

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 934 Session of
2011

INTRODUCED BY METCALFE, AUMENT, BARRAR, BOYD, CAUSER, CLYMER,
COX, CREIGHTON, CRUZ, CUTLER, DENLINGER, DUNBAR, ELLIS,
EVANKOVICH, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GRELL,
GROVE, HELM, HICKERNELL, KAUFFMAN, KNOWLES, KRIEGER, MAHER,
MARSHALL, MILLARD, MOUL, PEIFER, PERRY, PETRI, PICKETT, PYLE,
RAPP, REED, ROAE, SACCONI, SAYLOR, SCHRODER, SIMMONS, SONNEY,
STEVENSON, TALLMAN, TRUITT, VULAKOVICH AND REICHEL, 2011
MARCH 4, 2011

SENATOR MCILHINNEY, STATE GOVERNMENT, IN SENATE, AS AMENDED,
DECEMBER 12, 2011

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," ~~in preliminary provisions, defining "proof of~~ ←
12 ~~identification"; in the Secretary of the Commonwealth,~~
13 ~~providing for requirements relating to voter identification;~~
14 ~~and, in preparation for and conduct of primaries and~~
15 ~~elections, further providing for manner of applying to vote,~~
16 ~~persons entitled to vote, voter's certificates, entries to be~~
17 ~~made in district register, numbered lists of voters and~~
18 ~~challenges~~ IN PRELIMINARY PROVISIONS, DEFINING "PROOF OF ←
19 IDENTIFICATION"; IN THE SECRETARY OF THE COMMONWEALTH,
20 PROVIDING FOR REQUIREMENTS RELATING TO VOTER IDENTIFICATION;
21 IN PREPARATION FOR AND CONDUCT OF PRIMARIES AND ELECTIONS,
22 FURTHER PROVIDING FOR MANNER OF APPLYING TO VOTE, PERSONS
23 ENTITLED TO VOTE, VOTER'S CERTIFICATES, ENTRIES TO BE MADE IN
24 DISTRICT REGISTER, NUMBERED LISTS OF VOTERS AND CHALLENGES;
25 IN VOTING BY QUALIFIED ABSENTEE ELECTORS, FURTHER PROVIDING
26 FOR APPLICATIONS FOR OFFICIAL ABSENTEE BALLOTS, FOR APPROVAL

1 OF APPLICATION FOR ABSENTEE BALLOT, FOR DELIVERING OR MAILING
2 BALLOTS, FOR CANVASSING OF OFFICIAL ABSENTEE BALLOTS AND FOR
3 PUBLIC RECORDS; AND PROVIDING FOR ENFORCEMENT AND FOR A
4 SPECIAL PROCEDURE AT CERTAIN ELECTIONS.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 ~~Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,~~ ←
8 ~~No.320), known as the Pennsylvania Election Code, is amended by~~
9 ~~adding a definition to read:~~

10 ~~Section 102. Definitions. The following words, when used in~~
11 ~~this act, shall have the following meanings, unless otherwise~~
12 ~~clearly apparent from the context:~~

13 * * *

14 ~~(z.5) The words "proof of identification" shall mean~~

15 ~~:~~

16 ~~(1) In the case of an elector who has a religious objection~~
17 ~~to being photographed, a valid without photo driver's license or~~
18 ~~a valid without photo identification card issued by the~~
19 ~~Department of Transportation.~~

20 ~~(2) In the case of all other electors, a document that:~~

21 ~~(i) shows the name of the individual to whom the document~~
22 ~~was issued and the name conforms to the name of the individual~~
23 ~~as it appears in the district register;~~

24 ~~(ii) shows a photograph of the individual to whom the~~
25 ~~document was issued;~~

26 ~~(iii) includes an expiration date;~~

27 ~~(iv) is not expired or expired after the date of the most~~
28 ~~recent general election; and~~

29 ~~(v) was issued by the United States or the Commonwealth.~~

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

31 ~~Section 206. Requirements Relating to Voter~~

32 ~~Identification. (a) The Secretary of the Commonwealth shall~~

1 ~~prepare and disseminate information to the public regarding the~~
2 ~~proof of identification requirements established under section~~
3 ~~1210.~~

4 ~~(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)~~
5 ~~(relating to issuance and content of driver's license) to the~~
6 ~~contrary, the Department of Transportation shall issue an~~
7 ~~identification card described in 75 Pa.C.S. § 1510(b) at no cost~~
8 ~~to any registered elector who has made application therefor and~~
9 ~~has included with the completed application a statement signed~~
10 ~~by the elector declaring that the elector does not possess proof~~
11 ~~of identification and requires proof of identification for~~
12 ~~voting purposes.~~

13 ~~(c) The Secretary of the Commonwealth shall prepare the form~~
14 ~~of the statement described in subsection (b) and shall~~
15 ~~distribute the form to the counties and the Department of~~
16 ~~Transportation. The Secretary of the Commonwealth, the Secretary~~
17 ~~of Transportation and the county boards of election shall~~
18 ~~disseminate information to the public regarding the availability~~
19 ~~of identification cards under subsection (b).~~

20 ~~Section 3. Section 1210(a), (a.1), (a.2), (a.3) and (a.4)(1)~~
21 ~~and (5) of the act, amended October 8, 2004 (P.L.807, No.97) and~~
22 ~~May 12, 2006 (P.L.178, No.45), are amended and the section is~~
23 ~~amended by adding a subsection to read:~~

24 ~~Section 1210. Manner of Applying to Vote; Persons Entitled~~
25 ~~to Vote; Voter's Certificates; Entries to Be Made in District~~
26 ~~Register; Numbered Lists of Voters; Challenges. (a) [At]~~
27 ~~Except as otherwise provided in subsection (a.1), at every~~
28 ~~primary and election each elector who appears to vote [in that~~
29 ~~election district for the first time] and who desires to vote~~
30 ~~shall first present to an election officer [one of the following~~

1 ~~forms of photo identification:~~

2 ~~(1) a valid driver's license or identification card issued~~
3 ~~by the Department of Transportation;~~

4 ~~(2) a valid identification card issued by any other agency~~
5 ~~of the Commonwealth;~~

6 ~~(3) a valid identification card issued by the United States~~
7 ~~Government;~~

8 ~~(4) a valid United States passport;~~

9 ~~(5) a valid student identification card;~~

10 ~~(6) a valid employe identification card; or~~

11 ~~(7) a valid armed forces of the United States identification~~
12 ~~card] proof of identification.~~

13 ~~The election officer shall examine the proof of identification~~
14 ~~presented by the elector and sign an affidavit stating that this~~
15 ~~has been done.~~

16 ~~(a.1) [Where the elector does not have a photo~~
17 ~~identification as provided for in subsection (a), the elector~~
18 ~~shall present for examination one of the following forms of~~
19 ~~identification that shows the name and address of the elector:~~

20 ~~(1) nonphoto identification issued by the Commonwealth, or~~
21 ~~any agency thereof;~~

22 ~~(2) nonphoto identification issued by the United States~~
23 ~~Government, or agency thereof;~~

24 ~~(3) a firearm permit;~~

25 ~~(4) a current utility bill;~~

26 ~~(5) a current bank statement;~~

27 ~~(6) a paycheck;~~

28 ~~(7) a government check.~~

29 ~~The election officer shall examine the identification presented~~
30 ~~by the elector and sign an affidavit stating that this has been~~

1 ~~done.] In the case of an elector who resides in a care facility~~
2 ~~and votes in a polling place that is located in the care~~
3 ~~facility, the following shall apply:~~

4 ~~(1) For the primary or election at which the elector appears~~
5 ~~to vote in the election district for the first time, the elector~~
6 ~~shall first present to an election officer proof of~~
7 ~~identification.~~

8 ~~(2) The election officer shall examine the proof of~~
9 ~~identification presented by the elector and sign an affidavit~~
10 ~~stating that this has been done.~~

11 ~~(a.2) If the elector is unable to produce proof of~~
12 ~~identification:~~

13 ~~(1) on the grounds that the elector is indigent and unable~~
14 ~~to obtain proof of identification without the payment of a fee;~~
15 ~~or~~

16 ~~(2) on any other grounds~~
17 ~~or the elector's proof of identification is challenged by the~~
18 ~~judge of elections, the elector shall be permitted to cast a~~
19 ~~provisional ballot in accordance with subsection (a.4).~~

20 ~~(a.3) (1) All electors, including any elector that shows~~
21 ~~proof of identification pursuant to subsection (a), shall~~
22 ~~subsequently sign a voter's certificate in blue, black or blue~~
23 ~~black ink with a fountain pen or ball point pen, and, unless he~~
24 ~~is a State or Federal employe who has registered under any~~
25 ~~registration act without declaring his residence by street and~~
26 ~~number, he shall insert his address therein, and hand the same~~
27 ~~to the election officer in charge of the district register.~~

