

PENNSYLVANIA ELECTION CODE - OMNIBUS AMENDMENTS

Act of Oct. 31, 2019, P.L. 552, No. 77

Cl. 25

Session of 2019

No. 2019-77

SB 421

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in preliminary provisions, further providing for definitions; in the Secretary of the Commonwealth, providing for requirements for disapproval or decertification of voting apparatuses and for census outreach; in district election officers, further providing for compensation of district election officers; in election districts and polling places, further providing for restrictions on alteration; in nomination of candidates, further providing for petition may consist of several sheets and affidavit of circulator, for manner of signing nomination petitions and time of circulating and for nominations by political bodies; in ballots, further providing for form of official primary ballot, for form of official election ballot, for number of ballots to be printed and specimen ballots and for forms of ballots on file and open to public inspection and ballots and diagrams to be furnished to candidates and parties; in voting machines, further providing for requirements of voting machines and for form of ballot labels on voting machines; in electronic voting systems, further providing for requirements of electronic voting systems, for forms, for election day procedures and the process of voting and for post election procedures; providing for voting apparatus bonds; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote and persons entitled to vote and voter's certificates and entries to be made in district register and numbered lists of voters and challenges, for method of marking ballots and depositing same in districts in which ballots are used, for instructions of voters and manner of voting in districts in which voting machines are used, for count and return of votes in districts in which ballots are used, for what ballots shall be counted, manner of counting and defective ballots and for canvass and return of votes in districts in which voting machines are used and providing for deadline for receipt of valid voter registration application, for appeals and for appeals to court of common pleas; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for date of application for absentee ballot, for approval of application for absentee ballot, for absentee electors files and lists, for official absentee voters ballots, for delivering or mailing ballots, for voting by absentee electors, for canvassing of official absentee ballots and for public

records; providing for voting by qualified mail-in electors; in returns of primaries and elections, further providing for manner of computing irregular ballots; providing for dissemination of information and for jurisdiction; removing references to the Traffic Court of Philadelphia; and making related repeals.

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

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

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

* * *

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

* * *

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

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

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

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

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

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

Section 2. The act is amended by adding sections to read:

Section 207. Requirements for Disapproval or Decertification of Voting Apparatuses.--(a) The Commonwealth may not disapprove or decertify a voting apparatus in 50% or more counties until the requirements of this section have been met.

(b) If the Commonwealth intends to make a disapproval or decertification under subsection (a), the Department of State must submit a written plan to the President pro tempore of the Senate, the Speaker of the House of Representatives, the Appropriations Committee of the Senate, the Appropriations Committee of the House of Representatives, the State Government Committee of the Senate and the State Government Committee of the House of Representatives at least 180 days prior to the effective date of the replacement voting apparatuses, containing all of the following information:

(1) The reason for the disapproval or decertification.

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

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

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

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

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

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

Section 208. Census Outreach.--The Department of State may utilize up to \$4,000,000 of funds not expended, encumbered or committed from appropriations from the General Fund for a fiscal year ending before July 1, 2020, for an executive branch agency, which is subject to the policy, supervision and control of the Governor, for communication, administration and assistance within each county of the Commonwealth for the purpose of ensuring a complete and accurate census count of the Commonwealth in the 2020 Federal decennial census. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section. The Secretary of the Budget may make a transfer of funds if the transfer will not result in a deficit in an appropriation from which funds are transferred. The Secretary of the Budget shall provide at least 10 days prior notification of a transfer to the chair and minority chair of the Appropriations Committee of the Senate and the chair and minority chair of the Appropriations Committee of the House of Representatives.

Section 3. Sections 412.2, 536(a) and (b), 630.1, 908, 909, 910, 951(d), 976, 981.1, 993(a), 998(a) and (b), 1002(a) and (b), 1003(a) and (e), 1004, 1007, 1008, 1107(b), 1110(h), 1107-A(3), 1109-A(a)(2) and (d), 1112-A(a)(2) and (4) and (b)(4) and 1113-A(d) of the act are amended to read:

Section 412.2. Compensation of District Election Officers.--(a) In all counties regardless of class, [the compensation of] judges of election, inspectors of election, clerks and machine operators shall be **paid compensation as** fixed by the county board of elections for each election [in accordance with the following:

Election Officers	Minimum Compensation	Maximum Compensation
Judges of election	\$75	\$200
Inspectors of election	\$75	\$195
Clerks and machine operators	\$70	\$195]

, which amount shall be at least \$75 and not more than \$200.

(a.1) An election officer shall receive additional compensation, as fixed by the county board of elections, for participating in election training.

(a.2) A judge of election shall receive additional compensation, as fixed by the county board of elections, for picking up and returning election materials.

(b) If a county board of elections authorizes that the duties of a clerk of elections or machine operator may be performed by two individuals who each perform [such] **the** duties for one-half of an election day, [such individuals shall each] **each individual shall** be compensated at one-half of the rate authorized for a single individual who performs the duties for the entire election day.

(c) The county board of elections may[, in its discretion,] establish different per diem rates within [the minima and maxima provided for in] **minimum and maximum rates provided for under** subsection (a) based on the number of votes cast for the following groups:

- (1) 150 votes or fewer.
- (2) 151 to 300 votes.

- (3) 301 to 500 votes.
- (4) 501 to 750 votes.
- (5) 751 votes and over.

(d) For transmitting returns of elections and the ballot box or boxes, all judges of election shall be entitled to receive the additional sum of [twenty dollars (\$20)] **\$20**.

(e) The county board of elections may[, in its discretion,] require the minority inspector of election to accompany the judge of election in transmitting the returns of elections, in which case the minority inspector of election shall be entitled to receive the additional sum of [twenty dollars (\$20)] **\$20**.

(f) The [person] **individual** furnishing transportation to the judge of election and the minority inspector in transmitting returns and ballot boxes shall be entitled to a minimum of [thirty-five cents (35¢)] **35¢** per circular mile from the polling place to the county court house. The name of [such person] **the individual** shall appear on the voucher of the judge of election[, and only one person shall] **and only one individual may** receive mileage compensation.

(h) When a primary and special election or a special election and a general or municipal election take place on the same date, [they] **the elections** shall be construed as one election for the purpose of receiving compensation.

(i) Compensation and other payments received by election officials [pursuant to] **under** this section shall not be deemed income classified and categorized under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

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

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

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

(2) In the case of the combination of election districts, the boundary of each resulting district is composed entirely of portions of the original boundaries of the election districts which were combined.

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Section 630.1. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f)

unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures; and (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit.

Section 908. Manner of Signing Nomination Petitions; Time of Circulating.--Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his [residence] **address where he is duly registered and enrolled**, giving city, borough or township, with street and number, if any, and shall legibly print his name and add the date of signing, expressed in words or numbers: Provided, however, That if the said political district named in the petition lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a nomination petition to state therein the city, borough or township of his residence. No nomination petition shall be circulated prior to the thirteenth Tuesday before the primary, and no signature shall be counted unless it bears a date affixed not earlier than the thirteenth Tuesday nor later than the tenth Tuesday prior to the primary.

