

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1687 Session of
1999

INTRODUCED BY CLYMER, ARGALL, FREEMAN, GODSHALL, HALUSKA,
HARHAI, HERMAN, HERSHEY, MELIO, NICKOL, B. SMITH, STEIL,
STERN, TANGRETTI, E. Z. TAYLOR AND WILT, JUNE 16, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 16, 1999

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," providing for digitized signature list; further
12 providing for reimbursement of costs, for qualification to
13 vote, for residence of electors, for examination and approval
14 of electronic voting systems, for voter's certificates, for
15 duties of court of common pleas and for manner of applying to
16 vote; providing for procedures for voting following a change
17 in address and for records; and further providing for voting
18 checklists, for assistance in voting, for absentee ballots,
19 for independent audits and for unlawful assistance in voting.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Section 102(e) of the act of June 3, 1937
23 (P.L.1333, No.320), known as the Pennsylvania Election Code,
24 amended August 1, 1941 (P.L.672, No.273), is amended and the
25 section is amended by adding a subsection to read:

26 Section 102. Definitions.--The following words, when used in

1 this act, shall have the following meanings, unless otherwise
2 clearly apparent from the context:

3 * * *

4 (e) The words "district register" shall mean the
5 registration cards or digitized signature list containing [all
6 or any part of] the [registry] list of qualified electors [of
7 the same election district] arranged alphabetically by the last
8 name of the registrant, as prepared by the registration
9 commissions.

10 * * *

11 (z-5) The words "digitized signature list" shall mean a
12 computer-generated list or computer-generated card file used by
13 a registration commission as a district register of electors
14 pursuant to section 702 of the act of June 30, 1995 (P.L.170,
15 No.25), known as the "Pennsylvania Voter Registration Act."

16 Section 2. Section 305(a) of the act, amended May 5, 1982
17 (P.L.374, No.108), is amended to read:

18 Section 305. Expenses of County Boards and of Primaries and
19 Elections to Be Paid by County; Expenses of Special Elections;
20 Boards to Be Provided with Offices.--

21 (a) The county commissioners or other appropriating
22 authorities of the county shall appropriate annually, and from
23 time to time, to the county board of elections of such county,
24 the funds that shall be necessary for the maintenance and
25 operation of the board and for the conduct of primaries and
26 elections in such county, including the payment of the
27 compensation of the employes of the board, custodians, election
28 officers, and other assistants and employes herein provided for,
29 and the fees of witnesses as herein provided; for the purchase
30 or printing, under contracts made by the board, of all ballots

1 and other primary and election supplies required by this act, or
2 which the board shall consider necessary to carry out the
3 provisions of this act; for the purchase, under contracts made
4 by the board, and maintenance, of voting machines, when adopted
5 as herein provided, and of all other primary and election
6 equipment required by this act, or which the board shall
7 consider necessary to carry out the provisions of this act; for
8 the publication of notices authorized by this act, under
9 contracts made by the board, and for all other necessary
10 expenses hereunder: Provided, however, That bonds or other
11 evidences of indebtedness, payable not later than thirty years
12 from their dates of issuance, may be issued by the county
13 commissioners or other appropriating authorities of the county
14 in accordance with the provisions of law relating to the
15 increase of indebtedness of such county, to meet all or any part
16 of the cost of voting machines.

17 1. The county shall be liable for the expenses of holding
18 special elections for any city, borough, township, school
19 district or other municipality or incorporated district
20 contained therein, which is held on the day of any general,
21 municipal or primary election, and on any special question which
22 is required by law to be, or which is, at the discretion of the
23 county board, as hereinafter provided, printed on the regular
24 ballot after the list of the candidates, or on the same voting
25 machine as the list of candidates.

26 2. Any city, borough, township, school district or other
27 municipality or incorporated district contained in any county,
28 holding a special election, as authorized by law, on the
29 question of increase of indebtedness or any other question to be
30 voted on by the electors of such subdivision, which special

1 election is held on the day of any general, municipal or primary
2 election and which is required by law to be conducted or at the
3 discretion of the county board, as hereinafter provided, is
4 conducted by special ballots for such question, shall be liable
5 to the county for the expenses necessarily incurred in the
6 printing of such special ballots.

7 3. If any other day than the day of any general, municipal
8 or primary election be fixed by the corporate authorities of any
9 municipality, school district or incorporated district for the
10 holding of a special election on the question of increase of
11 indebtedness or any other question, as authorized by law, such
12 municipality, school district or incorporated district shall be
13 liable for and pay the entire expense of holding such election,
14 including the cost of printing ballots and supplies, pay of
15 election officers, the rental of polling places, and the cost of
16 canvassing and computing the votes cast.

