

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1586 Session of
2012

INTRODUCED BY LEACH, BLAKE, STACK, FERLO, HUGHES, FONTANA,
COSTA, FARNESE, WILLIAMS, SCHWANK, BREWSTER, TARTAGLIONE,
WOZNIAK, WASHINGTON, KITCHEN AND DINNIMAN, SEPTEMBER 5, 2012

REFERRED TO STATE GOVERNMENT, SEPTEMBER 5, 2012

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, further providing for
12 definitions; in the Secretary of the Commonwealth, further
13 providing for requirements relating to voter identification;
14 in preparation for and conduct of primaries and elections,
15 further providing for manner of applying to vote, persons
16 entitled to vote, voter's certificates, entries to be made in
17 district register, numbered lists of voters and challenges;
18 in voting by qualified absentee electors, further providing
19 for applications for official absentee ballots, for approval
20 of application for absentee ballot, for delivering or mailing
21 ballots, for canvassing of official absentee ballots and for
22 public records; in penalties, further providing for
23 enforcement; and making a related repeal.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Sections 102(z.5) and 206 of the act of June 3,
27 1937 (P.L.1333, No.320), known as the Pennsylvania Election
28 Code, added March 14, 2012 (P.L.195, No.18), are repealed:

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

4 * * *

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

6 (1) In the case of an elector who has a religious objection
7 to being photographed, a valid-without-photo driver's license or
8 a valid-without-photo identification card issued by the
9 Department of Transportation.

10 (2) For an elector who appears to vote under section 1210, a
11 document that:

12 (i) shows the name of the individual to whom the document
13 was issued and the name substantially conforms to the name of
14 the individual as it appears in the district register;

15 (ii) shows a photograph of the individual to whom the
16 document was issued;

17 (iii) includes an expiration date and is not expired,
18 except:

19 (A) for a document issued by the Department of
20 Transportation which is not more than twelve (12) months past
21 the expiration date; or

22 (B) in the case of a document from an agency of the Armed
23 forces of the United States or their reserve components,
24 including the Pennsylvania National Guard, establishing that the
25 elector is a current member of or a veteran of the United States
26 Armed Forces or National Guard which does not designate a
27 specific date on which the document expires, but includes a
28 designation that the expiration date is indefinite; and

29 (iv) was issued by one of the following:

30 (A) The United States Government.

1 (B) The Commonwealth of Pennsylvania.

2 (C) A municipality of this Commonwealth to an employee of
3 that municipality.

4 (D) An accredited Pennsylvania public or private institution
5 of higher learning.

6 (E) A Pennsylvania care facility.

7 (3) For a qualified absentee elector under section 1301:

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

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

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

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

20 Section 206. Requirements Relating to Voter

21 Identification.--(a) The Secretary of the Commonwealth shall
22 prepare and disseminate information to the public regarding the
23 proof of identification requirements established under sections
24 1210 and 1302.

25 (b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)
26 (relating to issuance and content of driver's license) to the
27 contrary, the Department of Transportation shall issue an
28 identification card described in 75 Pa.C.S. § 1510(b) at no cost
29 to any registered elector who has made application therefor and
30 has included with the completed application a statement signed

1 by the elector declaring under oath or affirmation that the
2 elector does not possess proof of identification as defined in
3 section 102(z.5)(2) and requires proof of identification for
4 voting purposes.

5 (c) The Secretary of the Commonwealth shall prepare the form
6 of the statement described in subsection (b) and shall
7 distribute the form to the counties and the Department of
8 Transportation. The Secretary of the Commonwealth, the Secretary
9 of Transportation and the county boards of election shall
10 disseminate information to the public regarding the availability
11 of identification cards under subsection (b).]