Section 909. Petition May Consist of Several Sheets; [Affidavit] **Statement** of Circulator.--Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. In cases of petitions for delegate or alternate delegate to National conventions, each sheet shall contain a notation indicating the presidential candidate to whom he is committed or the term "uncommitted." Each sheet shall have appended thereto the [affidavit] **statement** of the circulator of each sheet, setting forth, **subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)**--(a) that he or she is a qualified elector **of the Commonwealth, who is** duly registered and enrolled as a member of the [designated party of the State, or of the political district, as the case may be, referred to] **party designated** in said petition, unless said petition relates to the nomination of a candidate for a court of common pleas, for the Philadelphia Municipal Court [or for the Traffic Court of Philadelphia] or for justice of the peace, in which event the circulator need not be a duly registered and enrolled member

of the designated party; (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the [affidavit] **statement**; (f) that each signed on the date set opposite his name; and (g) that, to the best of [affiant's] **the circulator's** knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

Section 910. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or for the office of school director in a district where that office is elective or for the office of justice of the peace that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term "uncommitted"; (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures; and (j) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

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

(d) Nomination papers may be on one or more sheets and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one nomination paper, and each sheet shall be numbered consecutively, beginning with number one (1) at the foot of each page. Each sheet shall have appended thereto the [affidavit] **statement** of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting

forth, **subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)**--[(1) that the affiant is a qualified elector of the State, or of the electoral district, as the case may be, referred to in the nomination paper;] (2) [his] **the person's** residence, giving city, borough or township with street and number, if any; (3) that the signers signed with full knowledge of the contents of the nomination paper; (4) that their respective residences are correctly stated therein; (5) that they all reside in the county named in the [affidavit] **statement**; (6) that each signed on the date set opposite his name; and (7) that, to the best of [affiant's] **the person's** knowledge and belief, the signers are qualified electors of the State, or of the electoral district, as the case may be.

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Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination Petitions, Certificates and Papers.--When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if--(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of signatures as required by law; Provided, however, That the Secretary of the Commonwealth or the county board of elections, although not hereby required so to do, may question the genuineness of any signature or signatures appearing thereon, and if he or it shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded in determining whether the nomination petition, nomination paper or nomination certificate contains a sufficient number of signatures as required by law; or (d) in the case of nomination petitions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or the office of school director in districts where that office is elective or the office of justice of the peace upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for any public office for the ensuing primary, or has been nominated for any such office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer

or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court upon an application to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing.

Upon completion of any examination, if any nomination petition, certificate or paper is found to be defective, it shall forthwith be rejected and returned to the candidate or one of the candidates named therein, together with a statement of the reasons for such rejection:

Provided further, That no nomination petition, nomination paper or nomination certificate shall be permitted to be filed, if the political party or political body referred to therein shall be composed of a group of electors whose purposes or aims, or one of whose purposes or aims, is the establishment, control, conduct, seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force, violence, military measure or threats of one or more of the foregoing. The authority to reject such nomination petition, paper or certificate for this reason shall, when filed with the Secretary of the Commonwealth, be vested in a committee composed of the Governor, the Attorney General and the Secretary of the Commonwealth, and when filed with any county board of elections shall be vested in such board. If in such case the committee or board, as the case may be, shall conclude that the acceptance of such nomination petition, paper or certificate should be refused, it shall within two days of the filing of such nomination petition, paper or certificate fix a place and a time five days in advance for hearing the matter, and notice thereof shall be given to all parties affected thereby. At the time and place so fixed the committee or board, as the case may be, shall hear testimony, but shall not be bound by technical rules of evidence. The testimony presented shall be stenographically recorded and made a part of the record of the committee or board. Within two days after such hearing the committee or board, if satisfied upon competent evidence that the said nomination petition, paper or certificate is not entitled to be accepted and filed, it shall announce its decision and immediately notify the parties affected thereby. Failure to announce decision within two days after such hearing shall be conclusive that such nomination petition, paper or certificate has been accepted and filed. The decision of said committee or board in refusing to accept and file such nomination petition, paper or certificate may be reviewed by the court upon an application to compel its reception as of the date when presented to the Secretary of the Commonwealth or such board. The application shall be made within two days of the time when such decision is announced. If the application is properly made, any judge of said court may fix a time and place for hearing the matter in dispute, of which notice shall be served with a copy of said application upon the Secretary of the Commonwealth or the county board of elections, as the case may be. At the time so fixed, the court, or any judge thereof assigned for the purpose, shall hear the case de novo. If after such hearing the said court shall find that the decision of the committee or the board was erroneous, it shall

issue its mandate to the committee or board to correct its decision and to accept and file the nomination paper, petition or certificate. From any decision of the court an appeal may be taken within two days after the entry thereof. It shall be the duty of the said court to fix the hearing and to announce its decision within such period of time as will permit the Secretary of the Commonwealth or the county board of elections to permit the names of the candidates affected by the court's decision to be printed on the ballot, if the court should so determine.

Section 981.1. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures; and (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit.

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.--(a)

In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hundred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or for the office of school director in districts where that office is elective or for the office of justice of the peace. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such

person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or for the office of school director in districts where that office is elective or for the office of justice of the peace.

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Section 998. Substituted Nominations to Fill Certain Vacancies for a November Election.--(a) Any vacancy happening or existing in any party nomination made in accordance with the provisions of section nine hundred ninety-three of this act for a November election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket, in the form prescribed by section nine hundred ninety-four of this act. But no substituted nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or for the office of school director in districts where that office is elective or for the office of justice of the peace.

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

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

Official..... Primary Ballot.

(Name of Party)

.....District,.....Ward, City of.....,
County of....., State of Pennsylvania
.....Primary election held on the.....day of....., 19...

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

President of the United States.

(Vote for one)

John Doe
Richard Roe
John Stiles

United States Senator.

(Vote for one)

John Doe
Richard Roe
John Stiles

Governor.
(Vote for one)

John Doe
Richard Roe
John Stiles

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

John Doe
Richard Roe
John Stiles

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

John Doe
(Committed to Jeremiah Smith)
John Stiles
(Uncommitted)

Delegate to National Convention.....District.
(Vote for.....)

John Doe
(Committed to Jeremiah Smith)
John Stiles
(Uncommitted)

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

John Doe
Richard Roe
John Stiles

Member of State Committee.
(Vote for one)

John Doe
Richard Roe
John Stiles

Party Committeemen.
(Vote for.....)

John Doe
Richard Roe
John Stiles

(b) On the back of each ballot shall be printed in prominent type the words "OFFICIAL PRIMARY BALLOT OFPARTY FOR" followed by the designation of the election district for which it is prepared, the date of the primary and the facsimile signatures of the members of the county board of elections. The names of candidates shall in all cases be arranged under the title of the office for which they are candidates, and be printed thereunder in the order determined by the casting of lots as provided by this act. Under the title of such offices where more than one candidate is to be voted for, shall be printed "Vote for not more than" (the blank space to indicate the number of candidates to be voted for the particular office.) At the right of the name of each candidate there shall be a square of sufficient size for the convenient insertion of a cross (x) or check (ˇ) mark. There shall be left at the end of the list of candidates for each office (or under the title of the office itself in case there be no candidates who have filed nomination petitions therefor) as many blank spaces as there are persons to be voted for, for such office, in which space the elector may insert, **by writing or stamping**, the name of any person whose name is not printed on the ballot as a

candidate for such office. Opposite or under the name of each candidate, except candidates for the office of President of the United States and candidates for delegate or alternate delegate to a National Party Convention, who is to be voted for by the electors of more than one county, shall be printed the name of the county in which such candidate resides; and opposite or under the name of each candidate except candidates for delegate or alternate delegate to a National Party Convention who is to be voted for by the electors of an entire county or any congressional, senatorial or representative district within the county, shall be printed the name of the city, borough, township or ward, as the case may be, in which such candidate resides.

* * *

Section 1003. Form of Official Election Ballot.--

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

OFFICIAL BALLOT

.....District,Ward,
City of, County of,
State of Pennsylvania.....
Election held on the day of, [19]
20.....