17 4. The Department of State shall reimburse county boards of
18 election for those additional costs incurred by the county for
19 any special election held to fill a vacancy in the Pennsylvania
20 General Assembly. The county board of elections shall submit a
21 request for reimbursement to the Department of State on a form
22 prescribed by the Department of State no later than sixty days
23 after the special election. Only those costs which are
24 attributable solely to the special election shall be reimbursed.
25 Reimbursement shall not be denied because the special election
26 is held on the same day as a general, municipal or primary
27 election if the county can show that additional costs were
28 incurred attributable solely to the special election. The
29 Governor may, from time to time, allocate to the Department of
30 State as much money from the General Fund as he deems necessary

1 to permit the department to reimburse the counties for costs
2 incurred in the special elections.

3 * * *

4 Section 3. Section 701 of the act, amended July 3, 1974
5 (P.L.443, No.153), is amended to read:

6 Section 701. Qualifications [of Electors] to Vote at
7 General, Municipal or Special Elections.--Every citizen [of this
8 Commonwealth] eighteen years of age, possessing the following
9 qualifications, shall be entitled to vote at all general,
10 municipal or special elections, provided [he or she] the citizen
11 has complied with the [provisions of the] acts requiring and
12 regulating the registration of electors:

13 (1) [He or she] The citizen shall have been a citizen of the
14 United States at least one month.

15 (2) [He or she] The citizen shall have resided in the State
16 [ninety] thirty days immediately preceding the election.

17 (3) [He or she] The citizen shall have resided in the
18 election district where he or she shall offer to vote at least
19 thirty days immediately preceding the election, except that if
20 qualified to vote in an election district prior to removal of
21 residence, he or she may, if a [resident] citizen of
22 Pennsylvania, vote in the election district from which he or she
23 removed his or her residence within thirty days preceding the
24 election.

25 Section 4. Section 702 of the act is amended to read:

26 Section 702. Qualifications [of Electors] to Vote at
27 Primaries.--The qualifications of [electors] an elector entitled
28 to vote at primaries shall be the same as the qualifications of
29 [electors] an elector entitled to vote at general or municipal
30 elections within the election district where the primary is

1 held, provided that [no elector who is not registered and
2 enrolled as a member of a political party, in accordance with
3 the provisions of this act, shall be permitted to vote the
4 ballot of such party or any other party ballot at any primary.]
5 an elector must be a registered and enrolled member of such
6 party upon the records of the registration commission, which
7 enrollment shall be conclusive as to such elector's party
8 membership and shall not be subject to challenge on the day of
9 the primary.

10 Section 5. Section 703 of the act, amended September 9, 1959
11 (P.L.851, No.339), is amended to read:

12 Section 703. Residence of Electors.--[For the purpose of
13 registration and voting, no person shall be deemed to have
14 gained a residence by reason of his presence, or lost it by
15 reason of his absence, while employed in the service, either
16 civil or military, of this State or of the United States, nor
17 while engaged in the navigation of the waters of the State or of
18 the United States, or on the high seas, nor while a student of
19 any institution of learning, nor while kept in any poorhouse or
20 other asylum at public expense, nor while confined in public
21 prison, except that any veteran who resides in a home for
22 disabled and indigent soldiers and sailors, operated and
23 maintained by the Commonwealth of Pennsylvania, and who
24 possesses all the qualifications for voting, may gain a
25 residence for registration and voting at the home for disabled
26 and indigent soldiers and sailors. The provisions of this
27 amendment shall not be construed to affect the voting rights of
28 bedridden or hospitalized veterans who choose to vote as
29 absentee electors by the use of veteran's official ballots.] The
30 residence of an elector for the purpose of voting and the rules

1 for determining such residence shall be the same as prescribed
2 for voter registration by sections 501 and 502 of the act of
3 June 30, 1995 (P.L.170, No.25), known as the "Pennsylvania Voter
4 Registration Act."

5 Section 6. Section 704 of the act is amended to read:

6 [Section 704. Rules for Determining Residence.--In
7 determining the residence of a person desiring to register or
8 vote, the following rules shall be followed so far as they may
9 be applicable:

10 (a) That place shall be considered the residence of a person
11 in which his habitation is fixed, and to which, whenever he is
12 absent, he has the intention of returning.

13 (b) A person shall not be considered to have lost his
14 residence who leaves his home and goes into another state or
15 another election district of this State for temporary purposes
16 only, with the intention of returning.

17 (c) A person shall not be considered to have gained a
18 residence in any election district of this State into which he
19 comes for temporary purposes only, without the intention of
20 making such election district his permanent place of abode.

21 (d) The place where the family of a married man or woman
22 resides shall be considered and held to be his or her place of
23 residence, except where the husband and wife have actually
24 separated and live apart, in which case the place where he or
25 she has resided for two months or more shall be considered and
26 held to be his or her place of residence.

27 (e) If a person removes to another state with the intention
28 of making such state his permanent residence, he shall be
29 considered to have lost his residence in this State.

