

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1208 Session of 2017

INTRODUCED BY SOLOMON, RYAN, FREEMAN, YOUNGBLOOD, SCHLOSSBERG,
 J. HARRIS, WARD, V. BROWN, NEILSON, KINSEY, W. KELLER,
 MEHAFFIE, RABB, VITALI, STAATS AND SACCONI, APRIL 12, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 12, 2017

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," replacing the term "elector" with "voter"; and
 12 making editorial changes.

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

15 Section 1. Sections 102, 201(c) and (f.2), 201.1, 202,
 16 205(b) and 206(b) of the act of June 3, 1937 (P.L.1333, No.320),
 17 known as the Pennsylvania Election Code, are amended to read:

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

21 (a) The word "candidate" shall, unless the context otherwise
 22 requires, include both candidates for nomination and election.

1 (a.1) "Canvass" includes gathering the ballots after the
2 election and counting, computing and tallying the votes.

3 (b) The word "county" shall mean any county of this
4 Commonwealth.

5 (c) The words "county board" or "board" shall mean the
6 county board of elections of any county herein provided for.

7 (d) The words "district election board" or "election board"
8 shall mean the election officers required to conduct primaries
9 and elections in any election district in accordance with the
10 provisions of this act.

11 (e) The words "district register" shall mean the cards
12 containing all or any part of the registry list of qualified
13 electors of the same election district, as prepared by the
14 registration commissions.

15 (f) The word "election" shall mean any general, municipal,
16 special or primary election, unless otherwise specified.

17 (g) The words "election district" shall mean a district,
18 division or precinct, established in accordance with the
19 provisions of this act, within which all qualified electors vote
20 at one polling place.

21 (g.1) The words "election officer" shall include the judge
22 of elections and the majority and minority inspectors elected or
23 appointed by a county board of elections and the clerk or
24 machine inspector appointed by a county board of elections.

25 (h) The words "general election" shall mean the election
26 which the Constitution of this Commonwealth requires to be held
27 in even-numbered years.

28 (i) The words "independent nomination" shall mean the
29 selection by an independent political body, in accordance with
30 the provisions of this act, of a candidate for a public office

1 authorized to be voted for at an election.

2 (j) The words "municipal election" shall mean the election
3 which the Constitution of this Commonwealth requires to be held
4 in odd-numbered years.

5 (k) The word "nomination" shall mean the selection, in
6 accordance with the provisions of this act, of a candidate for a
7 public office authorized to be voted for at an election.

8 (l) The words "November election" shall mean either the
9 general or municipal election, or both, according to the
10 context.

11 (m) The word "oath" shall include affirmation and the word
12 "swear" shall include affirm.

13 (n) The word "party" shall mean a political party, as
14 defined in section 801 of this act.

15 (o) The words "party nomination" shall mean the selection by
16 a political party, in accordance with the provisions of this
17 act, of a candidate for a public office authorized to be voted
18 for at an election.

19 (p) The words "political body" shall mean an independent
20 body of [electors] voters, as defined in section 801 of this
21 act.

22 (q) The words "polling place" shall mean the room provided
23 in each election district for voting at a primary or election.

24 (r) The words "primary" or "primary election" shall mean any
25 election held for the purpose of electing party officers and
26 nominating candidates for public offices to be voted for at an
27 election.

28 (r.1) "Public institution" means institutions primarily
29 maintained by the Federal, State or local governments and
30 includes but is not limited to veterans' hospitals and homes,

1 State hospitals, poorhouses and county homes.

2 (s) The words "public office" shall include every public
3 office to which persons can be elected by a vote of the
4 [electors] voters under the laws of this State.

5 (t) The words "qualified elector" shall mean any person who
6 shall possess all of the qualifications for voting now or
7 hereafter prescribed by the Constitution of this Commonwealth,
8 or who, being otherwise qualified by continued residence in his
9 election district, shall obtain such qualifications before the
10 next ensuing election.

11 (u) The words "registered and enrolled member of a political
12 party" shall mean any qualified [elector] voter who shall be
13 registered according to political designation, in accordance
14 with the provisions of the registration acts.

15 (v) The words "special election" shall mean any election
16 other than a regular general, municipal or primary election.

17 (w) The words "qualified absentee [elector] voter" shall
18 mean:

19 (1) Any qualified [elector] voter who is or who may be in
20 the military service of the United States regardless of whether
21 at the time of voting he is present in the election district of
22 his residence or is within or without this Commonwealth and
23 regardless of whether he is registered or enrolled; or

24 (2) Any qualified [elector] voter who is a spouse or
25 dependent residing with or accompanying a person in the military
26 service of the United States if at the time of voting such
27 spouse or dependent is absent from the municipality of his
28 residence: Provided, however, That the said [elector] voter has
29 been registered or enrolled according to law or is entitled,
30 under provisions of the Permanent Registration Law as now or

1 hereinafter enacted by the General Assembly, to absentee
2 registration prior to or concurrently with the time of voting;
3 or

4 (3) Any qualified [elector] voter who is or who may be in
5 the service of the Merchant Marine of the United States if at
6 the time of voting he is absent from the municipality of his
7 residence: Provided, however, That the said [elector] voter has
8 been registered or enrolled according to law or is entitled,
9 under provisions of the Permanent Registration Law as now or
10 hereinafter enacted by the General Assembly, to absentee
11 registration prior to or concurrently with the time of voting;
12 or

13 (4) Any qualified [elector] voter who is a spouse or
14 dependent residing with or accompanying a person who is in the
15 service of the Merchant Marine of the United States if at the
16 time of voting such spouse or dependent is absent from the
17 municipality of his residence: Provided, however, That the said
18 [elector] voter has been registered or enrolled according to law
19 or is entitled, under provisions of the Permanent Registration
20 Law as now or hereinafter enacted by the General Assembly, to
21 absentee registration prior to or concurrently with the time of
22 voting; or

23 (5) Any qualified [elector] voter who is or who may be in a
24 religious or welfare group officially attached to and serving
25 with the armed forces if at the time of voting he is absent from
26 the municipality of his residence: Provided, however, That the
27 said [elector] voter has been registered or enrolled according
28 to law or is entitled, under provisions of the Permanent
29 Registration Law as now or hereinafter enacted by the General
30 Assembly, to absentee registration prior to or concurrently with

1 the time of voting; or

2 (6) Any qualified [elector] voter who is a spouse or
3 dependent residing with or accompanying a person in a religious
4 or welfare group officially attached to and serving with the
5 armed forces if at the time of voting such spouse or dependent
6 is absent from the municipality of his residence: Provided,
7 however, That the said [elector] voter has been registered or
8 enrolled according to law or is entitled, under provisions of
9 the Permanent Registration Law as now or hereinafter enacted by
10 the General Assembly, to absentee registration prior to or
11 concurrently with the time of voting; or