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

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

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

Before leaving the voting compartment, fold this ballot, without displaying the markings thereon, in the same way it was folded when received, then leave the compartment and exhibit the ballot to one of the election officers who shall ascertain by an inspection of the number appearing upon the right hand corner of the back of the ballot whether the ballot so exhibited to him is the same ballot which the elector received before entering the voting compartment. If it is the same, the election officer shall direct the elector, without unfolding the ballot, to remove the perforated corner containing the number, and the elector shall immediately deposit the ballot in the ballot box. Any ballot deposited in a ballot box at any primary or election without having the said number torn off shall be void and shall not be counted.

[Party Column

Presidential Electors

To Vote a Straight Party Ticket
Mark a Cross (X) or Check (✓)
in this Column.

(Vote for the candidates of
one party for President and
Vice-President, or insert the
names of candidates.)

Democratic	For John Stiles and Richard Doe, Democratic.....
Republican	For John Doe and Richard Roe, Republican.....
Socialist	For John Smith and William Jones, Socialist.....
Citizens]	

Presidential Electors.

(Vote for the candidates of one party for President and Vice
President, or insert the names of candidates)

For
John Stiles and Richard Doe..... Democratic
For
John Doe and Richard Roe..... Republican
For
John Smith and William Jones..... Socialist
For

..... **Citizens**

United States Senator.
(Vote for one)

RichardRoe.....Democratic
JohnDoe.....Republican
RichardStiles.....Socialist

Governor.

(Vote for one)

RichardRoe.....Democratic
JohnDoe.....Republican
RichardStiles.....Socialist

Representatives in Congress,
..... District.

(Vote for one)

RichardRoe.....Democratic
JohnDoe.....Republican
RichardStiles.....Socialist

Senator in the General Assembly,
..... District.

(Vote for one)

JohnDoe.....Democratic
RichardRoe.....Republican

* * *

(e) There shall be left at the end of the group of
candidates for President and Vice-President of the United States
under the title "Presidential Electors," as many blank spaces
as there are presidential electors to be elected, in which
spaces the elector may insert, **by writing or stamping**, the names
of any individual candidates for presidential electors for whom
he desires to vote. There shall also be left at the end of each
group of candidates for each other office (or under the title
of the office itself in case no candidates have been nominated

therefor), as many blank spaces as there are persons to be voted for for such office, in which space the elector may insert the name of any person or persons whose name is not printed on the ballot as a candidate for such office.

* * *

Section 1004. Form of Ballots; Printing Ballots; Stubs; Numbers.--From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court [or the Traffic Court of Philadelphia,] or the office of school director in districts where that office is elective or the office of justice of the peace be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub, and all the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The stubs of the ballots shall be consecutively numbered, and in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot, separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box and beside that corner shall also be printed, "Remove numbered stub immediately before depositing your ballot in ballot box."

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

(1) **the general primary election held in even-numbered years in which candidates for the office of President of the United States are not nominated in an amount of at least 10% greater than the highest number of ballots cast in the election district in any of the previous three general primary elections at which candidates for the office of President of the United States were not nominated;**

(2) the general primary election held in even-numbered years in which candidates for the office of President of the United States are nominated in an amount of at least 15% greater than the highest number of ballots cast in the election district in any of the previous three general primary elections at which candidates for the office of President of the United States were nominated;

(3) the municipal primary election held in odd-numbered years in an amount of at least 10% greater than the highest number of ballots cast in any of the previous three municipal primary elections in the election district;

(4) the general election held in even-numbered years in which candidates for the office of President of the United States are not elected in an amount of at least 10% greater than the highest number of ballots cast in the election district in any of the previous three general elections at which candidates for the office of President of the United States were not elected;

(5) the general election held in even-numbered years in which candidates for the office of President of the United States are elected in an amount of at least 15% greater than the highest number of ballots cast in the election districts in any of the previous three general elections at which candidates for the office of President of the United States were elected; and

(6) the municipal election held in odd-numbered years in an amount of at least 10% greater than the highest number of ballots cast in any of the previous three municipal elections in the election district.

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

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

(a) The county board of elections shall have on file in its office[, on and] after the Thursday [preceding] **before** each primary and election, open to public inspection, forms of the ballots and ballot labels[, with the names and such statements and notations as may be required by the provisions of this act, printed thereon, which shall be used in each election district within the county]. **The forms of the ballots and ballot labels shall be published on the county board's publicly accessible Internet website.**

(b) On the Thursday [preceding] **before** each primary, the county board shall, upon request made at their office, [there] deliver to each candidate whose name is printed on the ballot of any party, or to his authorized representative, without charge, three [specimen] **sample** ballots of such party for the

entire district [in which such candidate is to be voted for, and the candidate may, at his own expense, have printed on different colored paper as many copies as he requires for conducting his campaign].

(c) On the Thursday [preceding] **before** each November election, the county board shall, upon request made at their office, [there] deliver to the county chairman or other authorized representative of each political party and political body in the county, without charge, two [specimen] **sample** ballots [or diagrams] for each election district within the county in which candidates of such party or political body are [to be voted for, and such political party or political body may, at its own expense, have printed on different colored paper as many copies as it requires for conducting its campaign.] **running for office.**

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

* * *

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

* * *

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

* * *

(h) The names of all candidates of a political party shall appear in the same row or column, and except in cases of names of presidential commitments of nominees for delegate or alternate delegate to political party National conventions no other names shall appear in the same row or column[, to the left or top of which shall be a straight party lever, by means of which an elector may, in one operation, vote for all the candidates of that political party for every office to be voted for]. Where the names of the delegate or alternate delegate and the presidential candidate he is supporting shall both appear, the print size of the name of the delegate or alternate delegate shall be equal to the size of the name of the particular presidential candidate to whom he is committed, or in the case where he is uncommitted, the word "uncommitted" shall appear in the same size print. The names of such candidates shall be arranged under or opposite the title of the office for which they are candidates, and shall appear in the order of the votes obtained by the candidate for Governor of the party nominated at the last gubernatorial election, beginning with the party obtaining the highest number of votes: Provided, however, That in the case of parties or bodies not represented on the ballot at the last gubernatorial election, the names of the candidates of such parties shall be arranged alphabetically, according to the party or body name. The names of all candidates of a political body shall appear in the same row or column, and, if the number of parties and bodies permits, each political body shall be entitled exclusively to a separate row or column[, with a straight party lever]. If, however, the number of political parties and political bodies renders it impossible or impracticable to so arrange the political bodies, in such case said bodies shall not be entitled to a separate row or

column [and a straight party lever], but shall be listed by political appellations on the first left hand or top row, with the designating letter and number of the ballot label where their candidates may be found, together with the political appellations of other political bodies, whose candidates may be interspersed on the same row or column. Subject to the aforesaid limitations, the form and arrangement of ballot labels, as to the placing thereon of political bodies, shall be within the discretion of the county board.

* * *

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

* * *

[(3) Permits each voter, at other than primary elections, to vote a straight political party ticket by one mark or act and, by one mark or act, to vote for all the candidates of one political party for presidential electors and, by one mark or act, to vote for all the candidates of one political party for every office to be voted for, and every such mark or act shall be equivalent to and shall be counted as a vote for every candidate of the political party so marked including its candidates for presidential electors, except with respect to those offices as to which the voter has registered a vote for individual candidates of the same or another political party or political body, in which case the automatic tabulating equipment shall credit the vote for that office only for the candidate individually so selected, notwithstanding the fact that the voter may not have individually voted for the full number of candidates for that office for which he was entitled to vote.]

