, THE
16 FOLLOWING WORDS IN BOLDFACE TYPE: "VIOLATIONS OF PROVISIONS
17 RELATING TO ABSENTEE ELECTORS BALLOTS" AND "IF ANY PERSON SHALL
18 SIGN AN APPLICATION FOR ABSENTEE BALLOT OR DECLARATION OF
19 ELECTOR ON THE FORMS PRESCRIBED KNOWING ANY MATTER DECLARED
20 HEREIN TO BE FALSE," AND "SHALL BE GUILTY OF A MISDEMEANOR, AND,
21 UPON CONVICTION, SHALL BE SENTENCED TO PAY A FINE NOT EXCEEDING
22 ONE THOUSAND DOLLARS (\$1,000), OR BE IMPRISONED FOR A TERM NOT
23 EXCEEDING ONE YEAR, OR BOTH, AT THE DISCRETION OF THE COURT."

24 (2) ON THE LARGER OF THE TWO ENVELOPES, TO BE ENCLOSED
25 WITHIN THE MAILING ENVELOPE, SHALL BE PRINTED THE FORM OF THE
26 DECLARATION OF THE ELECTOR, AND THE NAME AND ADDRESS OF THE
27 COUNTY BOARD OF ELECTION OF THE PROPER COUNTY. THE LARGER
28 ENVELOPE SHALL ALSO CONTAIN INFORMATION INDICATING THE LOCAL
29 ELECTION DISTRICT OF THE ABSENTEE VOTER. SAID FORM OF
30 DECLARATION AND ENVELOPE SHALL BE AS PRESCRIBED BY THE SECRETARY

1 OF THE COMMONWEALTH AND SHALL CONTAIN AMONG OTHER THINGS A
2 STATEMENT OF THE ELECTORS QUALIFICATIONS, TOGETHER WITH A
3 STATEMENT THAT SUCH ELECTOR HAS NOT ALREADY VOTED IN SUCH
4 PRIMARY OR ELECTION. THE MAILING ENVELOPE ADDRESSED TO THE
5 ELECTOR SHALL CONTAIN THE TWO ENVELOPES, THE OFFICIAL ABSENTEE
6 BALLOT, LISTS OF CANDIDATES, WHEN AUTHORIZED BY SECTION 1303
7 SUBSECTION (B) OF THIS ACT, THE UNIFORM INSTRUCTIONS IN FORM AND
8 SUBSTANCE AS PRESCRIBED BY THE SECRETARY OF THE COMMONWEALTH AND
9 NOTHING ELSE[: PROVIDED, HOWEVER, THAT].

10 (B) ADDITIONALLY, ENVELOPES FOR ELECTORS QUALIFIED UNDER
11 PRECEDING SECTION 1301, SUBSECTIONS (A) TO (H), INCLUSIVE, SHALL
12 HAVE PRINTED ACROSS THE FACE OF EACH TRANSMITTAL OR RETURN
13 ENVELOPE TWO PARALLEL HORIZONTAL RED BARS, EACH ONE-QUARTER INCH
14 WIDE, EXTENDING FROM ONE SIDE OF THE ENVELOPE TO THE OTHER SIDE,
15 WITH AN INTERVENING SPACE OF ONE-QUARTER INCH, THE TOP BAR TO BE
16 ONE AND ONE-QUARTER INCHES FROM THE TOP OF THE ENVELOPE AND WITH
17 THE WORDS "OFFICIAL ELECTION BALLOTING MATERIAL VIA AIR MAIL"
18 BETWEEN THE BARS; THAT THERE BE PRINTED, IN THE UPPER RIGHT
19 CORNER OF EACH SUCH ENVELOPE IN A BOX, THE WORDS "FREE OF U. S.
20 POSTAGE, INCLUDING AIR MAIL;" THAT ALL PRINTING ON THE FACE OF
21 EACH SUCH ENVELOPE BE IN RED, AND THAT THERE BE PRINTED IN RED,
22 IN THE UPPER LEFT CORNER OF EACH SUCH ENVELOPE, THE NAME AND
23 ADDRESS OF THE COUNTY BOARD OF ELECTIONS OF THE PROPER COUNTY OR
24 BLANK LINES FOR RETURN ADDRESS OF THE SENDER[:].

25 [PROVIDED FURTHER, THAT THE] (C) THE AFORESAID ENVELOPE
26 ADDRESSED TO THE ELECTOR MAY CONTAIN ABSENTEE REGISTRATION FORMS
27 WHERE REQUIRED, AND SHALL CONTAIN DETAILED INSTRUCTIONS ON THE
28 PROCEDURES TO BE OBSERVED IN CASTING AN ABSENTEE BALLOT AS
29 PRESCRIBED BY THE SECRETARY OF THE COMMONWEALTH, TOGETHER WITH
30 RETURN ENVELOPE UPON WHICH IS PRINTED THE NAME AND ADDRESS OF