12 (7) Any qualified [elector] voter who expects to be or is
13 outside the territorial limits of the several States of the
14 United States and the District of Columbia because his duties,
15 occupation or business require him to be elsewhere during the
16 entire period the polls are open for voting on the day of any
17 primary or election or who is or who may be a civilian employee
18 of the United States outside the territorial limits of the
19 several States of the United States and the District of
20 Columbia, whether or not such [elector] voter is subject to
21 civil-service laws and the Classification Act of 1949 and
22 whether or not paid from funds appropriated by the Congress, if
23 at the time of voting he is absent from the municipality of his
24 residence: Provided, however, That said [elector] voter has been
25 registered or enrolled according to law or is entitled, under
26 provisions of the Permanent Registration Law as now or
27 hereinafter enacted by the General Assembly, to absentee
28 registration prior to or concurrently with the time of voting;
29 or

30 (8) Any qualified [elector] voter who is a spouse or

1 dependent residing with or accompanying a person who expects to
2 be or is outside the territorial limits of the several States of
3 the United States and the District of Columbia because his
4 duties, occupation or business require him to be elsewhere
5 during the entire period the polls are open for voting on the
6 day of any primary or election or who is a spouse or dependent
7 residing with or accompanying a person who is a civilian
8 employee of the United States outside the territorial limits of
9 the several States of the United States and the District of
10 Columbia whether or not such person is subject to civil-service
11 laws and the Classification Act of 1949 and whether or not paid
12 from funds appropriated by the Congress if at the time of voting
13 such spouse or dependent is absent from the municipality of his
14 residence: Provided, however, That the said [elector] voter has
15 been registered or enrolled according to law or is entitled,
16 under provisions of the Permanent Registration Law as now or
17 hereinafter enacted by the General Assembly, to absentee
18 registration prior to or concurrently with the time of voting;
19 or

20 (9) Any qualified war veteran [elector] voter who is
21 bedridden or hospitalized due to illness or physical disability
22 if he is absent from the municipality of his residence and
23 unable to attend his polling place because of such illness or
24 physical disability regardless of whether he is registered and
25 enrolled; or

26 (10) Any qualified, registered and enrolled [elector] voter
27 who expects to be or is absent from the municipality of his
28 residence because his duties, occupation or business require him
29 to be elsewhere during the entire period the polls are open for
30 voting on the day of any primary or election; or

1 (11) Any qualified, registered and enrolled [elector] voter
2 who is unable to attend his polling place because of illness or
3 physical disability; or

4 (12) Any qualified, registered and enrolled [elector] voter
5 who is a spouse or dependent accompanying a person employed in
6 the service of this Commonwealth or in the service of the
7 Federal Government within the territorial limits of the several
8 States of the United States and the District of Columbia in the
9 event the duties, profession or occupation of such person
10 require him to be absent from the municipality of his residence;
11 or

12 (13) Any qualified [elector] voter who is a county employe
13 who cannot vote due to duties on election day relating to the
14 conduct of the election; or

15 (14) Any qualified [elector] voter who will not attend a
16 polling place because of the observance of a religious holiday:

17 Provided, however, That the words "qualified absentee
18 [elector] voter" shall in nowise be construed to include persons
19 confined in a penal institution or a mental institution nor
20 shall it in anywise be construed to include a person not
21 otherwise qualified as a qualified [elector] voter in accordance
22 with the definition set forth in section 102(t) of this act.

23 (x) The words "members of the Merchant Marine of the United
24 States" mean persons (other than persons in military service)
25 employed as officers or members of crews of vessels documented
26 under the laws of the United States or of vessels owned by the
27 United States or of vessels of foreign flag registry under
28 charter to or control of the United States, and persons (other
29 than persons in military service) enrolled with the United
30 States for employment or for training for employment or

1 maintained by the United States for emergency relief service as
2 officers or members of crews of any such vessels, but does not
3 include persons so employed or enrolled for such employment or
4 for training for employment or maintained for such emergency
5 relief on the Great Lakes or the Inland waterways.

6 (y) The word "dependent" means any person who is in fact a
7 dependent.

8 (z) The words "person authorized to administer oaths" shall
9 mean any person who is a commissioned officer in military
10 service or any member of the Merchant Marine of the United
11 States designated for this purpose by the United States
12 Secretary of Commerce or any civilian official empowered by any
13 State or Federal law to administer oaths.

14 (z-1) The words "in military service" shall mean the
15 uniformed services as defined in section 102 of the Career
16 Compensation Act of 1949 (63 Stat. 804 U.S. Code, Title 37, Par.
17 231).

18 (z-3) The words "duties, occupation or business" shall
19 include leaves of absence for teaching or education, vacations,
20 sabbatical leaves, and all other absences associated with the
21 [elector's] voter's duties, occupation or business, and also
22 include an [elector's] voter's spouse who accompanies the
23 [elector] voter.

24 (z.4) The word "municipality" shall mean a city, borough,
25 incorporated town, township or any similar general purpose unit
26 of government which may be created by the General Assembly.

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

28 (1) In the case of [an elector] a voter who has a religious
29 objection to being photographed, a valid-without-photo driver's
30 license or a valid-without-photo identification card issued by

1 the Department of Transportation.

2 (2) For [an elector] a voter who appears to vote under
3 section 1210, a document that:

4 (i) shows the name of the individual to whom the document
5 was issued and the name substantially conforms to the name of
6 the individual as it appears in the district register;

7 (ii) shows a photograph of the individual to whom the
8 document was issued;

9 (iii) includes an expiration date and is not expired,
10 except:

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

14 (B) in the case of a document from an agency of the Armed
15 forces of the United States or their reserve components,
16 including the Pennsylvania National Guard, establishing that the
17 [elector] voter is a current member of or a veteran of the
18 United States Armed Forces or National Guard which does not
19 designate a specific date on which the document expires, but
20 includes a designation that the expiration date is indefinite;
21 and

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

23 (A) The United States Government.

24 (B) The Commonwealth of Pennsylvania.

25 (C) A municipality of this Commonwealth to an employee of
26 that municipality.

27 (D) An accredited Pennsylvania public or private institution
28 of higher learning.

29 (E) A Pennsylvania care facility.