* * *

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

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

(4) [If the voter desires to vote for every candidate of a political party or political body, except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided, he may make a cross (X) or check (ˆš) or punch or mark sense mark in the square opposite the name of the party or political body so marked, including its candidates for presidential electors, except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body, by making a cross (X) or check (ˆš) or punch or mark sense mark opposite their names in the manner hereinabove provided, as to which

offices his ballot shall be counted only for the candidates which he has thus individually marked, notwithstanding the fact that he made a mark in the party column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote.] If he desires to vote for the entire group of presidential electors nominated by any party or political body, he may make a cross (X) or check (ˆš) or punch or mark sense mark in the appropriate space opposite the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert, **by writing or stamping**, the names of the candidates for presidential electors for whom he desires to vote in the blank spaces provided therefor on the write-in ballot under the title of the office "Presidential Electors". In case of a question submitted to the vote of the electors, he may make a cross (X) or check (ˆš) or punch or mark sense mark in the appropriate square opposite the answer which he desires to give.

* * *

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

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

* * *

Section 3.1. The act is amended by adding an article to read:

ARTICLE XI-B VOTING APPARATUS BONDS

Section 1101-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Account." The County Voting Apparatus Reimbursement Account established under section 1106-B.

"Authority." The Pennsylvania Economic Development Financing Authority.

"Bond." Any type of revenue obligation, including a bond or series of bonds, note, certificate or other instrument, issued by the authority for the benefit of the department under this article.

"Bond administrative expenses." Expenses incurred to administer bonds as provided under the Financing Law, or as otherwise necessary to ensure compliance with applicable Federal or State law.

"Bond obligations." The principal of a bond and any premium and interest payable on a bond, together with any amount owed under a related credit agreement or a related resolution of the authority authorizing a bond.

"Credit agreement." A loan agreement, a revolving credit agreement, an agreement establishing a line of credit, a letter of credit or another agreement that enhances the marketability, security or creditworthiness of a bond.

"Department." The Department of State of the Commonwealth.

"Election security equipment." Information technology such as intrusion detection sensors and other infrastructure deployed

to enhance the security of voting apparatus and election systems by detecting and reporting hacking attempts and other election security breaches.

"Electronic voting system." As defined in section 1101-A.

"Financing Law." The act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

"Voting apparatus." A kind or type of electronic voting system that received the approval of the Secretary of the Commonwealth under section 1105-A.

Section 1102-B. Bond issuance.

(a) Declaration of policy.--The General Assembly finds and declares that funding the replacement of voting apparatuses, including interest, through the authority, is in the best interest of this Commonwealth.

(b) Authority.--Notwithstanding any other law, the following shall apply:

(1) The department may be a project applicant under the Financing Law and may apply to the authority for the funding of the replacement of voting apparatuses.

(2) The authority may issue bonds under the Financing Law, consistent with this article, to finance projects to fund the replacement of county voting apparatuses or to reimburse counties for their cost to purchase or enter into capital leases for voting apparatuses.

(3) Participation of an industrial and commercial development authority shall not be required to finance the replacement of voting apparatuses.

(c) Debt or liability.--

(1) Bonds issued under this article shall not be a debt or liability of the Commonwealth and shall not create or constitute any indebtedness, liability or obligation of the Commonwealth.

(2) Bond obligations and bond administrative expenses shall be payable solely from revenues or money pledged or available for repayment as authorized under this article. This paragraph shall include the proceeds of any issuance of bonds.

(3) Each bond shall contain on its face a statement that:

(i) the authority is obligated to pay the principal or interest on the bonds only from the revenues or money pledged or available for repayment as authorized under this article;

(ii) neither the Commonwealth nor a county is obligated to pay the principal or interest; and

(iii) the full faith and credit of the Commonwealth or any county is not pledged to the payment of the principal or of the interest on the bonds.

Section 1103-B. Criteria for bond issuance.

(a) Determination.--If the department decertifies one or more voting apparatuses that are in use in any county of this Commonwealth, the department shall apply to the authority to issue bonds for reimbursements to each county for the cost of procuring new voting apparatuses.

(a.1) Issuance.--Bonds may be issued in one or more series, and each series may finance reimbursement grants to one or more counties.

(b) Terms.--

(1) The department, with the approval of the Office of the Budget, shall specify in its application to the authority:

(i) the maximum principal amount of the bonds for each bond issue; and

(ii) the maximum term of the bonds consistent with applicable law.

(2) The total principal amount for all bonds issued under this article may not exceed \$90,000,000.

(3) The term of the bonds issued under this article may not exceed 10 years from the respective date of original issuance.

(c) Expiration.--For the purpose of this article, authorization to issue bonds, not including refunding bonds, shall expire December 31, 2020.

Section 1104-B. Issuance of bonds, security and sources of payments.

(a) Issuance.--The authority shall consider issuance of bonds upon application by the department. Bonds issued under this article shall be subject to the provisions of the Financing Law, unless otherwise specified under this article.

(b) Service agreement authorized.--The authority and the department may enter into an agreement or service agreement to effectuate this article, including an agreement to secure bonds issued for the purposes under section 1102-B(b), pursuant to which the department shall agree to pay the bond obligations and bond administrative expenses to the authority in each fiscal year that the bonds or refunding bonds are outstanding in amounts sufficient to timely pay in full the bond obligations, bond administrative expenses and any other financing costs due on the bonds issued for the purposes under section 1102-B(b). The department's payment of the bond obligations, bond administrative expenses and other financing costs due on the bonds as service charges under an agreement or service agreement shall be subject to and dependent upon the appropriation of funds by the General Assembly to the department for payment of the service charges. The service agreement may be amended or supplemented by the authority and the department in connection with the issuance of any series of bonds or refunding bonds authorized under this section.

(c) Security.--Bond obligations and bond administrative expenses may be secured, for the benefit of the holders of the bonds and the obligees under credit agreements or the agreements under subsection (b), by pledge of a security interest in and first lien on the following:

(1) Money relating to the bonds held on deposit in any other fund or account under an instrument or agreement pertaining to the bonds, including bond reserves and interest income on the money.

(2) The security provided under this subsection shall not apply to money in any fund relating to arbitrage rebate obligations.

Section 1105-B. Sale of bonds.

The authority shall offer the bonds for sale by means of a public, competitive sale or by means of a negotiated sale based on the authority's determination of which method will produce the most benefit to counties and the Commonwealth.

Section 1106-B. Deposit of bond proceeds.

The net proceeds of bonds, other than refunding bonds, exclusive of costs of issuance, reserves and any other financing charges, shall be transferred by the authority to the State Treasurer for deposit into a restricted account established in the State Treasury and held solely for the purposes under section 1102-B(b) to be known as the County Voting Apparatus Reimbursement Account. The department shall pay out the bond

proceeds to the counties from the account in accordance with this article.

Section 1107-B. Payment of bond-related obligations.

For each fiscal year in which bond obligations and bond administrative expenses will be due, the authority shall notify the department of the amount of bond obligations and the estimated amount of bond administrative expenses in sufficient time, as determined by the department, to permit the department to request an appropriation sufficient to pay bond obligations and bond administrative expenses that will be due and payable in the following fiscal year. The authority's calculation of the amount of bond obligations and bond administrative expenses that will be due shall be subject to verification by the department.

Section 1108-B. Commonwealth not to impair bond-related obligations.

The Commonwealth pledges that it shall not do any of the following:

(1) Limit or alter the rights and responsibilities of the authority or the department under this article, including the responsibility to:

(i) pay bond obligations and bond administrative expenses; and

(ii) comply with any other instrument or agreement pertaining to bonds.

(2) Alter or limit the service agreement under section 1104-B(b).

(3) Impair the rights and remedies of the holders of bonds, until each bond issued at any time and the interest on the bond are fully met and discharged.

Section 1109-B. (Reserved).

Section 1110-B. Personal liability.

The members, directors, officers and employees of the department and the authority shall not be personally liable as a result of good faith exercise of the rights and responsibilities granted under this article.

Section 1111-B. Annual report.

