
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1318 Session of
2005

INTRODUCED BY PRIME SPONSOR WITHDREW, CLYMER, EACHUS, ARGALL,
BALDWIN, BENNINGHOFF, BLAUM, CALTAGIRONE, COHEN, CORRIGAN,
COSTA, CREIGHTON, DALLY, DERMODY, DIVEN, FRANKEL, GERBER,
GOOD, GOODMAN, GRUCELA, HANNA, HARHAI, HARRIS, HUTCHINSON,
KOTIK, LaGROTTA, LEACH, McCALL, MUNDY, NAILOR, O'NEILL,
PISTELLA, RAMALEY, ROONEY, RUFFING, SANTONI, SAYLOR, STABACK,
STURLA, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, VEON, WANSACZ,
WILLIAMS, WOJNAROSKI, YUDICHAK AND CASORIO, APRIL 11, 2005

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, DECEMBER 14, 2005

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 requirements relating to voter
12 identification; further providing for POWERS AND DUTIES OF <—
13 COUNTY BOARDS, FOR POLLING PLACES SELECTED BY COUNTY BOARDS, <—
14 FOR PUBLIC BUILDINGS TO BE USED WHERE POSSIBLE AND PORTABLE
15 POLLING PLACES AND FOR PROHIBITING POLLING PLACES IN
16 BUILDINGS WHERE MALT OR BREWED BEVERAGES OR LIQUORS ARE SOLD;
17 PROVIDING FOR POLLING PLACES IN OTHER BUILDINGS; AND FURTHER <—
18 PROVIDING FOR NOMINATIONS BY POLITICAL BODIES, FOR affidavits <—
19 of candidates and for qualifications of electors at <—
20 primaries; providing for restrictions on voting by convicted <—
21 felons; AND further providing, FOR OPENING OF POLLS, POSTING <—
22 CARDS OF INSTRUCTION AND NOTICES OF PENALTIES AND VOTERS'
23 RIGHTS AND EXAMINATION OF VOTING MACHINES, for voting
24 procedures, for manner of applying to vote, FOR DATE OF <—
25 APPLICATION FOR ABSENTEE BALLOTS, for canvassing of official

1 absentee ballots and for violation of provisions relating to
2 absentee voting.

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

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

8 Section 206. Requirements Relating to Voter

9 Identification.--(a) The Secretary of the Commonwealth shall
10 prepare and disseminate information to the public regarding the
11 photo identification requirements established under section <—
12 1210.

13 (b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)
14 (relating to issuance and content of driver's license) to the
15 contrary, the Department of Transportation shall issue an
16 identification card described in 75 Pa.C.S. § 1510(b) at no cost
17 to any registered elector who has made application therefor and
18 has included with the completed application a signed affidavit
19 stating that the elector is unable to obtain another form of
20 photo identification, including a driver's license, that the
21 elector is unable to pay the required fee for the identification
22 card and that the elector is a registered elector as defined in
23 25 Pa.C.S. § 1102 (relating to definitions).

24 (c) The Secretary of the Commonwealth shall prepare the form
25 of the affidavit described in subsection (b) and shall
26 distribute the form to the counties and the Department of
27 Transportation. The Secretary of the Commonwealth, the Secretary
28 of Transportation and the county boards of election shall
29 disseminate information to the public regarding the availability
30 of identification cards under subsection (b).

1 SECTION 2. SECTION 302(B) OF THE ACT, AMENDED OCTOBER 8, <—
2 2004 (P.L.807, NO.97), IS AMENDED TO READ:

3 SECTION 302. POWERS AND DUTIES OF COUNTY BOARDS.--THE COUNTY
4 BOARDS OF ELECTIONS, WITHIN THEIR RESPECTIVE COUNTIES, SHALL
5 EXERCISE, IN THE MANNER PROVIDED BY THIS ACT, ALL POWERS GRANTED
6 TO THEM BY THIS ACT, AND SHALL PERFORM ALL THE DUTIES IMPOSED
7 UPON THEM BY THIS ACT, WHICH SHALL INCLUDE THE FOLLOWING:

8 * * *

9 (B) TO SELECT AND EQUIP POLLING PLACES THAT MEET THE
10 REQUIREMENTS OF THIS ACT.

11 * * *

12 SECTION 2.1. SECTION 526 OF THE ACT IS AMENDED TO READ: <—

13 SECTION 526. POLLING PLACES TO BE SELECTED BY COUNTY
14 BOARD.--

15 (A) THE COUNTY BOARD OF ELECTIONS SHALL SELECT AND FIX THE
16 POLLING PLACE WITHIN EACH NEW ELECTION DISTRICT AND MAY, AT ANY
17 TIME, FOR ANY REASON THAT MAY SEEM PROPER TO IT, EITHER ON ITS
18 OWN MOTION OR ON PETITION OF TEN QUALIFIED REGISTERED ELECTORS
19 OF AN ELECTION DISTRICT, CHANGE THE POLLING PLACE WITHIN ANY
20 ELECTION DISTRICT. EXCEPT IN CASE OF AN EMERGENCY OR UNAVOIDABLE
21 EVENT OCCURRING WITHIN [TEN] TWENTY DAYS OF A PRIMARY OR
22 ELECTION, WHICH RENDERES ANY POLLING PLACE UNAVAILABLE FOR USE AT
23 SUCH PRIMARY OR ELECTION, THE COUNTY BOARD SHALL NOT CHANGE ANY
24 POLLING PLACE UNTIL AT LEAST FIVE DAYS AFTER NOTICE OF THE
25 PROPOSED CHANGE SHALL HAVE BEEN POSTED ON THE EXISTING POLLING
26 PLACE AND IN THE IMMEDIATE VICINITY THEREOF, AND UNTIL AT LEAST
27 FIVE DAYS AFTER WRITTEN NOTICE OF THE PROPOSED CHANGE SHALL HAVE
28 BEEN GIVEN TO THE OCCUPANT OR OWNER OF SAID POLLING PLACE, OR
29 THEIR AGENT.