30 (3) For a qualified absentee [elector] voter under section

1 1301:

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

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

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

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

14 Section 201. Powers and Duties of the Secretary of the
15 Commonwealth.--The Secretary of the Commonwealth shall exercise
16 in the manner provided by this act all powers granted to him by
17 this act, and shall perform all the duties imposed upon him by
18 this act, which shall include the following:

19 * * *

20 (c) To certify to county boards of elections for primaries
21 and elections the names of the candidates for President and
22 Vice-President of the United States, presidential electors,
23 United States senators, representatives in Congress and all
24 State offices, including senators, representatives, and judges
25 of all courts of record, and delegates and alternate delegates
26 to National Conventions, and members of State committees, and
27 the form and wording of constitutional amendments or other
28 questions to be submitted to the [electors] voters of the State
29 at large.

30 * * *

1 (f.2) To order a county board to conduct a recount or
2 recanvass of an election under section 1404 for a public office
3 which appears on the ballot in every election district in this
4 Commonwealth or for a ballot question which appears on the
5 ballot in every election district in this Commonwealth.

6 * * *

7 Section 201.1. Explanation of Ballot Question.--Whenever a
8 proposed constitutional amendment or other State-wide ballot
9 question shall be submitted to the [electors] voters of the
10 Commonwealth in referendum, the Attorney General shall prepare a
11 statement in plain English which indicates the purpose,
12 limitations and effects of the ballot question on the people of
13 the Commonwealth. The Secretary of the Commonwealth shall
14 include such statement in his publication of a proposed
15 constitutional amendment as required by Article XI of the
16 Constitution of Pennsylvania. The Secretary of the Commonwealth
17 shall certify such statement to the county boards of elections
18 who shall publish such statement as a part of the notice of
19 elections required by section 1201 or any other provision of
20 this act. The county board of elections shall also require that
21 at least three copies of such statement be posted in or about
22 the voting room outside the enclosed space with the specimen
23 ballots and other instructions and notices of penalties. In
24 election questions which affect only one county or portion
25 thereof, the county board of elections shall fulfill these
26 requirements in the place of the Attorney General and the
27 Secretary of the Commonwealth.

28 Section 202. Records and Documents to Be Open to Public
29 Inspection.--The records of the Secretary of the Commonwealth
30 and all returns, nomination petitions, certificates and papers,

1 other petitions, accounts, contracts, reports and other
2 documents and records in his custody shall be open to public
3 inspection, and may be inspected and copied by any qualified
4 [elector] voter of the State during ordinary business hours at
5 any time when they are not necessarily being used by the
6 Secretary of the Commonwealth, or his deputy or employes having
7 duties to perform in reference thereto: Provided, however, That
8 such public inspection thereof shall only be in the presence of
9 the Secretary of the Commonwealth, or his deputy or one of his
10 authorized employes, and shall be subject to proper regulation
11 for safekeeping of the records and documents, and subject to the
12 further provisions of this act.

13 Section 205. State Plan Advisory Board.--* * *

14 (b) The board shall be comprised of the following members:

15 (1) One director of elections from a county of the first
16 class.

17 (2) One director of elections from a county of the second
18 class.

19 (3) The chairperson of the political party with the highest
20 number of registered voters in the Commonwealth.

21 (4) The chairperson of the political party with the second
22 highest number of registered voters in the Commonwealth.

23 (5) Eleven members appointed by the Secretary of the
24 Commonwealth as follows:

25 (i) Seven directors of elections, one from a county of the
26 second class A and one each from a county of the third, fourth,
27 fifth, sixth, seventh and eighth class.

28 (ii) One representative of an organization of disabled
29 Pennsylvania veterans.

30 (iii) One representative of an organization of blind and

1 visually impaired Pennsylvanians.

2 (iv) Two representatives of the public at large, who shall
3 be registered [electors] voters of the Commonwealth.

4 * * *

5 Section 206. Requirements Relating to Voter
6 Identification.--* * *

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

17 * * *

18 Section 2. Articles III, IV and V of the act are reenacted
19 and amended to read:

20 ARTICLE III

21 County Boards of Elections

22 Section 301. County Boards of Elections; Membership.--

23 (a) There shall be a county board of elections in and for
24 each county of this Commonwealth, which shall have jurisdiction
25 over the conduct of primaries and elections in such county, in
26 accordance with the provisions of this act.

27 (b) In each county of the Commonwealth, the county board of
28 elections shall consist of the county commissioners of such
29 county ex officio, or any officials or board who are performing
30 or may perform the duties of the county commissioners, who shall

1 serve without additional compensation as such. Except in
2 counties of the first class, in counties which have adopted home
3 rule charters or optional plans the board of elections shall
4 consist of the members of the county body which performs
5 legislative functions unless the county charter or optional plan
6 provides for the appointment of the board of elections. In
7 either case, there shall be minority representation on the
8 board. The county body which performs legislative functions
9 shall in the case where the board does not contain minority
10 representation appoint such representation from a list submitted
11 by the county chairman of the minority party.

12 (c) Whenever a member of the board of county commissioners
13 is a candidate for nomination or election to any public office,
14 the President Judge of the Court of Common Pleas shall appoint a
15 judge or [an elector] a voter of the county to serve in his
16 stead. Whenever there appears on the ballot a question relating
17 to the adoption of a Home Rule Charter for the county or
18 amendments to an existing county Home Rule Charter, the
19 President Judge of the Court of Common Pleas shall appoint
20 judges or [electors] voters of the county to serve in the stead
21 of the county commissioners. Appointees who are not currently
22 elected office holders shall receive compensation for such
23 service as determined by the salary board plus mileage as
24 specified by the county for expenses incurred when performing
25 election board business.

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

1 (a) To investigate and report to the court of quarter
2 sessions their recommendations on all petitions presented to the
3 court by [electors] voters for the division, redivision,
4 alteration, change or consolidation of election districts, and
5 to present to the court petitions for the division, redivision,
6 alteration, change or consolidation of election districts in
7 proper cases.

8 (b) To select and equip polling places that meet the
9 requirements of this act.

10 (c) To purchase, preserve, store and maintain primary and
11 election equipment of all kinds, including voting booths, ballot
12 boxes and voting machines, and to procure ballots and all other
13 supplies for elections.

14 (d) To appoint their own employes, voting machine
15 custodians, and machine inspectors.

16 (e) To issue certificates of appointment to watchers at
17 primaries and elections.

18 (f) To make and issue such rules, regulations and
19 instructions, not inconsistent with law, as they may deem
20 necessary for the guidance of voting machine custodians,
21 elections officers and [electors] voters.

22 (g) To instruct election officers in their duties, calling
23 them together in meeting whenever deemed advisable, and to
24 inspect systematically and thoroughly the conduct of primaries
25 and elections in the several election districts of the county to
26 the end that primaries and elections may be honestly,
27 efficiently, and uniformly conducted.