No later than March 1 of the year following the first full year in which bonds have been issued under this article and for each year thereafter in which bond obligations existed in the prior year, the department shall submit an annual report to the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives, the chair and minority chair of the State Government Committee of the Senate and the chair and minority chair of the State Government Committee of the House of Representatives providing all data available on bonds issued or existing in the prior year. The report shall include existing and anticipated bond principal, interest and administrative costs, revenue, repayments, refinancing, overall benefits to counties and any other relevant data, facts and statistics that the department believes necessary in the content of the report.

Section 1112-B. Reimbursement of county voting apparatus expenses.

(a) Application.--A county may apply to the department to receive funding to replace the county's voting apparatuses or to reimburse the county's cost to purchase or lease by capital lease voting apparatuses. Each county shall submit an application for funding on a form containing information and documentation prescribed by the department no later than July 1, 2020.

(b) Documentation for prior purchase or lease.--If a county seeks reimbursement of the county's cost to purchase or lease by capital lease a voting apparatus that the county purchased or leased before the date that the county submits its application to the department, the county's application shall include documentation prescribed by the department to substantiate the county's cost to purchase or lease the voting apparatus, including copies of fully executed voting apparatus contracts, invoices and proof of payment to the vendor of the voting apparatus.

(c) Documentation for subsequent purchase or lease.--If a county seeks funding to purchase or lease by capital lease a voting apparatus that the county will purchase or lease after the date that the county submits its application to the department, the county's application shall include documentation prescribed by the department to substantiate the county's estimate to purchase or lease the voting apparatus, including copies of fully executed voting apparatus contracts, bids or price quotes submitted to the county by voting apparatus vendors and other price estimates or cost proposals.

(d) Review.--The department shall review each county application on a rolling basis and shall either approve or deny each county's application within 90 days of the date the application is received by the department. A county may supplement or amend submitted applications during the 90-day review period in consultation with the department.

(e) Approval for prior purchase or lease.--If the department approves a county's application submitted under subsection (b), the department and the county shall enter into a written grant agreement through which the department shall reimburse the county at the amount determined under subsection (g).

(f) Approval for subsequent purchase or lease.--If the department approves a county's application under subsection (c), the department and the county shall enter into a written grant agreement through which the department will provide funding to reimburse the county's cost to purchase or lease a voting apparatus at the amount determined under subsection (g). The county shall hold the grant money in an account of the county that is separate from each other county account. The county shall deliver quarterly reports to the department of the voting apparatus costs paid from the grant money in a form prescribed by the department. The county shall return any unspent grant money to the department within 30 days of the expiration of the grant agreement.

(g) Payments.--

(1) A county shall only receive amounts under this section to the extent that the department has bond proceeds available in the account from which to make payments.

(2) Except as provided under paragraph (3), a county which submitted an application approved under subsection (e) or (f) shall receive 60% of the total amount submitted under subsection (b) or (c) which may be reimbursed or paid.

(3) If the total amount submitted by all counties under paragraph (2) exceeds the total amount available for reimbursement or payment, a county shall receive a portion of the amount available equal to the total amount submitted by the county under subsection (b) or (c) which may be reimbursed or paid, divided by the total amount submitted by all counties under subsection (b) or (c) which may be reimbursed or paid.

(4) If any bond proceeds remain after the department has issued all reimbursements in accordance with paragraphs

(1), (2) and (3), the department may utilize the remaining balance for grants for counties for the purchase and distribution to the counties of election security equipment. The department shall provide notice to each county no later than 30 days prior to receiving applications for grants under this paragraph.

(h) Certification.--A county shall only receive the reimbursement or funding under this article after making a certification to the department, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives, the chair and minority chair of the State Government Committee of the Senate and the chair and minority chair of the State Government Committee of the House of Representatives that the county has completed a program under 25 Pa.C.S. § 1901(b)(1) (relating to removal of electors) and mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the prior 12 months. The certification shall include information on whether the county has undertaken a canvass under 25 Pa.C.S. § 1901(b)(2).

(i) Department application.--The department shall apply to the authority for funding under section 1102-B only if the department has approved county applications under this article which total at least \$50,000,000.

Section 3.2. Sections 1210(a.4)(1) and (5)(ii), 1215(b) and (c), 1216(d) and (f), 1222, 1223(a) and 1227(d) of the act are amended to read:

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

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

* * *

(5) * * *

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

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

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

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

(D) in the case of a provisional ballot that was cast under subsection (a.2)(1)(i), within six calendar days following the election the elector fails to appear before the county board

of elections to execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee; [or]

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

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

* * *

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

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

(c) At elections, the elector shall prepare his ballot in the following manner: He may vote for the candidates of his choice for each office to be filled according to the number of persons to be voted for by him for each office, by making a cross (X) or check (ˆš) mark in the square opposite the name of the candidate, or he may insert by writing[,] **or** stamping [or sticker,] in the blank spaces provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without the making of a cross (X) or check (ˆš) mark. **In districts in which paper ballots or ballot cards are electronically tabulated, stickers or labels may not be used to mark ballots.** If he desires to vote for every candidate of a political party or political body, except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided, he may make a cross (X) or check (ˆš) mark in the square opposite the name of the party or political body of his choice in the party column on the left of the ballot, and every such cross (X) or check (ˆš) mark shall be equivalent to and be counted as a vote for every candidate of a party or political body so marked, including its candidates for presidential electors, except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body, by making a cross (X) or check (ˆš) mark opposite their names in the manner hereinabove provided, as to which offices his ballot shall be counted only for the candidates which he has thus individually marked, notwithstanding the fact that he made a mark in the party

column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote. If he desires to vote for the entire group of presidential electors nominated by any party or political body, he may make a cross (X) or check (ˆš) mark in the appropriate square at the right of the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert, **by writing or stamping**, the names of the candidates for presidential electors for whom he desires to vote in the blank spaces provided therefor under the title of the office "Presidential Electors." In case of a question submitted to the vote of the electors, he may make a cross (X) or check (ˆš) mark in the appropriate square opposite the answer which he desires to give.

* * *

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

* * *

(d) At [primaries, he] **all elections, the elector** shall vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate is placed. [At elections, he may vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the names of candidates of his choice are placed, or he may vote a straight political party ticket in one operation by operating the straight political party lever of the political party or political body of his choice, if such machine has thereon a separate lever for all the candidates of the political body. He may also, after having operated the straight party lever, and before recording his vote, cancel the vote for any candidate of such political party or political body by replacing the individual key, handle, pointer or knob of such candidate, and may thereupon vote for a candidate of another party, or political body for the same office by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate appears.] In the case of a question submitted to the vote of the electors, the elector shall operate the key, handle, pointer or knob corresponding to the answer which he desires to give.

* * *

(f) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, or wholly of names of

persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the machine for the purpose. The machine shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as [hereinabove] provided **in this section**. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as [hereinabove] provided **in this section**.