30 (f) If a person removes to another state with the intention

1 of remaining there an indefinite time and making such state his
2 place of residence, he shall be considered to have lost his
3 residence in this State, notwithstanding he may entertain an
4 intention to return at some indefinite future period.

5 (g) If a person removes to the District of Columbia or other
6 Federal territory or foreign country to engage in the government
7 service, he shall not be considered to have lost his residence
8 in this State during the period of such service, and the place
9 where the person resided at the time of his removal shall be
10 considered and held to be his place of residence.

11 (h) If a person goes into another state and while there
12 exercises the right of a citizen by voting, he shall be
13 considered to have lost his residence in this State.]

14 Section 7. Section 1105-A(a) and (f) of the act, added July
15 11, 1980 (P.L.600, No.128), are amended to read:

16 Section 1105-A. Examination and Approval of Electronic
17 Voting Systems by the Secretary of the Commonwealth.--(a) Any
18 person or corporation owning, manufacturing or selling, or being
19 interested in the manufacture or sale of, any electronic voting
20 system, may request the Secretary of the Commonwealth to examine
21 or reexamine such system. Any [ten] one hundred or more persons,
22 being [qualified] registered qualified electors of [this
23 Commonwealth] the county, may, at any time, [request] file a
24 petition requesting the Secretary of the Commonwealth to
25 reexamine any electronic voting system theretofore examined and
26 approved by [him.] the secretary and used in the county in which
27 such electors are registered. The Secretary of the Commonwealth
28 shall prescribe a form and content of the petition. Before any
29 such examination or reexamination, the person, persons, or
30 corporation, requesting such examination or reexamination, shall

1 pay to the Treasurer of the Commonwealth an examination [fee]
2 deposit of [four hundred fifty dollars (\$450).] four thousand
3 dollars (\$4,000). The person, persons or corporation shall
4 assume all costs and expenses associated with such examination
5 or reexamination and shall make final payment to the Treasurer
6 of the Commonwealth, covering all additional costs and expenses
7 in excess of the original deposit, before the results of such
8 examination or reexamination shall be revealed by the Secretary
9 of the Commonwealth. If the costs and expenses associated with
10 such examination or reexamination do not exceed four thousand
11 dollars (\$4,000), then the Secretary of the Commonwealth shall
12 cause the State Treasurer to refund the remainder of the deposit
13 to said person, persons or corporation. The Secretary of the
14 Commonwealth may, at any time, in [his] the secretary's
15 discretion, reexamine any such system [therefore] previously
16 examined and approved by [him] the secretary. The Secretary of
17 the Commonwealth may issue directives or instructions for
18 implementation of electronic voting procedures and for the
19 operation of electronic voting systems.

20 * * *

21 (f) Each examiner appointed hereunder shall receive [a]
22 compensation [of one hundred and fifty dollars (\$150) for each
23 type of electronic voting system examined by him.] at a rate to
24 be negotiated with the examiner by the Secretary of the
25 Commonwealth. The Secretary of the Commonwealth's selection and
26 compensation of an examiner shall be in accordance with
27 applicable Commonwealth guidelines for contracting for services.

28 Section 8. Section 1203 of the act is amended to read:

29 Section 1203. Voter's Certificates.--At each primary and
30 election each county board shall prepare a suitable number of

voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows:

Voter's Certificate

(Primary) (Election).....19...

I hereby certify that I am qualified to vote at this
(primary) (election)

Signature

Address

..... Pa.

Approved.....

Number of stub of ballot issued or number of admission to
voting machines (and party, at primary).....

The voter's certificate shall be [so prepared as to be] in a form capable of being inserted by the election officers in a suitable file or binder [to be furnished by the county board. One such] or shall be printed on a computer-generated list. In the case of counties utilizing digitized signature lists as district registers, voter's certificates may be printed on the same such lists. Except in counties utilizing digitized signature lists with voter's certificates thereon or computer-generated lists, a file or binder shall be furnished by the county board for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List," together with the number of the district and ward, if any, and the date of the primary or election.

Section 9. Section 1206 of the act, amended July 13, 1961 (P.L.603, No.303), is amended to read:

Section 1206. Duties of Common Pleas Court on Days of
Primaries and Elections.--The court of common pleas of each
county of the Commonwealth or a judge or judges thereof, shall