12 Section 2. Section 1210(a), (a.2), (a.3), (a.4)(1) and (5)
13 and (f) of the act, amended or added March 14, 2012 (P.L.195,
14 No.18), are amended and the section is amended by adding a
15 subsection to read:

16 Section 1210. Manner of Applying to Vote; Persons Entitled
17 to Vote; Voter's Certificates; Entries to Be Made in District
18 Register; Numbered Lists of Voters; Challenges.--(a) At every
19 primary and election each elector who appears to vote in that
20 election district for the first time and who desires to vote
21 shall first present to an election officer [proof of
22 identification] one of the following forms of photo
23 identification:

24 (1) a valid driver's license or identification card issued
25 by the Department of Transportation;

26 (2) a valid identification card issued by any other agency
27 of the Commonwealth;

28 (3) a valid identification card issued by the United States
29 Government;

30 (4) a valid United States passport;

- 1 (5) a valid student identification card;
- 2 (6) a valid employe identification card; or
- 3 (7) a valid armed forces of the United States identification
- 4 card.

5 The election officer shall examine the [proof of] identification
6 presented by the elector and sign an affidavit stating that this
7 has been done.

8 (a.1) Where the elector does not have a photo identification
9 as provided for in subsection (a), the elector shall present for
10 examination one of the following forms of identification that
11 shows the name and address of the elector:

12 (1) nonphoto identification issued by the Commonwealth, or
13 any agency thereof;

14 (2) nonphoto identification issued by the United States
15 Government, or agency thereof;

16 (3) a firearm permit;

17 (4) a current utility bill;

18 (5) a current bank statement;

19 (6) a paycheck;

20 (7) a government check.

21 The election officer shall examine the identification
22 presented by the elector and sign an affidavit stating that this
23 has been done.

24 (a.2) [If any of the following apply, the elector shall be
25 permitted to cast a provisional ballot in accordance with
26 subsection (a.4):

27 (1) The elector is unable to produce proof of
28 identification:

29 (i) on the grounds that the elector is indigent and unable
30 to obtain proof of identification without the payment of a fee;

1 or

2 (ii) on any other grounds.

3 (2) The elector's proof of identification is challenged by
4 the judge of elections.] If the elector is unable to produce
5 identification or the elector's identification is challenged by
6 the judge of elections, the elector shall be permitted to cast a
7 provisional ballot in accordance with subsection (a.4).

8 (a.3) (1) All electors, including any elector that shows
9 [proof of] identification pursuant to subsection (a), shall
10 subsequently sign a voter's certificate in blue, black or blue-
11 black ink with a fountain pen or ball point pen, and, unless he
12 is a State or Federal employe who has registered under any
13 registration act without declaring his residence by street and
14 number, he shall insert his address therein, and hand the same
15 to the election officer in charge of the district register.

16 (2) Such election officer shall thereupon announce the
17 elector's name so that it may be heard by all members of the
18 election board and by all watchers present in the polling place
19 and shall compare the elector's signature on his voter's
20 certificate with his signature in the district register. If,
21 upon such comparison, the signature upon the voter's certificate
22 appears to be genuine, the elector who has signed the
23 certificate shall, if otherwise qualified, be permitted to vote:
24 Provided, That if the signature on the voter's certificate, as
25 compared with the signature as recorded in the district
26 register, shall not be deemed authentic by any of the election
27 officers, such elector shall not be denied the right to vote for
28 that reason, but shall be considered challenged as to identity
29 and required to make the affidavit and produce the evidence as
30 provided in subsection (d) of this section.

1 (3) When an elector has been found entitled to vote, the
2 election officer who examined his voter's certificate and
3 compared his signature shall sign his name or initials on the
4 voter's certificate, shall, if the elector's signature is not
5 readily legible, print such elector's name over his signature,
6 and the number of the stub of the ballot issued to him or his
7 number in the order of admission to the voting machines, and at
8 primaries a letter or abbreviation designating the party in
9 whose primary he votes shall also be entered by one of the
10 election officers or clerks.