28 (h) To prepare and publish, in the manner provided by this
29 act, all notices and advertisements in connection with the
30 conduct of primaries and elections, which may be required by

1 law.

2 (i) To investigate election frauds, irregularities and
3 violations of this act, and to report all suspicious
4 circumstances to the district attorney.

5 (j) To receive and determine, as hereinafter provided, the
6 sufficiency of nomination petitions, certificates and papers of
7 candidates for county, city, borough, township, ward, school
8 district, poor district, election offices, and local party
9 offices required by law or by party rules to be filed with the
10 board.

11 (k) To receive from district election officers the returns
12 of all primaries and elections, to canvass and compute the same,
13 and to certify, no later than the third Monday following the
14 primary or election, the results thereof to the Secretary of the
15 Commonwealth, as may be provided by law, and to such other
16 authorities as may be provided by law. The certification shall
17 include the number of votes received in each election district
18 by each candidate for the General Assembly.

19 (l) To publicly announce by posting at its office the
20 results of primaries and elections for county, city, borough,
21 township, ward, school district, poor district, election
22 offices, and party offices, if any; to provide the results to
23 the Secretary of the Commonwealth; and to issue certificates of
24 election to the successful candidates for said offices.

25 (m) To prepare and submit, within twenty days after the last
26 day to register to vote in each primary, municipal and general
27 election, a report to the Secretary of the Commonwealth in the
28 form prescribed by him, which shall contain a statement of the
29 total number of [electors] voters registered in each election
30 district, together with a breakdown of registration by each

1 political party or other designation. Copies of said statement
2 shall be furnished, upon request, to the county chairman of each
3 political party and political body. The Secretary of the
4 Commonwealth shall forthwith submit such information to the
5 Legislative Data Processing Center and shall publicly report the
6 total number of registered [electors] voters for each political
7 party or other designation in each county not later than five
8 days prior to the primary, municipal or general election.

9 (n) To annually prepare and submit to the county
10 commissioners or other appropriating authorities of the county
11 an estimate of the cost of primaries and elections and of the
12 expenses of the board for the ensuing fiscal year.

13 (o) To perform such other duties as may be prescribed by
14 law.

15 (p) A county board of elections shall not pay compensation
16 to a judge of elections who wilfully fails to deliver by two
17 o'clock A. M. on the day following the election envelopes;
18 supplies, including all uncast provisional ballots; and returns,
19 including all provisional ballots and absentee ballots cast in
20 the election district.

21 Section 303. Decisions by Majority Vote; Employees.--

22 (a) All actions of a county board shall be decided by a
23 majority vote of all the members, except as may be otherwise
24 provided [herein] in this act.

25 (b) Each county board may appoint a chief clerk, who shall
26 have authority to administer oaths and to sign vouchers, and
27 such other employes and assistants as, from time to time, the
28 board may deem necessary to carry out the provisions of this
29 act. The county board may appoint the chief clerk and other
30 employes of the county commissioners to act as such for the

1 county board of elections without any additional compensation as
2 such.

3 Section 304. Regulations; Subpoenas; Witnesses; Fees.--

4 (a) Each county board of elections may make regulations, not
5 inconsistent with this act or the laws of this Commonwealth, to
6 govern its public sessions, and may issue subpoenas, summon
7 witnesses, compel production of books, papers, records and other
8 evidence, and fix the time and place for hearing any matters
9 relating to the administration and conduct of primaries and
10 elections in the county under the provisions of this act. All
11 subpoenas issued by the county board shall be in substantially
12 the same form and shall have the same force and effect as
13 subpoenas issued by the court of common pleas of such county,
14 and, upon application, the board shall be entitled to the
15 benefit of the process of such court if necessary to enforce any
16 subpoena issued by them. Each member of the county board shall
17 have the power to administer oaths and affirmations. Each person
18 testifying before any county board shall be first duly sworn or
19 affirmed.

20 (b) Any person filing [any] a petition with a county board
21 or opposing the [same] petition shall have the privilege of
22 having subpoenas issued by the board to compel the attendance of
23 witnesses, upon condition that all witnesses so subpoenaed shall
24 be paid witness fees, in the manner herein provided.

25 (c) Witnesses subpoenaed by the county board shall each also
26 be entitled to daily witness fees at the rate aforesaid, to be
27 paid by the board: Provided, however, That election officers,
28 clerks, machine inspectors, overseers and watchers, when
29 subpoenaed by the county board to appear before the board,
30 sitting for the computation and canvassing of votes cast at an

1 election, shall not be entitled to witness fees.

2 (d) No subpoena shall be issued for the benefit of any
3 person other than the county board until he shall have paid the
4 board a fee of twenty-five (.25) cents for issuing the same and
5 deposited with the board one day's witness fees for each witness
6 to be summoned thereby, whose names shall be given to the board
7 and entered by it in such subpoena and among its records, and no
8 such subpoena shall be effective to require the further
9 attendance of any witness after the day mentioned therein,
10 unless the hearing be postponed or continued by the board, and
11 unless, before four o'clock P. M. of said day, the person for
12 whose benefit it be issued shall have deposited with the board
13 an additional day's witness fees for each witness whose further
14 attendance is desired. As soon as convenient after any hearing
15 is concluded, postponed or continued on any day, the county
16 board shall disburse the fees deposited with it by any persons
17 aforesaid, among those witnesses who have appeared in response
18 to subpoenas issued as aforesaid, and shall return to the person
19 who deposited the same any fees deposited for others who did not
20 attend, and shall also pay like fees to any witnesses summoned
21 by the board as aforesaid, taking their receipts therefor, so
22 long as there are sufficient funds available for such payments.
23 The county board shall pay over to the county treasurer all fees
24 received for subpoenas.

25 Section 305. Expenses of County Boards and of Primaries and
26 Elections to Be Paid by County; Expenses of Special Elections;
27 Boards to Be Provided with Offices.--

28 (a) The county commissioners or other appropriating
29 authorities of the county shall appropriate annually, and from
30 time to time, to the county board of elections of such county,

1 the funds that shall be necessary for the maintenance and
2 operation of the board and for the conduct of primaries and
3 elections in such county, including the payment of the
4 compensation of the employes of the board, custodians, election
5 officers, and other assistants and employes herein provided for,
6 and the fees of witnesses as herein provided; for the purchase
7 or printing, under contracts made by the board, of all ballots
8 and other primary and election supplies required by this act, or
9 which the board shall consider necessary to carry out the
10 provisions of this act; for the purchase, under contracts made
11 by the board, and maintenance, of voting machines, when adopted
12 as herein provided, and of all other primary and election
13 equipment required by this act, or which the board shall
14 consider necessary to carry out the provisions of this act; for
15 the publication of notices authorized by this act, under
16 contracts made by the board, and for all other necessary
17 expenses hereunder: Provided, however, That bonds or other
18 evidences of indebtedness, payable not later than thirty years
19 from their dates of issuance, may be issued by the county
20 commissioners or other appropriating authorities of the county
21 in accordance with the provisions of law relating to the
22 increase of indebtedness of such county, to meet all or any part
23 of the cost of voting machines.