30 (B) EXCEPT IN CASE OF EMERGENCY OR UNAVOIDABLE EVENT,

1 OCCURRING WITHIN [TEN] TWENTY DAYS OF A PRIMARY OR ELECTION,
2 WHICH RENDERS ANY POLLING PLACE UNAVAILABLE FOR USE, IF A
3 PETITION BE PRESENTED TO THE COUNTY BOARD ON OR BEFORE THE DAY
4 SET FOR HEARING OF THE PETITION FOR CHANGE OF POLLING PLACE,
5 SIGNED BY A MAJORITY OF THE REGISTERED ELECTORS OF THE DISTRICT,
6 OBJECTING TO THE PROPOSED CHANGE, SAID CHANGE SHALL NOT BE
7 ORDERED.

8 (C) THE COUNTY BOARD OF ELECTIONS SHALL PUBLICLY ANNOUNCE,
9 NOT LESS THAN TWENTY DAYS PRIOR TO THE PRIMARY ELECTION, SPECIAL
10 ELECTION, MUNICIPAL ELECTION OR GENERAL ELECTION, BY POSTING AT
11 ITS OFFICE IN A CONSPICUOUS PLACE, A LIST OF THE PLACES AT WHICH
12 THE ELECTION IS TO BE HELD IN THE VARIOUS ELECTION DISTRICTS OF
13 THE COUNTY. THE LIST SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT
14 THE OFFICE OF THE COUNTY BOARD OF ELECTIONS.

15 SECTION 3. SECTION 527(A) OF THE ACT, AMENDED JULY 1, 1987
16 (P.L.178, NO.20), IS AMENDED TO READ:

17 SECTION 527. PUBLIC BUILDINGS TO BE USED WHERE POSSIBLE;
18 PORTABLE POLLING PLACES.--(A) IN SELECTING POLLING PLACES, THE
19 COUNTY BOARD OF ELECTIONS SHALL, WHEREVER POSSIBLE AND
20 PRACTICABLE, SELECT SCHOOLHOUSES, MUNICIPAL BUILDINGS OR ROOMS,
21 OR OTHER PUBLIC BUILDINGS FOR THAT PURPOSE. ANY BOARD OF PUBLIC
22 EDUCATION OR SCHOOL DIRECTORS, OR COUNTY OR THE MUNICIPAL
23 AUTHORITIES SHALL, UPON REQUEST OF THE COUNTY BOARD, MAKE
24 ARRANGEMENTS FOR THE USE OF SCHOOL PROPERTY, OR OF COUNTY OR
25 MUNICIPAL PROPERTY FOR POLLING PLACES. IN SELECTING POLLING <—
26 PLACES, THE COUNTY BOARD OF ELECTIONS SHALL MAKE EVERY EFFORT TO <—
27 SELECT POLLING PLACES THAT PROVIDE ALL ELECTORS WITH AN
28 ENVIRONMENT THAT IS FREE FROM INTIMIDATION AND VIOLENCE.

29 IN THE EVENT NO AVAILABLE PUBLIC BUILDING AS CONTEMPLATED
30 UNDER THIS SECTION IS SITUATED WITHIN THE BOUNDARIES OF ANY

1 ELECTION DISTRICT, THE COUNTY BOARD OF ELECTIONS MAY, NOT LESS
2 THAN ~~[TEN]~~ TWENTY DAYS PRIOR TO ANY ELECTION, DESIGNATE AS THE <—
3 POLLING PLACE FOR SUCH ELECTION DISTRICT ANY SUCH PUBLIC
4 BUILDING SITUATED IN ANOTHER ELECTION DISTRICT WITHIN THE SAME
5 OR IMMEDIATELY ADJACENT WARD, OR, IF THERE ARE NO WARDS, THEN
6 WITHIN THE SAME ~~OR IMMEDIATELY ADJACENT~~ BOROUGH OR TOWNSHIP AS <—
7 THE CASE MAY BE, PROVIDED SUCH OTHER BUILDING IS LOCATED IN AN
8 ELECTION DISTRICT WHICH IS ~~{IMMEDIATELY ADJACENT TO}~~ ~~NOT MORE~~ <—
9 ~~THAN TWO MILES FROM~~ THE BOUNDARY OF THE ELECTION DISTRICT FOR
10 WHICH IT IS TO BE THE POLLING PLACE AND IS DIRECTLY ACCESSIBLE
11 THEREFROM BY PUBLIC STREET OR THOROUGHFARE. TWO OR MORE POLLING
12 PLACES MAY BE LOCATED IN THE SAME PUBLIC BUILDING UNDER THIS
13 SECTION. A POLLING PLACE MAY BE SELECTED AND DESIGNATED
14 HEREUNDER LESS THAN TEN DAYS PRIOR TO ANY ELECTION, WITH THE
15 APPROVAL OF A COURT OF COMPETENT JURISDICTION.

16 * * *

17 SECTION 4. SECTION 529 OF THE ACT IS AMENDED TO READ:

18 SECTION 529. POLLING PLACES IN BUILDINGS OR ROOMS WHERE MALT
19 OR BREWED BEVERAGES OR LIQUORS ~~[SOLD]~~ DISPENSED PROHIBITED.--(A) <—
20 NO ELECTION SHALL BE HELD IN ANY ROOM [OR BUILDING, ANY PART OF <—
21 WHICH IS ~~{USED}~~ ~~LICENSED~~ FOR THE SALE OR SERVING OF] WHERE MALT <—
22 OR BREWED BEVERAGES OR LIQUORS[.], ~~REGARDLESS OF WHETHER THE~~ <—
23 ~~LICENSED ESTABLISHMENT IS OPEN FOR BUSINESS.~~

24 ~~(B) A VIOLATION OF THIS SECTION SHALL RESULT IN A TEN DAY~~
25 ~~SUSPENSION OF THE LICENSED ESTABLISHMENT'S LICENSE. ARE~~ <—
26 DISPENSED. NO MALT OR BREWED BEVERAGES OR LIQUORS MAY BE SERVED
27 DURING THE HOURS THAT THE POLLING PLACE IS OPEN.