11 (4) As each voter is found to be qualified and votes, the
12 election officer in charge of the district register shall write
13 or stamp the date of the election or primary, the number of the
14 stub of the ballot issued to him or his number in the order of
15 admission to the voting machines, and at primaries a letter or
16 abbreviation designating the party in whose primary he votes,
17 and shall sign his name or initials in the proper space on the
18 registration card of such voter contained in the district
19 register.

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

24 (a.4) (1) At all elections an individual who claims to be
25 properly registered and eligible to vote at the election
26 district but whose name does not appear on the district register
27 and whose registration cannot be determined by the inspectors of
28 election or the county election board shall be permitted to cast
29 a provisional ballot. Individuals who [appear to vote] are
30 voting for the first time at the election district shall be

1 required to produce [proof of] identification pursuant to
2 subsection (a) or (a.1) and if unable to do so shall be
3 permitted to cast a provisional ballot. An individual presenting
4 a judicial order to vote shall be permitted to cast a
5 provisional ballot.

6 * * *

7 (5) (i) Except as provided in subclause (ii), if it is
8 determined that the individual was registered and entitled to
9 vote at the election district where the ballot was cast, the
10 county board of elections shall compare the signature on the
11 provisional ballot envelope with the signature on the elector's
12 registration form and, if the signatures are determined to be
13 genuine, shall count the ballot if the county board of elections
14 confirms that the individual did not cast any other ballot,
15 including an absentee ballot, in the election.

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

17 (A) either the provisional ballot envelope under clause (3)
18 or the affidavit under clause (2) is not signed by the
19 individual;

20 (B) the signature required under clause (3) and the
21 signature required under clause (2) are either not genuine or
22 are not executed by the same individual; or

23 (C) a provisional ballot envelope does not contain a secrecy
24 envelope[;].

25 [(D) in the case of a provisional ballot that was cast under
26 subsection (a.2) (1) (i), within six calendar days following the
27 election the elector fails to appear before the county board of
28 elections to execute an affirmation or the county board of
29 elections does not receive an electronic, facsimile or paper
30 copy of an affirmation affirming, under penalty of perjury, that

1 the elector is the same individual who personally appeared
2 before the district election board on the day of the election
3 and cast a provisional ballot and that the elector is indigent
4 and unable to obtain proof of identification without the payment
5 of a fee; or

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

16 (iii) One authorized representative of each candidate in an
17 election and one representative from each party shall be
18 permitted to remain in the room in which deliberation or
19 determination of subclause (ii) is being made.

20 * * *

21 [(f) As used in this section, "care facility" means any of
22 the following:

23 (1) A long-term care nursing facility as defined in section
24 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the
25 "Health Care Facilities Act."

26 (2) An assisted living residence or a personal care home as
27 defined in section 1001 of the act of June 13, 1967 (P.L.31,
28 No.21), known as the "Public Welfare Code."]

29 Section 3. Sections 1302(e), (e.2) and (j), 1302.2(c), (d)
30 and (f), 1305(b) and (c), 1308(g)(2) and (3), (h) and (i) and

1 1309 of the act, amended or added March 14, 2012 (P.L.195,
2 No.18), are amended to read:

3 Section 1302. Applications for Official Absentee Ballots.--*

4 * *

5 (e) Any qualified bedridden or hospitalized veteran absent
6 from the municipality of his residence and unable to attend his
7 polling place because of such illness or physical disability,
8 regardless of whether he is registered or enrolled, may apply at
9 any time before any primary or election for an official absentee
10 ballot on any official county board of election form addressed
11 to the Secretary of the Commonwealth of Pennsylvania or the
12 county board of elections of the county in which his voting
13 residence is located.

14 The application shall contain the following information:
15 Residence at the time of becoming bedridden or hospitalized,
16 length of time a citizen, length of residence in Pennsylvania,
17 date of birth, length of time a resident in voting district,
18 voting district if known, party choice in case of primary, name
19 and address of present residence or hospital at which
20 hospitalized. When such application is received by the Secretary
21 of the Commonwealth, it shall be forwarded to the proper county
22 board of elections.

