

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1115 Session of
2007

INTRODUCED BY MUSTIO, METCALFE, J. EVANS, EVERETT, GEIST,
GIBBONS, GOODMAN, HENNESSEY, HERSHEY, KOTIK, O'NEILL,
SCAVELLO, SONNEY, R. STEVENSON, GINGRICH, KILLION, COX, KORTZ
AND HARRIS, APRIL 18, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 18, 2007

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," further providing for the functions of the
12 Secretary of the Commonwealth, for the functions of county
13 boards of elections, for the functions of district election
14 boards, for qualifications of electors at primaries, for the
15 place and time of filing nomination papers, for objections to
16 nomination petitions; providing for list of all nominated
17 candidates to the public; further providing for requirements
18 of electronic voting systems, for instruction cards and
19 supplies, for official absentee ballot applications, for
20 approval of absentee ballot applications, for absentee
21 elector files, for delivering ballots, for absentee voting,
22 for canvassing official absentee ballots, for public records,
23 for computation of returns and for reporting; and providing
24 for misleading mailings and for unlawful interference with
25 voter registration.

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

28 Section 1. Sections 201 and 302 of the act of June 3, 1937

1 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
2 amended by adding subsections to read:

3 Section 201. Powers and Duties of the Secretary of the
4 Commonwealth.--The Secretary of the Commonwealth shall exercise
5 in the manner provided by this act all powers granted to him by
6 this act, and shall perform all the duties imposed upon him by
7 this act, which shall include the following:

8 * * *

9 (e.2) To receive from county boards of elections information
10 in such form and in such manner as the Secretary of the
11 Commonwealth shall require concerning absentee ballots,
12 including specifically, but not limited to, the number of
13 absentee ballot applications received, the number of electors
14 listed on the permanent absentee ballot qualification list, the
15 number of absentee ballots distributed or mailed and the number
16 of absentee ballots returned by electors.

17 * * *

18 Section 302. Powers and Duties of County Boards.--The county
19 boards of elections, within their respective counties, shall
20 exercise, in the manner provided by this act, all powers granted
21 to them by this act, and shall perform all the duties imposed
22 upon them by this act, which shall include the following:

23 * * *

24 (m.1) To prepare and submit a report when requested to the
25 Secretary of the Commonwealth containing information in
26 accordance with the provisions of section 201(e.2) concerning
27 absentee ballots, including specifically, but not limited to,
28 the number of absentee ballot applications received, the number
29 of electors listed on the permanent absentee ballot
30 qualification list, the number of absentee ballots distributed

1 or mailed and the number of absentee ballots returned by
2 electors.

3 * * *

4 Section 2. Section 401 of the act, amended February 10, 1956
5 (1955 P.L.1019, No.319), is amended to read:

6 Section 401. District Election Boards; Election.--(a) All
7 primaries and elections shall be conducted in each election
8 district by a district election board consisting of a judge of
9 election, a majority inspector of election and a minority
10 inspector of election, assisted by clerks and machine inspectors
11 in certain cases, as hereinafter provided.

12 (b) No later than the Monday preceding the thirteenth
13 Tuesday preceding a primary in which persons seek a party
14 nomination for the office of judge of election or inspector of
15 election, a county board may opt by majority vote to permit
16 persons qualified to serve as and seeking election to the office
17 of judge of election or inspector of election to have their
18 names placed upon the primary ballots by filing a declaration of
19 candidacy with the county board as an alternative to presenting
20 a nominating petition as required by section 912.1. A decision
21 to proceed under this subsection shall remain in effect until
22 rescinded by majority vote of the county board, except that the
23 county board may not rescind its decision at any time between
24 the thirteenth Tuesday preceding a primary in which persons seek
25 a party nomination for the office of judge of election or
26 inspector of election and the Wednesday following the tenth
27 Tuesday prior to such primary. Nothing in this subsection shall
28 be construed to limit the number of times a county board may opt
29 to proceed under this section. The Secretary of the Commonwealth
30 shall prescribe the format of the declaration of candidacy. The

1 declaration of candidacy shall include a candidate affidavit.

2 (c) The judge and inspectors of election of each election
3 district shall be elected by the electors thereof at the
4 municipal election, and shall hold office for a term of four
5 years from the first Monday of January next succeeding their
6 election.

7 (d) Each elector may vote for one person as judge and for
8 one person as inspector, and the person receiving the highest
9 number of votes for judge shall be declared elected judge of
10 election, the person receiving the highest number of votes for
11 inspector shall be declared elected majority inspector of
12 election, and the person receiving the second highest number of
13 votes for inspector shall be declared elected minority inspector
14 of election.

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. Section 953 of the act, amended or added December
30 2, 1976 (P.L.1221, No.269), July 12, 1980 (P.L.649, No.134) and

1 March 3, 1982 (P.L.127, No.42), is amended to read:

2 Section 953. Place and Time of Filing Nomination Papers.--

3 (a) Nomination papers for candidates for presidential
4 electors, United States Senators, Representatives in Congress,
5 and State offices, including senators, representatives and
6 judges of courts of record, shall be filed with the Secretary of
7 the Commonwealth. Nomination papers for all other candidates
8 shall be filed with the county boards of elections of the
9 respective counties. Nomination papers for candidates for any
10 office to be voted for by the electors of any city, borough,
11 township, ward or school district which is situate in two or
12 more counties shall be filed with the county board of the county
13 in which the major number of the registered electors of such
14 city, borough, township, ward or school district reside.

15 Immediately after the last day for withdrawals of candidates
16 nominated by nomination papers, the said county board shall
17 certify to the county board of each other county involved a list
18 of the names, addresses and occupations of the candidates so
19 nominated to be voted for in two or more counties, together with
20 the names or appellations of the political bodies nominating
21 them.

22 (b) No nomination paper shall be circulated prior to the
23 tenth Wednesday prior to the primary, and no signature shall be
24 counted unless it bears a date affixed not earlier than the
25 tenth Wednesday prior to the primary nor later than the [second
26 Friday subsequent to the primary] first Tuesday in July.

27 (c) All nomination papers must be filed on or before the
28 [second Friday subsequent to the primary] first Tuesday in July.

29 (d) The office in which a nomination paper is filed shall
30 issue to the person filing the nomination paper a receipt

1 containing the date and time of filing, the name of the
2 candidate and the office for which he is a candidate.

3 [(e) For the primary election in the year 1982, the time
4 schedule relating to circulating and filing of nominating
5 petitions, filing of objections, and casting of lots for
6 position on the ballot or ballot labels for the Office of
7 Representative in Congress shall be delayed twenty-one (21) days
8 from the times otherwise specified in this act and the time for
9 withdrawal of candidates for such office shall be delayed
10 fourteen (14) days from the time otherwise specified in this
11 act.]