28 (B) THE POLLING PLACE MUST BE ACCESSIBLE FROM AN OUTSIDE
29 ENTRANCE THAT DOES NOT REQUIRE PASSAGEWAY THROUGH THE ROOM WHERE
30 MALT OR BREWED BEVERAGES OR LIQUORS ARE DISPENSED.

1 (C) THE COUNTY BOARD OF ELECTIONS MUST CERTIFY THAT NO
2 PUBLIC BUILDING IS AVAILABLE UNDER SECTION 527.

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

4 SECTION 529.1. POLLING PLACES IN OTHER BUILDINGS.--NO
5 ELECTION SHALL BE HELD IN ANY OF THE FOLLOWING:

6 (1) A PRIVATE RESIDENCE UNLESS THE COUNTY BOARD OF ELECTIONS <—
7 CERTIFIES THAT NO PUBLIC BUILDING IS AVAILABLE UNDER SECTION
8 527.

9 (2) AN ABANDONED BUILDING.

10 (3) A VACANT LOT.

11 (4) AN OFFICE OR PRIVATE RESIDENCE OF A CANDIDATE FOR <—
12 POLITICAL OFFICE.

13 (5) AN OFFICE OR PRIVATE RESIDENCE OF AN ELECTED OFFICIAL. <—

14 (6) A BUILDING UTILIZED BY A WARD OR POLITICAL PARTY AS
15 HEADQUARTERS.

16 ~~Section 2 6. Section 630.1 of the act, amended February 13,~~ <—
17 ~~1998 (P.L.72, No.18), is amended to read:~~

18 SECTION 6. SECTIONS 630.1, 910, 951(E) AND 981.1 OF THE ACT, <—
19 AMENDED FEBRUARY 13, 1998 (P.L.72, NO.18), ARE AMENDED TO READ:

20 Section 630.1. Affidavits of Candidates.--Each candidate for
21 any State, county, city, borough, incorporated town, township,
22 school district or poor district office, or for the office of
23 United States Senator or Representative in Congress, selected as
24 provided in section 630 of this act, shall file with the
25 nomination certificate an affidavit stating--(a) his residence,
26 with street and number, if any, and his post-office address; (b)
27 his election district, giving city, borough, town or township;
28 (c) the name of the office for which he consents to be a
29 candidate; (d) that he is eligible for such office; (e) that he
30 will not knowingly violate any provision of this act, or of any

1 law regulating and limiting election expenses and prohibiting
2 corrupt practices in connection therewith; (f) unless he is a
3 candidate for judge of a court of common pleas, the Philadelphia
4 Municipal Court or the Traffic Court of Philadelphia, or for the
5 office of school board in a district where that office is
6 elective or for the office of justice of the peace, that he is
7 not a candidate for the same office of any party or political
8 body other than the one designated in such certificate; [and]
9 (g) that he is aware of the provisions of section 1626 of this
10 act requiring election and post-election reporting of campaign
11 contributions and expenditures[.]; and (h) that he is not a
12 candidate for an office which he already holds, the term of
13 which is not set to expire in the same year as the office
14 subject to the affidavit.

15 ~~Section 3. Section 702 of the act is amended to read:~~ <—

16 ~~Section 702. Qualifications of Electors at Primaries. (a)~~
17 ~~The qualifications of electors entitled to vote at primaries~~
18 ~~shall be the same as the qualifications of electors entitled to~~
19 ~~vote at elections within the election district where the primary~~
20 ~~is held, provided that no elector who is not registered and~~
21 ~~enrolled as a member of a political party, in accordance with~~
22 ~~the provisions of this act, shall be permitted to vote the~~
23 ~~ballot of such party or any other party ballot at any primary.~~

24 ~~(b) An individual who otherwise meets the requirements of 25~~
25 ~~Pa.C.S. § 1301 (relating to qualifications to register) who will~~
26 ~~be at least eighteen years of age on the day of the next general~~
27 ~~or municipal election may register and vote for the~~
28 ~~corresponding primary.~~

29 ~~Section 4 7. The act is amended by adding a section to read:~~ <—

30 ~~Section 705. Restriction on Voting by Convicted Felons. (a)~~

~~Any person who is convicted of a felony offense in any court of this Commonwealth, or for a crime in any other state or Federal court that would constitute a felony offense under the laws of this Commonwealth, shall be ineligible to vote in any election conducted in this Commonwealth and shall be ineligible to register or maintain registration as a registered elector for a period beginning with the date of conviction and ending with the expiration of the maximum sentence imposed in that criminal proceeding.~~

~~(b) Within thirty days after sentencing for a felony offense, the district attorney of the county where the conviction occurred, in the case of a prosecution within the jurisdiction of the district attorney, and the Attorney General, in the case of a prosecution within the jurisdiction of the Attorney General, shall notify the Secretary of the Commonwealth of the conviction. The Secretary of the Commonwealth shall maintain a list of persons who are ineligible to vote or to register to vote pursuant to subsection (a) which shall be available for public inspection. It shall be the duty of each registration commission to review this list in connection with each application to register and to review this list during a sixty day period ending before each election in order to remove the name of each person who has become ineligible to vote or maintain registration status pursuant to this section.~~