24 1. The county shall be liable for the expenses of holding
25 special elections for any city, borough, township, school
26 district or other municipality or incorporated district
27 contained therein, which is held on the day of any general,
28 municipal or primary election, and on any special question which
29 is required by law to be, or which is, at the discretion of the
30 county board, as hereinafter provided, printed on the regular

1 ballot after the list of the candidates, or on the same voting
2 machine as the list of candidates.

3 2. Any city, borough, township, school district or other
4 municipality or incorporated district contained in any county,
5 holding a special election, as authorized by law, on the
6 question of increase of indebtedness or any other question to be
7 voted on by the [electors] voters of such subdivision, which
8 special election is held on the day of any general, municipal or
9 primary election and which is required by law to be conducted or
10 at the discretion of the county board, as hereinafter provided,
11 is conducted by special ballots for such question, shall be
12 liable to the county for the expenses necessarily incurred in
13 the printing of such special ballots.

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

24 4. The Department of State shall reimburse county boards of
25 election for those additional costs incurred by the county for
26 any special election held to fill a vacancy in the Pennsylvania
27 General Assembly. Only those costs which are attributable solely
28 to the special election shall be reimbursed. Reimbursement shall
29 not be denied because the special election is held on the same
30 day as a general, municipal or primary election if the county

1 can show that additional costs were incurred attributable solely
2 to the special election. The Governor may, from time to time,
3 allocate to the Department of State as much money from the
4 General Fund as he deems necessary to permit the department to
5 reimburse the counties for costs incurred in the special
6 elections.

7 (b) The county commissioners or other appropriating
8 authorities of the county shall provide the county board with
9 suitable and adequate offices at the county seat, properly
10 furnished for keeping its records, holding its public sessions
11 and otherwise performing its public duties, and shall also
12 provide such branch offices for the board in cities other than
13 the county seat, as may be necessary.

14 (c) The Commonwealth shall reimburse each city of the first
15 class and county for election expenses incurred in and
16 incidental to preparing, handling, mailing, delivering, counting
17 and storing official absentee ballots requested by any [elector]
18 voter in military service, Federal employment overseas, Merchant
19 Marine, and in any religious group or welfare agency assisting
20 the Armed Forces, including spouses and dependents, and
21 bedridden and hospitalized veterans as herein provided in the
22 sum of sixty cents (60¢) for each such ballot mailed or
23 delivered.

24 Each county board of elections shall file in the Department
25 of State, not later than thirty days after every election, on a
26 form prescribed by the Department of State, a statement of the
27 number of ballots mailed or delivered in such manner as is now
28 or may hereafter be provided by law to [electors] voters in
29 actual military service, Federal employment overseas, Merchant
30 Marine, and in any religious group or welfare agency assisting

1 the Armed Forces, including spouses and dependents, and to
2 bedridden or hospitalized veterans.

3 The Department of State shall ascertain and fix the amount
4 due, as herein provided, to each city of the first class and
5 county for election expenses incurred, and by requisition in the
6 usual course shall provide for payment of such amounts so found
7 due from moneys appropriated to the Department of State for such
8 purpose, or shall prorate the moneys so appropriated among the
9 several cities of the first class and counties to be reimbursed,
10 if the amount so appropriated shall not be sufficient for the
11 payment in full to each city of the first class and county of
12 the amount found to be due.

13 Section 306. Counsel; Compensation; Duties.--The county
14 solicitor shall serve as counsel for the county board in the
15 several counties of the Commonwealth, and shall receive no
16 compensation therefor in addition to his compensation as county
17 solicitor. Such counsel shall advise the county board, from time
18 to time, regarding its powers and duties, and the rights of
19 candidates and [electors] voters, and concerning the best
20 methods of legal procedure for carrying out the various
21 provisions of this act, and shall appear for and represent the
22 county board on all appeals taken from its decisions or orders
23 to the court of common pleas, as herein provided.

24 Section 307. Acts of Employes.--The amending of any
25 [records] record by any employe of any county board of elections
26 by order of such board shall be construed to have been done by
27 the board itself, which shall likewise be responsible for the
28 correction of any errors in the doing thereof.

29 Section 308. Records and Documents to Be Open to Public
30 Inspection; Proviso.--The records of each county board of

1 elections, general and duplicate returns, tally papers,
2 affidavits of voters and others, nomination petitions,
3 certificates and papers, other petitions, appeals, witness
4 lists, accounts, contracts, reports and other documents and
5 records in its custody, except the contents of ballot boxes and
6 voting machines and records of assisted voters, shall be open to
7 public inspection, except as herein provided, and may be
8 inspected and copied by any qualified [elector] voter of the
9 county during ordinary business hours, at any time when they are
10 not necessarily being used by the board, or its employes having
11 duties to perform thereto: Provided, however, That such public
12 inspection thereof shall only be in the presence of a member or
13 authorized employe of the county board, and shall be subject to
14 proper regulation for safekeeping of the records and documents,
15 and subject to the further provisions of this act: And provided
16 further, That general and duplicate returns, tally papers,
17 affidavits of voters and others, and all other papers required
18 to be returned by the election officers to the county board
19 sealed, shall be open to public inspection only after the county
20 board shall, in the course of the computation and canvassing of
21 the returns, have broken such seals and finished, for the time,
22 their use of said papers in connection with such computation and
23 canvassing.

24 Section 309. Preservation of Records.--All documents, papers
25 and records in the office of the county board of elections of
26 each county shall be preserved [therein] in the office for a
27 period of at least eleven (11) months, and all official ballots
28 and the contents of ballot boxes shall be preserved therein for
29 a period of at least four (4) months; in the event the county
30 board has been notified in writing by the district attorney of

1 the county, or by a judge of a court of record, to preserve said
2 papers or contents of ballot boxes for a longer period of time,
3 for the purposes of pending prosecution or litigation, said
4 records shall be preserved accordingly.