28 ~~(2) Such election officer shall thereupon announce the~~
29 ~~elector's name so that it may be heard by all members of the~~
30 ~~election board and by all watchers present in the polling place~~

1 ~~and shall compare the elector's signature on his voter's~~
2 ~~certificate with his signature in the district register. If,~~
3 ~~upon such comparison, the signature upon the voter's certificate~~
4 ~~appears to be genuine, the elector who has signed the~~
5 ~~certificate shall, if otherwise qualified, be permitted to vote:~~
6 ~~Provided, That if the signature on the voter's certificate, as~~
7 ~~compared with the signature as recorded in the district~~
8 ~~register, shall not be deemed authentic by any of the election~~
9 ~~officers, such elector shall not be denied the right to vote for~~
10 ~~that reason, but shall be considered challenged as to identity~~
11 ~~and required to make the affidavit and produce the evidence as~~
12 ~~provided in subsection (d) of this section.~~

13 ~~(3) When an elector has been found entitled to vote, the~~
14 ~~election officer who examined his voter's certificate and~~
15 ~~compared his signature shall sign his name or initials on the~~
16 ~~voter's certificate, shall, if the elector's signature is not~~
17 ~~readily legible, print such elector's name over his signature,~~
18 ~~and the number of the stub of the ballot issued to him or his~~
19 ~~number in the order of admission to the voting machines, and at~~
20 ~~primaries a letter or abbreviation designating the party in~~
21 ~~whose primary he votes shall also be entered by one of the~~
22 ~~election officers or clerks.~~

23 ~~(4) As each voter is found to be qualified and votes, the~~
24 ~~election officer in charge of the district register shall write~~
25 ~~or stamp the date of the election or primary, the number of the~~
26 ~~stub of the ballot issued to him or his number in the order of~~
27 ~~admission to the voting machines, and at primaries a letter or~~
28 ~~abbreviation designating the party in whose primary he votes,~~
29 ~~and shall sign his name or initials in the proper space on the~~
30 ~~registration card of such voter contained in the district~~

1 register.

2 ~~(5) As each voter votes, his name in the order of voting~~
3 ~~shall be recorded in two (2) numbered lists of voters provided~~
4 ~~for that purpose, with the addition of a note of each voter's~~
5 ~~party enrollment after his name at primaries.~~

6 ~~(a.4) (1) At all elections an individual who claims to be~~
7 ~~properly registered and eligible to vote at the election~~
8 ~~district but whose name does not appear on the district register~~
9 ~~and whose registration cannot be determined by the inspectors of~~
10 ~~election or the county election board shall be permitted to cast~~
11 ~~a provisional ballot. Individuals who [are voting for the first~~
12 ~~time at the election district] appear to vote shall be required~~
13 ~~to produce proof of identification pursuant to subsection (a) or~~
14 ~~(a.1) and if unable to do so shall be permitted to cast a~~
15 ~~provisional ballot. An individual presenting a judicial order to~~
16 ~~vote shall be permitted to cast a provisional ballot.~~

17 * * *

18 ~~(5) (i) Except as provided in subclause (ii), if it is~~
19 ~~determined that the individual was registered and entitled to~~
20 ~~vote at the election district where the ballot was cast, the~~
21 ~~county board of elections shall compare the signature on the~~
22 ~~provisional ballot envelope with the signature on the elector's~~
23 ~~registration form and, if the signatures are determined to be~~
24 ~~genuine, shall count the ballot if the county board of elections~~
25 ~~confirms that the individual did not cast any other ballot,~~
26 ~~including an absentee ballot, in the election.~~

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

28 ~~(A) either the provisional ballot envelope under clause (3)~~
29 ~~or the affidavit under clause (2) is not signed by the~~
30 ~~individual;~~

1 ~~(B) the signature required under clause (3) and the~~
2 ~~signature required under clause (2) are either not genuine or~~
3 ~~are not executed by the same individual; [or]~~

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

6 ~~(D) in the case of a provisional ballot that was cast under~~
7 ~~subsection (a.2) (2), the elector fails to appear before the~~
8 ~~county board of elections within six calendar days following the~~
9 ~~election to execute an affidavit affirming, under penalty of~~
10 ~~perjury, that the elector is the same individual who personally~~
11 ~~appeared before the district election board on the day of the~~
12 ~~election and cast a provisional ballot and that the elector is~~
13 ~~indigent and unable to obtain proof of identification without~~
14 ~~the payment of a fee; or~~

15 ~~(E) in the case of a provisional ballot that was cast under~~
16 ~~subsection (a.2) (3), the elector fails to appear before the~~
17 ~~county board of elections within six calendar days following the~~
18 ~~election to present proof of identification and execute an~~
19 ~~affidavit affirming, under penalty of perjury, that the elector~~
20 ~~is the same individual who personally appeared before the~~
21 ~~district election board on the day of the election and cast a~~
22 ~~provisional ballot.~~

23 ~~(iii) One authorized representative of each candidate in an~~
24 ~~election and one representative from each party shall be~~
25 ~~permitted to remain in the room in which deliberation or~~
26 ~~determination of subclause (ii) is being made.~~

27 * * *

28 ~~(f) As used in this section, "care facility" means any of~~
29 ~~the following:~~

30 ~~(1) A long term care nursing facility as defined in section~~

1 ~~802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the~~
2 ~~"Health Care Facilities Act."~~

3 ~~(2) An assisted living residence as defined in section 1001~~
4 ~~of the act of June 13, 1967 (P.L.31, No.21), known as the~~
5 ~~"Public Welfare Code."~~

6 Section 4. ~~The amendment of section 1210 of the act shall~~
7 ~~apply to elections held after January 1, 2012.~~

8 Section 5. ~~This act shall take effect July 1, 2011, or~~
9 ~~immediately, whichever is later.~~

10 SECTION 1. SECTION 102 OF THE ACT OF JUNE 3, 1937 (P.L.1333, ←
11 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, IS AMENDED BY
12 ADDING A DEFINITION TO READ:

13 SECTION 102. DEFINITIONS.--THE FOLLOWING WORDS, WHEN USED IN
14 THIS ACT, SHALL HAVE THE FOLLOWING MEANINGS, UNLESS OTHERWISE
15 CLEARLY APPARENT FROM THE CONTEXT:

16 * * *

17 (Z.5) THE WORDS "PROOF OF IDENTIFICATION" SHALL MEAN:

18 (1) IN THE CASE OF AN ELECTOR WHO HAS A RELIGIOUS OBJECTION
19 TO BEING PHOTOGRAPHED, A VALID-WITHOUT-PHOTO DRIVER'S LICENSE OR
20 A VALID-WITHOUT-PHOTO IDENTIFICATION CARD ISSUED BY THE
21 DEPARTMENT OF TRANSPORTATION.

22 (2) FOR AN ELECTOR WHO APPEARS TO VOTE UNDER SECTION 1210, A
23 DOCUMENT THAT:

24 (I) SHOWS THE NAME OF THE INDIVIDUAL TO WHOM THE DOCUMENT
25 WAS ISSUED AND THE NAME SUBSTANTIALLY CONFORMS TO THE NAME OF
26 THE INDIVIDUAL AS IT APPEARS IN THE DISTRICT REGISTER;

27 (II) SHOWS A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE
28 DOCUMENT WAS ISSUED;

29 (III) INCLUDES AN EXPIRATION DATE AND IS NOT EXPIRED,
30 EXCEPT:

1 (A) FOR A DOCUMENT ISSUED BY THE DEPARTMENT OF
2 TRANSPORTATION WHICH IS NOT MORE THAN TWELVE (12) MONTHS PAST
3 THE EXPIRATION DATE; OR

4 (B) IN THE CASE OF A DOCUMENT FROM AN AGENCY OF THE ARMED
5 FORCES OF THE UNITED STATES OR THEIR RESERVE COMPONENTS,
6 INCLUDING THE PENNSYLVANIA NATIONAL GUARD, ESTABLISHING THAT THE
7 ELECTOR IS A CURRENT MEMBER OF OR A VETERAN OF THE UNITED STATES
8 ARMED FORCES OR NATIONAL GUARD WHICH DOES NOT DESIGNATE A
9 SPECIFIC DATE ON WHICH THE DOCUMENT, BUT INCLUDES A DESIGNATION
10 THAT THE EXPIRATION DATE IS INDEFINITE; AND

11 (IV) WAS ISSUED BY ONE OF THE FOLLOWING:

12 (A) THE UNITED STATES GOVERNMENT.

13 (B) THE COMMONWEALTH OF PENNSYLVANIA.

14 (C) AN ACCREDITED PENNSYLVANIA PUBLIC OR PRIVATE INSTITUTION
15 OF HIGHER LEARNING.

16 (D) A PENNSYLVANIA CARE FACILITY.