12 Section 5. Section 977 of the act, amended February 13, 1998
13 (P.L.72, No.18), is amended to read:

14 Section 977. Objections to Nomination Petitions and
15 Papers.--All nomination petitions and papers received and filed
16 within the periods limited by this act shall be deemed to be
17 valid, unless, within seven days after the last day for filing
18 said nomination petition or paper, a petition is presented to
19 the court specifically setting forth the objections thereto, and
20 praying that the said petition or paper be set aside. A copy of
21 said petition shall, within said period, be served on the
22 officer or board with whom said nomination petition or paper was
23 filed. Upon the presentation of such a petition, the court shall
24 make an order fixing a time for hearing which shall not be later
25 than ten days after the last day for filing said nomination
26 petition or paper, and specifying the time and manner of notice
27 that shall be given to the candidate or candidates named in the
28 nomination petition or paper sought to be set aside. On the day
29 fixed for said hearing, the court shall proceed without delay to
30 hear said objections, and shall give such hearing precedence

1 over other business before it, and shall finally determine said
2 matter not later than fifteen (15) days after the last day for
3 filing said nomination petitions or papers. If the court shall
4 find that said nomination petition or paper is defective under
5 the provisions of section 976, or does not contain a sufficient
6 number of genuine signatures of electors entitled to sign the
7 same under the provisions of this act, or was not filed by
8 persons entitled to file the same, it shall be set aside. If the
9 objections relate to material errors or defects apparent on the
10 face of the nomination petition or paper, the court, after
11 hearing, may, in its discretion, permit amendments within such
12 time and upon such terms as to payment of costs, as the said
13 court may specify. In case any such petition is dismissed, the
14 court shall make such order as to the payment of the costs of
15 the proceedings, including witness fees, as it shall deem just.
16 Appeals of decisions on objection cases must be filed within two
17 (2) business days of the filing of such a decision. In the event
18 of an appeal, the court from which the appeal is taken shall
19 transmit the record to the appellate court as soon as
20 practicable. If a person shall sign any nomination petitions or
21 papers for a greater number of candidates than he is permitted
22 under the provisions of this act, if said signatures bear the
23 same date, they shall, upon objections filed thereto, not be
24 counted on any petition or paper and if they bear different
25 dates, they shall be counted in the order of their priority of
26 date, for only so many persons as there are candidates to be
27 nominated or elected. The office of the Prothonotary of the
28 Commonwealth Court and the office of the Secretary of the
29 Commonwealth and the various offices of prothonotary of the
30 court of common pleas shall be open between the hours of eight-

1 thirty o'clock A.M. and five o'clock P.M. on the last day to
2 withdraw after filing nomination petitions and on the last day
3 to file objections to nomination petitions.

4 Section 6. The act is amended by adding a section to read:

5 Section 982.1. Furnishing List of All Nominated Candidates
6 to the Public.--(a) It shall be the duty of the Secretary of
7 the Commonwealth, prior to each primary and general election, to
8 compile a list of all candidates appearing on the ballot in a
9 primary or general election for each county in this
10 Commonwealth.

11 (b) To assist the Secretary of the Commonwealth in compiling
12 this list of candidates, it shall be the duty of all county
13 boards to send to the Secretary of the Commonwealth, in a manner
14 directed by the Secretary of the Commonwealth, notice setting
15 forth all candidates for all offices appearing on the ballot in
16 that primary or general election for their respective counties.
17 If the county fails to send the Secretary of the Commonwealth
18 the notice under this subsection at least ten (10) days prior to
19 the applicable deadline in subsection (c), the secretary shall
20 withhold any reimbursements or payments owed to the county under
21 section 305 until such time as the secretary receives the
22 notice.

23 (c) The Secretary of the Commonwealth shall develop a filing
24 system for the submission, retrieval, storage and public
25 disclosure of the list of all the candidates in both the primary
26 and November election and make available to anyone the list of
27 candidates in comma delimited text, database, spreadsheet or
28 printed formats. The Secretary of the Commonwealth shall further
29 provide the public with access to the list of all candidates
30 appearing on the ballot in the primary or the general election

1 no later than thirty (30) days prior to the primary election and
2 within thirty (30) days following the primary election, the
3 names of the winning candidates shall be posted. The Department
4 of State shall not charge any fee for access to the list of
5 candidates. The department has the discretion to determine the
6 most efficient means of providing access to the list of all the
7 candidates. Access to the list of the candidates submitted to
8 the Secretary of the Commonwealth shall be made available via
9 the Internet or upon request of the Department of State.

10 Section 7. Section 1107-A of the act, added July 11, 1980
11 (P.L.600, No.128), is amended to read:

12 Section 1107-A. Requirements of Electronic Voting Systems.--

13 No electronic voting system shall, upon any examination or
14 reexamination, be approved by the Secretary of the Commonwealth,
15 or by any examiner appointed by him, unless it shall be
16 established that such system, at the time of such examination or
17 reexamination:

18 (1) Provides for voting in absolute secrecy and prevents any
19 person from seeing or knowing for whom any voter, except one who
20 has received or is receiving assistance as prescribed by law,
21 has voted or is voting.

22 (2) Provides facilities for voting for such candidates as
23 may be nominated and upon such questions as may be submitted.

24 (3) [Permits] If it is of a type that uses paper ballots or
25 ballot cards to register the vote and automatic tabulating
26 equipment to compute such vote, permits each voter, at other
27 than primary elections, to vote a straight political party
28 ticket by one mark or act and, by one mark or act, to vote for
29 all the candidates of one political party for presidential
30 electors and, by one mark or act, to vote for all the candidates

1 of one political party for every office to be voted for, and
2 every such mark or act shall be equivalent to and shall be
3 counted as a vote for every candidate of the political party so
4 marked including its candidates for presidential electors,
5 except with respect to those offices as to which the voter has
6 registered a vote for individual candidates of the same or
7 another political party or political body, in which case the
8 automatic tabulating equipment shall credit the vote for that
9 office only for the candidate individually so selected,
10 notwithstanding the fact that the voter may not have
11 individually voted for the full number of candidates for that
12 office for which he was entitled to vote.

13 (3.1) If the electronic voting system is of the type that
14 registers the vote electronically, permits each voter, at other
15 than primary elections, to vote a straight political party
16 ticket in one operation; in one operation to vote for all the
17 candidates of one political party for presidential electors; and
18 in one operation, to vote for all the candidates of one
19 political party for every office to be voted for, except those
20 offices as to which the voter votes for individual candidates.

21 (4) Permits each voter, at other than primary elections, to
22 vote a ticket selected from the nominees of any and all
23 political parties, from the nominees of any and all political
24 bodies, and from any persons whose names are not in nomination
25 and do not appear upon the official ballot.