1 THE REGISTRATION COMMISSION OF THE PROPER COUNTY, WHICH ENVELOPE
2 SHALL HAVE PRINTED ACROSS THE FACE TWO PARALLEL HORIZONTAL RED
3 BARS, EACH ONE-QUARTER INCH WIDE, EXTENDING FROM ONE SIDE OF THE
4 ENVELOPE TO THE OTHER SIDE, WITH AN INTERVENING SPACE OF ONE-
5 QUARTER INCH, THE TOP BAR TO BE ONE AND ONE-QUARTER INCHES FROM
6 THE TOP OF THE ENVELOPE AND WITH THE WORDS "OFFICIAL ELECTION
7 BALLOTING MATERIAL VIA AIR MAIL" BETWEEN THE BARS; THAT THERE BE
8 PRINTED IN THE UPPER RIGHT CORNER OF EACH SUCH ENVELOPE IN A BOX
9 THE WORDS "FREE OF U. S. POSTAGE, INCLUDING AIR MAIL," AND, IN
10 THE UPPER LEFT CORNER OF EACH SUCH ENVELOPE, BLANK LINES FOR
11 RETURN ADDRESS OF THE SENDER; THAT ALL PRINTING ON THE FACE OF
12 EACH SUCH ENVELOPE BE IN RED.

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

30 Provided, however, That any elector, spouse of the elector or

1 dependent of the elector, qualified in accordance with the
2 provisions of section 1301, subsections (e), (f), (g) and (h) to
3 vote by absentee ballot as herein provided, shall be required to
4 include on the form of declaration a supporting declaration in
5 form prescribed by the Secretary of the Commonwealth, to be
6 signed by the head of the department or chief of division or
7 bureau in which the elector is employed, setting forth the
8 identity of the elector, spouse of the elector or dependent of
9 the elector:

10 Provided further, That any elector who has filed his
11 application in accordance with section 1302 subsection (e) (2),
12 and is unable to sign his declaration because of illness or
13 physical disability, shall be excused from signing upon making a
14 declaration which shall be witnessed by one adult person in
15 substantially the following form: I hereby declare that I am
16 unable to sign my declaration for voting my absentee ballot
17 without assistance because I am unable to write by reason of my
18 illness or physical disability. I have made or received
19 assistance in making my mark in lieu of my signature.

20 (Mark)

21

22 (Date)

23

24 (Signature of Witness)

25

26 (Complete Address of Witness)

27 * * *

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

(a) The county boards of election, upon receipt of official absentee ballots in such envelopes, shall safely keep the same

1 in sealed or locked containers until they distribute same to the
2 appropriate local election districts in a manner prescribed by
3 the Secretary of the Commonwealth.

4 The county board of elections shall then distribute the
5 absentee ballots, unopened, to the absentee voter's respective
6 election district concurrently with the distribution of the
7 other election supplies. Absentee ballots shall be canvassed
8 immediately and continuously without interruption until
9 completed after the close of the polls on the day of the
10 election in each election district. The results of the canvass
11 of the absentee ballots shall then be included in and returned
12 to the county board with the returns of that district. No
13 absentee ballot shall be counted which is received in the office
14 of the county board of election later than five o'clock P. M.
15 [on the Friday immediately preceding the] of the day before a
16 primary or November election.

17 * * *

18 Section ~~2~~ 8. Section 1628 of the act, amended July 11, 1980 <—
19 (P.L.600, No.128), is amended to read:

20 Section 1628. Late Contributions and Independent
21 Expenditures.--

22 Any candidate or political committee, authorized by a
23 candidate and created solely for the purpose of influencing an
24 election on behalf of that candidate, which receives any
25 contribution or pledge of five hundred dollars (\$500) or more,
26 and any person making an independent expenditure, as defined by
27 this act, of five hundred dollars (\$500) or more after the final
28 pre-election report has been deemed completed shall report such
29 contribution, pledge or expenditure to the appropriate
30 supervisor by telegram [or], mailgram or facsimile. Such

1 telegram [or], mailgram or facsimile shall be sent by the
2 candidate, chairman or treasurer of the political committee
3 within twenty-four (24) hours of receipt of the contribution. It
4 shall be the duty of the supervisor to confirm the substance of
5 such telegram [or], mailgram or facsimile. Original reports
6 submitted by facsimile shall also be sent to the appropriate
7 supervisor by regular mail within twenty-four (24) hours of
8 receipt of the contribution. Any candidate in his own behalf, or
9 chairman, treasurer or candidate in behalf of the political
10 committee may also comply with this section by appearing
11 personally before such supervisor and reporting such late
12 contributions or pledges.

13 Section ~~3~~ 9. The sum of \$1,000, or as much thereof as may be <—
14 necessary, is hereby appropriated to the Department of State for
15 the purchase of a facsimile machine.

16 SECTION 10. THE AMENDMENT OF SECTION 201(A) OF THE ACT SHALL <—
17 APPLY TO FILINGS MADE AFTER THE NEW FORMS ARE ESTABLISHED BY THE
18 SECRETARY OF THE COMMONWEALTH.

19 Section ~~4~~ 11. This act shall take effect in 60 days. <—