17 (3) FOR A QUALIFIED ABSENTEE ELECTOR UNDER SECTION 1301:

18 (I) IN THE CASE OF AN ELECTOR WHO HAS BEEN ISSUED A CURRENT
19 AND VALID DRIVER'S LICENSE, THE ELECTOR'S DRIVER'S LICENSE
20 NUMBER;

21 (II) IN THE CASE OF AN ELECTOR WHO HAS NOT BEEN ISSUED A
22 CURRENT AND VALID DRIVER'S LICENSE, THE LAST FOUR DIGITS OF THE
23 ELECTOR'S SOCIAL SECURITY NUMBER;

24 (III) IN THE CASE OF AN ELECTOR WHO HAS A RELIGIOUS
25 OBJECTION TO BEING PHOTOGRAPHED, A COPY OF A DOCUMENT THAT
26 SATISFIES PARAGRAPH (1); OR

27 (IV) IN THE CASE OF AN ELECTOR WHO HAS NOT BEEN ISSUED A
28 CURRENT AND VALID DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER, A
29 COPY OF A DOCUMENT THAT SATISFIES PARAGRAPH (2).

30 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

1 SECTION 206. REQUIREMENTS RELATING TO VOTER
2 IDENTIFICATION.--(A) THE SECRETARY OF THE COMMONWEALTH SHALL
3 PREPARE AND DISSEMINATE INFORMATION TO THE PUBLIC REGARDING THE
4 PROOF OF IDENTIFICATION REQUIREMENTS ESTABLISHED UNDER SECTIONS
5 1210 AND 1302.

6 (B) NOTWITHSTANDING THE PROVISIONS OF 75 PA.C.S. § 1510(B)
7 (RELATING TO ISSUANCE AND CONTENT OF DRIVER'S LICENSE) TO THE
8 CONTRARY, THE DEPARTMENT OF TRANSPORTATION SHALL ISSUE AN
9 IDENTIFICATION CARD DESCRIBED IN 75 PA.C.S. § 1510(B) AT NO COST
10 TO ANY REGISTERED ELECTOR WHO HAS MADE APPLICATION THEREFOR AND
11 HAS INCLUDED WITH THE COMPLETED APPLICATION A STATEMENT SIGNED
12 BY THE ELECTOR DECLARING UNDER OATH OR AFFIRMATION THAT THE
13 ELECTOR DOES NOT POSSESS PROOF OF IDENTIFICATION AS DEFINED IN
14 SECTION 102(Z.5) (2) AND REQUIRES PROOF OF IDENTIFICATION FOR
15 VOTING PURPOSES.

16 (C) THE SECRETARY OF THE COMMONWEALTH SHALL PREPARE THE FORM
17 OF THE STATEMENT DESCRIBED IN SUBSECTION (B) AND SHALL
18 DISTRIBUTE THE FORM TO THE COUNTIES AND THE DEPARTMENT OF
19 TRANSPORTATION. THE SECRETARY OF THE COMMONWEALTH, THE SECRETARY
20 OF TRANSPORTATION AND THE COUNTY BOARDS OF ELECTION SHALL
21 DISSEMINATE INFORMATION TO THE PUBLIC REGARDING THE AVAILABILITY
22 OF IDENTIFICATION CARDS UNDER SUBSECTION (B).

23 SECTION 3. SECTION 1210(A), (A.1), (A.2), (A.3) AND (A.4) (1)
24 AND (5) OF THE ACT, AMENDED OCTOBER 8, 2004 (P.L.807, NO.97) AND
25 MAY 12, 2006 (P.L.178, NO.45), ARE AMENDED AND THE SECTION IS
26 AMENDED BY ADDING A SUBSECTION TO READ:

27 SECTION 1210. MANNER OF APPLYING TO VOTE; PERSONS ENTITLED
28 TO VOTE; VOTER'S CERTIFICATES; ENTRIES TO BE MADE IN DISTRICT
29 REGISTER; NUMBERED LISTS OF VOTERS; CHALLENGES.--(A) AT EVERY
30 PRIMARY AND ELECTION EACH ELECTOR WHO APPEARS TO VOTE [IN THAT

1 ELECTION DISTRICT FOR THE FIRST TIME] AND WHO DESIRES TO VOTE
2 SHALL FIRST PRESENT TO AN ELECTION OFFICER [ONE OF THE FOLLOWING
3 FORMS OF PHOTO IDENTIFICATION:

4 (1) A VALID DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED
5 BY THE DEPARTMENT OF TRANSPORTATION;

6 (2) A VALID IDENTIFICATION CARD ISSUED BY ANY OTHER AGENCY
7 OF THE COMMONWEALTH;

8 (3) A VALID IDENTIFICATION CARD ISSUED BY THE UNITED STATES
9 GOVERNMENT;

10 (4) A VALID UNITED STATES PASSPORT;

11 (5) A VALID STUDENT IDENTIFICATION CARD;

12 (6) A VALID EMPLOYE IDENTIFICATION CARD; OR

13 (7) A VALID ARMED FORCES OF THE UNITED STATES IDENTIFICATION
14 CARD] PROOF OF IDENTIFICATION.

15 THE ELECTION OFFICER SHALL EXAMINE THE PROOF OF IDENTIFICATION
16 PRESENTED BY THE ELECTOR AND SIGN AN AFFIDAVIT STATING THAT THIS
17 HAS BEEN DONE.

18 (A.1) [WHERE THE ELECTOR DOES NOT HAVE A PHOTO
19 IDENTIFICATION AS PROVIDED FOR IN SUBSECTION (A), THE ELECTOR
20 SHALL PRESENT FOR EXAMINATION ONE OF THE FOLLOWING FORMS OF
21 IDENTIFICATION THAT SHOWS THE NAME AND ADDRESS OF THE ELECTOR:

22 (1) NONPHOTO IDENTIFICATION ISSUED BY THE COMMONWEALTH, OR
23 ANY AGENCY THEREOF;

24 (2) NONPHOTO IDENTIFICATION ISSUED BY THE UNITED STATES
25 GOVERNMENT, OR AGENCY THEREOF;

26 (3) A FIREARM PERMIT;

27 (4) A CURRENT UTILITY BILL;

28 (5) A CURRENT BANK STATEMENT;

29 (6) A PAYCHECK;

30 (7) A GOVERNMENT CHECK.

1 THE ELECTION OFFICER SHALL EXAMINE THE IDENTIFICATION PRESENTED
2 BY THE ELECTOR AND SIGN AN AFFIDAVIT STATING THAT THIS HAS BEEN
3 DONE.]

4 (A.2) [IF THE ELECTOR IS UNABLE TO PRODUCE IDENTIFICATION OR
5 THE ELECTOR'S IDENTIFICATION IS CHALLENGED BY THE JUDGE OF
6 ELECTIONS, THE ELECTOR SHALL BE PERMITTED TO CAST A PROVISIONAL
7 BALLOT IN ACCORDANCE WITH SUBSECTION (A.4).] IF ANY OF THE
8 FOLLOWING APPLY THE ELECTOR SHALL BE PERMITTED TO CAST A
9 PROVISIONAL BALLOT IN ACCORDANCE WITH SUBSECTION (A.4):

10 (1) THE ELECTOR IS UNABLE TO PRODUCE PROOF OF
11 IDENTIFICATION:

12 (I) ON THE GROUNDS THAT THE ELECTOR IS INDIGENT AND UNABLE
13 TO OBTAIN PROOF OF IDENTIFICATION WITHOUT THE PAYMENT OF A FEE;
14 OR

15 (II) ON ANY OTHER GROUNDS.

16 (2) THE ELECTOR'S PROOF OF IDENTIFICATION IS CHALLENGED BY
17 THE JUDGE OF ELECTIONS.

18 (A.3) (1) ALL ELECTORS, INCLUDING ANY ELECTOR THAT SHOWS
19 PROOF OF IDENTIFICATION PURSUANT TO SUBSECTION (A), SHALL
20 SUBSEQUENTLY SIGN A VOTER'S CERTIFICATE IN BLUE, BLACK OR BLUE-
21 BLACK INK WITH A FOUNTAIN PEN OR BALL POINT PEN, AND, UNLESS HE
22 IS A STATE OR FEDERAL EMPLOYE WHO HAS REGISTERED UNDER ANY
23 REGISTRATION ACT WITHOUT DECLARING HIS RESIDENCE BY STREET AND
24 NUMBER, HE SHALL INSERT HIS ADDRESS THEREIN, AND HAND THE SAME
25 TO THE ELECTION OFFICER IN CHARGE OF THE DISTRICT REGISTER.

