

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2313 Session of 2012

INTRODUCED BY MYERS, D. EVANS, THOMAS, V. BROWN, PARKER, YOUNGBLOOD, WHEATLEY, PAYTON, BROWNLEE, BRIGGS, COHEN, DAVIS, FREEMAN, GEORGE, GOODMAN, HANNA, HARKINS, HORNAMAN, JOSEPHS, KORTZ, LONGIETTI, MCGEEHAN, MULLERY, MURPHY, SABATINA, SAMUELSON, SANTONI, M. SMITH, STURLA, DERMODY, FRANKEL, MANN, K. SMITH, SANTARSIERO, PASHINSKI, WATERS, MIRABITO, VITALI, M. O'BRIEN, BISHOP, BARBIN, FABRIZIO, DePASQUALE, SAINATO, DEASY, ROEBUCK, KAVULICH, GERBER, PRESTON, BRENNAN, P. COSTA, DALEY, KIRKLAND, CARROLL, RAVENSTAHL, BUXTON, BRADFORD, STABACK, GIBBONS, B. BOYLE, DELISSIO, MATZIE, HALUSKA, K. BOYLE, MUNDY, GERGELY, CURRY, READSHAW, MAHONEY, KOTIK, MARKOSEK, CONKLIN, DONATUCCI, CALTAGIRONE AND WILLIAMS, MAY 24, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 24, 2012

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," in preliminary provisions, further providing for  
12 definitions; in the Secretary of the Commonwealth, repealing  
13 provisions relating to requirements relating to voter  
14 identification; in preparation for and conduct of primaries  
15 and elections, further providing for manner of applying to  
16 vote, persons entitled to vote, voter's certificates, entries  
17 to be made in district register, numbered lists of voters and  
18 challenges; in voting by qualified absentee electors, further  
19 providing for applications for official absentee ballots, for  
20 approval of application for absentee ballot, for delivering  
21 or mailing ballots, for canvassing of official absentee  
22 ballots and for public records; in penalties, repealing  
23 provisions relating to enforcement; and making a related

1       repeal.

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

4       Section 1. Section 102(z.5) of the act of June 3, 1937  
5 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
6 added March 14, 2012 (P.L.195, No.18), is amended to read:

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

10       \* \* \*

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

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

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

18       (i) shows the name of the individual to whom the document  
19 was issued and the name substantially conforms to the name of  
20 the individual as it appears in the district register;

21       (ii) shows a photograph of the individual to whom the  
22 document was issued;

23       (iii) includes an expiration date and is not expired,  
24 except:

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

28       (B) in the case of a document from an agency of the Armed  
29 forces of the United States or their reserve components,  
30 including the Pennsylvania National Guard, establishing that the

1 elector is a current member of or a veteran of the United States  
2 Armed Forces or National Guard which does not designate a  
3 specific date on which the document expires, but includes a  
4 designation that the expiration date is indefinite; and

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

6 (A) The United States Government.

7 (B) The Commonwealth of Pennsylvania.

8 (C) A municipality of this Commonwealth to an employe of  
9 that municipality.

10 (D) An accredited Pennsylvania public or private institution  
11 of higher learning.

12 (E) A Pennsylvania care facility.

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

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

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

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

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

26 Section 2. Section 206 of the act, added March 14, 2012  
27 (P.L.195, No.18), is repealed:

28 [Section 206. Requirements Relating to Voter  
29 Identification.--(a) The Secretary of the Commonwealth shall  
30 prepare and disseminate information to the public regarding the

1 proof of identification requirements established under sections  
2 1210 and 1302.

3 (b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)  
4 (relating to issuance and content of driver's license) to the  
5 contrary, the Department of Transportation shall issue an  
6 identification card described in 75 Pa.C.S. § 1510(b) at no cost  
7 to any registered elector who has made application therefor and  
8 has included with the completed application a statement signed  
9 by the elector declaring under oath or affirmation that the  
10 elector does not possess proof of identification as defined in  
11 section 102(z.5)(2) and requires proof of identification for  
12 voting purposes.