1 be in continuous session at the courthouse of said county, or,
2 in judicial districts composed of more than one county, at the
3 courthouse of the county in which such judge or judges reside,
4 on the day of each primary and election from 7 o'clock A. M.
5 until 10 o'clock P. M. and so long thereafter as it may appear
6 that the process of said court will be necessary to secure a
7 free, fair and correct computation and canvass of the votes cast
8 at said election. In judicial districts having but one judge of
9 the court of common pleas, such judge shall not be required to
10 be in session, as aforesaid, between the hours of 12 o'clock
11 noon and 2 o'clock P. M., nor between the hours of 5:30 o'clock
12 P. M. and 7 o'clock P. M. During such period said court shall
13 act as a committing magistrate for any violation of the election
14 laws; shall settle summarily controversies that may arise with
15 respect to the conduct of the election; shall issue process, if
16 necessary, to enforce and secure compliance with the election
17 laws; and shall decide such other matters pertaining to the
18 election as may be necessary to carry out the intent of this act
19 and the act of June 30, 1995 (P.L.170, No.25), known as the
20 "Pennsylvania Voter Registration Act"; and [in counties of the
21 third class] shall have power to appoint additional clerks at
22 the polling places where needed and requested by the election
23 board: Provided, That for each clerk appointed from the majority
24 political party, a clerk from the minority political party must
25 also be appointed. In addition, said court shall hear and
26 determine the petition of any qualified elector who has
27 heretofore been duly registered as an elector of said county but
28 who, due to circumstances beyond his control, has failed to file
29 a removal notice or reinstatement card in order to insure the
30 inclusion of the elector's registration card in the district

1 register of the election district of the elector's residence;
2 the petition of any qualified registered elector who has
3 suffered a physical disability which renders the elector unable
4 to see or mark the ballot or operate the voting machine or to
5 enter the voting machine compartment or voting booth without
6 assistance and, due to circumstances beyond the elector's
7 control, was unable to make application personally at the office
8 of the registration commission within the time prescribed by law
9 in order to have such fact entered on the elector's registration
10 card; the petition of any qualified elector who is a duly
11 discharged veteran and who, by reason of the elector's service
12 in the armed forces, was unable to register within the time
13 fixed by law; and the petition of any commissioner, chief clerk,
14 registrar or clerk, setting forth that an elector's right to
15 vote has been denied by reason of an error by the registration
16 commission.

17 Section 10. Section 1210(a) and (d), amended June 10, 1982
18 (P.L.458, No.135), are amended and the section is amended by
19 adding subsections to read:

20 Section 1210. Manner of Applying to Vote; Persons Entitled
21 to Vote; Voter's Certificates; Entries to Be Made in District
22 Register; Numbered Lists of Voters; Challenges.--(a) At every
23 primary and election each elector who desires to vote shall
24 first sign a voter's certificate, and, unless [he] the elector
25 is a State or Federal employe who has registered under any
26 registration act without declaring [his] a residence by street
27 and number, [he] the elector shall insert his address therein,
28 unless the commission shall have it printed on the voter's
29 certificate, and hand the same to the election officer in charge
30 of the district register. Such election officer shall thereupon

1 announce the elector's name so that it may be heard by all
2 members of the election board and by all watchers present in the
3 polling place and shall compare the elector's signature on [his]
4 the elector's voter's certificate with [his] the elector's
5 signature in the district register. If, upon such comparison,
6 the signature upon the voter's certificate appears to be
7 genuine, the elector who has signed the certificate shall, if
8 otherwise qualified, be permitted to vote: Provided, That if the
9 signature on the voter's certificate, as compared with the
10 signature as recorded in the district register, shall not be
11 deemed authentic by any of the election officers, such elector
12 shall not be denied the right to vote for that reason, but shall
13 be considered challenged as to identity and required to make the
14 affidavit and produce the evidence as provided in subsection (d)
15 of this section. When an elector has been found entitled to
16 vote, the election officer who examined [his] the voter's
17 certificate and compared [his] the elector's signature shall
18 sign [his] the officer's name or initials on the voter's
19 certificate, and shall, if the elector's signature is not
20 readily legible, print such elector's name over [his] the
21 elector's signature, and the number of the stub of the ballot
22 issued to [him or his] the elector's number in the order of
23 admission to the voting machines, and at primaries a letter or
24 abbreviation designating the party in whose primary [he] the
25 elector votes shall also be entered by one of the election
26 officers or clerks. As each [voter] elector is found to be
27 qualified and votes, the election officer in charge of the
28 district register shall write or stamp the date of the election
29 or primary, the number of the stub of the ballot issued to [him]
30 the elector or [his] the elector's number in the order of

1 admission to the voting machines, and at primaries a letter or
2 abbreviation designating the party in whose primary [he] the
3 elector votes, and shall sign [his] the election officer's name
4 or initials in the proper space on the registration card of such
5 [voter] elector contained in the district register or next to
6 the elector's signature on a computer-generated list or
7 digitized signature list with voter's certificates thereon, if
8 either is utilized by the county.

9 As each [voter] elector votes, [his] the elector's name in
10 the order of voting shall be recorded in two (2) numbered lists
11 of [voters] electors provided for that purpose, with the
12 addition of a note of each [voter's] elector's party enrollment
13 after [his] the elector's name at primaries.