26 (2) SUCH ELECTION OFFICER SHALL THEREUPON ANNOUNCE THE
27 ELECTOR'S NAME SO THAT IT MAY BE HEARD BY ALL MEMBERS OF THE
28 ELECTION BOARD AND BY ALL WATCHERS PRESENT IN THE POLLING PLACE
29 AND SHALL COMPARE THE ELECTOR'S SIGNATURE ON HIS VOTER'S
30 CERTIFICATE WITH HIS SIGNATURE IN THE DISTRICT REGISTER. IF,

1 UPON SUCH COMPARISON, THE SIGNATURE UPON THE VOTER'S CERTIFICATE
2 APPEARS TO BE GENUINE, THE ELECTOR WHO HAS SIGNED THE
3 CERTIFICATE SHALL, IF OTHERWISE QUALIFIED, BE PERMITTED TO VOTE:
4 PROVIDED, THAT IF THE SIGNATURE ON THE VOTER'S CERTIFICATE, AS
5 COMPARED WITH THE SIGNATURE AS RECORDED IN THE DISTRICT
6 REGISTER, SHALL NOT BE DEEMED AUTHENTIC BY ANY OF THE ELECTION
7 OFFICERS, SUCH ELECTOR SHALL NOT BE DENIED THE RIGHT TO VOTE FOR
8 THAT REASON, BUT SHALL BE CONSIDERED CHALLENGED AS TO IDENTITY
9 AND REQUIRED TO MAKE THE AFFIDAVIT AND PRODUCE THE EVIDENCE AS
10 PROVIDED IN SUBSECTION (D) OF THIS SECTION.

11 (3) WHEN AN ELECTOR HAS BEEN FOUND ENTITLED TO VOTE, THE
12 ELECTION OFFICER WHO EXAMINED HIS VOTER'S CERTIFICATE AND
13 COMPARED HIS SIGNATURE SHALL SIGN HIS NAME OR INITIALS ON THE
14 VOTER'S CERTIFICATE, SHALL, IF THE ELECTOR'S SIGNATURE IS NOT
15 READILY LEGIBLE, PRINT SUCH ELECTOR'S NAME OVER HIS SIGNATURE,
16 AND THE NUMBER OF THE STUB OF THE BALLOT ISSUED TO HIM OR HIS
17 NUMBER IN THE ORDER OF ADMISSION TO THE VOTING MACHINES, AND AT
18 PRIMARIES A LETTER OR ABBREVIATION DESIGNATING THE PARTY IN
19 WHOSE PRIMARY HE VOTES SHALL ALSO BE ENTERED BY ONE OF THE
20 ELECTION OFFICERS OR CLERKS.

21 (4) AS EACH VOTER IS FOUND TO BE QUALIFIED AND VOTES, THE
22 ELECTION OFFICER IN CHARGE OF THE DISTRICT REGISTER SHALL WRITE
23 OR STAMP THE DATE OF THE ELECTION OR PRIMARY, THE NUMBER OF THE
24 STUB OF THE BALLOT ISSUED TO HIM OR HIS NUMBER IN THE ORDER OF
25 ADMISSION TO THE VOTING MACHINES, AND AT PRIMARIES A LETTER OR
26 ABBREVIATION DESIGNATING THE PARTY IN WHOSE PRIMARY HE VOTES,
27 AND SHALL SIGN HIS NAME OR INITIALS IN THE PROPER SPACE ON THE
28 REGISTRATION CARD OF SUCH VOTER CONTAINED IN THE DISTRICT
29 REGISTER.

30 (5) AS EACH VOTER VOTES, HIS NAME IN THE ORDER OF VOTING

1 SHALL BE RECORDED IN TWO (2) NUMBERED LISTS OF VOTERS PROVIDED
2 FOR THAT PURPOSE, WITH THE ADDITION OF A NOTE OF EACH VOTER'S
3 PARTY ENROLLMENT AFTER HIS NAME AT PRIMARIES.

4 (A.4) (1) AT ALL ELECTIONS AN INDIVIDUAL WHO CLAIMS TO BE
5 PROPERLY REGISTERED AND ELIGIBLE TO VOTE AT THE ELECTION
6 DISTRICT BUT WHOSE NAME DOES NOT APPEAR ON THE DISTRICT REGISTER
7 AND WHOSE REGISTRATION CANNOT BE DETERMINED BY THE INSPECTORS OF
8 ELECTION OR THE COUNTY ELECTION BOARD SHALL BE PERMITTED TO CAST
9 A PROVISIONAL BALLOT. INDIVIDUALS WHO [ARE VOTING FOR THE FIRST
10 TIME AT THE ELECTION DISTRICT] APPEAR TO VOTE SHALL BE REQUIRED
11 TO PRODUCE PROOF OF IDENTIFICATION PURSUANT TO SUBSECTION (A)
12 [OR (A.1)] AND IF UNABLE TO DO SO SHALL BE PERMITTED TO CAST A
13 PROVISIONAL BALLOT. AN INDIVIDUAL PRESENTING A JUDICIAL ORDER TO
14 VOTE SHALL BE PERMITTED TO CAST A PROVISIONAL BALLOT.

15 * * *

16 (5) (I) EXCEPT AS PROVIDED IN SUBCLAUSE (II), IF IT IS
17 DETERMINED THAT THE INDIVIDUAL WAS REGISTERED AND ENTITLED TO
18 VOTE AT THE ELECTION DISTRICT WHERE THE BALLOT WAS CAST, THE
19 COUNTY BOARD OF ELECTIONS SHALL COMPARE THE SIGNATURE ON THE
20 PROVISIONAL BALLOT ENVELOPE WITH THE SIGNATURE ON THE ELECTOR'S
21 REGISTRATION FORM AND, IF THE SIGNATURES ARE DETERMINED TO BE
22 GENUINE, SHALL COUNT THE BALLOT IF THE COUNTY BOARD OF ELECTIONS
23 CONFIRMS THAT THE INDIVIDUAL DID NOT CAST ANY OTHER BALLOT,
24 INCLUDING AN ABSENTEE BALLOT, IN THE ELECTION.

25 (II) A PROVISIONAL BALLOT SHALL NOT BE COUNTED IF:

26 (A) EITHER THE PROVISIONAL BALLOT ENVELOPE UNDER CLAUSE (3)
27 OR THE AFFIDAVIT UNDER CLAUSE (2) IS NOT SIGNED BY THE
28 INDIVIDUAL;

29 (B) THE SIGNATURE REQUIRED UNDER CLAUSE (3) AND THE
30 SIGNATURE REQUIRED UNDER CLAUSE (2) ARE EITHER NOT GENUINE OR

1 ARE NOT EXECUTED BY THE SAME INDIVIDUAL; [OR]

2 (C) A PROVISIONAL BALLOT ENVELOPE DOES NOT CONTAIN A SECRECY
3 ENVELOPE;

4 (D) IN THE CASE OF A PROVISIONAL BALLOT THAT WAS CAST UNDER
5 SUBSECTION (A.2) (1) (I), WITHIN SIX CALENDAR DAYS FOLLOWING THE
6 ELECTION THE ELECTOR FAILS TO APPEAR BEFORE THE COUNTY BOARD OF
7 ELECTIONS TO EXECUTE AN AFFIRMATION OR THE COUNTY BOARD OF
8 ELECTIONS DOES NOT RECEIVE AN ELECTRONIC, FACSIMILE OR PAPER
9 COPY OF AN AFFIRMATION AFFIRMING, UNDER PENALTY OF PERJURY, THAT
10 THE ELECTOR IS THE SAME INDIVIDUAL WHO PERSONALLY APPEARED
11 BEFORE THE DISTRICT ELECTION BOARD ON THE DAY OF THE ELECTION
12 AND CAST A PROVISIONAL BALLOT AND THAT THE ELECTOR IS INDIGENT
13 AND UNABLE TO OBTAIN PROOF OF IDENTIFICATION WITHOUT THE PAYMENT
14 OF A FEE; OR

15 (E) IN THE CASE OF A PROVISIONAL BALLOT THAT WAS CAST UNDER
16 SUBSECTION (A.2) (1) (II), WITHIN SIX CALENDAR DAYS FOLLOWING THE
17 ELECTION, THE ELECTOR FAILS TO APPEAR BEFORE THE COUNTY BOARD OF
18 ELECTIONS TO PRESENT PROOF OF IDENTIFICATION AND EXECUTE AN
19 AFFIRMATION OR THE COUNTY BOARD OF ELECTIONS DOES NOT RECEIVE AN
20 ELECTRONIC, FACSIMILE OR PAPER COPY OF THE PROOF OF
21 IDENTIFICATION AND AN AFFIRMATION AFFIRMING, UNDER PENALTY OF
22 PERJURY, THAT THE ELECTOR IS THE SAME INDIVIDUAL WHO PERSONALLY
23 APPEARED BEFORE THE DISTRICT ELECTION BOARD ON THE DAY OF THE
24 ELECTION AND CAST A PROVISIONAL BALLOT.

25 (III) ONE AUTHORIZED REPRESENTATIVE OF EACH CANDIDATE IN AN
26 ELECTION AND ONE REPRESENTATIVE FROM EACH PARTY SHALL BE
27 PERMITTED TO REMAIN IN THE ROOM IN WHICH DELIBERATION OR
28 DETERMINATION OF SUBCLAUSE (II) IS BEING MADE.