* * *

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

(a) As soon as all the ballots have been properly accounted for, and those outside the ballot box, as well as the "Voting Check List," numbered lists of voters and district register sealed, the election officers shall forthwith open the ballot box, and take therefrom all ballots therein, and at primaries, separate the same according to the party to which they belong. The ballots shall then be counted one by one, and a record made of the total number, and at primaries of the total number cast for each party. Then the judge, under the scrutiny of the minority inspector, or the minority inspector, under the scrutiny of the judge, in the presence of the other officers, clerks, and of the overseers, if any, and within the hearing and sight of the watchers outside the enclosed space, shall read aloud the names of the candidates marked or inserted upon each ballot (at primaries the ballots of each party being read in sequence), together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any, and the majority inspector and clerks shall carefully enter each vote as read, and keep account of the same in ink in triplicate tally papers (triplicate tally papers for each party at primaries) to be provided by the county board of elections for that purpose, all three of which shall be made at the same time.[: Provided, That at all general, municipal and special elections, in entering each vote received by candidates at such election, it shall not be necessary to enter separate tally marks for each vote received by such candidates upon the ballots containing the same votes for the same names, commonly known, and in this act designated as "Straight Party Tickets" for such purpose straight party ticket votes shall be entered carefully as each straight party ticket vote is read on the triplicate tally sheets under the heading "Number of votes received upon the straight party tickets." Upon completing the number of votes received by each straight party ticket, the number so tallied for each party shall be entered numerically on the extreme right hand margin of each such tally paper.] All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person while handling the ballots shall have in his hand any pencil, pen, stamp or other means of marking or spoiling any ballot. The election officers shall forthwith proceed to canvass and compute the

votes cast, and shall not adjourn or postpone the canvass or computation until it shall have been fully completed.

(b) When the vote cast for the different persons named upon the ballots and upon the questions, if any, appearing thereon, shall have been fully recorded in the tally papers and counted, the election officers shall duly certify to the number of votes cast for each person (upon the respective party tickets at primaries), and shall prepare in ink two (2) general returns, showing, in addition to the entries made thereon as aforesaid, the total number of ballots received from the county board (the total of each party at primaries), the number of ballots cast (the number of each party at primaries), the number of ballots (of each party at primaries) declared void, and the number of ballots spoiled and cancelled, and any blank ballots cast, as well as the votes cast for each candidate. At elections, the number of votes cast for each candidate by each political party or political body of which such candidate is a nominee shall be separately stated.[: Provided, That the number of votes received by each set of candidates upon "straight party tickets" shall be entered opposite the names of the respective candidates in a column immediately adjoining upon the left which column shall be of convenient width and shall be headed "number of votes received upon straight party tickets."] In an immediate column to the left thereto, the number of votes received by each candidate upon all ballots [other than "straight party tickets" including all ballots known as "split tickets"] shall be entered, such column to be of convenient width and shall be headed "number of votes [received other than upon straight party tickets." The number of votes received by each candidate as shown in the column headed "number of votes received upon straight party tickets" shall then be added, together with the number of votes received by each candidate as shown in the column headed "number of votes received other than upon straight party tickets" and thereupon, the] **received.** **The** total number of votes received by each candidate shall be entered in a column on the extreme right-hand side of the return sheets, which column shall be of convenient width and shall be headed "total number of votes."

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

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

Section 1223. What Ballots Shall Be Counted; Manner of Counting; Defective Ballots.--(a) No ballot which is so marked as to be capable of identification shall be counted. Any ballot that is marked in blue, black or blue-black ink, in fountain pen or ball point pen, or black lead pencil or indelible pencil, shall be valid and counted: Provided, That all markings on the ballot are made by the same pen or pencil. Any ballot marked

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

* * *

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

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

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

Section 1231. Deadline for Receipt of Valid Voter Registration Application.--(a) Except as provided under subsection (b), each commission, commissioner and registrar or clerk appointed by the commission shall receive, during ordinary business hours and during additional hours as the commission prescribes, at the office of the commission and at additional places as the commission designates, applications from individuals who apply to be registered to vote as provided under 25 Pa.C.S. Pt. IV (relating to voter registration) who appear and claim that they are entitled to be registered as electors of a municipality.

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

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

(2) (Reserved).

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

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

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

(2) No applications shall be received as follows:

(i) On Sundays.

(ii) On holidays.

(iii) On the day of the election.

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

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

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

"Commissioner" shall mean a member of a commission.

Section 1232. Appeals.--(a) An individual whose application to be registered has been denied under section 1231 or 25 Pa.C.S. Pt. IV (relating to voter registration) may file with the commission a petition to be registered, setting forth the grounds of the petition under oath or affirmation. The petition must be filed by the eighth day prior to an election.

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

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

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

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

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

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

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

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

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

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

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

(f) The following shall apply:

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

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

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

Section 5. Section 1302(b), (c), (d), (e.1) and (i) of the act are amended and the section is amended by adding subsections to read:

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

(b) [The application] **An application for a qualified elector under subsection (a)** shall contain the following information: Home residence at the time of entrance into actual military service or Federal employment, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident of voting district, voting district if known, party choice in case of primary, name and, for a military elector, his stateside military address, FPO or APO number and serial number. Any elector other than a military elector shall in addition specify the nature of his employment, the address to which ballot is to be sent, relationship where necessary, and such other information as may be determined and prescribed by the Secretary of the Commonwealth. When such application is received by the Secretary of the Commonwealth it shall be forwarded to the proper county board of election.

(b.1) An application for a qualified elector other than under subsection (a) shall contain the following information: Date of birth, length of time a resident of voting district, voting district if known, party choice in case of primary and name. The elector shall in addition specify the nature of his or her employment, the address to which ballot is to be sent, relationship where necessary, and other information as may be determined and prescribed by the Secretary of the Commonwealth. When the application is received by the Secretary of the Commonwealth it shall be forwarded to the proper county board of election.

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

for the official absentee ballot. As used in this subsection, "electronic transmission method" means any technology that can transmit a document or an image of a document via electronic or electromechanical means, including, but not limited to, facsimile method. An elector entitled to submit an application for an official absentee ballot under a method authorized under 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters) may submit an application using a method authorized under 25 Pa.C.S. Ch. 35, in addition to the methods authorized in this article.

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

* * *

(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, 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] **otherwise eligible to receive one, by the first Monday in February each year,** 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. **An absentee ballot application mailed to a voter under this section, which is completed and timely returned by the voter, shall serve as an application for any and all primary, general or special elections to be held in the remainder of that calendar year and for all special elections to be held before the third Monday in February of the succeeding year.**

* * *

(i) (1) Application for official absentee ballots shall be on **physical and electronic** forms prescribed by the Secretary of the Commonwealth. The application shall state that [a voter] **an elector** who receives and votes an absentee ballot pursuant to section 1301 [and who, on election day, is capable of voting at the appropriate polling place must void the absentee ballot and vote in the normal manner at the appropriate voting place] **shall not be eligible to vote at a polling place on election day.** Such **physical application** forms shall be made freely available to the public at county board of elections, municipal buildings and at such other locations designated by the secretary. **Such electronic application forms shall be made**

freely available to the public through publicly accessible means. No written application or personal request shall be necessary to receive or **access** the application forms. Copies **and records** of all completed **physical and electronic** applications for official absentee ballots shall be retained by the county board of elections.

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

* * *

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

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

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

[(a.1) Except as provided in subsection (a.2), 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 municipality 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, the elector shall be entitled to an absentee ballot at any time prior to five o'clock P.M. on the first Friday preceding any primary or election upon execution of an Emergency Application in such form prescribed by the Secretary of the Commonwealth.

(a.2) In the event any elector otherwise qualified who becomes so physically disabled or ill between five o'clock P.M. on the first Friday preceding any primary or election and eight o'clock P.M. on the day of any primary or election that he 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 municipality of his residence on the day of the primary or election, which fact was not and could not reasonably be known to said elector

prior to five o'clock P.M. on the first Friday preceding any primary or election, the elector shall be entitled to an absentee ballot if the elector completes and files with the court of common pleas in the county in which the elector is qualified to vote an Emergency Application or a letter or other signed document, which includes the same information as is provided on the Emergency Application. Upon a determination that the elector is a qualified absentee elector under section 1301, the judge shall issue an absentee ballot to the elector.]