13 (c) The Secretary of the Commonwealth shall prepare the form  
14 of the statement described in subsection (b) and shall  
15 distribute the form to the counties and the Department of  
16 Transportation. The Secretary of the Commonwealth, the Secretary  
17 of Transportation and the county boards of election shall  
18 disseminate information to the public regarding the availability  
19 of identification cards under subsection (b).]

20 Section 3. Section 1210(a), (a.1), (a.2), (a.3), (a.4)(1)  
21 and (5) and (f), 1302(e), (e.2) and (j), 1302.2(c), (d) and (f),  
22 1305, 1308(g)(2) and (3), (h) and (i) and 1309 of the act,  
23 amended or added March 14, 2012 (P.L.195, No.18), are amended to  
24 read:

25 Section 1210. Manner of Applying to Vote; Persons Entitled  
26 to Vote; Voter's Certificates; Entries to Be Made in District  
27 Register; Numbered Lists of Voters; Challenges.--(a) At every  
28 primary and election each elector who appears to vote in that  
29 election district for the first time and who desires to vote  
30 shall first present to an election officer [proof of

1 identification] one of the following forms of photo

2 identification:

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

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

7 (3) a valid identification card issued by the United States  
8 Government;

9 (4) a valid United States passport;

10 (5) a valid student identification card;

11 (6) a valid employe identification card; or

12 (7) a valid armed forces of the United States identification  
13 card.

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

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

21 (1) nonphoto identification issued by the Commonwealth, or  
22 any agency thereof;

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

25 (3) a firearm permit;

26 (4) a current utility bill;

27 (5) a current bank statement;

28 (6) a paycheck;

29 (7) a government check.

30 The election officer shall examine the identification presented

1 by the elector and sign an affidavit stating that this has been  
2 done.

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

6 (1) The elector is unable to produce proof of  
7 identification:

8 (i) on the grounds that the elector is indigent and unable  
9 to obtain proof of identification without the payment of a fee;  
10 or

11 (ii) on any other grounds.

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

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

25 [(2)] Such election officer shall thereupon announce the  
26 elector's name so that it may be heard by all members of the  
27 election board and by all watchers present in the polling place  
28 and shall compare the elector's signature on his voter's  
29 certificate with his signature in the district register. If,  
30 upon such comparison, the signature upon the voter's certificate

1 appears to be genuine, the elector who has signed the  
2 certificate shall, if otherwise qualified, be permitted to vote:  
3 Provided, That if the signature on the voter's certificate, as  
4 compared with the signature as recorded in the district  
5 register, shall not be deemed authentic by any of the election  
6 officers, such elector shall not be denied the right to vote for  
7 that reason, but shall be considered challenged as to identity  
8 and required to make the affidavit and produce the evidence as  
9 provided in subsection (d) of this section.

10 [(3)] When an elector has been found entitled to vote, the  
11 election officer who examined his voter's certificate and  
12 compared his signature shall sign his name or initials on the  
13 voter's certificate, shall, if the elector's signature is not  
14 readily legible, print such elector's name over his signature,  
15 and the number of the stub of the ballot issued to him or his  
16 number in the order of admission to the voting machines, and at  
17 primaries a letter or abbreviation designating the party in  
18 whose primary he votes shall also be entered by one of the  
19 election officers or clerks.

20 [(4)] As each voter is found to be qualified and votes, the  
21 election officer in charge of the district register shall write  
22 or stamp the date of the election or primary, the number of the  
23 stub of the ballot issued to him or his number in the order of  
24 admission to the voting machines, and at primaries a letter or  
25 abbreviation designating the party in whose primary he votes,  
26 and shall sign his name or initials in the proper space on the  
27 registration card of such voter contained in the district  
28 register.

29 [(5)] As each voter votes, his name in the order of voting  
30 shall be recorded in two (2) numbered lists of voters provided

for that purpose, with the addition of a note of each voter's party enrollment after his name at primaries.