14 * * *

15 (d) No person, except a qualified elector who is in actual
16 military or naval service under a requisition of the President
17 of the United States or by the authority of this Commonwealth,
18 and who votes under the provisions of Article XIII of this act,
19 shall be entitled or permitted to vote at any primary or
20 election at any polling place outside the election district in
21 which [he] the person resides, nor shall [he] the person be
22 permitted to vote in the election district in which [he] the
23 person resides, unless [he] the person has been personally
24 registered as an elector and [his] the elector's registration
25 card appears in the district register of such election district,
26 except by order of the court of common pleas as provided in this
27 act, and any person, although personally registered as an
28 elector, may be challenged by any qualified elector, election
29 officer, overseer, or watcher at any primary or election as to
30 [his] the person's identity, [as to his] continued residence in

1 the election district or [as to] any alleged violation of the
2 provisions of section 1210 of this act, and if challenged as to
3 identity or residence, [he] the person shall produce at least
4 one qualified elector of the election district as a witness, who
5 shall make affidavit of [his] the challenged elector's identity
6 or continued residence in the election district[: Provided,
7 however, That no person shall be entitled to vote as a member of
8 a party at any primary, unless he is registered and enrolled as
9 a member of such party upon the district register, which
10 enrollment shall be conclusive as to his party membership and
11 shall not be subject to challenge on the day of the primary].

12 (e) An elector who is registered and enrolled as a member of
13 a political party, and who, upon applying to vote, shall have
14 established his identity by signing his name and address, or
15 otherwise, as herein required at elections, and is otherwise
16 qualified, may vote as a member of such party at any primary
17 succeeding the elector's registration without being subject to
18 any challenge regarding the elector's party membership. No
19 elector registered and enrolled as a member of a political party
20 shall be allowed to receive or vote the ballot of any other
21 political party at any primary election.

22 (f) A registered qualified elector, although not enrolled as
23 a member of a political party, shall be permitted to vote at a
24 primary on questions and other matters not involving the
25 nomination of political party candidates or the election of
26 political party officers or delegates.

27 (g) If an elector's registration record indicates that the
28 elector is in an inactive status, the elector shall be entitled
29 to vote as provided by section 1902 of the act of June 30, 1995
30 (P.L.170, No.25), known as the "Pennsylvania Voter Registration

1 Act."

2 Section 11. The act is amended by adding sections to read:

3 Section 1210.1. Procedure for Voting Following Failure to
4 Return Notification Card.--(a) A registered elector who has
5 moved to an address within the same election district where the
6 elector is registered shall, notwithstanding failure to notify
7 the commission prior to the date of an election, be permitted to
8 vote in that election district upon written affirmation by the
9 elector of the change of address before an election official at
10 the election district polling place.

11 (b) A registered elector who has moved to an address within
12 a different election district of the county where the elector is
13 registered and who has failed to notify the commission of the
14 change of address prior to the date of an election shall be
15 permitted to notify the registration commission of the address
16 change and vote at the elector's former polling place upon
17 written affirmation by the elector of the new address before an
18 election official at the former polling place.

19 (c) A registered elector who has moved to another county and
20 who has failed to notify any commission of the change of address
21 prior to the date of the election shall be permitted to notify
22 the registration commission of the address change and vote at
23 the elector's former polling place upon written affirmation by
24 the elector of the new address before an election official at
25 the former polling place.

26 Section 1210.2. Incorrect Records.--If voter registration
27 records incorrectly indicate that an elector has moved from an
28 address in the election district where the elector is
29 registered, the elector shall, upon written affirmation of the
30 error before an election official at the polling place within

1 said election district, be permitted to vote at that polling
2 place.

3 Section 12. Section 1212 of the act is amended to read:

4 Section 1212. Voting Check List.--[After each elector has
5 been admitted to vote, his voter's certificate shall be inserted
6 in the file or binder provided therefor by the county board, and
7 known as the "Voting Check List," and the said voter's
8 certificate so bound] The "Voting Check List" shall consist of
9 the collection of the voter's certificates of those electors
10 whose admission to vote is evidenced on said certificates by the
11 signature or initials of a district election official. The
12 Voting Check List shall constitute the official list of electors
13 voting at [such] each primary or election. [All] If the county
14 uses digitized signature lists containing voter's certificates
15 thereon as a district register or computer-generated lists, said
16 lists shall constitute the Voting Check List for said county. If
17 the voter's certificates do not appear on digitized signature
18 lists used as district registers or on computer-generated lists,
19 the electors' voter's certificates shall be inserted in the file
20 or binder provided therefor by the county board after each
21 elector has been admitted to vote. The voter's certificates
22 [prepared by persons applying to vote] of electors whose
23 applications to vote are refused by the election officer shall
24 be carefully preserved and returned by the election officer to
25 the county board with the other papers.