23 The application for an official absentee ballot for any
24 primary or election shall be made on information supplied over
25 the signature of the bedridden or hospitalized veteran as
26 required in the preceding subsection. Any qualified registered
27 elector, including a spouse or dependent referred to in
28 subsection (1) of section 1301, who expects to be or is absent
29 from the municipality of his residence because his duties,
30 occupation or business require him to be elsewhere on the day of

1 any primary or election and any qualified registered elector who
2 is unable to attend his polling place on the day of any primary
3 or election because of illness or physical disability and any
4 qualified registered bedridden or hospitalized veteran in the
5 county of residence, or in the case of a county employe who
6 cannot vote due to duties on election day relating to the
7 conduct of the election, or in the case of a person who will not
8 attend a polling place because of the observance of a religious
9 holiday, may apply to the county board of elections of the
10 county in which his voting residence is located for an Official
11 Absentee Ballot. Such application shall be made upon an official
12 application form supplied by the county board of elections. Such
13 official application form shall be determined and prescribed by
14 the Secretary of the Commonwealth of Pennsylvania.

15 (1) The application of any qualified registered elector,
16 including spouse or dependent referred to in subsection (1) of
17 section 1301, who expects to be or is absent from the
18 municipality of his residence because his duties, occupation or
19 business require him to be elsewhere on the day of any primary
20 or election, or in the case of a county employe who cannot vote
21 due to duties on election day relating to the conduct of the
22 election, or in the case of a person who will not attend a
23 polling place because of the observance of a religious holiday,
24 shall be signed by the applicant and shall include the surname
25 and given name or names of the applicant, [proof of
26 identification,] his occupation, date of birth, length of time a
27 resident in voting district, voting district if known, place of
28 residence, post office address to which ballot is to be mailed,
29 the reason for his absence, and such other information as shall
30 make clear to the county board of elections the applicant's

1 right to an official absentee ballot.

2 (2) The application of any qualified registered elector who
3 is unable to attend his polling place on the day of any primary
4 or election because of illness or physical disability and the
5 application of any qualified registered bedridden or
6 hospitalized veteran in the county of residence shall be signed
7 by the applicant and shall include surname and given name or
8 names of the applicant, [proof of identification,] his
9 occupation, date of birth, residence at the time of becoming
10 bedridden or hospitalized, length of time a resident in voting
11 district, voting district if known, place of residence, post
12 office address to which ballot is to be mailed, and such other
13 information as shall make clear to the county board of elections
14 the applicant's right to an official ballot. In addition, the
15 application of such electors shall include a declaration stating
16 the nature of their disability or illness, and the name, office
17 address and office telephone number of their attending
18 physician: Provided, however, That in the event any elector
19 entitled to an absentee ballot under this subsection be unable
20 to sign his application because of illness or physical
21 disability, he shall be excused from signing upon making a
22 statement which shall be witnessed by one adult person in
23 substantially the following form: I hereby state that I am
24 unable to sign my application for an absentee ballot without
25 assistance because I am unable to write by reason of my illness
26 or physical disability. I have made or have received assistance
27 in making my mark in lieu of my signature.

28 (Mark)

29 (Date)

30

1 (Complete Address of Witness) (Signature of Witness)

2 * * *

3 (e.2) Notwithstanding the other provisions of this act any
4 qualified elector who expects to be or is absent from the
5 municipality of his residence because his duties, occupation or
6 business require him to be elsewhere on the day of any election
7 or a county employe who cannot vote due to duties on election
8 day relating to the conduct of the election or a person who will
9 not attend a polling place because of the observance of a
10 religious holiday may make an application for an absentee ballot
11 by mail by sending a letter to the county board of elections in
12 the county in which his voting residence is located. The letter
13 shall be signed by the applicant and contain his name[,] and
14 place of residence [and proof of identification].