~~(c) Any person who votes or attempts to vote with the knowledge or with reason to know that the person is ineligible to vote pursuant to this section commits a misdemeanor of the second degree.~~

~~(d) The Secretary of the Commonwealth shall include a conspicuous notice on each registration form advising each~~

1 ~~applicant of the requirements and the penalty prescribed by this~~
2 ~~section.~~

3 ~~(c) Each correctional institution in this Commonwealth shall~~
4 ~~provide each convicted felon upon release from incarceration a~~
5 ~~written notice regarding the requirements and the penalty~~
6 ~~prescribed in this section.~~

7 ~~(f) As used in this section, the following words and phrases~~
8 ~~shall have the meanings given to them in this subsection:~~

9 ~~The word "convicted" includes:~~

10 ~~(1) Convicted, found guilty or entered a plea of guilty or~~
11 ~~nolo contendere in a court or court martial.~~

12 ~~(2) Sentenced by a court or court martial.~~

13 ~~The word "felony" shall mean an offense graded a felony under~~
14 ~~the laws of this Commonwealth, another state, the United States~~
15 ~~or one of its territories, the District of Columbia, the~~
16 ~~Commonwealth of Puerto Rico or a foreign nation which is~~
17 ~~punishable by imprisonment of seven years or more.~~

18 ~~The words "maximum sentence imposed in that criminal~~
19 ~~proceeding" shall mean the maximum prison sentence imposed upon~~
20 ~~the defendant for all offenses in a single criminal proceeding~~
21 ~~involving at least one felony conviction.~~

22 ~~(g) This section shall apply to any felony conviction:~~

23 ~~(1) that occurs on or after the effective date of this~~
24 ~~section; or~~

25 ~~(2) that occurs prior to the effective date of this section,~~
26 ~~as long as the maximum sentence imposed in that criminal~~
27 ~~proceeding has not expired.~~

28 ~~Section 5-8. Sections 910 and 981.1 of the act, amended~~
29 ~~February 13, 1998 (P.L. 72, No. 18), are amended to read:~~

30 ~~Section 910. Affidavits of Candidates.--Each candidate for~~

1 any State, county, city, borough, incorporated town, township,
2 ward, school district, poor district, election district, party
3 office, party delegate or alternate, or for the office of United
4 States Senator or Representative in Congress, shall file with
5 his nomination petition his affidavit stating--(a) his
6 residence, with street and number, if any, and his post-office
7 address; (b) his election district, giving city, borough, town
8 or township; (c) the name of the office for which he consents to
9 be a candidate; (d) that he is eligible for such office; (e)
10 that he will not knowingly violate any provision of this act, or
11 of any law regulating and limiting nomination and election
12 expenses and prohibiting corrupt practices in connection
13 therewith; (f) unless he is a candidate for judge of a court of
14 common pleas, the Philadelphia Municipal Court or the Traffic
15 Court of Philadelphia, or for the office of school director in a
16 district where that office is elective or for the office of
17 justice of the peace that he is not a candidate for nomination
18 for the same office of any party other than the one designated
19 in such petition; (g) if he is a candidate for a delegate, or
20 alternate delegate, member of State committee, National
21 committee or party officer, that he is a registered and enrolled
22 member of the designated party; (h) if he is a candidate for
23 delegate or alternate delegate the presidential candidate to
24 whom he is committed or the term "uncommitted"; [and] (i) that
25 he is aware of the provisions of section 1626 of this act
26 requiring pre-election and post-election reporting of campaign
27 contributions and expenditures[.]; and (j) that he is not a
28 candidate for an office which he already holds, the term of
29 which is not set to expire in the same year as the office
30 subject to the affidavit. In cases of petitions for delegate and

1 alternate delegate to National conventions, the candidate's
2 affidavit shall state that his signature to the delegate's
3 statement, as hereinafter set forth, if such statement is signed
4 by said candidate, was affixed to the sheet or sheets of said
5 petition prior to the circulation of same. In the case of a
6 candidate for nomination as President of the United States, it
7 shall not be necessary for such candidate to file the affidavit
8 required in this section to be filed by candidates, but the
9 post-office address of such candidate shall be stated in such
10 nomination petition.

11 SECTION 951. NOMINATIONS BY POLITICAL BODIES.--* * *

<—

12 (E) THERE SHALL BE APPENDED TO EACH NOMINATION PAPER OFFERED
13 FOR FILING AN AFFIDAVIT OF EACH CANDIDATE NOMINATED THEREIN,
14 STATING--(1) THE ELECTION DISTRICT IN WHICH HE RESIDES; (2) THE
15 NAME OF THE OFFICE FOR WHICH HE CONSENTS TO BE A CANDIDATE; (3)
16 THAT HE IS ELIGIBLE FOR SUCH OFFICE; (4) THAT HE WILL NOT
17 KNOWINGLY VIOLATE ANY PROVISION OF THIS ACT, OR OF ANY LAW
18 REGULATING AND LIMITING ELECTION EXPENSES, AND PROHIBITING
19 CORRUPT PRACTICES IN CONNECTION THEREWITH; (5) THAT HIS NAME HAS
20 NOT BEEN PRESENTED AS A CANDIDATE BY NOMINATION PETITIONS FOR
21 ANY PUBLIC OFFICE TO BE VOTED FOR AT THE ENSUING PRIMARY
22 ELECTION, NOR HAS HE BEEN NOMINATED BY ANY OTHER NOMINATION
23 PAPERS FILED FOR ANY SUCH OFFICE; (6) THAT IN THE CASE WHERE HE
24 IS A CANDIDATE FOR ELECTION AT A GENERAL OR MUNICIPAL ELECTION,
25 HE WAS NOT A REGISTERED AND ENROLLED MEMBER OF A PARTY THIRTY
26 (30) DAYS BEFORE THE PRIMARY HELD PRIOR TO THE GENERAL OR
27 MUNICIPAL ELECTION IN THAT SAME YEAR; (7) THAT, IN THE CASE
28 WHERE HE IS A CANDIDATE FOR ELECTION AT A SPECIAL ELECTION, HE
29 IS NOT A REGISTERED AND ENROLLED MEMBER OF A PARTY[.]; (8) THAT
30 HE IS NOT A CANDIDATE FOR AN OFFICE WHICH HE ALREADY HOLDS, THE