26 Section 13. Section 1218 of the act, amended February 13,
27 1989 (P.L.1, No.1), is amended to read:

28 Section 1218. Assistance in Voting.--

29 (a) No [voter] elector shall be permitted to receive any
30 assistance in voting at any primary or election, unless there is

1 recorded upon [his] such elector's registration card [his
2 declaration] a declaration, or unless the elector declares in
3 writing at the polling place, that, by reason of blindness,
4 disability, or inability to read or write, [he] the elector is
5 unable to read the names on the ballot or on the voting machine
6 labels, or that [he] the elector has a physical disability which
7 renders [him] such elector unable to see or mark the ballot or
8 operate the voting machine, or to enter the voting compartment
9 or voting machine booth without assistance, the exact nature of
10 such condition being recorded on such registration card or
11 declaration, and unless the election officers are satisfied that
12 [he] the elector still suffers from the same condition. The
13 declaration completed in the polling place shall be in a form
14 approved by the Secretary of the Commonwealth substantially as
15 follows:

16 I,
17 (Name and address of elector requiring assistance)
18 by reason of
19 (Reason for need of assistance)
20 am unable to vote without the assistance of
21
22 (Name and address of person rendering assistance)
23 (Date)

24 Witnessed by
25 (Signature of Judge of Election)

26 (b) Any elector who is entitled to receive assistance in
27 voting under the provisions of this section shall be permitted
28 by the judge of election to select a person of the elector's
29 choice to enter the voting compartment or voting machine booth
30 with [him] the elector to assist [him] the elector in voting,

1 such assistance to be rendered inside the voting compartment or
2 voting machine booth except that the elector's employer or an
3 agent of the employer or an officer or agent of the elector's
4 union shall not be eligible to assist the elector.

5 (c) In every case of assistance under the provisions of this
6 section, the judge of election shall forthwith enter in writing
7 in a book to be furnished by the county board of elections, to
8 be known as the record of assisted voters--(1) the [voter's]
9 elector's name; (2) a statement of the facts which entitle [him]
10 the elector to receive assistance; and (3) the name of the
11 person furnishing the assistance. The record of assisted voters
12 shall be returned by the judge of election to the county board
13 of elections with the other papers, as hereinafter provided, and
14 said county board shall permit the same to be examined only upon
15 the written order of a judge of the court of common pleas:
16 Provided, however, That such record shall be subject to subpoena
17 to the same extent to which other election records may be
18 subpoenaed: And provided further, That the county election board
19 shall permit any registration commission to examine any records
20 of assisted voters without a court order, in order that the
21 registration commission may ascertain whether electors, who have
22 declared, at the time of registration, their need for
23 assistance, actually did receive assistance when voting at any
24 election or primary.

25 (d) Subsequent to the election or primary, the county board
26 of elections shall record or cause to be recorded the facts of
27 the declaration completed in the polling place as prescribed by
28 subsection (a) onto the elector's registration card including
29 the reason the elector requires assistance.

1 1998 (P.L.72, No.18), is amended to read:

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

3 (a) Applications for absentee ballots unless otherwise
4 specified shall be received in the office of the county board of
5 elections not earlier than fifty (50) days before the primary or
6 election and not later than five o'clock P.M. of the first
7 Tuesday prior to the day of any primary or election: Provided,
8 however, That in the event any elector otherwise qualified who
9 is so physically disabled or ill on or before the first Tuesday
10 prior to any primary or election that [he] the elector is unable
11 to file [his] an application or who becomes physically disabled
12 or ill after the first Tuesday prior to any primary or election
13 and is unable to appear at [his] the elector's polling place or
14 any elector otherwise qualified who because of the conduct of
15 [his] the elector's business, duties or occupation will
16 necessarily be absent from the municipality of [his] the
17 elector's residence on the day of the primary or election, which
18 fact was not and could not reasonably be known to said elector
19 on or before the first Tuesday prior to any primary or election,
20 shall be entitled to an absentee ballot at any time prior to
21 [five o'clock P.M. on the first Friday] the close of business on
22 the first Monday immediately preceding any primary or election
23 upon execution of an Emergency Application in such form
24 prescribed by the Secretary of the Commonwealth.

25 (b) In the case of an elector who is physically disabled or
26 ill on or before the first Tuesday prior to a primary or
27 election or becomes physically disabled or ill after the first
28 Tuesday prior to a primary or election, such Emergency
29 Application shall contain a supporting affidavit from [his] the
30 elector's attending physician stating that due to physical

1 disability or illness said elector was unable to apply for an
2 absentee ballot on or before the first Tuesday prior to the
3 primary or election or became physically disabled or ill after
4 that period.