26 (5) Permits each voter to vote for any person and any office
27 for whom and for which he is lawfully entitled to vote, whether
28 or not the name of such person appears upon the ballot as a
29 candidate for nomination or election.

30 (6) Permits each voter to vote for as many persons for any

1 office as he is entitled to vote for and to vote for or against
2 any question upon which he is entitled to vote and precludes
3 each voter from voting or from having his vote tabulated for any
4 candidate, or upon any question, for whom or upon which he is
5 not entitled to vote.

6 (7) If it is of a type that registers the vote
7 electronically, the voting system shall preclude each voter from
8 voting for more persons for any office than he is entitled to
9 vote for or upon any question more than once.

10 (8) Precludes each voter from voting or from having his vote
11 tabulated more than once for any candidate for the same office
12 or upon any question, except in districts and for offices where
13 cumulative voting is authorized by law.

14 (9) Permits each voter at a primary election to vote only
15 for the candidates seeking nomination by a political party in
16 which such voter is registered and enrolled, and for any
17 candidate for nonpartisan nomination, and for any question upon
18 which he is entitled to vote.

19 (10) If it is of a type that registers the vote
20 electronically, the voting system shall permit each voter to
21 change his vote for any candidate or upon any question appearing
22 on the official ballot up to the time that he takes the final
23 step to register his vote and to have his vote computed. If it
24 is of a type that uses paper ballots or ballot cards to register
25 the vote and automatic tabulating equipment to compute such
26 votes, the system shall provide that a voter who spoils his
27 ballot may obtain another ballot; any ballot thus returned shall
28 be immediately cancelled and at the close of the polls shall be
29 enclosed in an envelope marked "spoiled" which shall be sealed
30 and returned to the county board.

1 (11) Is suitably designed for the purpose used, is
2 constructed in a neat and workmanlike manner of durable material
3 of good quality, is safely and efficiently useable in the
4 conduct of elections and, with respect to the counting of
5 ballots cast at each district, is suitably designed and equipped
6 to be capable of absolute accuracy, which accuracy shall be
7 demonstrated to the Secretary of the Commonwealth.

8 (12) Provides acceptable ballot security procedures and
9 impoundment of ballots to prevent tampering with or substitution
10 of any ballots or ballot cards.

11 (13) When properly operated, records correctly and computes
12 and tabulates accurately every valid vote registered.

13 (14) Is safely transportable.

14 (15) Is so constructed that a voter may readily learn the
15 method of operating it.

16 (16) If the voting system is of a type which provides for
17 the computation and tabulation of votes at the district level,
18 the district component of the automatic tabulating equipment
19 shall include the following mechanisms or capabilities:

20 (i) A public counter, the register of which is visible from
21 the outside of the automatic tabulating equipment component into
22 which the ballots are entered, which shall show during any
23 period of operation the total number of ballots entered for
24 computation and tabulation.

25 (ii) A lock, or locks, by the use of which all operation of
26 the tabulation element of the automatic tabulating equipment is
27 absolutely prevented immediately after the polls are closed or
28 where the tabulation of votes is completed.

29 (iii) It shall be so constructed and controlled that, during
30 the progress of voting, it shall preclude every person from

1 seeing or knowing the number of votes theretofore registered for
2 any candidate or question; and it shall preclude every person
3 from tampering with the tabulating element.

4 (iv) If the number of choices recorded for any office or on
5 any question exceeds the number for which the voter is entitled
6 to vote, it shall reject all choices recorded on the ballot for
7 that office or question, provided, that if used during the
8 period of voting it may also have the capacity to indicate to a
9 voter that he has improperly voted for more candidates for any
10 office than he is entitled to vote for, and in such case it
11 shall have the capacity to permit the voter to mark a new ballot
12 or to forego his opportunity to make such correction.

13 (v) It shall be equipped with an element which generates a
14 printed record at the beginning of its operation which verifies
15 that the tabulating elements for each candidate position and
16 each question and the public counter are all set to zero and
17 with an element which generates a printed record at the finish
18 of its operation of the total number of voters whose ballots
19 have been tabulated, the total number of votes cast for each
20 candidate whose name appears on the ballot, and the total number
21 of votes cast for, or against, any question appearing on the
22 ballot.

23 (17) If the voting system is of a type which provides for
24 the computation and tabulation of all votes at a central
25 counting center or if it provides for the tabulation of district
26 totals at such a central counting center, the central automatic
27 tabulating equipment shall include the following mechanisms or
28 capabilities:

29 (i) It shall be constructed so that every person is
30 precluded from tampering with the tabulating element during the

1 course of its operation.

2 (ii) If the number of choices for any office or on any
3 question exceeds the number for which the voter is entitled to
4 vote, it shall reject all choices recorded on the ballot for
5 that office or question.

6 (iii) It shall have a means by which to verify that the
7 counters for each candidate position and for each question are
8 all set to zero and shall be able to generate a printed record
9 of each election district showing the total number of voters
10 whose ballots have been tabulated, the total number of votes
11 cast for each candidate whose name appears on the ballot, and
12 the total number of votes cast for, or against, any question
13 appearing on the ballot. It may also be capable of generating
14 cumulative election reports.

15 Section 8. Section 1202 of the act is amended to read:

16 Section 1202. Cards of Instructions and Supplies.--Prior to
17 each primary and election each county board of election shall
18 prepare full instructions for the guidance of electors in
19 districts in which ballots are used, and also similar
20 instructions for the guidance of electors in districts in which
21 voting machines are used, and they shall cause the same,
22 together with such portions of this act as deemed advisable, to
23 be printed in large clear type on separate cards to be called
24 cards of instruction. Each county board of election shall insure
25 that an adequate supply of provisional ballots numbering no less
26 than an amount equal to ten (10) per centum of the electors
27 registered in the election district is available. They shall
28 also prepare blank forms of oaths of election officers, records
29 of assisted voters, affidavits of challenged electors and
30 others, general and duplicate return sheets, tally papers,

1 statements, blank forms for numbered lists of voters, with
2 sufficient space for noting their party enrollment at primaries,
3 notice of penalties for the information of electors and election
4 officers, and other forms and supplies required by this act for
5 use in each election district of the county. Said forms, blank
6 books, and other supplies shall have printed thereon appropriate
7 instructions. In districts in which voting machines are used the
8 general and duplicate return sheets and statement shall be
9 printed to conform to the type of voting machine used in such
10 districts and the designating number and letter, if any, on the
11 counter for each candidate shall be printed thereon opposite the
12 candidate's name.