1 TERM OF WHICH IS NOT SET TO EXPIRE IN THE SAME YEAR AS THE
2 OFFICE SUBJECT TO THE AFFIDAVIT.

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

29 SECTION 6.1. SECTION 1209 HEADING AND (A) OF THE ACT,
30 AMENDED MAY 16, 1945 (P.L.596, NO.250), ARE AMENDED AND THE

<—

1 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

2 SECTION 1209. OPENING OF POLLS; POSTING CARDS OF INSTRUCTION
3 AND NOTICES OF PENALTIES AND VOTERS' RIGHTS; EXAMINATION OF
4 VOTING MACHINES.--(A) IN DISTRICTS IN WHICH BALLOTS ARE USED,
5 THE ELECTION OFFICERS SHALL, AFTER TAKING THE OATH, OPEN THE
6 BALLOT BOXES WHICH HAVE BEEN FURNISHED TO THEM, AND BURN AND
7 TOTALLY DESTROY ALL THE BALLOTS AND OTHER PAPERS WHICH THEY MAY
8 FIND THEREIN, BEFORE THE OPENING OF THE POLLS.

9 WHENEVER DURING ANY EMERGENCY, IT BECOMES NECESSARY TO SAVE
10 WASTE PAPER ON ACCOUNT OF A SHORTAGE THEREOF, THE GOVERNOR OF
11 THE COMMONWEALTH MAY, BY PROCLAMATION, SUSPEND THE FOREGOING
12 PROVISIONS RELATING TO THE DESTRUCTION OF BALLOTS AND PAPERS,
13 AND IN THAT CASE, THE ELECTION BOARD SHALL SET THE BALLOTS AND
14 OTHER PAPERS ASIDE AND THEY SHALL BE COLLECTED AND DISPOSED OF
15 BY SUCH MEANS AND IN SUCH MANNER AS MAY BE DETERMINED BY THE
16 COUNTY ELECTION BOARD. WHEN THE POLLING PLACE IS OPENED, THE
17 BALLOT BOX SHALL BE SECURELY LOCKED, AND SHALL NOT BE OPENED
18 UNTIL THE CLOSE OF THE POLLS, AS PROVIDED IN SECTION 1221. AT
19 THE OPENING OF THE POLLS THE SEALS OF THE PACKAGES FURNISHED BY
20 THE COUNTY BOARD SHALL BE PUBLICLY BROKEN, AND THE SAID PACKAGES
21 SHALL BE OPENED BY THE JUDGE OF ELECTION. THE CARDS OF
22 INSTRUCTION AND NOTICES OF PENALTIES SHALL BE IMMEDIATELY POSTED
23 IN EACH VOTING COMPARTMENT, AND NOT LESS THAN THREE SUCH CARDS
24 AND NOTICES OF PENALTIES AND VOTERS' RIGHTS, AND NOT LESS THAN
25 FIVE SPECIMEN BALLOTS (AT PRIMARIES FIVE OF EACH PARTY), SHALL
26 BE IMMEDIATELY POSTED IN OR ABOUT THE VOTING ROOM OUTSIDE THE
27 ENCLOSED SPACE, AND SUCH CARDS OF INSTRUCTION, NOTICES OF
28 PENALTIES AND SPECIMEN BALLOTS SHALL BE GIVEN TO ANY ELECTOR AT
29 HIS REQUEST, SO LONG AS THERE ARE ANY ON HAND.

30 (A.1) THE NOTICE PERTAINING TO VOTERS' RIGHTS SHALL CONTAIN

1 THE FOLLOWING IN BOLDFACE TYPE:

2 AN ELECTOR SHALL HAVE THE RIGHT TO CAST HIS OR HER VOTE:

3 WITHOUT THE USE OR THREAT OF FORCE, VIOLENCE OR RESTRAINT;

4 WITHOUT THE INFLICTION OR THREAT OF INFLICTION OF INJURY;

5 WITHOUT ANY INTIMIDATION OR COERCION UPON OR AGAINST HIS OR

6 HER PERSON; OR

7 WITHOUT ANY OTHER ACTION INTENDED TO DENY ANY INDIVIDUAL'S

8 RIGHT TO VOTE.

9 * * *

10 Section ~~6-9~~ 7. Section 1210(a), (a.1), (a.2), (a.3) and <—
11 (a.4) of the act, amended October 8, 2004 (P.L.807, No.97), are
12 amended to read:

13 Section 1210. Manner of Applying to Vote; Persons Entitled
14 to Vote; Voter's Certificates; Entries to Be Made in District
15 Register; Numbered Lists of Voters; Challenges.--(a) {At} <—
16 ~~Except as provided in subsection (a.2)(2), at~~ every primary and
17 election each elector who appears to vote [in that election
18 district for the first time] and who desires to vote shall first
19 present to an election officer one of the following forms of
20 photo identification:

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

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

25 (3) a valid identification card issued by the United States
26 Government;

27 (4) a valid United States passport;

28 (5) a valid student identification card;

29 (6) a valid employe identification card; or

30 (7) a valid armed forces of the United States identification

1 card.

2 The election officer shall examine the identification presented
3 by the elector and sign an affidavit stating that this has been
4 done.