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

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

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

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

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

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

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

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

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

(6) If the elector is unable to appear [in court] at the office of the county board of elections or unable to obtain assistance from an authorized representative, the county board

may provide an authorized representative or ask the judge [shall] of the court of common pleas in the county in which the elector is qualified to vote to direct a deputy sheriff of the county to deliver the absentee ballot to the elector if the elector is at a physical location within the county and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections[, who shall distribute the ballots, unopened, to the absentee voter's respective election district]. If there is no authorized representative and a deputy sheriff is unavailable to deliver an absentee ballot under this section, the judge may direct a constable to make such delivery in accordance with the provisions of this section.

(7) In the case of an elector who requires assistance in marking the elector's ballot, the elector shall designate in writing the person who will assist in marking the ballot. Such person shall be otherwise eligible to provide assistance to electors eligible for assistance, and such person shall declare in writing that assistance was rendered. Any person other than the designee who shall render assistance in marking a ballot or any person rendering assistance who shall fail to execute a declaration shall be guilty of a violation of this act.

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

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

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

(d) In the case of an elector who is necessarily absent because of the conduct of his business, duties or occupation under the unforeseen circumstances specified in subsections (a.1) and (a.2), such Emergency Application, letter or other signed document shall contain a supporting affidavit from such elector stating that because of the conduct of his business, duties or occupation said elector will necessarily be absent from the municipality 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 the primary or election.]

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

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

qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked approved such approval decision shall be final and binding except that challenges may be made only on the ground that the applicant did not possess qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to [5:00 o'clock P.M. on the first Friday prior to the election.] **the applicable deadline for the absentee ballots to be received, as provided in section 1308(g)**. When so approved, the county board of elections shall cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilians Absentee Voters File as provided in section 1302.3, subsection (b): Providing, however, That no application of any qualified elector in military service shall be rejected for failure to include on [his] **the elector's** application any information if such information may be ascertained within a reasonable time by the county board of elections.

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

(c) The county board of elections, upon receipt of any application of a qualified elector required to be registered under the provisions of preceding section 1301, shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding, except that challenges may be made only on the ground that the applicant did not possess the qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to [5:00 o'clock P.M. on the first Friday prior to the election.] **the applicable deadline for the absentee ballots to be received, as provided**

in section 1308(g). When so approved, the registration commission shall cause an absentee voter's temporary registration card to be inserted in the district register on top of and along with the permanent registration card. The absentee voter's temporary registration card shall be in the color and form prescribed in subsection (e) of this section:

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

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

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

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

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

* * *

(c) Not less than five days preceding the election, the chief clerk shall prepare a list for each election district showing the names and post office addresses of all voting residents thereof to whom official absentee **or mail-in** ballots shall have been issued. Each such list shall be prepared in duplicate, shall be headed "Persons in (give identity of election district) to whom absentee **or mail-in** ballots have been issued for the election of (date of election)," and shall be signed by him not less than four days preceding the election. He shall post the original of each such list in a conspicuous place in the office of the county election board and see that it is kept so posted until the close of the polls on election day. He shall cause the duplicate of each such list to be delivered to the judge of election in the election district in the same manner and at the same time as are provided in this act for the delivery of other election supplies, and it shall be the duty of such judge of election to post such duplicate list in a conspicuous place within the polling place of his district and see that it is kept so posted throughout the time that the polls are open. Upon written request, he shall furnish a copy of such list to any candidate or party county chairman.

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

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

(e) The official absentee voter ballot shall state that a voter who receives an absentee ballot pursuant to section 1301 **and whose ballot is not timely received** and who, on election day, is capable of voting at the appropriate polling place [must void the absentee ballot and vote in the normal manner at the

appropriate voting place] **may only vote on election day by provisional ballot.**

Section 1305. Delivering or Mailing Ballots.--

* * *

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

(2) **Notwithstanding any other provisions of this act and notwithstanding the inclusion of a mailing address on an absentee or mail-in ballot application, a voter who presents the voter's own application for an absentee or mail-in ballot within the office of the county board of elections during regular business hours may request to receive the voter's absentee or mail-in ballot while the voter is at the office. This request may be made orally or in writing. Upon presentation of the application and the making of the request and upon approval under sections 1302.2 and 1302.2-D, the county board of elections shall promptly present the voter with the voter's absentee or mail-in ballot. If a voter presents the voter's application within the county board of elections' office in accordance with this section, a county board of elections may not deny the voter's request to have the ballot presented to the voter while the voter is at the office unless there is a bona fide objection to the absentee or mail-in ballot application.**

* * *

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

Section 1306. Voting by Absentee Electors.--(a) Except as provided in paragraphs [(1),] (2) and (3), at any time after receiving an official absentee ballot, but on or before [five o'clock P.M. on the Friday prior to] **eight o'clock P.M. the day of** the primary or election, the elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official Absentee Ballot." **This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail,**

postage prepaid, except where franked, or deliver it in person to said county board of election.

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

* * *

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

Any such elector referred to in this subsection, who is within the municipality of his residence, must present himself at his polling place and shall be permitted to vote upon presenting himself at his regular polling place in the same manner as he could have voted had he not received an absentee ballot: Provided, That such elector has first presented himself to the judge of elections in his local election district and shall have signed the affidavit on the absentee voter's temporary registration card, which affidavit shall be in substantially the following form:

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

.....
(Date)

..... (Local Judge of Elections) (Signature of Elector)

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

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

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

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

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

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

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

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

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

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

[(e) At such time the local election board shall then further examine the declaration on each envelope not so set aside and shall compare the information thereon with that contained in the "Registered Absentee Voters File," the absentee

voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File." If the local election board is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee Voters File," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the local election board shall announce the name of the elector and shall give any watcher present an opportunity to challenge any absentee elector upon the ground or grounds (1) that the absentee elector is not a qualified elector; or (2) that the absentee elector was within the municipality of his residence on the day of the primary or election during the period the polls were open, except where he was in military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (3) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein the local election board shall mark "challenged" on the envelope together with the reason or reasons therefor, and the same shall be set aside for return to the county board unopened pending decision by the county board and shall not be counted. All absentee ballots not challenged for any of the reasons provided herein shall be counted and included with the general return of paper ballots or voting machines, as the case may be as follows. Thereupon, the local election board shall open the envelope of every unchallenged absentee elector in such manner as not to destroy the declaration executed thereon. All of such envelopes on which are printed, stamped or endorsed the words "Official Absentee Ballot" shall be placed in one or more depositories at one time and said depository or depositories well shaken and the envelopes mixed before any envelope is taken therefrom. If any of these envelopes shall contain any extraneous marks or identifying symbols other than the words "Official Absentee Ballot," the envelopes and the ballots contained therein shall be set aside and declared void. The local election board shall then break the seals of such envelopes, remove the ballots and record the votes in the same manner as district election officers are required to record votes. With respect to the challenged ballots, they shall be returned to the county board with the returns of the local election district where they shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges and notice shall be given where possible to all absentee electors thus challenged and to every attorney, watcher or candidate who made such challenge. The time for the hearing shall not be later than seven (7) days after the date of said challenge. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges and, in hearing the testimony, the county board shall not be bound by technical rules of evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing. The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. Such appeal shall be taken, within two (2) days after such decision shall have been made, whether reduced to writing or not, to the court of

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

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

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

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

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

(2) The county board of elections shall meet [on the eighth day following the election to canvass] **no earlier than the close of polls on the day of the election and no later than the third day following the election to begin canvassing** the absentee ballots **and mail-in ballots** received under this subsection and subsection (h) (2). **The canvass shall continue through the eighth day following the election.** One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots **and mail-in ballots** are canvassed. Representatives shall be permitted to challenge any absentee elector **or mail-in elector** in accordance with the provisions of paragraph (3).