5 (c) In the case of an elector who is necessarily absent
6 because of the conduct of his business, duties or occupation
7 under the unforeseen circumstances specified in this subsection,
8 such Emergency Application shall contain a supporting affidavit
9 from such elector stating that because of the conduct of [his]
10 the elector's business, duties or occupation said elector will
11 necessarily be absent from the municipality of [his] the
12 elector's residence on the day of the primary or election which
13 fact was not and could not reasonably be known to said elector
14 on or before the first Tuesday prior to the primary or election.

15 Section 15. Section 1302(c) and (e) of the act, amended
16 December 11, 1968 (P.L.1183, No.375), are amended to read:

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

19 * * *

20 (c) The county board of elections, upon receipt of any
21 application of a qualified elector required to be registered
22 under the provisions of preceding section 1301, shall determine
23 the qualifications of such applicant by comparing the
24 information set forth on such application with the information
25 contained on the applicant's permanent registration card. If the
26 board is satisfied that the applicant is qualified to receive an
27 official absentee ballot, the application shall be marked
28 "approved." Such approval decision shall be final and binding,
29 except that challenges may be made only on the ground that the
30 applicant did not possess the qualifications of an absentee

1 elector. Such challenges must be made to the county board of
2 elections within twenty-four hours of the deadline for filing
3 said applications prior to [5:00 o'clock P. M. on the first
4 Friday prior to] the election. When so approved, the
5 registration commission shall cause an absentee [voter's]
6 elector's temporary registration card to be inserted in the
7 district register on top of and along with the permanent
8 registration card. The absentee [voter's] elector's temporary
9 registration card shall be in the color and form prescribed in
10 subsection (e) of this section:

11 Provided, however, That the duties of the county boards of
12 elections and the registration commissions with respect to the
13 insertion of the absentee [voter's] elector's temporary
14 registration card of any elector from the district register as
15 set forth in section 1302.2 shall include only such applications
16 and emergency applications as are received on or before the
17 first Tuesday prior to the primary or election. In all cases
18 where applications are received after the first Tuesday prior to
19 the primary or election and before [five o'clock P. M. on the
20 first Friday] the close of business on the first Monday
21 immediately prior to the primary or election, the county board
22 of elections shall determine the qualifications of such
23 applicant by comparing the information set forth on such
24 application with the information contained on the applicant's
25 [duplicate] registration card on file in the General Register
26 (also referred to as the Master File) in the office of the
27 Registration Commission and shall cause the name and residence
28 (and at primaries, the party enrollment) to be inserted in the
29 Military, Veterans and Emergency Civilian Absentee Voters File
30 as provided in section 1302.3, subsection (b). In addition, the

1 local district boards of elections shall, upon canvassing the
2 official absentee ballots under section 1308, examine the voting
3 check list of the election district of said elector's residence
4 and satisfy itself that such elector did not cast any ballot
5 other than the one properly issued to [him] the elector under
6 [his] the elector's absentee ballot application. In all cases
7 where the examination of the local district board of elections
8 discloses that an elector did vote a ballot other than the one
9 properly issued to [him] the elector under the absentee ballot
10 application, the local district board of elections shall
11 thereupon cancel said absentee ballot and said elector shall be
12 subject to the penalties as hereinafter set forth.

13 * * *

14 (e) The absentee [voter's] elector's temporary registration
15 card shall be in duplicate and the same size as the permanent
16 registration card, in a different and contrasting color to the
17 permanent registration card and shall contain the absentee
18 [voter's] elector's name and address and shall conspicuously
19 contain the words "Absentee [Voter] Elector." Such card shall
20 also contain the affidavit required by subsection (b) of section
21 1306[.]: Provided, however, That counties utilizing digitized
22 signature lists as district registers shall utilize such lists
23 or computer-generated forms as temporary registration cards.
24 Such lists or printouts shall contain the same information and
25 affidavit as required by this section.

26 Section 16. Section 1306.1 of the act, added August 13, 1963
27 (P.L.707, No.379), is amended to read:

28 Section 1306.1. Assistance in Voting by Certain Absentee
29 Electors.--

30 Any elector qualified to vote an official absentee ballot in

1 Commonwealth of Pennsylvania:

2 ss

3 County of:

4 On this.....day of....., 19...., before me,
5, the undersigned officer personally
6 appeared....., known to me (or satisfactorily
7 proven) to be the person whose signature or mark appears on the
8 within instrument and acknowledged the same for the purposes
9 therein contained.

10 In witness whereof, I have hereunto set my hand and official
11 seal

12

13 (Title of Officer)

14 Upon receipt of the official absentee ballot, such elector
15 requiring assistance may select [an adult] a person to assist
16 him in voting, such assistance to be rendered in secret[.]:
17 Provided, however, That the person rendering assistance may not
18 be the elector's employer or an agent of the employer or an
19 officer or agent of the elector's union. The [adult] person
20 rendering the assistance in voting [should be required to fill
21 out,] shall complete, date and sign the declaration in such form
22 approved by the Secretary of the Commonwealth, or substantially
23 in the form as set forth below, [as he] that the person has
24 caused the elector's ballot to be marked in accordance with such
25 elector's desires and instruction. Such declaration form shall
26 be returned to the county board of elections in the mailing
27 envelope addressed to the county board of elections within which
28 the small "official absentee ballot" is returned.