5 †(a.1) Where the elector does not have a photo <—
6 identification as provided for in subsection (a), the elector
7 shall present for examination one of the following forms of
8 identification that shows the name and address of the elector:

9 (1) nonphoto identification issued by the Commonwealth, or
10 any agency thereof;

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

13 (2.1) AN ORIGINAL VOTER REGISTRATION CARD ISSUED BY THE <—
14 COUNTY BOARD OF ELECTIONS;

15 (3) a firearm permit;

16 (4) a current utility bill;

17 (5) a current bank statement;

18 (6) a paycheck;

19 (7) a government check.

20 The election officer shall examine the identification presented
21 by the elector and sign an affidavit stating that this has been
22 done.} ~~THIS SUBSECTION SHALL EXPIRE DECEMBER 31, 2007.~~ <—

23 (a.2) {If} ~~(1) Except as provided in clause (2), if~~ <—
24 elector is unable to produce ~~photo~~ identification PURSUANT TO <—
25 SUBSECTION (A) OR (A.1) or the elector's identification is
26 challenged by the judge of elections, the elector shall be
27 permitted to cast a provisional ballot in accordance with
28 subsection (a.4).

29 ~~(2) An elector who is unable to produce photo identification~~ <—
30 ~~on the grounds that presentation of photo identification~~

~~conflicts with the elector's religious beliefs or practices
shall be entitled to vote upon executing an affidavit stating
that the elector has a religious objection to being photographed
and upon meeting the requirements of subsection (a.3).~~

(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate in blue, black or blue-black ink with a fountain pen or ball point pen, and, unless he is a State or Federal employe who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is

1 not readily legible, print such elector's name over his
2 signature, and the number of the stub of the ballot issued to
3 him or his number in the order of admission to the voting
4 machines, and at primaries a letter or abbreviation designating
5 the party in whose primary he votes shall also be entered by one
6 of the election officers or clerks. As each voter is found to be
7 qualified and votes, the election officer in charge of the
8 district register shall write or stamp the date of the election
9 or primary, the number of the stub of the ballot issued to him
10 or his number in the order of admission to the voting machines,
11 and at primaries a letter or abbreviation designating the party
12 in whose primary he votes, and shall sign his name or initials
13 in the proper space on the registration card of such voter
14 contained in the district register.

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

19 (a.4) (1) At all elections an individual who claims to be
20 properly registered and eligible to vote at the election
21 district but whose name does not appear on the district register
22 and whose registration cannot be determined by the inspectors of
23 election or the county election board shall be permitted to cast
24 a provisional ballot. [Individuals who are voting for the first
25 time at the election district] ~~Except as provided in subsection~~ <—
26 ~~(a.2)(2), individuals~~ INDIVIDUALS who appear to vote shall be <—
27 required to produce ~~photo~~ identification pursuant to subsection <—
28 (a) for (a.1) and if unable to do so shall be permitted to cast <—
29 a provisional ballot. An individual presenting a judicial order
30 to vote shall be permitted to cast a provisional ballot.

(2) Prior to voting the provisional ballot, the elector shall be required to sign an affidavit stating the following:

I do solemnly swear or affirm that my name is _____, that my date of birth is _____, and at the time that I registered I resided at _____ in the municipality of _____ in _____ County of the Commonwealth of Pennsylvania and that this is the only ballot that I cast in this election.

Signature of Voter/Elector

Current Address

Check the Reason for Casting the Provisional Ballot.

Signed by Judge of Elections and minority inspector

(3) After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope. All provisional ballots shall remain sealed in their provisional ballot envelopes for return to the county board of elections.

(4) Within seven calendar days of the election, the county board of elections shall examine each provisional ballot envelope that is received to determine if the individual voting that ballot was entitled to vote at the election district in 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 determination is being made. Representatives shall be permitted to keep a list of those persons who cast a provisional ballot and shall be entitled to challenge any determination of the county board of elections with respect to the counting or partial counting of

1 the ballot under this section. Upon challenge of any provisional
2 ballot under this clause, the ballot envelope shall be marked
3 "challenged" together with the reason for the challenge, and the
4 provisional ballot shall be set aside pending final
5 determination of the challenge according to the following
6 procedure:

7 (i) Provisional ballots marked "challenged" shall be placed
8 unopened in a secure, safe and sealed container in the custody
9 of the county board of elections until it shall fix a time and
10 place for a formal hearing of all such challenges, and notice
11 shall be given where possible to all provisional electors thus
12 challenged and to every attorney, watcher or candidate who made
13 the challenge.

14 (ii) The time for the hearing shall not be later than seven
15 days after the date of the challenge.

16 (iii) On the day fixed for the hearing, the county board
17 shall proceed without delay to hear the challenges and, in
18 hearing the testimony, the county board shall not be bound by
19 the Pennsylvania Rules of Evidence.

20 (iv) The testimony presented shall be stenographically
21 recorded and made part of the record of the hearing.

22 (v) The decision of the county board in upholding or
23 dismissing any challenge may be reviewed by the court of common
24 pleas of the county upon a petition filed by any petitioner
25 aggrieved by the decision of the county board. The appeal shall
26 be taken, within two days after the decision was made, whether
27 the decision was reduced to writing or not, to the court of
28 common pleas setting forth the objections to the county board's
29 decision and praying for an order reversing the decision.

30 (vi) Pending the final determination of all appeals, the

1 county board shall suspend any action in canvassing and
2 computing all challenged provisional ballots irrespective of
3 whether or not an appeal was taken from the county board's
4 decision.

5 (vii) Upon completion of the computation of the returns of
6 the county, the votes cast upon the challenged official
7 provisional ballots shall be added to the other votes cast
8 within the county.