5 Section 310. Watchers or Attorneys at Sessions of County
6 Board; Candidates May Be Present.--

7 (a) Any party or political body or body of citizens which
8 now is, or hereafter may be, entitled to have watchers at any
9 registration, primary or election, shall also be entitled to
10 appoint watchers who are qualified [electors] voters of the
11 county or attorneys to represent such party or political body or
12 body of citizens at any public session or sessions of the county
13 board of elections, and at any computation and canvassing of
14 returns of any primary or election and recount of ballots or
15 recanvass of voting machines under the provisions of this act.
16 Such watchers or attorneys may exercise the same rights as
17 watchers at registration and polling places, but the number who
18 may be present at any one time may be limited by the county
19 board to not more than three for each party, political body or
20 body of citizens.

21 (b) Every candidate shall be entitled to be present in
22 person or by attorney in fact duly authorized, and to
23 participate in any proceeding before any county board whenever
24 any matters which may affect his candidacy are being heard,
25 including any computation and canvassing of returns of any
26 primary or election or recount of ballots or recanvass of voting
27 machines affecting his candidacy.

28 (c) Any candidate, attorney or watcher present at any
29 recount of ballots or recanvass of voting machines shall be
30 entitled to examine the ballots or the voting machine and to

1 raise any objections regarding the same, which shall be decided
2 by the county board, subject to appeal, in the manner provided
3 by this act.

4 Section 311. Immunity from Arrest.--Members of county boards
5 of elections, and custodians of voting machines shall be
6 privileged from arrest while performing their duties [as such]
7 under this act, except upon warrant of a court of record or
8 judge thereof, for felony, for wanton breach of the peace or for
9 a criminal violation of this act.

10 ARTICLE IV

11 District Election Officers

12 Section 401. District Election Boards; Election.--All
13 primaries and elections shall be conducted in each election
14 district by a district election board consisting of a judge of
15 election, a majority inspector of election and a minority
16 inspector of election, assisted by clerks and machine inspectors
17 in certain cases, as hereinafter provided. The judge and
18 inspectors of election of each election district shall be
19 elected by the [electors] voters thereof at the municipal
20 election, and shall hold office for a term of four years from
21 the first Monday of January next succeeding their election. Each
22 [elector] voter may vote for one person as judge and for one
23 person as inspector, and the person receiving the highest number
24 of votes for judge shall be declared elected judge of election,
25 the person receiving the highest number of votes for inspector
26 shall be declared elected majority inspector of election, and
27 the person receiving the second highest number of votes for
28 inspector shall be declared elected minority inspector of
29 election.

30 Section 402. Qualifications of Election Officers.--(a)

1 Except as provided in subsection (b), election officers shall be
2 qualified registered [electors] voters of the district in which
3 they are elected or appointed. No person shall be qualified to
4 serve as an election officer who shall hold, or shall within two
5 months have held, any office, appointment or employment in or
6 under the Government of the United States or of this State or of
7 any city or county or poor district, of any municipal board,
8 commission or trust in any city, save only district justices,
9 notaries public and persons in the militia service of the State;
10 nor shall any election officer be eligible to any civil office
11 to be voted for at a primary or election at which he shall
12 serve, except that of an election officer.

13 (b) The county board may appoint students notwithstanding
14 their eligibility to vote to serve as a clerk or machine
15 inspector pursuant to the following:

16 (1) The county board may appoint no more than two students
17 per precinct.

18 (2) The judge of elections shall have direct supervision of
19 the student.

20 (3) The county board may compensate the student.

21 (4) The county board shall comply with all applicable
22 Federal and State laws.

23 (5) The student must at the time of the election for which
24 the student shall serve:

25 (i) be at least seventeen (17) years of age;

26 (ii) be a United States citizen and a resident of the county
27 in which he was appointed to serve;

28 (iii) be enrolled in a secondary educational institution
29 with an exemplary academic record as determined by the
30 educational institution;

1 (iv) be approved by the principal or director of the
2 secondary educational institution; and
3 (v) have obtained the consent of their parent or guardian.
4 (6) The student may not serve as a judge of election or
5 majority or minority inspector.

6 Section 403. Tie Votes for Judge and Inspector.--If at any
7 municipal election in any district there shall be a tie vote for
8 the office of judge of election, the majority inspector of
9 election elected at said election shall decide the tie vote. If
10 at any municipal election in any district there is a tie vote
11 for inspectors, the two candidates who receive the same number
12 of votes shall determine by lot which of them shall be the
13 majority inspector, and the other candidate shall be the
14 minority inspector, and in case of a tie vote also for judge of
15 election at said election, the tie shall be decided by the
16 person so determined to be majority inspector. The county board
17 shall be notified immediately upon the determination of [any
18 such] a tie vote.

19 Section 404. Clerks of Election, Machine Inspectors.--Prior
20 to the opening of the polls at each primary and election in
21 districts in which voting machines are not used, each inspector
22 shall appoint one clerk to serve at such primary or election.
23 One clerk shall be appointed by the minority inspector in each
24 district in which a voting machine or machines are used, and in
25 each district in which more than one voting machine is used, the
26 county board of elections shall, prior to each primary and
27 election, appoint for each additional voting machine to be used
28 in such district, one qualified registered [elector] voter of
29 the county to serve as machine inspector therein for such
30 primary or election. The qualifications of clerks and machine

1 inspectors shall be the same as herein provided for election
2 officers.

3 Section 405. Vacancies in Election Boards; Appointment;
4 Judge and Majority Inspector to Be Members of Majority Party;
5 Minority Inspector to Be Member of Minority Party.--(a)

6 Vacancies in election boards existing by reason of the
7 disqualification, removal, resignation or death of an election
8 officer, or from any other cause, occurring prior to the fifth
9 day before any primary or election, shall, in all cases, be
10 filled by appointment, by the court of the proper county, of
11 competent persons, qualified in accordance with the provisions
12 of this act, who shall serve for the unexpired term of the
13 person whose place he is appointed to fill: Provided, however,
14 That any district election officer who, after his election or
15 appointment, changes his political affiliation, shall not
16 thereby become disqualified to serve on said election board, and
17 shall not thereby be subject to removal. In making such
18 appointments, the court shall receive and consider any petitions
19 filed by qualified [electors] voters of the district affected,
20 and shall make no appointment to fill any vacancy unless notice
21 of the time at which they will make such appointment shall have
22 been posted on the polling place of such district, and in the
23 immediate vicinity thereof, at least five days prior thereto. In
24 the appointment of inspectors in any election district, both
25 shall not be of the same political party at the time of said
26 appointment, but one shall be of the party having the largest
27 number of votes and the other shall be of the party having the
28 second largest number of votes in said district at the last
29 preceding November election, as nearly as the judge or judges
30 can ascertain the fact. The judge of election shall, in all

1 cases of appointment, be of the political party having the
2 majority of votes in said district at the last preceding
3 November election, as nearly as the judge or judges can
4 ascertain the fact. Immediately upon the entry of an order of
5 court filling any vacancy on an election board, the clerk of
6 said court shall forthwith transmit a certified copy of said
7 order to the county board, giving the name and address of said
8 appointee. Notwithstanding any provisions to the contrary, in
9 counties which have adopted home rule charters or optional plans
10 and which appoint the members of the county election board under
11 section 301(b), vacancies in the county board of elections shall
12 be filled consistent with the provisions for appointment of
13 county election board members under that section.