15 * * *

16 [(j) Notwithstanding the provisions of this section
17 requiring proof of identification, a qualified absentee elector
18 shall not be required to provide proof of identification if the
19 elector is entitled to vote by absentee ballot under the
20 Uniformed and Overseas Citizens Absentee Voting Act (Public Law
21 99-410, 100 Stat. 924) or by an alternative ballot under the
22 Voting Accessibility for the Elderly and Handicapped Act (Public
23 Law 98-435, 98 Stat. 1678).]

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

26 * * *

27 (c) The county board of elections, upon receipt of any
28 application of a qualified elector required to be registered
29 under the provisions of preceding section 1301, shall determine
30 the qualifications of such applicant by [verifying the proof of

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

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

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

18 (d) In the event that any application for an official
19 absentee ballot is not approved by the county board of
20 elections, the elector shall be notified immediately to that
21 effect with a statement by the county board of the reasons for
22 the disapproval. [For those applicants whose proof of
23 identification was not provided with the application or could
24 not be verified by the board, the board shall send notice to the
25 elector with the absentee ballot requiring the elector to
26 provide proof of identification with the absentee ballot or the
27 ballot will not be counted.]

28 * * *

29 [(f) 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 1305. Delivering or Mailing Ballots.--

7 * * *

8 (b) The county board of elections upon receipt and approval
9 of an application filed by any elector qualified in accordance
10 with the provisions of section 1301, subsections (i) to (l),
11 inclusive, shall commence to deliver or mail official absentee
12 ballots on the second Tuesday prior to the primary or election.

13 [For those applicants whose proof of identification was not
14 provided with the application or could not be verified by the
15 board, the board shall send the notice required under section
16 1302.2(d) with the absentee ballot.] As additional applications
17 are received and approved, the board shall deliver or mail
18 official absentee ballots to such additional electors within
19 forty-eight hours.

20 [(c) Notwithstanding the provisions of this section, a
21 qualified absentee elector shall not be required to provide
22 proof of identification if the elector is entitled to vote by
23 absentee ballot under the Uniformed and Overseas Citizens
24 Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an
25 alternative ballot under the Voting Accessibility for the
26 Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).]

27 Section 1308. Canvassing of Official Absentee Ballots.--* *

28 *

29 (g) * * *

30 (2) The county board of elections shall meet on the eighth

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

9 (3) When the county board meets to canvass absentee ballots
10 under paragraph (2), the board shall examine the declaration on
11 the envelope of each ballot not set aside under subsection (d)
12 and shall compare the information thereon with that contained in
13 the "Registered Absentee Voters File," the absentee voters' list
14 and/or the "Military Veterans and Emergency Civilians Absentee
15 Voters File," whichever is applicable. If the county board [has
16 verified the proof of identification as required under this
17 act,] is satisfied that the declaration is sufficient and the
18 information contained in the "Registered Absentee Voters File,"
19 the absentee voters' list and/or the "Military Veterans and
20 Emergency Civilians Absentee Voters File" verifies his right to
21 vote, the county board shall announce the name of the elector
22 and shall give any candidate representative or party
23 representative present an opportunity to challenge any absentee
24 elector upon the ground or grounds: (i) that the absentee
25 elector is not a qualified elector; or (ii) that the absentee
26 elector was within the municipality of his residence on the day
27 of the primary or election during the period the polls were
28 open, except where he was in the military service or except in
29 the case where his ballot was obtained for the reason that he
30 was unable to appear personally at the polling place because of

1 illness or physical disability; or (iii) that the absentee
2 elector was able to appear personally at the polling place on
3 the day of the primary or election during the period the polls
4 were open in the case his ballot was obtained for the reason
5 that he was unable to appear personally at the polling place
6 because of illness or physical disability. Upon challenge of any
7 absentee elector, as set forth herein, the board shall mark
8 "challenged" on the envelope together with the reasons therefor,
9 and the same shall be set aside unopened pending final
10 determination of the challenge according to the procedure
11 described in paragraph (5).* * *

12 [(h) For those absentee ballots for which proof of
13 identification has not been received or could not be verified:

14 (1) If the proof of identification is received and verified
15 by the county board of elections prior to the distribution of
16 the absentee ballots to the local election districts, then the
17 county shall distribute the absentee ballots for which proof of
18 identification is received and verified, along with the other
19 absentee ballots, to the absentee voter's respective election
20 district. If the county board of elections does not receive or
21 is not able to verify the proof of identification for an elector
22 prior to the absentee ballots' being sent to the appropriate
23 local election districts, the county board shall keep the
24 absentee ballot and follow the procedures set forth in paragraph
25 (2) or (3), whichever is applicable.