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

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

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

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

25 (C) a provisional ballot envelope does not contain a secrecy
26 envelope[.]; or

27 (D) in the case of a provisional ballot that was cast under
28 subsection (a.2)(1) because the individual was unable to produce
29 photo identification, the individual is challenged under clause <—
30 (4) and fails to present to the county board of elections, at

1 the challenge hearing or prior thereto, a form of photo <—
2 identification described in subsection (a) OR (A.1). <—

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

7 (6) If it is determined that the individual voting the
8 provisional ballot was not registered, the provisional ballot
9 shall not be counted and the ballot shall remain in the
10 provisional ballot envelope and shall be marked "Rejected as
11 Ineligible."

12 (7) The following shall apply:

13 (i) Except as provided in subclause (ii), if it is
14 determined that the individual voting the provisional ballot was
15 eligible to vote in the county in which the ballot was cast but
16 not at the election district where the ballot was cast, the
17 county board of elections shall open the envelope and only count
18 that portion of the ballot that the individual would have been
19 eligible to vote in his proper election district and at the
20 election district where the vote was cast if:

21 (A) the county board of elections confirms that the
22 individual did not cast any other ballot, including an absentee
23 ballot, in the election; and

24 (B) the individual casting the provisional ballot is a
25 resident of the county in which the provisional ballot was cast.

26 (ii) In the event that the individual casting the
27 provisional ballot is not found to be a resident of the county
28 in which the provisional ballot was cast, the ballot shall not
29 be counted.

30 (iii) In the event that the board of elections determines,

1 based on an evidentiary record, that the individual
2 intentionally and wilfully cast a provisional ballot in an
3 election district in which the individual was not eligible to
4 vote, the ballot shall not be counted.

5 (8) On election night, immediately upon completion of the
6 count and tabulation of the votes cast, the judge of election
7 shall prepare and certify under oath a tally displaying the
8 number of provisional ballots received from the election board
9 and the number of provisional ballots cast and transmitted to
10 the county board of elections. The judge of election shall
11 record on the tabulation the name of the individual into whose
12 possession the provisional ballots were passed for transmission
13 to the county board of elections.

14 (9) All provisional ballots and the tally of provisional
15 ballots tabulated under clause (8) in the possession of an
16 election board official shall be promptly returned by the judge
17 of election to the custody of the proper county election board
18 in accordance with sections 1113-A(j), 1225(b) and 1228(a).

19 (10) One authorized representative of each candidate in an
20 election and one representative from each political party shall
21 be permitted to remain in the room where provisional ballots are
22 received by the county board of elections.

23 (11) The department shall establish a World Wide Web site
24 and a toll-free telephone number to permit an individual who
25 cast a provisional ballot to determine whether the vote of that
26 individual was counted and, if the vote was not counted, the
27 reason that it was not counted.

28 (12) For purposes of this subsection, "provisional ballot"
29 means a ballot issued to an individual who claims to be a
30 registered elector by the judge of elections on election day

1 when the individual's name does not appear on the general
2 register and the individual's registration cannot be verified.

3 * * *

4 SECTION ~~10~~ 8. SECTION 1302.1 OF THE ACT, AMENDED FEBRUARY <—
5 13, 1998 (P.L.72, NO.18), IS AMENDED TO READ:

6 SECTION 1302.1. DATE OF APPLICATION FOR ABSENTEE BALLOT.--

7 (A) APPLICATIONS FOR ABSENTEE BALLOTS UNLESS OTHERWISE
8 SPECIFIED SHALL BE RECEIVED IN THE OFFICE OF THE COUNTY BOARD OF
9 ELECTIONS NOT EARLIER THAN FIFTY (50) DAYS BEFORE THE PRIMARY OR
10 ELECTION AND NOT LATER THAN FIVE O'CLOCK P.M. OF THE FIRST
11 TUESDAY PRIOR TO THE DAY OF ANY PRIMARY OR ELECTION: PROVIDED,
12 HOWEVER, THAT IN THE EVENT ANY ELECTOR OTHERWISE QUALIFIED WHO
13 IS SO PHYSICALLY DISABLED OR ILL ON OR BEFORE THE FIRST TUESDAY
14 PRIOR TO ANY PRIMARY OR ELECTION THAT HE IS UNABLE TO FILE HIS
15 APPLICATION OR WHO BECOMES PHYSICALLY DISABLED OR ILL AFTER THE
16 FIRST TUESDAY PRIOR TO ANY PRIMARY OR ELECTION AND IS UNABLE TO
17 APPEAR AT HIS POLLING PLACE OR ANY ELECTOR OTHERWISE QUALIFIED
18 WHO BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION
19 WILL NECESSARILY BE ABSENT FROM THE MUNICIPALITY OF HIS
20 RESIDENCE ON THE DAY OF THE PRIMARY OR ELECTION, WHICH FACT WAS
21 NOT AND COULD NOT REASONABLY BE KNOWN TO SAID ELECTOR ON OR
22 BEFORE THE FIRST TUESDAY PRIOR TO ANY PRIMARY OR ELECTION, SHALL
23 BE ENTITLED TO AN ABSENTEE BALLOT AT ANY TIME PRIOR TO FIVE
24 O'CLOCK P.M. ON THE FIRST FRIDAY PRECEDING ANY PRIMARY OR
25 ELECTION UPON EXECUTION OF AN EMERGENCY APPLICATION IN SUCH FORM
26 PRESCRIBED BY THE SECRETARY OF THE COMMONWEALTH.