14 (a.1) Vacancies in county boards existing by reason of the
15 disqualification, removal, resignation or death of a clerk or
16 machine inspector appointed pursuant to section 404 or a vacancy
17 of a clerk or machine inspector from any other cause occurring
18 prior to the day of any primary or election may be filled by a
19 student pursuant to section 402(b).

20 (b) The first election board for any new district shall be
21 selected, by the court of the proper county, of competent
22 persons, qualified in accordance with the provisions of this
23 act, who shall serve until the next municipal election at which
24 all election officials are elected under the provisions of
25 section 401.

26 (c) Vacancies in election boards occurring at any time
27 during the five days immediately preceding any primary or
28 election or on the day of the primary or election may be filled
29 by appointment by the county board of elections from a pool of
30 competent persons who are qualified registered [electors] voters

1 of the county and who have been trained by the county to perform
2 the duties of election officers which are required by this act.
3 Any person appointed to fill a vacancy in accordance with this
4 subsection shall serve as a member of the election board on the
5 day of the primary or election only. Any election board position
6 filled in accordance with this subsection shall be deemed vacant
7 on the day immediately following the primary or election and
8 subsequently shall be filled in accordance with subsection (a).

9 Section 406. Election Officers to Be Sworn.--All judges,
10 inspectors, clerks of election and machine inspectors shall,
11 before entering upon their duties at any primary or election, be
12 duly sworn in the presence of each other and of the watchers and
13 overseers, if any. The judge shall first be sworn by the
14 minority inspector or by a magistrate, alderman or [justice of
15 the peace] magisterial district judge, and the inspectors,
16 clerks and machine inspectors shall then be sworn by the judge.
17 Each of them shall forthwith sign in duplicate the oath taken by
18 him upon forms to be furnished by the county board, and the same
19 shall be attested by the officer who administered the oath.

20 Section 407. Oath of Judge of Election.--The following shall
21 be the oath of each judge of election:

22 "I [(John Doe)] (name) do swear (or affirm) that I will as
23 judge duly attend the ensuing election (or primary) during the
24 continuance thereof, and in cooperation with the inspectors,
25 faithfully carry on the same; that I will not give my consent to
26 the admission of any person to vote, except such as I firmly
27 believe to be registered and entitled to vote at such election
28 (or primary), according to the provisions of the Constitution
29 and laws of this Commonwealth, and that I will use my best
30 endeavors to prevent any fraud, deceit or abuse in carrying on

1 the same, and that I will make a true and perfect return of the
2 said election (or primary), and will at all times impartially
3 and faithfully perform my duty respecting the same, to the best
4 of my judgment and ability; and that I am not directly or
5 indirectly interested in any bet or wager on the result of this
6 election (or primary)."

7 Section 408. Oaths of Inspectors of Election.--The following
8 shall be the form of the oath to be taken by each inspector:

9 "I [(John Doe)] (name) do swear (or affirm) that I will as an
10 inspector duly attend the ensuing election (or primary) during
11 the continuance thereof, and that I will not admit any person to
12 vote, except such as I shall firmly believe to be registered and
13 entitled to vote at such election (or primary), according to the
14 provisions of the Constitution and laws of this Commonwealth,
15 that I will not vexatiously delay or refuse to permit any person
16 to vote whom I shall believe to be entitled to vote as
17 aforesaid, that I will make a true and perfect return of the
18 said election (or primary), and that I will in all things truly,
19 impartially and faithfully perform my duties therein, to the
20 best of my judgment and ability; and that I am not directly or
21 indirectly interested in any bet or wager on the result of this
22 election (or primary)."

23 Section 409. Oaths of Clerks of Election.--The following
24 shall be the form of the oath to be taken by each clerk:

25 "I [(John Doe)] (name) do swear (or affirm) that I will as a
26 clerk attend the ensuing election (or primary) during the
27 continuance thereof, that I will carefully and truly record the
28 number of votes that shall be given for each candidate at the
29 election (or primary) as often as his name shall be read to me
30 by the judge or inspectors thereof, and in all things truly and

1 faithfully perform my duty respecting the same to the best of my
2 judgment and ability; and that I am not directly or indirectly
3 interested in any bet or wager on the result of this election
4 (or primary)."

5 Section 410. Oath of Machine Inspectors.--The following
6 shall be the form of the oath to be taken by each machine
7 inspector:

8 "I [(John Doe)] (name) do swear (or affirm) that I will as a
9 machine inspector attend the ensuing election (or primary)
10 during the continuance thereof, that I will in all things truly
11 and faithfully perform my duty respecting the same to the best
12 of my judgment and ability; and that I am not directly or
13 indirectly interested in any bet or wager on the result of this
14 election (or primary)."

15 Section 411. Power of Election Officers to Administer
16 Oaths.--The judge and inspectors of election shall each have the
17 power to administer oaths to any person claiming the right to
18 vote, or to [his] the person's witnesses, or in any matter or
19 thing required to be done or inquired into by them under this
20 act.

21 Section 412.2. Compensation of District Election Officers.--

22 (a) In [all counties] each county regardless of class, the
23 compensation of judges of election, inspectors of election,
24 clerks and machine operators shall be fixed by the county board
25 of elections for each election in accordance with the following:

26	Election Officers	Minimum	Maximum
27		Compensation	Compensation
28	Judges of election	\$75	\$200
29	Inspectors of election	\$75	\$195
30	Clerks and machine operators	\$70	\$195

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

7 (c) The county board of elections may, in its discretion,
8 establish different per diem rates within the minima and maxima
9 provided for in subsection (a) based on the number of votes cast
10 for the following groups:

11 (1) 150 votes or fewer.

12 (2) 151 to 300 votes.

13 (3) 301 to 500 votes.

14 (4) 501 to 750 votes.

15 (5) 751 votes and over.