13 Section 9. Section 1302 of the act, amended February 13,
14 1998 (P.L.72, No.18) and December 9, 2002 (P.L.1246, No.150) is
15 amended to read:

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

17 (a) Any qualified elector defined in preceding section 1301,
18 subsections (a) to (h), inclusive, may apply at any time before
19 any primary or election for any official absentee ballot in
20 person, on any form supplied by the Federal Government, or on
21 any official county board of election form addressed to the
22 Secretary of the Commonwealth of Pennsylvania or the county
23 board of election of the county in which his voting residence is
24 located. An application from such electors shall be considered a
25 request for an application for voter registration. Any qualified
26 elector defined in section 1301(b), (c), (d), (e), (f), (g) and
27 (h) may register concurrently with voting an absentee ballot.

28 (b) The application shall contain the following information:
29 Home residence at the time of entrance into actual military
30 service or Federal employment, length of time a citizen, length

1 of residence in Pennsylvania, date of birth, length of time a
2 resident of voting district, voting district if known, party
3 choice in case of primary, name and, for a military elector, his
4 stateside military address, FPO or APO number and serial number.
5 Any elector other than a military elector shall in addition
6 specify the nature of his employment, the address to which
7 ballot is to be sent, relationship where necessary, and such
8 other information as may be determined and prescribed by the
9 Secretary of the Commonwealth. When such application is received
10 by the Secretary of the Commonwealth it shall be forwarded to
11 the proper county board of election.

12 (c) The application of any qualified elector, as defined in
13 section 1301(a), (b), (c), (d), (e), (f), (g) and (h), for an
14 official absentee ballot in any primary or election may not be
15 made over the signature of any person, other than the qualified
16 elector or an adult member of his immediate family, as required
17 in the preceding subsection. [A qualified absentee military or
18 overseas elector, as defined by the Uniformed and Overseas
19 Citizens Absentee Voting Act (Public Law 99-410, 100 Stat.
20 924),] Any such qualified absentee elector may submit his
21 application for an official absentee ballot by facsimile method
22 [if the original application is received prior to the election
23 by the county election office. The absentee ballot of the
24 qualified military or overseas elector shall not be counted
25 unless the elector's original application is received prior to
26 the election by the county election office.] or computerized
27 electronic transmission if the application contains all required
28 information and a facsimile of the elector's signature or the
29 signature of an adult member of the elector's immediate family.

30 The facsimile method shall not be acceptable for the official

1 absentee ballot.

2 [(d) The application of any qualified elector, as defined in
3 preceding section 1301, subsections (b) to (h), inclusive, for
4 an official absentee ballot in any primary or election shall be
5 signed by the applicant.]

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

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

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

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

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

1 of elections the applicant's right to an official absentee
2 ballot.

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

28 (Mark)
29 (Date)
30

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

2 (e.1) Any qualified registered elector, including any
3 qualified bedridden or hospitalized veteran, who is unable
4 because of illness or physical disability to attend his polling
5 place on the day of any primary or election or operate a voting
6 machine and state distinctly and audibly that he is unable to do
7 so as required by section 1218 of this act may, with the
8 certification by his attending physician that he is permanently
9 disabled, and physically unable to attend the polls or operate a
10 voting machine and make the distinct and audible statement
11 required by section 1218 appended to the application
12 hereinbefore required, be placed on a permanently disabled
13 absentee ballot list file. An absentee ballot application shall
14 be mailed to every such person for each primary or election so
15 long as he does not lose his voting rights by failure to vote as
16 otherwise required by this act. Such person shall not be
17 required to file a physician's certificate of disability with
18 each application as required in subsection (e) of this section
19 but such person must submit a written statement asserting
20 continuing disability every four years in order to maintain his
21 eligibility to vote under the provisions of this subsection.
22 Should any such person lose his disability he shall inform the
23 county board of elections of the county of his residence.

24 (e.2) Notwithstanding the other provisions of this act any
25 qualified elector who expects to be or is absent from the
26 municipality of his residence because his duties, occupation or
27 business require him to be elsewhere on the day of any election
28 or a county employe who cannot vote due to duties on election
29 day relating to the conduct of the election or a person who will
30 not attend a polling place because of the observance of a

1 religious holiday may make an application for an absentee ballot
2 by mail by sending a letter to the county board of elections in
3 the county in which his voting residence is located. The letter
4 shall be signed by the applicant and contain his name and place
5 of residence.

6 (f) The county chairman of each political party or the head
7 of each political body shall designate one representative from
8 his respective political party or body for each public
9 institution. The representatives so appointed shall, at the same
10 time on a date fixed by the county board of election visit every
11 public institution situate in the county for the purpose of
12 obtaining the names and addresses of public institution
13 residents who desire to receive applications for absentee
14 ballots and to act as an election board as provided in
15 subsection (g) of this section. The list of names and addresses
16 thus obtained shall then be submitted by said representatives to
17 the board which shall furnish applications individually to those
18 appearing in the written request. If the chairman or head of a
19 political party or body fails to appoint a representative within
20 fifteen days from written notice from the county board of
21 election, the county board of election shall appoint a
22 representative from the political party or body.

23 (g) The county board of election shall appoint teams of
24 three members for each public institution that shall go to the
25 public institutions and hold the election on the first Friday
26 prior to election day. Each member of the board shall appoint
27 one member on every team. After the votes are cast, the teams
28 shall collect the ballots and return them to the county board of
29 election where they shall be placed unopened in a secure, safe
30 and sealed container in the custody of the board until they

1 shall be distributed to the respective absentee voters' election
2 district as provided in section 1308 of this act where they
3 shall be counted with the other absentee ballots, if any.

4 (h) The county board of election shall number, in
5 chronological order, the applications for an official absentee
6 ballot, which number shall likewise appear on the official
7 absentee ballot for the qualified elector. The numbers shall
8 appear legibly and in a conspicuous place but before the ballots
9 are distributed the number on the ballot shall be torn off by
10 the county board of election. This number information shall be
11 appropriately inserted and become a part of the Registered
12 Absentee Voters File and the Military, Veterans and Emergency
13 Civilian Absentee Voters File provided in section 1302.3 of this
14 act.

15 (i) Application for official absentee ballots shall be on
16 forms prescribed by the Secretary of the Commonwealth. The
17 application shall state that a voter who receives an absentee
18 ballot pursuant to section 1301 and who, on election day, is
19 capable of voting at the appropriate polling place must void the
20 absentee ballot and vote in the normal manner at the appropriate
21 voting place. Such forms shall be made freely available to the
22 public at county board of elections, municipal buildings and at
23 such other locations designated by the secretary. No written
24 application or personal request shall be necessary to receive
25 the application forms. Copies of all completed applications for
26 official absentee ballots shall be retained by the county board
27 of elections.