27 (B) IN THE CASE OF AN ELECTOR WHOSE APPLICATION FOR AN
28 ABSENTEE BALLOT IS RECEIVED BY THE OFFICE OF THE COUNTY BOARD OF
29 ELECTIONS EARLIER THAN FIFTY (50) DAYS BEFORE THE PRIMARY OR
30 ELECTION, THE APPLICATION SHALL BE HELD AND PROCESSED UPON

1 COMMENCEMENT OF THE FIFTY (50) DAY PERIOD.

2 (C) IN THE CASE OF AN ELECTOR WHO IS PHYSICALLY DISABLED OR
3 ILL ON OR BEFORE THE FIRST TUESDAY PRIOR TO A PRIMARY OR
4 ELECTION OR BECOMES PHYSICALLY DISABLED OR ILL AFTER THE FIRST
5 TUESDAY PRIOR TO A PRIMARY OR ELECTION, SUCH EMERGENCY
6 APPLICATION SHALL CONTAIN A SUPPORTING AFFIDAVIT FROM HIS
7 ATTENDING PHYSICIAN STATING THAT DUE TO PHYSICAL DISABILITY OR
8 ILLNESS SAID ELECTOR WAS UNABLE TO APPLY FOR AN ABSENTEE BALLOT
9 ON OR BEFORE THE FIRST TUESDAY PRIOR TO THE PRIMARY OR ELECTION
10 OR BECAME PHYSICALLY DISABLED OR ILL AFTER THAT PERIOD.

11 (D) IN THE CASE OF AN ELECTOR WHO IS NECESSARILY ABSENT
12 BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION
13 UNDER THE UNFORESEEN CIRCUMSTANCES SPECIFIED IN THIS SUBSECTION,
14 SUCH EMERGENCY APPLICATION SHALL CONTAIN A SUPPORTING AFFIDAVIT
15 FROM SUCH ELECTOR STATING THAT BECAUSE OF THE CONDUCT OF HIS
16 BUSINESS, DUTIES OR OCCUPATION SAID ELECTOR WILL NECESSARILY BE
17 ABSENT FROM THE MUNICIPALITY OF HIS RESIDENCE ON THE DAY OF THE
18 PRIMARY OR ELECTION WHICH FACT WAS NOT AND COULD NOT REASONABLY
19 BE KNOWN TO SAID ELECTOR ON OR BEFORE THE FIRST TUESDAY PRIOR TO
20 THE PRIMARY OR ELECTION.

21 Section ~~7-11~~ 9. Section 1308(a) of the act, amended December <—
22 11, 1968 (P.L.1183, No.375), is amended and the section is
23 amended by adding a subsection to read:

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

25 (a) The county boards of election, upon receipt of official
26 absentee ballots in such envelopes, shall safely keep the same
27 in sealed or locked containers until they distribute same to the
28 appropriate local election districts in a manner prescribed by
29 the Secretary of the Commonwealth.

30 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. [No] Except as provided in 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.

* * *

(g) (1) An absentee ballot cast by any absentee elector as defined in section 1301(a), (b), (c), (d), (e) and ~~(f)~~, (F), (G) AND (H), who is outside of the territorial limits of the several states of the United States and the District of Columbia, 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.

(2) The county board of elections shall meet on the eighth day following the election to canvass the absentee ballots received under this subsection. 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 are canvassed. Representatives shall be permitted to challenge any absentee elector in accordance

1 with the provisions of paragraph (3).

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

1 be set aside unopened pending final determination of the
2 challenge according to the procedure described in paragraph (5).

3 (4) All absentee ballots not challenged for any of the
4 reasons provided in paragraph (3) shall be counted and included
5 with the returns of the applicable election district, as
6 follows. The county board shall open the envelope of every
7 unchallenged absentee elector in such manner as not to destroy
8 the declaration executed thereon. If any of the envelopes on
9 which are printed, stamped or endorsed the words "Official
10 Absentee Ballot" contain any extraneous marks or identifying
11 symbols the envelopes and the ballots contained therein shall be
12 set aside and declared void. The county board shall then break
13 the seals of such envelopes, remove the ballots and record the
14 votes.

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

28 (6) The decision of the county board in upholding or
29 dismissing any challenge may be reviewed by the court of common
30 pleas of the county upon a petition filed by any person

1 aggrieved by the decision of the county board. The appeal shall
2 be taken, within two (2) days after the decision was made,
3 whether the decision was reduced to writing or not, to the court
4 of common pleas setting forth the objections to the county
5 board's decision and praying for an order reversing the
6 decision.

7 (7) Pending the final determination of all appeals, the
8 county board shall suspend any action in canvassing and
9 computing all challenged ballots received under this subsection
10 irrespective of whether or not appeal was taken from the county
11 board's decision. Upon completion of the computation of the
12 returns of the county, the votes cast upon the challenged
13 official absentee ballots that have been finally determined to
14 be valid shall be added to the other votes cast within the
15 county.

16 Section ~~8-12~~ 10. Section 1331 of the act, added December 11, <—
17 1968 (P.L.1183, No.375), is amended to read:

18 Section 1331. Violation of Provisions Relating to Absentee
19 Voting.--[Any] (a) Except as provided in subsection (b), any
20 person who shall violate any of the provisions of this act
21 relating to absentee voting shall, unless otherwise provided, be
22 subject to the penalties provided for in section 1850 of this
23 act.

24 (b) Any person who knowingly assists another person who is
25 not a qualified absentee elector in filling out an absentee
26 ballot application or absentee ballot commits a misdemeanor of
27 the third degree.

28 ~~Section 9-13. This act shall take effect as follows:~~ <—

29 ~~(1) The following provisions shall take effect in 90~~
30 ~~days:~~

~~(i) The addition of section 206 of the act.~~

~~(ii) The amendment of section 1210(a), (a.1), (a.2)~~

~~and (a.4) of the act.~~

~~(2) The remainder of this act shall take effect~~

~~immediately.~~

SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE AMENDMENT OF SECTIONS 1302.1, 1308(A) AND 1331
OF THE ACT SHALL TAKE EFFECT IN 30 DAYS.

(2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1, 2006.