26 (2) If the proof of identification is received and verified
27 after the absentee ballots have been distributed to the
28 appropriate local election districts, but prior to the sixth
29 calendar day following the election, then the county board of
30 elections shall canvass the absentee ballots under this

1 subsection in accordance with subsection (g) (2), unless the
2 elector appeared to vote at the proper polling place for the
3 purpose of casting a ballot, then the absentee ballot cast by
4 that elector shall be declared void.

5 (3) If an elector fails to provide proof of identification
6 that can be verified by the county board of elections by the
7 sixth calendar day following the election, then the absentee
8 ballot shall not be counted.

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

16 Section 1309. Public Records.--All official absentee
17 ballots, files, applications for such ballots and envelopes on
18 which the executed declarations appear, and all information and
19 lists are hereby designated and declared to be public records
20 and shall be safely kept for a period of two years, except that
21 no [proof of identification shall be made public, nor shall]
22 information concerning a military elector shall be made public
23 which is expressly forbidden by the Department of Defense
24 because of military security.

25 Section 4. Section 1854 of the act, added March 14, 2012
26 (P.L.195, No.18), is repealed:

27 [Section 1854. Enforcement.--(a) The Attorney General shall
28 have prosecutorial jurisdiction over all violations committed
29 under this act.

30 (b) The district attorney of any county in which a violation

1 has occurred shall have concurrent powers and responsibilities
2 with the Attorney General over violations committed under this
3 act.]

4 Section 5. Repeals are as follows:

5 (1) The General Assembly declares that the repeal under
6 paragraph (2) is necessary to effectuate the amendment or
7 addition of the following provisions of the act:

8 (i) Section 102(z.5).

9 (ii) Section 206.

10 (iii) Section 1210(a), (a.1), (a.2), (a.3), (a.4) (1
11 and (5) and (f).

12 (iv) Section 1302(e), (e.2) and (j).

13 (v) Section 1302.2(c), (d) and (f).

14 (vi) Section 1305(b) and (c).

15 (vii) Section 1308(g) (2) and (3), (h) and (i).

16 (vii) Section 1309.

17 (ix) Section 1854.

18 (2) Section 10 of the act of March 14, 2012 (P.L.195,
19 No.18), entitled, "An act amending the act of June 3, 1937
20 (P.L.1333, No.320), entitled 'An act concerning elections,
21 including general, municipal, special and primary elections,
22 the nomination of candidates, primary and election expenses
23 and election contests; creating and defining membership of
24 county boards of elections; imposing duties upon the
25 Secretary of the Commonwealth, courts, county boards of
26 elections, county commissioners; imposing penalties for
27 violation of the act, and codifying, revising and
28 consolidating the laws relating thereto; and repealing
29 certain acts and parts of acts relating to elections,' in
30 preliminary provisions, defining 'proof of identification';

1 in the Secretary of the Commonwealth, providing for
2 requirements relating to voter identification; in preparation
3 for and conduct of primaries and elections, further providing
4 for manner of applying to vote, persons entitled to vote,
5 voter's certificates, entries to be made in district
6 register, numbered lists of voters and challenges; in voting
7 by qualified absentee electors, further providing for
8 applications for official absentee ballots, for approval of
9 application for absentee ballot, for delivering or mailing
10 ballots, for canvassing of official absentee ballots and for
11 public records; and providing for enforcement and for a
12 special procedure at certain elections," is repealed.
13 Section 6. This act shall take effect immediately.