28 Section 10. Sections 1302.2 and 1302.3 of the act, amended
29 December 11, 1968 (P.L.1183, No.375), are amended to read:

30 Section 1302.2. Approval of Application for Absentee

1 Ballot.--

2 (a) The county board of elections, upon receipt of any
3 application filed by a qualified elector not required to be
4 registered under preceding section 1301, shall ascertain from
5 the information on such application, district register or from
6 any other source that such applicant possesses all the
7 qualifications of a qualified elector other than being
8 registered or enrolled. If the board is satisfied that the
9 applicant is qualified to receive an official absentee ballot,
10 the application shall be marked approved such approval decision
11 shall be final and binding except that challenges may be made
12 only on the ground that the applicant did not possess
13 qualifications of an absentee elector. [Such challenges]
14 Challenges to applications received from qualified electors not
15 required to be registered under section 1301(i) must be made to
16 the county board of elections prior to 5:00 o'clock P. M. on the
17 first Friday prior to the election. Challenges to applications
18 received from qualified electors not required to be registered
19 under section 1301(a) must be made to the county board of
20 elections prior to 8:00 o'clock P. M. on the day of the
21 election. When so approved, the county board of elections shall
22 cause the applicant's name and residence (and at a primary, the
23 party enrollment) to be inserted in the Military, Veterans and
24 Emergency Civilians Absentee Voters File as provided in section
25 1302.3, subsection (b): Providing, however, That no application
26 of any qualified elector in military service shall be rejected
27 for failure to include on his application any information if
28 such information may be ascertained within a reasonable time by
29 the county board of elections.

30 (b) The county board of elections, upon receipt of any

1 application filed by a qualified elector who is entitled, under
2 [the provisions of the Permanent Registration Law as now or
3 hereinafter enacted by the General Assembly,] law to absentee
4 registration prior to or concurrently with the time of voting as
5 provided under preceding section 1301, shall ascertain from the
6 information on such application or from any other source that
7 such applicant possesses all the qualifications of a qualified
8 elector. If the board is satisfied that the applicant is
9 entitled[, under the provisions of the Permanent Registration
10 Law as now or hereinafter enacted by the General Assembly,] to
11 absentee registration prior to or concurrently with the time of
12 voting and that the applicant is qualified to receive an
13 official absentee ballot, the application shall be marked
14 "approved." Such approval decision shall be final and binding
15 except that challenges may be made only on the ground that the
16 applicant did not possess the qualifications of an absentee
17 elector prior to or concurrently with the time of voting. Such
18 challenges must be made to the county board of elections prior
19 to [5:00 o'clock P. M. on the first Friday prior to] 8:00
20 o'clock P. M. on the day of the election. When so approved, the
21 county board of elections shall cause the applicant's name and
22 residence (and at a primary, the party enrollment) to be
23 inserted in the Military, Veterans and Emergency Civilian
24 Absentee Voters File as provided in section 1302.3 subsection
25 (b).

26 (c) The county board of elections, upon receipt of any
27 application of a qualified elector required to be registered
28 under the provisions of preceding section 1301, shall determine
29 the qualifications of such applicant by comparing the
30 information set forth on such application with the information

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

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

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

16 (d) In the event that any application for an official
17 absentee ballot is not approved by the county board of
18 elections, the elector shall be notified immediately to that
19 effect with a statement by the county board of the reasons for
20 the disapproval.

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

28 Section 1302.3. Absentee Electors Files and Lists.--(a) The
29 county board of elections shall maintain at its office a file
30 containing the duplicate absentee voter's temporary registration

1 cards of every registered elector to whom an absentee ballot has
2 been sent. Such duplicate absentee voter's temporary
3 registration cards shall be filed by election districts and
4 within each election district in exact alphabetical order and
5 indexed. The registration cards so filed shall constitute the
6 Registered Absentee Voters File for the Primary or Election of
7 (date of primary or election) and shall be kept on file for a
8 period commencing the Tuesday prior to the day of the primary or
9 election until the day following the primary or election or the
10 day the county board of elections certifies the returns of the
11 primary or election, whichever date is later. Such file shall be
12 open to public inspection at all times upon written request
13 subject to reasonable safeguards, rules and regulations.

14 (b) The county board of elections shall [post in a
15 conspicuous public place] make available at its office a master
16 list arranged in alphabetical order by election districts
17 setting forth the name and residence, and at primaries, the
18 party enrollment, of (1) every military elector to whom an
19 absentee ballot is being sent, each such name to be prefixed
20 with an "M"; (2) every bedridden or hospitalized veteran outside
21 the county of his residence who is not registered and to whom an
22 absentee ballot is being sent, each such name to be prefixed
23 with a "V"; and (3) every registered elector who has filed his
24 application for an absentee ballot too late for the extraction
25 of his original registration card and to whom a ballot is being
26 sent and every qualified elector who has filed his application
27 for an absentee ballot and is entitled, under provisions of [the
28 Permanent Registration Law as now or hereinafter enacted by the
29 General Assembly] law, to absentee registration prior to or
30 concurrently with the time of voting, each such name to be

1 prefixed with a "C." This list shall be known as the Military,
2 Veterans and Emergency Civilians Absentee Voters File for the
3 Primary or Election of (date of primary or election) and shall
4 be [posted] maintained for a period commencing the Tuesday prior
5 to the day of the primary or election until the eighth day
6 following the primary or election or the day on which the county
7 board of elections certifies the returns of the primary or
8 election, whichever date is later. Such file shall be open to
9 public inspection upon written request at all times subject to
10 reasonable safeguards, rules and regulations[. This posted list]
11 and shall not contain any military address or references to any
12 military organization. Upon written request, the county board
13 shall furnish a copy of such list to any candidate or party
14 county chairman.

15 (b.1) The county board shall also maintain a list of all
16 absentee ballots which are received from electors qualified in
17 accordance with section 1301(a), (b), (c), (d), (e), (f), (g)
18 and (h) after 5:00 o'clock P. M. on the Friday before the
19 election but before 8:00 o'clock P. M. on the day of the
20 election, and those received up to the seventh day following the
21 election and which contain postmarks dated no later than the day
22 preceding the election. This list shall be available for public
23 inspection upon written request at the office of the county
24 board of elections subject to reasonable safeguards, rules and
25 regulations. Upon written request, the county board shall
26 furnish a copy of such list to any candidate or party county
27 chairman.