(3) When the county board meets to canvass absentee ballots **and mail-in ballots** under paragraph (2), the board shall examine

the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee **and Mail-in** Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board has verified the proof of identification as required under this act and is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee **and Mail-in** Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall announce the name of the elector and shall give any candidate representative or party representative present an opportunity to challenge any absentee elector **or mail-in elector** upon the ground or grounds: (i) that the absentee elector **or mail-in elector** is not a qualified elector; or [(ii) that the absentee elector was within the municipality of his residence on the day of the primary or election during the period the polls were open, except where he was in the military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or] (iii) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein, the board shall mark "challenged" on the envelope together with the reasons therefor, and the same shall be set aside unopened pending final determination of the challenge according to the procedure described in paragraph (5).

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

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

(ii) If any of the envelopes on which are printed, stamped or endorsed the words "Official Absentee Ballot" **or "Official Mail-in Ballot"** contain any extraneous marks or identifying symbols, the envelopes and the ballots contained therein shall be set aside and declared void.

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

(5) With respect to the challenged ballots, they shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges, and notice shall be given where possible to all absentee electors **and mail-in electors** thus challenged and to every individual who made a challenge. The time for the hearing shall not be later than five (5) days after the date of the challenge. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges, and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing.

* * *

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

ARTICLE XIII-D

VOTING BY QUALIFIED MAIL-IN ELECTORS

Section 1301-D. Qualified mail-in electors.

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

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

(2) (Reserved).

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

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

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

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

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

(i) Date of birth.

(ii) Length of time a resident of voting district.

(iii) Voting district, if known.

(iv) Party choice in case of primary.

(v) Name.

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

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

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

(d) Signature not required.--If any elector entitled to a mail-in ballot under this section is unable to sign the application because of illness or physical disability, the elector shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form:

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

(Mark)

(Date)

(Complete Address of Witness)

(Signature of Witness)

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

(f) Form.--Application for an official mail-in ballot shall be on physical and electronic forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who receives and votes a mail-in ballot under section 1301-D

shall not be eligible to vote at a polling place on election day. The physical application forms shall be made freely available to the public at county board of elections, municipal buildings and at other locations designated by the Secretary of the Commonwealth. The electronic application forms shall be made freely available to the public through publicly accessible means. No written application or personal request shall be necessary to receive or access the application forms. Copies and records of all completed physical and electronic applications for official mail-in ballots shall be retained by the county board of elections.

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

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

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

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

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

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

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

(a) Approval process.--The county board of elections, upon receipt of any application of a qualified elector under section 1301-D, shall determine the qualifications of the applicant by verifying the proof of identification and comparing the information provided on the application with the information contained on the applicant's permanent registration card. The following shall apply:

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

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

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

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

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

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

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

(d) Temporary registration card.--The mail-in voter's temporary registration card shall be in duplicate and the same size as the permanent registration card, in a different and contrasting color to the permanent registration card and shall contain the mail-in voter's name and address and shall conspicuously contain the words "Mail-in Voter."

Section 1302.3-D. Mail-in electors files and lists.

The county board of elections shall maintain at its office a file containing the duplicate mail-in voter's temporary registration cards of every registered elector to whom a mail-in ballot has been sent. The duplicate mail-in voter's temporary registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards filed shall be included in the Registered Absentee and Mail-in Voters File for the Primary or Election of (date of primary or election) under section 1302.3(a).

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

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

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

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

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

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

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

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

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

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

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

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

The county board of elections, upon receipt and approval of an application filed by a qualified elector under section 1301-D, shall commence to deliver or mail official mail-in ballots as soon as a ballot is certified and the ballots are available. While any proceeding is pending in a Federal or State court which would affect the contents of any ballot, the county board of elections may await a resolution of that proceeding but in any event, shall commence to deliver or mail official absentee ballots not later than the second Tuesday prior to the primary or election. For applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send the notice required under section 1302.2-D(c) with the mail-in ballot. As additional applications are received and approved, the board shall deliver or mail official mail-in ballots to the additional electors within 48 hours. Section 1306-D. Voting by mail-in electors.

(a) General rule.--At any time after receiving an official mail-in ballot, but on or before eight o'clock P.M. the day of the primary or election, the mail-in elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official Mail-in Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

(a.1) Signature.--Any elector who is unable to sign the declaration because of illness or physical disability, shall be excused from signing upon making a declaration which shall be witnessed by one adult person in substantially the following form:

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

(Mark)

(Date)

(Complete Address of Witness)

(Signature of Witness)

(b) Eligibility.--

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

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

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

Section 1307-D. Public records.

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

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

- (1) The elector's name and voter registration address.
- (2) The date on which the elector's application is received by the county board.
- (3) The date on which the elector's application is approved or rejected by the county board.
- (4) The date on which the county board mails or delivers the mail-in ballot to the elector.
- (5) The date on which the elector's completed mail-in ballot is received by the county board.

(c) **Compilation.**--The county board shall compile the records listed under subsection (b) and make the records publicly available upon request within 48 hours.

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

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

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

Section 9. Section 1405 of the act is amended to read:

Section 1405. **Manner of Computing Irregular Ballots.**--The county board, in computing the votes cast at any primary or election, shall compute and certify votes cast on irregular ballots exactly as such names were written, stamped[, affixed to the ballot by sticker,] or deposited [or affixed] in or on receptacles for that purpose, and as they have been so returned by the election officers. **In districts in which paper ballots or ballot cards are electronically tabulated, stickers or labels may not be used to mark ballots. A vote cast by means of a sticker or label affixed to a ballot or ballot card shall be void and may not be counted.** In the primary the Secretary of the Commonwealth shall not certify the votes cast on irregular ballots for any person for a National office including that of the President of the United States, United States Senator and Representative in Congress; or for any State office including that of Governor and Lieutenant Governor, Auditor General, State Treasurer, Senator and Representative in the General Assembly, justices and judges of courts of record or for any party office including that of delegate or alternate delegate to National conventions and member of State committee unless the total number of votes cast for said person is equal to or greater

than the number of signatures required on a nomination petition for the particular office. In the primary the county board shall not certify the votes cast on irregular ballots for any person for a justice of the peace, constable, National, State, county, city, borough, town, township, ward, school district, election or local party office unless the total number of votes cast for said person is equal to or greater than the number of signatures required on a nomination petition for the particular office.

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

Section 11. Sections 1, 2, 3, 3.2, 4, 5, 5.1, 6, 7, 8, 9 and 12 of this act are nonseverable. If any provision of this act or its application to any person or circumstance is held invalid, the remaining provisions or applications of this act are void.

Section 12. Repeals are as follows:

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

(2) 25 Pa.C.S. § 1326 is repealed.

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

(4) 25 Pa.C.S. § 1330 is repealed.

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

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

Section 13. The following apply:

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

- (i) Section 102.
- (ii) section 1003(a).
- (iii) Section 1007(b).
- (iv) Section 1107.
- (v) Section 1110.
- (vi) Section 1107-A.
- (vii) Section 1109-A.
- (viii) Section 1112-A(a).
- (ix) Section 1216(d).
- (x) Section 1222(a) and (b).
- (xi) Section 1223.
- (xii) Section 1231.
- (xiii) Section 1232.
- (xiv) Section 1233.
- (xv) Section 1302.
- (xvi) Section 1302.1.
- (xvii) Section 1302.2.
- (xviii) Section 1305.
- (xix) Section 1306.
- (xx) Section 1308.
- (xxi) Article XIII-D.

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

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

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

Section 15. This act shall take effect as follows:

- (1) The addition of section 207 of the act shall take effect in 180 days.
- (2) The amendment of section 908 of the act shall take effect in 60 days.
- (3) The remainder of this act shall take effect immediately.

APPROVED--The 31st day of October, A.D. 2019.

TOM WOLF