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who [appear to vote] are voting for the first time at the election district shall be required to produce [proof of] identification pursuant to subsection (a) or (a.1) and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot.

\* \* \*

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

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

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

(B) the signature required under clause (3) and the signature required under clause (2) are either not genuine or



are not executed by the same individual; or

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

(D) in the case of a provisional ballot that was cast under subsection (a.2)(1)(i), within six calendar days following the election the elector fails to appear before the county board of elections to execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or

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

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

\* \* \*

[(f) As used in this section, "care facility" means any of

1 the following:

2 (1) A long-term care nursing facility as defined in section  
3 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the  
4 "Health Care Facilities Act."

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

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

9 \* \*

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

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

28 The application for an official absentee ballot for any  
29 primary or election shall be made on information supplied over  
30 the signature of the bedridden or hospitalized veteran as

1 required in the preceding subsection. Any qualified registered  
2 elector, including a spouse or dependent referred to in  
3 subsection (1) of section 1301, who expects to be or is absent  
4 from the municipality of his residence because his duties,  
5 occupation or business require him to be elsewhere on the day of  
6 any primary or election and any qualified registered elector who  
7 is unable to attend his polling place on the day of any primary  
8 or election because of illness or physical disability and any  
9 qualified registered bedridden or hospitalized veteran in the  
10 county of residence, or in the case of a county employe who  
11 cannot vote due to duties on election day relating to the  
12 conduct of the election, or in the case of a person who will not  
13 attend a polling place because of the observance of a religious  
14 holiday, may apply to the county board of elections of the  
15 county in which his voting residence is located for an Official  
16 Absentee Ballot. Such application shall be made upon an official  
17 application form supplied by the county board of elections. Such  
18 official application form shall be determined and prescribed by  
19 the Secretary of the Commonwealth of Pennsylvania.

20 (1) The application of any qualified registered elector,  
21 including spouse or dependent referred to in subsection (1) of  
22 section 1301, who expects to be or is absent from the  
23 municipality of his residence because his duties, occupation or  
24 business require him to be elsewhere on the day of any primary  
25 or election, or in the case of a county employe who cannot vote  
26 due to duties on election day relating to the conduct of the  
27 election, or in the case of a person who will not attend a  
28 polling place because of the observance of a religious holiday,  
29 shall be signed by the applicant and shall include the surname  
30 and given name or names of the applicant, [proof of

1 identification,] his occupation, date of birth, length of time a  
2 resident in voting district, voting district if known, place of  
3 residence, post office address to which ballot is to be mailed,  
4 the reason for his absence, and such other information as shall  
5 make clear to the county board of elections the applicant's  
6 right to an official absentee ballot.

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

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

3 ..... (Mark)

4 (Date)

5 .....

6 (Complete Address of Witness) (Signature of Witness)

7 \* \* \*

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

20 \* \* \*

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

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

1       \* \* \*

2       (c) The county board of elections, upon receipt of any  
3 application of a qualified elector required to be registered  
4 under the provisions of preceding section 1301, shall determine  
5 the qualifications of such applicant by [verifying the proof of  
6 identification and] comparing the information set forth on such  
7 application with the information contained on the applicant's  
8 permanent registration card. 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  
11 decision shall be final and binding, except that challenges may  
12 be made only on the ground that the applicant did not possess  
13 the qualifications of an absentee elector. Such challenges must  
14 be made to the county board of elections prior to 5:00 o'clock  
15 P. M. on the first Friday prior to the election. When so  
16 approved, the registration commission shall cause an absentee  
17 voter's temporary registration card to be inserted in the  
18 district register on top of and along with the permanent  
19 registration card. The absentee voter's temporary registration  
20 card shall be in the color and form prescribed in subsection (e)  
21 of this section:

22       Provided, however, That the duties of the county boards of  
23 elections and the registration commissions with respect to the  
24 insertion of the absentee voter's temporary registration card of  
25 any elector from the district register as set forth in section  
26 1302.2 shall include only such applications and emergency  
27 applications as are received on or before the first Tuesday  
28 prior to the primary or election. In all cases where  
29 applications are received after the first Tuesday prior to the  
30 primary or election and before five o'clock P. M. on the first

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

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

1 provide proof of identification with the absentee ballot or the  
2 ballot will not be counted.]