28 (c) Not less than five days preceding the election, the
29 chief clerk shall prepare a list for each election district
30 showing the names and post office addresses of all voting

1 residents thereof to whom official absentee ballots shall have
2 been issued. Each such list shall be prepared in duplicate,
3 shall be headed "Persons in (give identity of election district)
4 to whom absentee ballots have been issued for the election of
5 (date of election)," and shall be signed by him not less than
6 four days preceding the election. He shall [post] make the
7 original of each such list [in a conspicuous place] available in
8 the office of the county election board [and see that it is kept
9 so posted] until the close of the polls on election day subject
10 to reasonable safeguards, rules and regulations. He shall cause
11 the duplicate of each such list to be delivered to the judge of
12 election in the election district in the same manner and at the
13 same time as are provided in this act for the delivery of other
14 election supplies. [, and it shall be the duty of such judge of
15 election to post such duplicate list in a conspicuous place
16 within the polling place of his district and see that it is kept
17 so posted throughout the time that the polls are open.] Upon
18 written request, he shall furnish a copy of such list to any
19 candidate or party county chairman. The duplicate list provided
20 to each election district with other election supplies shall be
21 accurate as of the day of distribution. Such duplicate list
22 shall contain a notification of when the list was prepared and
23 that an updated list is available at the office of the county
24 board. The judge of election shall make such list received with
25 the election supplies available for public inspection upon
26 written request.

27 Section 11. Section 1305 of the act, amended August 13, 1963
28 (P.L.707, No.379) and December 17, 1990 (P.L.681, No.169), is
29 amended to read:

30 Section 1305. Delivering or Mailing Ballots.--

1 (a) The county board of elections upon receipt and approval
2 of an application filed by any elector qualified in accordance
3 with the provisions of section 1301, subsections (a) to (h),
4 inclusive, shall [not later than] prepare absentee ballots
5 immediately upon certification of the ballot by the Secretary of
6 the Commonwealth and begin to deliver or mail absentee ballots
7 to such electors immediately when they are printed but no later
8 than one week following receipt of the ballot certification. In
9 the event that the ballot is not certified by the Secretary of
10 the Commonwealth by fifty days prior to the day of the primary
11 or [not later than] by seventy days prior to the day of the
12 election, the county board shall (1) commence to deliver or mail
13 to such elector who has included with said application a
14 statement that he or she is unable to vote during the regular
15 absentee balloting period by reason of living or performing
16 military service in an extremely remote or isolated area of the
17 world, and (2) not later than forty-five days prior to the day
18 of the primary or election shall commence to deliver or mail to
19 all other such electors as provided for in section 1301,
20 subsections (a) to (h), inclusive, official absentee ballots or
21 special write-in absentee ballots as prescribed by subsection
22 (d) of section 1303 when official absentee ballots are not yet
23 printed[; as]. As additional applications of such electors are
24 received, the board shall deliver or mail official absentee
25 ballots or special write-in absentee ballots when official
26 absentee ballots are not yet printed to such additional electors
27 within forty-eight hours after approval of their application. If
28 the calling of a special election would make it impossible to
29 comply with the forty-five day delivery or mailing requirement
30 of this section, then the county board of elections shall mail

1 absentee ballots or special write-in absentee ballots within
2 five days of the county board's receipt of the information
3 necessary to prepare said ballots.

4 (b) The county board of elections upon receipt and approval
5 of an application filed by any elector qualified in accordance
6 with the provisions of section 1301, subsections (i) to (l),
7 inclusive, shall commence to deliver or mail official absentee
8 ballots on the second Tuesday prior to the primary or election.
9 As additional applications are received and approved, the board
10 shall deliver or mail official absentee ballots to such
11 additional electors within forty-eight hours.

12 Section 12. Section 1306 of the act, amended February 13,
13 1998 (P.L.72, No.18) and November 9, 2006 (P.L.1330, No.137), is
14 amended to read:

15 Section 1306. Voting by Absentee Electors.--(a) Except as
16 provided in paragraphs (1), (2) and (3), at any time after
17 receiving an official absentee ballot, but on or before five
18 o'clock P.M. on the Friday prior to the primary or election, the
19 elector shall, in secret, proceed to mark the ballot only in
20 black lead pencil, indelible pencil or blue, black or blue-black
21 ink, in fountain pen or ball point pen, and then fold the
22 ballot, enclose and securely seal the same in the envelope on
23 which is printed, stamped or endorsed "Official Absentee
24 Ballot."

25 (1) Any elector who submits an Emergency Application and
26 receives an absentee ballot in accordance with section
27 1302.1(a.2) or (c) shall mark the ballot on or before eight
28 o'clock P.M. on the day of the primary or election. An elector
29 qualified in accordance with section 1301(a), (b), (c), (d),
30 (e), (f), (g) and (h) shall, in secret, proceed to mark the

1 ballot only in black lead pencil, indelible pencil or blue,
2 black or blue-black ink, in fountain pen or ball point pen, and
3 then fold the ballot, enclose and securely seal the same in the
4 envelope on which is printed, stamped or endorsed "Official
5 Absentee Ballot." This envelope shall then be placed in the
6 second one, on which is printed the form of declaration of the
7 elector, and the address of the elector's county board of
8 election and the local election district of the elector. The
9 elector shall then fill out, date and sign the declaration
10 printed on such envelope. Such envelope shall then be securely
11 sealed and the elector shall send same by mail, postage prepaid,
12 except where franked, or deliver it in person to said county
13 board of election.

14 (2) Any elector, spouse of the elector or dependent of the
15 elector, qualified in accordance with the provisions of section
16 1301, subsections (e), (f), (g) and (h) to vote by absentee
17 ballot as herein provided, shall be required to include on the
18 form of declaration a supporting declaration in form prescribed
19 by the Secretary of the Commonwealth, to be signed by the head
20 of the department or chief of division or bureau in which the
21 elector is employed, setting forth the identity of the elector,
22 spouse of the elector or dependent of the elector.

23 (3) Any elector who has filed his application in accordance
24 with section 1302 subsection (e)(2), and is unable to sign his
25 declaration because of illness or physical disability, shall be
26 excused from signing upon making a declaration which shall be
27 witnessed by one adult person in substantially the following
28 form: I hereby declare that I am unable to sign my declaration
29 for voting my absentee ballot without assistance because I am
30 unable to write by reason of my illness or physical disability.

1 I have made or received assistance in making my mark in lieu of
2 my signature.

3(Mark)

4

5 (Date)

6

7 (Signature of Witness)

8

9 (Complete Address of Witness)

10 (4) For those envelopes received from electors qualified in
11 accordance with section 1301(a), (b), (c), (d), (e), (f), (g)
12 and (h), such envelopes shall then be securely sealed and the
13 elector shall send same by mail, postage prepaid, except where
14 franked, or deliver it in person or by an individual authorized
15 representative of an elector specifically authorized to deliver
16 the elector's absentee ballot by a commercial delivery or
17 courier service that accepts and delivers as an intermediary
18 between third parties in the ordinary course of its business
19 throughout the year documents and packages deliverable to a
20 specific street address to the county board of elections.