29 * * *

30 (F) AS USED IN THIS SECTION, "CARE FACILITY" MEANS ANY OF

1 THE FOLLOWING:

2 (1) A LONG-TERM CARE NURSING FACILITY AS DEFINED IN SECTION
3 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
4 "HEALTH CARE FACILITIES ACT."

5 (2) AN ASSISTED LIVING RESIDENCE OR A PERSONAL CARE HOME AS
6 DEFINED IN SECTION 1001 OF THE ACT OF JUNE 13, 1967 (P.L.31,
7 NO.21), KNOWN AS THE "PUBLIC WELFARE CODE."

8 SECTION 4. SECTION 1302(E) AND (E.2) OF THE ACT, AMENDED
9 FEBRUARY 13, 1998 (P.L.72, NO.18), ARE AMENDED AND THE SECTION
10 IS AMENDED BY ADDING A SUBSECTION TO READ:

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

12 * *

13 (E) ANY QUALIFIED BEDRIDDEN OR HOSPITALIZED VETERAN ABSENT
14 FROM THE MUNICIPALITY OF HIS RESIDENCE AND UNABLE TO ATTEND HIS
15 POLLING PLACE BECAUSE OF SUCH ILLNESS OR PHYSICAL DISABILITY,
16 REGARDLESS OF WHETHER HE IS REGISTERED OR ENROLLED, MAY APPLY AT
17 ANY TIME BEFORE ANY PRIMARY OR ELECTION FOR AN OFFICIAL ABSENTEE
18 BALLOT ON ANY OFFICIAL COUNTY BOARD OF ELECTION FORM ADDRESSED
19 TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA OR THE
20 COUNTY BOARD OF ELECTIONS OF THE COUNTY IN WHICH HIS VOTING
21 RESIDENCE IS LOCATED.

22 THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
23 RESIDENCE AT THE TIME OF BECOMING BEDRIDDEN OR HOSPITALIZED,
24 LENGTH OF TIME A CITIZEN, LENGTH OF RESIDENCE IN PENNSYLVANIA,
25 DATE OF BIRTH, LENGTH OF TIME A RESIDENT IN VOTING DISTRICT,
26 VOTING DISTRICT IF KNOWN, PARTY CHOICE IN CASE OF PRIMARY, NAME
27 AND ADDRESS OF PRESENT RESIDENCE OR HOSPITAL AT WHICH
28 HOSPITALIZED. WHEN SUCH APPLICATION IS RECEIVED BY THE SECRETARY
29 OF THE COMMONWEALTH, IT SHALL BE FORWARDED TO THE PROPER COUNTY
30 BOARD OF ELECTIONS.

1 THE APPLICATION FOR AN OFFICIAL ABSENTEE BALLOT FOR ANY
2 PRIMARY OR ELECTION SHALL BE MADE ON INFORMATION SUPPLIED OVER
3 THE SIGNATURE OF THE BEDRIDDEN OR HOSPITALIZED VETERAN AS
4 REQUIRED IN THE PRECEDING SUBSECTION. ANY QUALIFIED REGISTERED
5 ELECTOR, INCLUDING A SPOUSE OR DEPENDENT REFERRED TO IN
6 SUBSECTION (L) OF SECTION 1301, WHO EXPECTS TO BE OR IS ABSENT
7 FROM THE MUNICIPALITY OF HIS RESIDENCE BECAUSE HIS DUTIES,
8 OCCUPATION OR BUSINESS REQUIRE HIM TO BE ELSEWHERE ON THE DAY OF
9 ANY PRIMARY OR ELECTION AND ANY QUALIFIED REGISTERED ELECTOR WHO
10 IS UNABLE TO ATTEND HIS POLLING PLACE ON THE DAY OF ANY PRIMARY
11 OR ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY AND ANY
12 QUALIFIED REGISTERED BEDRIDDEN OR HOSPITALIZED VETERAN IN THE
13 COUNTY OF RESIDENCE, OR IN THE CASE OF A COUNTY EMPLOYE WHO
14 CANNOT VOTE DUE TO DUTIES ON ELECTION DAY RELATING TO THE
15 CONDUCT OF THE ELECTION, OR IN THE CASE OF A PERSON WHO WILL NOT
16 ATTEND A POLLING PLACE BECAUSE OF THE OBSERVANCE OF A RELIGIOUS
17 HOLIDAY, MAY APPLY TO THE COUNTY BOARD OF ELECTIONS OF THE
18 COUNTY IN WHICH HIS VOTING RESIDENCE IS LOCATED FOR AN OFFICIAL
19 ABSENTEE BALLOT. SUCH APPLICATION SHALL BE MADE UPON AN OFFICIAL
20 APPLICATION FORM SUPPLIED BY THE COUNTY BOARD OF ELECTIONS. SUCH
21 OFFICIAL APPLICATION FORM SHALL BE DETERMINED AND PRESCRIBED BY
22 THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA.

23 (1) THE APPLICATION OF ANY QUALIFIED REGISTERED ELECTOR,
24 INCLUDING SPOUSE OR DEPENDENT REFERRED TO IN SUBSECTION (L) OF
25 SECTION 1301, WHO EXPECTS TO BE OR IS ABSENT FROM THE
26 MUNICIPALITY OF HIS RESIDENCE BECAUSE HIS DUTIES, OCCUPATION OR
27 BUSINESS REQUIRE HIM TO BE ELSEWHERE ON THE DAY OF ANY PRIMARY
28 OR ELECTION, OR IN THE CASE OF A COUNTY EMPLOYE WHO CANNOT VOTE
29 DUE TO DUTIES ON ELECTION DAY RELATING TO THE CONDUCT OF THE
30 ELECTION, OR IN THE CASE OF A PERSON WHO WILL NOT ATTEND A

1 POLLING PLACE BECAUSE OF THE OBSERVANCE OF A RELIGIOUS HOLIDAY,
2 SHALL BE SIGNED BY THE APPLICANT AND SHALL INCLUDE THE SURNAME
3 AND GIVEN NAME OR NAMES OF THE APPLICANT, PROOF OF
4 IDENTIFICATION, HIS OCCUPATION, DATE OF BIRTH, LENGTH OF TIME A
5 RESIDENT IN VOTING DISTRICT, VOTING DISTRICT IF KNOWN, PLACE OF
6 RESIDENCE, POST OFFICE ADDRESS TO WHICH BALLOT IS TO BE MAILED,
7 THE REASON FOR HIS ABSENCE, AND SUCH OTHER INFORMATION AS SHALL
8 MAKE CLEAR TO THE COUNTY BOARD OF ELECTIONS THE APPLICANT'S
9 RIGHT TO AN OFFICIAL ABSENTEE BALLOT.

10 (2) THE APPLICATION OF ANY QUALIFIED REGISTERED ELECTOR WHO
11 IS UNABLE TO ATTEND HIS POLLING PLACE ON THE DAY OF ANY PRIMARY
12 OR ELECTION BECAUSE OF ILLNESS OR PHYSICAL DISABILITY AND THE
13 APPLICATION OF ANY QUALIFIED REGISTERED BEDRIDDEN OR
14 HOSPITALIZED VETERAN IN THE COUNTY OF RESIDENCE SHALL BE SIGNED
15 BY THE APPLICANT AND SHALL INCLUDE SURNAME AND GIVEN NAME OR
16 NAMES OF THE APPLICANT, PROOF OF IDENTIFICATION, HIS OCCUPATION,
17 DATE OF BIRTH, RESIDENCE AT THE TIME OF BECOMING BEDRIDDEN OR
18 HOSPITALIZED, LENGTH OF TIME A RESIDENT IN VOTING DISTRICT,
19 VOTING DISTRICT IF KNOWN, PLACE OF RESIDENCE, POST OFFICE
20 ADDRESS TO WHICH BALLOT IS TO BE MAILED, AND SUCH OTHER
21 INFORMATION AS SHALL MAKE CLEAR TO THE COUNTY BOARD OF ELECTIONS
22 THE APPLICANT'S RIGHT TO AN OFFICIAL BALLOT. IN ADDITION, THE
23 APPLICATION OF SUCH ELECTORS SHALL INCLUDE A DECLARATION STATING
24 THE NATURE OF THEIR DISABILITY OR ILLNESS, AND THE NAME, OFFICE
25 ADDRESS AND OFFICE TELEPHONE NUMBER OF THEIR ATTENDING
26 PHYSICIAN: PROVIDED, HOWEVER, THAT IN THE EVENT ANY ELECTOR
27 ENTITLED TO AN ABSENTEE BALLOT UNDER THIS SUBSECTION BE UNABLE
28 TO SIGN HIS APPLICATION BECAUSE OF ILLNESS OR PHYSICAL
29 DISABILITY, HE SHALL BE EXCUSED FROM SIGNING UPON MAKING A
30 STATEMENT WHICH SHALL BE WITNESSED BY ONE ADULT PERSON IN

1 SUBSTANTIALLY THE FOLLOWING FORM: I HEREBY STATE THAT I AM
2 UNABLE TO SIGN MY APPLICATION FOR AN ABSENTEE BALLOT WITHOUT
3 ASSISTANCE BECAUSE I AM UNABLE TO WRITE BY REASON OF MY ILLNESS
4 OR PHYSICAL DISABILITY. I HAVE MADE OR HAVE RECEIVED ASSISTANCE
5 IN MAKING MY MARK IN LIEU OF MY SIGNATURE.