29 Declaration of Person Rendering Assistance

30 I,, [an adult person]

1 (Name of Person rendering assistance)
2 hereby declare that I have witnessed the aforesaid elector's
3 signature or mark and that I have caused the aforesaid
4 elector's ballot to be marked in accordance with the desires
5 and instructions of the aforesaid elector.

6

7 (Signature of Person Rendering Assistance)

8

9 (Address)

10 Section 17. Section 1635(a) of the act, added October 4,
11 1978 (P.L.893, No.171), is amended to read:

12 Section 1635. Independent Audit.--

13 (a) Every [two (2)] four (4) years, the Secretary of the
14 Commonwealth shall contract for the services of a certified
15 public accountant or certified public accounting firm. Such
16 contract shall be awarded on a bid basis and no certified public
17 accountant or certified public accounting firm shall be eligible
18 to obtain such a contract for two (2) successive contract
19 periods.

20 * * *

21 Section 18. Sections 1830 and 1831 of the act are amended to
22 read:

23 Section 1830. Unlawful Assistance in Voting.--Any elector at
24 any primary or election who shall allow [his] the elector's
25 ballot or the face of the voting machine voted by [him] the
26 elector to be seen by any person with the apparent intention of
27 letting it be known how [he] the elector is about to vote; or in
28 districts in which ballots are used, shall cast or attempt to
29 cast any other than the official ballot which has been given to
30 [him] the elector by the proper election officer; or who,

1 without having made the declaration [under oath or affirmation]
2 required by section 1218 of this act, or when the disability
3 which [he] the elector declared [before any registration
4 commission] no longer exists, shall permit another to accompany
5 [him] the elector into the voting compartment or voting machine
6 booth, or to mark [his] the elector's ballot or prepare the
7 voting machine for voting by [him] the elector; or who shall
8 mark [his] the ballot or prepare the voting machine for voting
9 while another is unlawfully present in the voting machine
10 compartment or voting machine booth with [him] the elector; or
11 who shall state falsely to any election officer that because of
12 illiteracy [he] the elector is unable to read the names on the
13 ballot or ballot labels or that by reason of physical disability
14 [he] the elector cannot see or mark the ballot or enter the
15 voting compartment without assistance or that [he] the elector
16 cannot see or operate the voting machine or enter the voting
17 machine booth without assistance; or who shall state, as [his]
18 the reason for requiring assistance, a disability from which
19 [he] the elector does not suffer; or any person who shall go
20 into the voting compartment or voting machine booth with another
21 while voting or be present therein while another is voting, or
22 mark the ballot of another or prepare the voting machine for
23 voting with another, except in strict accordance with the
24 provisions of this act; or any person who shall interfere with
25 any elector when inside the enclosed space or when marking [his]
26 the elector's ballot, or preparing the voting machine for
27 voting, or who shall endeavor to induce any elector before
28 depositing [his] the elector's ballot to show how [he] the
29 elector marks or has marked [his] the ballot; or any person
30 giving assistance who shall attempt to influence the vote of the

1 elector whom [he] the person is assisting or who shall mark a
2 ballot or prepare a voting machine for voting in any other way
3 than that requested by the [voter] elector whom [he] the person
4 is assisting, or who shall disclose to anyone the contents of
5 any ballot which has been marked or any voting machine which has
6 been prepared for voting with [his] the person's assistance,
7 except when required to do so in any legal proceeding, shall be
8 guilty of a misdemeanor, and, upon conviction thereof, shall be
9 sentenced to pay a fine not exceeding one thousand (\$1,000)
10 dollars, or to undergo an imprisonment of not more than one (1)
11 year, or both, in the discretion of the court.

12 Section 1831. Election Officers Permitting Unlawful
13 Assistance.--Any election officer who shall permit [a voter] an
14 elector to be accompanied by another into the voting compartment
15 or voting machine booth when the registration card of such
16 person contains no declaration that such person requires
17 assistance, or [when such person has not made, under oath or
18 affirmation, the statement] without a signed and witnessed
19 declaration as required by section 1218 of this act, or when
20 such election officer knows that the disability which the
21 elector declared before any registration commission no longer
22 exists, or who shall permit any person to accompany an elector
23 into the voting compartment or voting machine booth, except as
24 provided by this act, shall be guilty of a misdemeanor, and,
25 upon conviction thereof, shall be sentenced to pay a fine not
26 exceeding one thousand (\$1,000) dollars, or to undergo an
27 imprisonment of not more than one (1) year, or both, in the
28 discretion of the court.

29 Section 19. This act shall take effect in 60 days.