21 (a.1) Any elector qualified in accordance with section
22 1301(a), (b), (c), (d), (e), (f), (g) and (h) may vote in any
23 election for any office by submitting a Federal Write-In
24 Absentee Ballot prescribed by the Uniformed and Overseas
25 Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924).
26 The submission and processing of a Federal Write-In Absentee
27 Ballot shall be governed by section 103 of the Uniformed and
28 Overseas Citizens Absentee Voting Act or its successor and this
29 act.

30 (b) In the event that any such elector, excepting an elector

1 in military service or any elector unable to go to his polling
2 place because of illness or physical disability, entitled to
3 vote an official absentee ballot shall be in the municipality of
4 his residence on the day for holding the primary or election for
5 which the ballot was issued, or in the event any such elector
6 shall have recovered from his illness or physical disability
7 sufficiently to permit him to present himself at the proper
8 polling place for the purpose of casting his ballot, such
9 absentee ballot cast by such elector shall, be declared void.

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

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

25

26 (Date) (Signature of Elector)

27

28 (Local Judge of Elections)

29 An elector who has received an absentee ballot under the
30 emergency application provisions of section 1302.1, and for

1 whom, therefore, no temporary absentee voter's registration card
2 is in the district register, shall sign the aforementioned
3 affidavit in any case, which the local judge of elections shall
4 then cause to be inserted in the district register with the
5 elector's permanent registration card.

6 Section 13. Section 1308 of the act, amended December 11,
7 1968 (P.L.1183, No.375), February 13, 1998 (P.L.72, No.18) and
8 December 9, 2002 (P.L.1246, No.150) and November 9, 2006
9 (P.L.1330, No.137), is amended to read:

10 Section 1308. Canvassing of Official Absentee Ballots.--(a)
11 The county boards of election, upon receipt of official absentee
12 ballots in [such] official envelopes, shall safely keep the same
13 in sealed or locked containers until they distribute same to the
14 appropriate local election districts in a manner prescribed by
15 the Secretary of the Commonwealth.

16 Except as provided in section 1302.1(a.2), the county board
17 of elections shall then distribute the absentee ballots,
18 unopened, to the absentee voter's respective election district
19 concurrently with the distribution of the other election
20 supplies. Absentee ballots shall be canvassed immediately and
21 continuously without interruption until completed after the
22 close of the polls on the day of the election in each election
23 district. The results of the canvass of the absentee ballots
24 shall then be included in and returned to the county board with
25 the returns of that district. Except as provided in section
26 1302.1(a.2) and subsection (g), no absentee ballot shall be
27 counted which is received in the office of the county board of
28 election later than five o'clock P.M. on the Friday immediately
29 preceding the primary or November election[.], except that the
30 ballots received from electors qualified in accordance with

1 section 1301(a), (b), (c), (d), (e), (f), (g) and (h) shall be
2 canvassed if received by eight o'clock P. M. on the day of the
3 election or by the seventh day following the election if such
4 absentee ballot carries a postmark dated no later than the day
5 before the election.

6 (a.1) Absentee ballots received from electors qualified in
7 accordance with section 1301(a), (b), (c), (d), (e), (f), (g)
8 and (h) after the duplicate list was prepared and distributed to
9 the local election boards in accordance with section 1302.3(b.1)
10 and (c) but up until eight o'clock P. M. the day of the primary
11 or election ballots shall be canvassed at the official canvass
12 required for each election as required by section 1403. In all
13 cases where absentee ballots are received after the duplicate
14 list was prepared and distributed to the local election boards
15 in accordance with section 1302.3(b.1) but up until eight
16 o'clock P.M. the day of the primary or election, the county
17 board of elections shall examine the voting check list of the
18 election district of said elector's residence and satisfy itself
19 that such elector did not cast any ballot other than the one
20 properly issued to him under his absentee ballot application. In
21 all cases where such examination discloses that an elector did
22 vote a ballot other than the one properly issued to him under
23 the absentee ballot application, the board of elections shall
24 thereupon cancel said absentee ballot and said elector shall be
25 subject to the penalties as set forth in this act.

26 (b) Each candidate for nomination or election shall be
27 entitled to appoint one watcher and each political party or body
28 which has nominated candidates shall be entitled to appoint two
29 watchers to be present at each canvass of absentee ballots.

30 Watchers shall be permitted to be present when the envelopes

1 containing official absentee ballots are opened and when such
2 ballots are counted and recorded.

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

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

15 (e) At such time the local election board shall then further
16 examine the declaration on each envelope not so set aside and
17 shall compare the information thereon with that contained in the
18 "Registered Absentee Voters File," the absentee voters' list and
19 the "Military Veterans and Emergency Civilians Absentee Voters
20 File." If the local election board is satisfied that the
21 declaration is sufficient and the information contained in the
22 "Registered Absentee Voters File," the absentee voters' list and
23 the "Military Veterans and Emergency Civilians Absentee Voters
24 File" verifies his right to vote, the local election board shall
25 announce the name of the elector and shall give any watcher
26 present an opportunity to challenge any absentee elector upon
27 the ground or grounds (1) that the absentee elector is not a
28 qualified elector; or (2) that the absentee elector was within
29 the municipality of his residence on the day of the primary or
30 election during the period the polls were open, except where he

1 was in military service or except in the case where his ballot
2 was obtained for the reason that he was unable to appear
3 personally at the polling place because of illness or physical
4 disability; or (3) that the absentee elector was able to appear
5 personally at the polling place on the day of the primary or
6 election during the period the polls were open in the case his
7 ballot was obtained for the reason that he was unable to appear
8 personally at the polling place because of illness or physical
9 disability. Upon challenge of any absentee elector, as set forth
10 herein the local election board shall mark "challenged" on the
11 envelope together with the reason or reasons therefor, and the
12 same shall be set aside for return to the county board unopened
13 pending decision by the county board and shall not be counted.
14 All absentee ballots not challenged for any of the reasons
15 provided herein shall be counted and included with the general
16 return of paper ballots or voting machines, as the case may be
17 as follows. Thereupon, the local election board shall open the
18 envelope of every unchallenged absentee elector in such manner
19 as not to destroy the declaration executed thereon. All of such
20 envelopes on which are printed, stamped or endorsed the words
21 "Official Absentee Ballot" shall be placed in one or more
22 depositories at one time and said depository or depositories
23 well shaken and the envelopes mixed before any envelope is taken
24 therefrom. If any of these envelopes shall contain any
25 extraneous marks or identifying symbols other than the words
26 "Official Absentee Ballot," the envelopes and the ballots
27 contained therein shall be set aside and declared void. The
28 local election board shall then break the seals of such
29 envelopes, remove the ballots and record the votes in the same
30 manner as district election officers are required to record