6 (MARK)

7 (DATE)

8

9 (COMPLETE ADDRESS OF WITNESS)

(SIGNATURE OF WITNESS)

10 * * *

11 (E.2) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS ACT ANY
12 QUALIFIED ELECTOR WHO EXPECTS TO BE OR IS ABSENT FROM THE
13 MUNICIPALITY OF HIS RESIDENCE BECAUSE HIS DUTIES, OCCUPATION OR
14 BUSINESS REQUIRE HIM TO BE ELSEWHERE ON THE DAY OF ANY ELECTION
15 OR A COUNTY EMPLOYE WHO CANNOT VOTE DUE TO DUTIES ON ELECTION
16 DAY RELATING TO THE CONDUCT OF THE ELECTION OR A PERSON WHO WILL
17 NOT ATTEND A POLLING PLACE BECAUSE OF THE OBSERVANCE OF A
18 RELIGIOUS HOLIDAY MAY MAKE AN APPLICATION FOR AN ABSENTEE BALLOT
19 BY MAIL BY SENDING A LETTER TO THE COUNTY BOARD OF ELECTIONS IN
20 THE COUNTY IN WHICH HIS VOTING RESIDENCE IS LOCATED. THE LETTER
21 SHALL BE SIGNED BY THE APPLICANT AND CONTAIN HIS NAME [AND],
22 PLACE OF RESIDENCE AND PROOF OF IDENTIFICATION.

23 * * *

24 (J) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION REQUIRING
25 PROOF OF IDENTIFICATION, A QUALIFIED ABSENTEE ELECTOR SHALL NOT
26 BE REQUIRED TO PROVIDE PROOF OF IDENTIFICATION IF THE ELECTOR IS
27 ENTITLED TO VOTE BY ABSENTEE BALLOT UNDER THE UNIFORMED AND
28 OVERSEAS CITIZENS ABSENTEE VOTING ACT (PUBLIC LAW 99-410, 100
29 STAT. 924) OR BY AN ALTERNATIVE BALLOT UNDER THE VOTING
30 ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT (PUBLIC LAW

1 98-435, 98 STAT. 1678).

2 SECTION 5. SECTION 1302.2(C) AND (D) OF THE ACT, AMENDED
3 DECEMBER 11, 1968 (P.L.1183, NO.375), ARE AMENDED AND THE
4 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

5 SECTION 1302.2. APPROVAL OF APPLICATION FOR ABSENTEE
6 BALLOT.--

7 * * *

8 (C) THE COUNTY BOARD OF ELECTIONS, UPON RECEIPT OF ANY
9 APPLICATION OF A QUALIFIED ELECTOR REQUIRED TO BE REGISTERED
10 UNDER THE PROVISIONS OF PRECEDING SECTION 1301, SHALL DETERMINE
11 THE QUALIFICATIONS OF SUCH APPLICANT BY VERIFYING THE PROOF OF
12 IDENTIFICATION AND COMPARING THE INFORMATION SET FORTH ON SUCH
13 APPLICATION WITH THE INFORMATION CONTAINED ON THE APPLICANT'S
14 PERMANENT REGISTRATION CARD. IF THE BOARD IS SATISFIED THAT THE
15 APPLICANT IS QUALIFIED TO RECEIVE AN OFFICIAL ABSENTEE BALLOT,
16 THE APPLICATION SHALL BE MARKED "APPROVED." SUCH APPROVAL
17 DECISION SHALL BE FINAL AND BINDING, EXCEPT THAT CHALLENGES MAY
18 BE MADE ONLY ON THE GROUND THAT THE APPLICANT DID NOT POSSESS
19 THE QUALIFICATIONS OF AN ABSENTEE ELECTOR. SUCH CHALLENGES MUST
20 BE MADE TO THE COUNTY BOARD OF ELECTIONS PRIOR TO 5:00 O'CLOCK
21 P. M. ON THE FIRST FRIDAY PRIOR TO THE ELECTION. WHEN SO
22 APPROVED, THE REGISTRATION COMMISSION SHALL CAUSE AN ABSENTEE
23 VOTER'S TEMPORARY REGISTRATION CARD TO BE INSERTED IN THE
24 DISTRICT REGISTER ON TOP OF AND ALONG WITH THE PERMANENT
25 REGISTRATION CARD. THE ABSENTEE VOTER'S TEMPORARY REGISTRATION
26 CARD SHALL BE IN THE COLOR AND FORM PRESCRIBED IN SUBSECTION (E)
27 OF THIS SECTION:

28 PROVIDED, HOWEVER, THAT THE DUTIES OF THE COUNTY BOARDS OF
29 ELECTIONS AND THE REGISTRATION COMMISSIONS WITH RESPECT TO THE
30 INSERTION OF THE ABSENTEE VOTER'S TEMPORARY REGISTRATION CARD OF

1 ANY ELECTOR FROM THE DISTRICT REGISTER AS SET FORTH IN SECTION
2 1302.2 SHALL INCLUDE ONLY SUCH APPLICATIONS AND EMERGENCY
3 APPLICATIONS AS ARE RECEIVED ON OR BEFORE THE FIRST TUESDAY
4 PRIOR TO THE PRIMARY OR ELECTION. IN ALL CASES WHERE
5 APPLICATIONS ARE RECEIVED AFTER THE FIRST TUESDAY PRIOR TO THE
6 PRIMARY OR ELECTION AND BEFORE FIVE O'CLOCK P. M. ON THE FIRST
7 FRIDAY PRIOR TO THE PRIMARY OR ELECTION, THE COUNTY BOARD OF
8 ELECTIONS SHALL DETERMINE THE QUALIFICATIONS OF SUCH APPLICANT
9 BY VERIFYING THE PROOF OF IDENTIFICATION AND COMPARING THE
10 INFORMATION SET FORTH ON SUCH APPLICATION WITH THE INFORMATION
11 CONTAINED ON THE APPLICANT'S DUPLICATE REGISTRATION CARD ON FILE
12 IN THE GENERAL REGISTER (ALSO REFERRED TO AS THE MASTER FILE) IN
13 THE OFFICE OF THE REGISTRATION COMMISSION AND SHALL CAUSE THE
14 NAME AND RESIDENCE (AND AT PRIMARIES, THE PARTY ENROLLMENT) TO
15 BE INSERTED IN THE MILITARY, VETERANS AND EMERGENCY CIVILIAN
16 ABSENTEE VOTERS FILE AS PROVIDED IN SECTION 1302.3, SUBSECTION
17 (B). IN ADDITION, THE LOCAL DISTRICT BOARDS OF ELECTIONS SHALL,
18 UPON CANVASSING THE OFFICIAL ABSENTEE BALLOTS UNDER SECTION
19 1308, EXAMINE THE VOTING CHECK LIST OF THE ELECTION DISTRICT OF
20 SAID ELECTOR'S RESIDENCE AND SATISFY ITSELF THAT SUCH ELECTOR
21 DID NOT CAST ANY BALLOT OTHER THAN THE ONE PROPERLY ISSUED TO
22 HIM UNDER HIS ABSENTEE BALLOT APPLICATION. IN ALL CASES WHERE
23 THE EXAMINATION OF THE LOCAL DISTRICT BOARD OF ELECTIONS
24 DISCLOSES THAT AN ELECTOR DID VOTE A BALLOT OTHER THAN THE ONE
25 PROPERLY ISSUED TO HIM UNDER THE ABSENTEE BALLOT APPLICATION,
26 THE LOCAL DISTRICT BOARD OF ELECTIONS SHALL THEREUPON CANCEL
27 SAID ABSENTEE BALLOT AND SAID ELECTOR SHALL BE SUBJECT TO THE
28 PENALTIES AS HEREINAFTER SET FORTH.

29 (D) IN THE EVENT THAT ANY APPLICATION FOR AN OFFICIAL
30 ABSENTEE BALLOT IS NOT APPROVED BY THE COUNTY BOARD OF

1 ELECTIONS, THE ELECTOR SHALL BE NOTIFIED IMMEDIATELY TO THAT
2 EFFECT WITH A STATEMENT BY THE COUNTY BOARD OF THE REASONS FOR
3 THE DISAPPROVAL. FOR THOSE APPLICANTS WHOSE PROOF OF
4 IDENTIFICATION WAS NOT PROVIDED WITH THE APPLICATION OR COULD
5 NOT BE VERIFIED BY THE BOARD, THE BOARD SHALL SEND NOTICE TO THE
6 ELECTOR WITH THE ABSENTEE BALLOT REQUIRING THE ELECTOR TO
7 PROVIDE PROOF OF IDENTIFICATION WITH THE ABSENTEE BALLOT OR THE
8 BALLOT WILL NOT BE COUNTED.