3 \* \* \*

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

11 Section 1305. Delivering or Mailing Ballots.--

12 (a) The county board of elections upon receipt and approval  
13 of an application filed by any elector qualified in accordance  
14 with the provisions of section 1301, subsections (a) to (h),  
15 inclusive, shall not later than fifty days prior to the day of  
16 the primary or not later than seventy days prior to the day of  
17 the election commence to deliver or mail to such elector who has  
18 included with said application a statement that he or she is  
19 unable to vote during the regular absentee balloting period by  
20 reason of living or performing military service in an extremely  
21 remote or isolated area of the world, and not later than forty-  
22 five days prior to the day of the primary or election commence  
23 to deliver or mail to all other such electors as provided for in  
24 section 1301, subsections (a) to (h), inclusive, official  
25 absentee ballots or special write-in absentee ballots as  
26 prescribed by subsection (d) of section 1303 when official  
27 absentee ballots are not yet printed; as additional applications  
28 of such electors are received, the board shall deliver or mail  
29 official absentee ballots or special write-in absentee ballots  
30 when official absentee ballots are not yet printed to such



1 additional electors within forty-eight hours after approval of  
2 their application. If the calling of a special election would  
3 make it impossible to comply with the forty-five day delivery or  
4 mailing requirement of this section, then the county board of  
5 elections shall mail absentee ballots or special write-in  
6 absentee ballots within five days of the county board's receipt  
7 of the information necessary to prepare said ballots.

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

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

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

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

28 \*

29 (g) \* \* \*

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

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

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

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

12 \* \* \*

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

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

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

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

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

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

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

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

[Section 1854. Enforcement.--

(1) The Attorney General shall have prosecutorial jurisdiction over all violations committed under this act.

1       (2) The district attorney of any county in which a violation  
2 has occurred shall have concurrent powers and responsibilities  
3 with the Attorney General over violations committed under this  
4 act.]

5       Section 5. Repeals are as follows:

6           (1) The General Assembly declares that the repeal under  
7 paragraph (2) is necessary to effectuate the amendment or  
8 repeal of sections 102, 1210, 1302, 1302.2, 1305, 1308, 1309  
9 and 1854 of the act.

10          (2) Section 10 of the act of March 14, 2012 (P.L.195,  
11 No.18), entitled "An act amending the act of June 3, 1937  
12 (P.L.1333, No.320), entitled 'An act concerning elections,  
13 including general, municipal, special and primary elections,  
14 the nomination of candidates, primary and election expenses  
15 and election contests; creating and defining membership of  
16 county boards of elections; imposing duties upon the  
17 Secretary of the Commonwealth, courts, county boards of  
18 elections, county commissioners; imposing penalties for  
19 violation of the act, and codifying, revising and  
20 consolidating the laws relating thereto; and repealing  
21 certain acts and parts of acts relating to elections,' in  
22 preliminary provisions, defining "proof of identification";  
23 in the Secretary of the Commonwealth, providing for  
24 requirements relating to voter identification; in preparation  
25 for and conduct of primaries and elections, further providing  
26 for manner of applying to vote, persons entitled to vote,  
27 voter's certificates, entries to be made in district  
28 register, numbered lists of voters and challenges; in voting  
29 by qualified absentee electors, further providing for  
30 applications for official absentee ballots, for approval of

1 application for absentee ballot, for delivering or mailing  
2 ballots, for canvassing of official absentee ballots and for  
3 public records; and providing for enforcement and for a  
4 special procedure at certain elections," is repealed.  
5 Section 6. This act shall take effect immediately.