1 votes. With respect to the challenged ballots, they shall be
2 returned to the county board with the returns of the local
3 election district where they shall be placed unopened in a
4 secure, safe and sealed container in the custody of the county
5 board until it shall fix a time and place for a formal hearing
6 of all such challenges and notice shall be given where possible
7 to all absentee electors thus challenged and to every attorney,
8 watcher or candidate who made such challenge. The time for the
9 hearing shall not be later than seven (7) days after the date of
10 said challenge. On the day fixed for said hearing, the county
11 board shall proceed without delay to hear said challenges and,
12 in hearing the testimony, the county board shall not be bound by
13 technical rules of evidence. The testimony presented shall be
14 stenographically recorded and made part of the record of the
15 hearing. The decision of the county board in upholding or
16 dismissing any challenge may be reviewed by the court of common
17 pleas of the county upon a petition filed by any person
18 aggrieved by the decision of the county board. Such appeal shall
19 be taken, within two (2) days after such decision shall have
20 been made, whether reduced to writing or not, to the court of
21 common pleas setting forth the objections to the county board's
22 decision and praying for an order reversing same. Pending the
23 final determination of all appeals, the county board shall
24 suspend any action in canvassing and computing all challenged
25 ballots irrespective of whether or not appeal was taken from the
26 county board's decision. Upon completion of the computation of
27 the returns of the county, the votes cast upon the challenged
28 official absentee ballots shall be added to the other votes cast
29 within the county.

30 (e.1) Absentee ballots cast by electors qualified in

1 accordance with section 1301(a), (b), (c), (d), (e), (f), (g)
2 and (h) and received after the canvass required by subsection
3 (a) but by the seventh day following the election which are
4 postmarked no later than the day before the election shall be
5 canvassed in a separate canvass to occur no later than eight (8)
6 days after the election to be conducted in accordance with the
7 procedures required by this section for the first canvass of
8 absentee ballots. Such absentee ballots shall be subject to the
9 challenge procedures specified in subsection (e). The board
10 shall add the results for the second canvass to the totals of
11 the first canvass by election district.

12 (f) Any person challenging an application for an absentee
13 ballot or an absentee ballot for any of the reasons provided in
14 this act shall deposit the sum of ten dollars (\$10.00) in cash
15 with the local election board, in cases of challenges made to
16 the local election board and with the county board in cases of
17 challenges made to the county board for which he shall be issued
18 a receipt for each challenge made, which sum shall only be
19 refunded if the challenge is sustained or if the challenge is
20 withdrawn within [five (5) days] ten (10) days after the primary
21 or election. If the challenge is dismissed by any lawful order
22 then the deposit shall be forfeited. All deposit money received
23 by the local election board shall be turned over to the county
24 board simultaneously with the return of the challenged ballots.
25 The county board shall deposit all deposit money in the general
26 fund of the county.

27 Notice of the requirements of subsection (b) of section 1306
28 shall be printed on the envelope for the absentee ballot.

29 Section 14. Section 1309 of the act, amended August 13, 1963
30 (P.L.707, No.379), is amended to read:

1 Section 1309. Public Records.--All official absentee
2 ballots, files, applications for such ballots and envelopes on
3 which the executed declarations appear, and all information and
4 lists are hereby designated and declared to be public records
5 and shall be safely kept for a period of two years, except that
6 no information concerning a military elector shall be made
7 public which is expressly forbidden by the [War] Department of
8 Defense because of military security.

9 Section 15. Section 1404(a) of the act, amended October 8,
10 2004 (P.L.807, No.97), is amended to read:

11 Section 1404. Computation of Returns by County Board;
12 Certification; Issuance of Certificates of Election.--

13 (a) The county board shall, at nine o'clock A. M. on the
14 third day following the primary or election, at its office or at
15 some other convenient public place at the county seat, of which
16 due notice shall have been given as provided by section 1403,
17 publicly commence the computation and canvassing of the returns,
18 and continue the same from day to day until completed, in the
19 manner hereinafter provided. For this purpose any county board
20 may organize itself into sections, each of which may
21 simultaneously proceed with the computation and canvassing of
22 the returns from various districts of the county in the manner
23 provided by this section. The return board shall reconvene at
24 nine o'clock A. M. on the eighth day following the election to
25 canvass absentee ballots received no later than the seventh day
26 following the election which are postmarked the day before the
27 election. Upon the completion of such computation and
28 canvassing, the board shall tabulate the figures for the entire
29 county and sign, announce and attest the same, as required by
30 this section.

1 * * *

2 Section 16. Section 1626(d) of the act, amended July 11,
3 1980 (P.L.600, No.128), is amended to read:

4 Section 1626. Reporting by Candidate and Political
5 Committees and other Persons.--

6 * * *

7 (d) Pre-election reports by candidates for offices to be
8 voted for by the electors of the State at large and all
9 political committees, which have expended money for the purpose
10 of influencing the election of such candidate, shall be filed
11 not later than the sixth Tuesday before and the second Friday
12 before an election, provided that the initial pre-election
13 report shall be complete as of fifty (50) days prior to the
14 election and the subsequent pre-election report shall be
15 complete as of [fifteen (15)] eighteen (18) days prior to the
16 election. Pre-election reports by all other candidates and
17 political committees which have received contributions or made
18 expenditures for the purpose of influencing an election shall be
19 filed not later than the second Friday before an election,
20 provided that such report be complete as of [fifteen (15)]
21 eighteen (18) days prior to the election.

22 * * *

23 Section 17. The act is amended by adding sections to read:

24 Section 1819.1. Misleading Mailings.--A person who wilfully
25 sends a mailing that provides deliberately misleading
26 information regarding the date of the election or the location
27 of polling places shall be sentenced to pay a fine not exceeding
28 fifteen thousand dollars (\$15,000), or to undergo a term of
29 imprisonment of not more than seven (7) years, or both.

30 Section 1827.1. Unlawful Interference with Voter

1 Registration.--(a) Any person who interferes or attempts to
2 interfere with another person's right to vote at any primary or
3 election, by knowingly failing to submit a completed voter
4 registration application to the registration commission, shall
5 be guilty of a misdemeanor of the first degree and, upon
6 conviction thereof, shall be sentenced to pay a fine not
7 exceeding fifteen thousand dollars (\$15,000) or to undergo a
8 term of imprisonment of not more than seven (7) years, or both,
9 at the discretion of the court.

10 (b) Any person who interferes or attempts to interfere with
11 another person's right to vote at any primary or election, by
12 knowingly submitting false information about that other person
13 to the registration commission, shall be guilty of a misdemeanor
14 of the first degree and, upon conviction thereof, shall be
15 sentenced to pay a fine not exceeding fifteen thousand dollars
16 (\$15,000) or to undergo a term of imprisonment of not more than
17 seven (7) years, or both, at the discretion of the court.

18 Section 18. This act shall apply to the first election which
19 occurs not later than 90 days following the effective date of
20 this section.

21 Section 19. This act shall take effect immediately.