9 * * *

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

17 SECTION 6. SECTION 1305 OF THE ACT, AMENDED AUGUST 13, 1963
18 (P.L.707, NO.379) AND DECEMBER 17, 1990 (P.L.681, NO.169), IS
19 AMENDED TO READ:

20 SECTION 1305. DELIVERING OR MAILING BALLOTS.--

21 (A) THE COUNTY BOARD OF ELECTIONS UPON RECEIPT AND APPROVAL
22 OF AN APPLICATION FILED BY ANY ELECTOR QUALIFIED IN ACCORDANCE
23 WITH THE PROVISIONS OF SECTION 1301, SUBSECTIONS (A) TO (H),
24 INCLUSIVE, SHALL NOT LATER THAN FIFTY DAYS PRIOR TO THE DAY OF
25 THE PRIMARY OR NOT LATER THAN SEVENTY DAYS PRIOR TO THE DAY OF
26 THE ELECTION COMMENCE TO DELIVER OR MAIL TO SUCH ELECTOR WHO HAS
27 INCLUDED WITH SAID APPLICATION A STATEMENT THAT HE OR SHE IS
28 UNABLE TO VOTE DURING THE REGULAR ABSENTEE BALLOTING PERIOD BY
29 REASON OF LIVING OR PERFORMING MILITARY SERVICE IN AN EXTREMELY
30 REMOTE OR ISOLATED AREA OF THE WORLD, AND NOT LATER THAN FORTY-

1 FIVE DAYS PRIOR TO THE DAY OF THE PRIMARY OR ELECTION COMMENCE
2 TO DELIVER OR MAIL TO ALL OTHER SUCH ELECTORS AS PROVIDED FOR IN
3 SECTION 1301, SUBSECTIONS (A) TO (H), INCLUSIVE, OFFICIAL
4 ABSENTEE BALLOTS OR SPECIAL WRITE-IN ABSENTEE BALLOTS AS
5 PRESCRIBED BY SUBSECTION (D) OF SECTION 1303 WHEN OFFICIAL
6 ABSENTEE BALLOTS ARE NOT YET PRINTED; AS ADDITIONAL APPLICATIONS
7 OF SUCH ELECTORS ARE RECEIVED, THE BOARD SHALL DELIVER OR MAIL
8 OFFICIAL ABSENTEE BALLOTS OR SPECIAL WRITE-IN ABSENTEE BALLOTS
9 WHEN OFFICIAL ABSENTEE BALLOTS ARE NOT YET PRINTED TO SUCH
10 ADDITIONAL ELECTORS WITHIN FORTY-EIGHT HOURS AFTER APPROVAL OF
11 THEIR APPLICATION. IF THE CALLING OF A SPECIAL ELECTION WOULD
12 MAKE IT IMPOSSIBLE TO COMPLY WITH THE FORTY-FIVE DAY DELIVERY OR
13 MAILING REQUIREMENT OF THIS SECTION, THEN THE COUNTY BOARD OF
14 ELECTIONS SHALL MAIL ABSENTEE BALLOTS OR SPECIAL WRITE-IN
15 ABSENTEE BALLOTS WITHIN FIVE DAYS OF THE COUNTY BOARD'S RECEIPT
16 OF THE INFORMATION NECESSARY TO PREPARE SAID BALLOTS.

17 (B) THE COUNTY BOARD OF ELECTIONS UPON RECEIPT AND APPROVAL
18 OF AN APPLICATION FILED BY ANY ELECTOR QUALIFIED IN ACCORDANCE
19 WITH THE PROVISIONS OF SECTION 1301, SUBSECTIONS (I) TO (L),
20 INCLUSIVE, SHALL COMMENCE TO DELIVER OR MAIL OFFICIAL ABSENTEE
21 BALLOTS ON THE SECOND TUESDAY PRIOR TO THE PRIMARY OR ELECTION.
22 FOR THOSE APPLICANTS WHOSE PROOF OF IDENTIFICATION WAS NOT
23 PROVIDED WITH THE APPLICATION OR COULD NOT BE VERIFIED BY THE
24 BOARD, THE BOARD SHALL SEND THE NOTICE REQUIRED UNDER SECTION
25 1302.2(D) WITH THE ABSENTEE BALLOT. AS ADDITIONAL APPLICATIONS
26 ARE RECEIVED AND APPROVED, THE BOARD SHALL DELIVER OR MAIL
27 OFFICIAL ABSENTEE BALLOTS TO SUCH ADDITIONAL ELECTORS WITHIN
28 FORTY-EIGHT HOURS.

29 (C) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
30 QUALIFIED ABSENTEE ELECTOR SHALL NOT BE REQUIRED TO PROVIDE

1 PROOF OF IDENTIFICATION IF THE ELECTOR IS ENTITLED TO VOTE BY
2 ABSENTEE BALLOT UNDER THE UNIFORMED AND OVERSEAS CITIZENS
3 ABSENTEE VOTING ACT (PUBLIC LAW 99-410, 100 STAT. 924) OR BY AN
4 ALTERNATIVE BALLOT UNDER THE VOTING ACCESSIBILITY FOR THE
5 ELDERLY AND HANDICAPPED ACT (PUBLIC LAW 98-435, 98 STAT. 1678).

6 SECTION 7. SECTION 1308(G) (2) AND (3) OF THE ACT, ADDED MAY
7 12, 2006 (P.L.178, NO.45), ARE AMENDED AND THE SECTION IS
8 AMENDED BY ADDING SUBSECTIONS TO READ:

9 SECTION 1308. CANVASSING OF OFFICIAL ABSENTEE BALLOTS.--* * *

10 (G) * * *

11 (2) THE COUNTY BOARD OF ELECTIONS SHALL MEET ON THE EIGHTH
12 DAY FOLLOWING THE ELECTION TO CANVASS THE ABSENTEE BALLOTS
13 RECEIVED UNDER THIS SUBSECTION AND SUBSECTION (H) (2). ONE
14 AUTHORIZED REPRESENTATIVE OF EACH CANDIDATE IN AN ELECTION AND
15 ONE REPRESENTATIVE FROM EACH POLITICAL PARTY SHALL BE PERMITTED
16 TO REMAIN IN THE ROOM IN WHICH THE ABSENTEE BALLOTS ARE
17 CANVASSED. REPRESENTATIVES SHALL BE PERMITTED TO CHALLENGE ANY
18 ABSENTEE ELECTOR IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH
19 (3).

20 (3) WHEN THE COUNTY BOARD MEETS TO CANVASS ABSENTEE BALLOTS
21 UNDER PARAGRAPH (2), THE BOARD SHALL EXAMINE THE DECLARATION ON
22 THE ENVELOPE OF EACH BALLOT NOT SET ASIDE UNDER SUBSECTION (D)
23 AND SHALL COMPARE THE INFORMATION THEREON WITH THAT CONTAINED IN
24 THE "REGISTERED ABSENTEE VOTERS FILE," THE ABSENTEE VOTERS' LIST
25 AND/OR THE "MILITARY VETERANS AND EMERGENCY CIVILIANS ABSENTEE
26 VOTERS FILE," WHICHEVER IS APPLICABLE. IF THE COUNTY BOARD HAS
27 VERIFIED THE PROOF OF IDENTIFICATION AS REQUIRED UNDER THIS ACT
28 IS SATISFIED THAT THE DECLARATION IS SUFFICIENT AND THE
29 INFORMATION CONTAINED IN THE "REGISTERED ABSENTEE VOTERS FILE,"
30 THE ABSENTEE VOTERS' LIST AND/OR THE "MILITARY VETERANS AND

1 EMERGENCY CIVILIANS ABSENTEE VOTERS FILE" VERIFIES HIS RIGHT TO
2 VOTE, THE COUNTY BOARD SHALL ANNOUNCE THE NAME OF THE ELECTOR
3 AND SHALL GIVE ANY CANDIDATE REPRESENTATIVE OR PARTY
4 REPRESENTATIVE PRESENT AN OPPORTUNITY TO CHALLENGE ANY ABSENTEE
5 ELECTOR UPON THE GROUND OR GROUNDS: (I) THAT THE ABSENTEE
6 ELECTOR IS NOT A QUALIFIED ELECTOR; OR (II) THAT THE ABSENTEE
7 ELECTOR WAS WITHIN THE MUNICIPALITY OF HIS RESIDENCE ON THE DAY
8 OF THE PRIMARY OR ELECTION DURING THE PERIOD THE POLLS WERE
9 OPEN, EXCEPT WHERE HE WAS IN THE MILITARY SERVICE OR EXCEPT IN
10 THE CASE WHERE HIS BALLOT WAS OBTAINED FOR THE REASON THAT HE
11 WAS UNABLE TO APPEAR PERSONALLY AT THE POLLING PLACE BECAUSE OF
12 ILLNESS OR PHYSICAL DISABILITY; OR (III) THAT THE ABSENTEE
13 ELECTOR WAS ABLE TO APPEAR PERSONALLY AT THE POLLING PLACE ON
14 THE DAY OF THE PRIMARY OR ELECTION DURING THE PERIOD THE POLLS
15 WERE OPEN IN THE CASE HIS BALLOT WAS OBTAINED FOR THE REASON
16 THAT HE WAS UNABLE TO APPEAR PERSONALLY AT THE POLLING PLACE
17 BECAUSE OF ILLNESS OR PHYSICAL DISABILITY. UPON CHALLENGE OF ANY
18 ABSENTEE ELECTOR, AS SET FORTH HEREIN, THE BOARD SHALL MARK
19 "CHALLENGED" ON THE ENVELOPE TOGETHER WITH THE REASONS THEREFOR,
20 AND THE SAME SHALL BE SET ASIDE UNOPENED PENDING FINAL
21 DETERMINATION OF THE CHALLENGE ACCORDING TO THE PROCEDURE
22 DESCRIBED IN PARAGRAPH (5).

23 * * *

24 (H) FOR THOSE ABSENTEE BALLOTS FOR WHICH PROOF OF
25 IDENTIFICATION HAS NOT BEEN RECEIVED OR COULD NOT BE VERIFIED:

26 (1) IF THE PROOF OF IDENTIFICATION IS RECEIVED AND VERIFIED
27 BY THE COUNTY BOARD OF ELECTIONS PRIOR TO THE DISTRIBUTION OF
28 THE ABSENTEE BALLOTS TO THE LOCAL ELECTION DISTRICTS, THEN THE
29 COUNTY SHALL DISTRIBUTE THE ABSENTEE BALLOTS FOR WHICH PROOF OF
30 IDENTIFICATION IS RECEIVED AND VERIFIED, ALONG WITH THE OTHER

1 ABSENTEE BALLOTS, TO THE ABSENTEE VOTER'S RESPECTIVE ELECTION
2 DISTRICT. IF THE COUNTY BOARD OF ELECTIONS DOES NOT RECEIVE OR
3 IS NOT ABLE TO VERIFY THE PROOF OF IDENTIFICATION FOR AN ELECTOR
4 PRIOR TO THE ABSENTEE BALLOTS' BEING SENT TO THE APPROPRIATE
5 LOCAL ELECTION DISTRICTS, THE COUNTY BOARD SHALL KEEP THE
6 ABSENTEE BALLOT AND FOLLOW THE PROCEDURES SET FORTH IN PARAGRAPH
7 (2) OR (3), WHICHEVER IS APPLICABLE.

8 (2) IF THE PROOF OF IDENTIFICATION IS RECEIVED AND VERIFIED
9 AFTER THE ABSENTEE BALLOTS HAVE BEEN DISTRIBUTED TO THE
10 APPROPRIATE LOCAL ELECTION DISTRICTS, BUT PRIOR TO THE SIXTH
11 CALENDAR DAY FOLLOWING THE ELECTION, THEN THE COUNTY BOARD OF
12 ELECTIONS SHALL CANVASS THE ABSENTEE BALLOTS UNDER THIS
13 SUBSECTION IN ACCORDANCE WITH SUBSECTION (G) (2), UNLESS THE
14 ELECTOR APPEARED TO VOTE AT THE PROPER POLLING PLACE FOR THE
15 PURPOSE OF CASTING A BALLOT, THEN THE ABSENTEE BALLOT CAST BY
16 THAT ELECTOR SHALL BE DECLARED VOID.

17 (3) IF AN ELECTOR FAILS TO PROVIDE PROOF OF IDENTIFICATION
18 THAT CAN BE VERIFIED BY THE COUNTY BOARD OF ELECTIONS BY THE
19 SIXTH CALENDAR DAY FOLLOWING THE ELECTION, THEN THE ABSENTEE
20 BALLOT SHALL NOT BE COUNTED.

21 (1) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
22 QUALIFIED ABSENTEE ELECTOR SHALL NOT BE REQUIRED TO PROVIDE
23 PROOF OF IDENTIFICATION IF THE ELECTOR IS ENTITLED TO VOTE BY
24 ABSENTEE BALLOT UNDER THE UNIFORMED AND OVERSEAS CITIZENS
25 ABSENTEE VOTING ACT (PUBLIC LAW 99-410, 100 STAT. 924) OR BY AN
26 ALTERNATIVE BALLOT UNDER THE VOTING ACCESSIBILITY FOR THE
27 ELDERLY AND HANDICAPPED ACT (PUBLIC LAW 98-435, 98 STAT. 1678).

28 SECTION 8. SECTION 1309 OF THE ACT, AMENDED AUGUST 13, 1963
29 (P.L.707, NO.379), IS AMENDED TO READ:

30 SECTION 1309. PUBLIC RECORDS.--ALL OFFICIAL ABSENTEE

1 BALLOTS, FILES, APPLICATIONS FOR SUCH BALLOTS AND ENVELOPES ON
2 WHICH THE EXECUTED DECLARATIONS APPEAR, AND ALL INFORMATION AND
3 LISTS ARE HEREBY DESIGNATED AND DECLARED TO BE PUBLIC RECORDS
4 AND SHALL BE SAFELY KEPT FOR A PERIOD OF TWO YEARS, EXCEPT THAT
5 NO PROOF OF IDENTIFICATION SHALL BE MADE PUBLIC, NOR SHALL
6 INFORMATION CONCERNING A MILITARY ELECTOR [SHALL] BE MADE PUBLIC
7 WHICH IS EXPRESSLY FORBIDDEN BY THE [WAR] DEPARTMENT OF DEFENSE
8 BECAUSE OF MILITARY SECURITY.

9 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

10 SECTION 1854. ENFORCEMENT.--

11 (1) THE ATTORNEY GENERAL SHALL HAVE PROSECUTORIAL
12 JURISDICTION OVER ALL VIOLATIONS COMMITTED UNDER THIS ACT.

13 (2) THE DISTRICT ATTORNEY OF ANY COUNTY IN WHICH A VIOLATION
14 HAS OCCURRED SHALL HAVE CONCURRENT POWERS AND RESPONSIBILITIES
15 WITH THE ATTORNEY GENERAL OVER VIOLATIONS COMMITTED UNDER THIS
16 ACT.

17 SECTION 10. THE FOLLOWING SHALL APPLY TO ELECTIONS HELD
18 AFTER JANUARY 1, 2012, AND PRIOR TO SEPTEMBER 17, 2012:

19 (1) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) AND
20 NOTWITHSTANDING ANY LAW, ELECTION OFFICIALS AT THE
21 POLLING PLACE AT AN ELECTION HELD AFTER JANUARY 1, 2012,
22 SHALL REQUEST THAT EVERY ELECTOR SHOW PROOF OF
23 IDENTIFICATION.

24 (II) NOTWITHSTANDING SUBPARAGRAPH (I), PRIOR TO
25 SEPTEMBER 17, 2012, IF THE ELECTOR DOES NOT PROVIDE PROOF
26 OF IDENTIFICATION AND THE ELECTOR IS OTHERWISE QUALIFIED,
27 THE ELECTOR MAY CAST A BALLOT THAT SHALL BE COUNTED
28 WITHOUT THE NECESSITY OF PRESENTING PROOF OF
29 IDENTIFICATION AND WITHOUT THE NECESSITY OF CASTING A
30 PROVISIONAL BALLOT, EXCEPT AS REQUIRED BY THE ACT.

1 (2) BEGINNING JANUARY 1, 2012, IF ANY ELECTOR VOTES AT A
2 POLLING PLACE AT AN ELECTION AND DOES NOT PROVIDE PROOF OF
3 IDENTIFICATION AND WILL BE REQUIRED TO PROVIDE PROOF OF
4 IDENTIFICATION BEGINNING SEPTEMBER 17, 2012, THE ELECTION
5 OFFICIAL THAT REQUESTED THE PROOF OF IDENTIFICATION SHALL
6 PROVIDE TO THE ELECTOR WRITTEN INFORMATION PRESCRIBED BY THE
7 SECRETARY OF THE COMMONWEALTH BRIEFLY DESCRIBING THE VOTER
8 IDENTIFICATION REQUIREMENT CREATED BY THIS ACT AND INFORM THE
9 ELECTOR THAT HE OR SHE WILL BE REQUIRED TO COMPLY WITH THAT
10 REQUIREMENT WHEN VOTING AT FUTURE ELECTIONS BEGINNING
11 SEPTEMBER 17, 2012, UNLESS AN EXEMPTION APPLIES.

12 SECTION 11. THE AMENDMENT OF SECTIONS 102, 1210, 1302,
13 1302.2, 1305, 1308 AND 1309 OF THE ACT SHALL APPLY TO ELECTIONS
14 HELD AFTER SEPTEMBER 17, 2012.

15 SECTION 12. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.