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

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

24 (f) The person furnishing transportation to the judge of
25 election and the minority inspector in transmitting returns and
26 ballot boxes shall be entitled to a minimum of thirty-five cents
27 (35¢) per circular mile from the polling place to the county
28 court house. The name of such person shall appear on the voucher
29 of the judge of election, and only one person shall receive
30 mileage compensation.

1 (h) When a primary and special election or a special
2 election and a general or municipal election take place on the
3 same date, they shall be construed as one election for the
4 purpose of receiving compensation.

5 (i) Compensation and other payments received by election
6 officials pursuant to this section shall not be deemed income
7 classified and categorized under section 303 of the act of March
8 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

9 Section 413. Election Officers, Clerks, Machine Inspectors,
10 and Overseers Privileged from Arrest.--District election
11 officers, clerks, machine inspectors and overseers shall be
12 privileged from arrest upon days of primaries and elections, and
13 while [engaged in] making up and transmitting returns, except
14 upon the warrant of a court of record, or judge thereof, for an
15 election fraud, for felony, or for wanton breach of the peace.

16 Section 414. Instruction of Election Officers in Voting
17 Machine Districts; Unqualified Officers Not to Serve.--In
18 districts in which voting machines are to be used, the county
19 board of elections, or the custodians appointed by them, shall
20 instruct in the use of the machines, and in their duties in
21 connection therewith, all judges and inspectors of election and
22 machine inspectors who are to serve at the primary or election,
23 and who have not been previously instructed and found qualified,
24 and they shall give to each judge, inspector and machine
25 inspector, who has received such instruction and is found
26 qualified to conduct such primary or election with the voting
27 machine, a certificate to that effect. For the purpose of giving
28 such instructions, the county boards shall call such meeting or
29 meetings of election officers as shall be necessary. Each judge,
30 inspector and machine inspector shall, upon notice, attend such

1 meeting or meetings called for his instruction and receive such
2 instruction as shall be necessary for the proper conduct of the
3 primary or election with voting machines, and, as compensation
4 for the time spent in receiving such instruction, each judge,
5 inspector and machine inspector who shall qualify for and serve
6 at such primary or election, shall receive the sum of five
7 (\$5.00) dollars, to be paid to him at the same time and in the
8 same manner as compensation is paid to him for his services on
9 election day. No judge, inspector or machine inspector shall
10 serve at any primary or election at which a voting machine is
11 used, unless he shall have received such instructions, shall
12 have been found qualified to perform his duties in connection
13 with the machine, and shall have received a certificate to that
14 effect from the county board or one of the custodians appointed
15 by them: Provided, however, That this shall not prevent the
16 appointment of a judge or inspector of election or machine
17 inspector to fill a vacancy arising on the day of election or on
18 the preceding day.

19 Section 415. Overseers of Election.--On the petition of five
20 or more duly registered [electors] voters of any election
21 district, setting forth that the appointment of overseers is a
22 reasonable precaution to secure the purity and fairness of any
23 primary or election in said district, it shall be the duty of
24 the court of common pleas of the proper county, all the law
25 judges of the said court able to act at the time concurring, to
26 appoint two judicious, sober and intelligent [electors] voters
27 of the said district belonging to different political parties,
28 overseers of election to supervise the proceedings of election
29 officers thereof and to make report of the same as they may be
30 required by such court. Said overseers shall be persons

1 qualified to serve upon election boards, but shall not be
2 required to comply with the provisions of section 414 of this
3 act. They shall be sworn or affirmed by the judge of election,
4 to the faithful discharge of their duties, and each shall sign
5 said oath in duplicate, and shall have the right to be present
6 with the officers of such primary or election within the
7 enclosed space during the entire time the same is held, the
8 votes counted, and the returns made out and signed by the
9 election officers; to keep a list of voters if they see proper;
10 to challenge any person offering to vote and interrogate him and
11 his witnesses under oath in regard to his right of suffrage at
12 said primary or election, and to examine his papers produced.
13 Overseers shall sign returns of elections as hereinafter
14 required. Whenever the members of an election board shall differ
15 in opinion, the overseers, if they shall be agreed thereon,
16 shall decide the question of difference.

17 Section 416. Driving away Overseers; Effect.--Election
18 officers are required to afford to said overseers, so selected
19 and appointed, every convenience and facility for the discharge
20 of their duties. If said election officers shall refuse to
21 permit said overseers to be present and to perform their duties,
22 as aforesaid, or if the overseers shall be driven away from the
23 polls by violence or intimidation, all the votes polled in such
24 election district may be rejected by the proper tribunal trying
25 a contest of the said primary or election, or a part or portion
26 of such votes aforesaid may be counted, as such tribunal may
27 deem necessary to a just and proper disposition of the case.

28 Section 417. Appointment of Watchers.--

29 (a) Each candidate for nomination or election at any
30 election shall be entitled to appoint two watchers for each

1 election district in which such candidate is voted for. Each
2 political party and each political body which has nominated
3 candidates in accordance with the provisions of this act, shall
4 be entitled to appoint three watchers at any general, municipal
5 or special election for each election district in which the
6 candidates of such party or political body are to be voted for.
7 Such watchers shall serve without expense to the county.

8 (b) Each watcher so appointed must be a qualified registered
9 [elector] voter of the county in which the election district for
10 which the watcher was appointed is located. Each watcher so
11 appointed shall be authorized to serve in the election district
12 for which the watcher was appointed and, when the watcher is not
13 serving in the election district for which the watcher was
14 appointed, in any other election district in the county in which
15 the watcher is a qualified registered [elector] voter: Provided,
16 That only one watcher for each candidate at primaries, or for
17 each party or political body at general, municipal or special
18 elections, shall be present in the polling place at any one time
19 from the time that the election officers meet prior to the
20 opening of the polls under section 1208 until the time that the
21 counting of votes is complete and the district register and
22 voting check list is locked and sealed, and all watchers in the
23 room shall remain outside the enclosed space. It shall not be a
24 requirement that a watcher be a resident of the election
25 district for which the watcher is appointed. After the close of
26 the polls and while the ballots are being counted or voting
27 machine canvassed, all the watchers shall be permitted to be in
28 the polling place outside the enclosed space. Each watcher shall
29 be provided with a certificate from the county board of
30 elections, stating his name and the name of the candidate, party

1 or political body he represents. Watchers shall be required to
2 show their certificates when requested to do so. Watchers
3 allowed in the polling place under the provisions of this act,
4 shall be permitted to keep a list of voters and shall be
5 entitled to challenge any person making application to vote and
6 to require proof of his qualifications, as provided by this act.
7 During those intervals when voters are not present in the
8 polling place either voting or waiting to vote, the judge of
9 elections shall permit watchers, upon request, to inspect the
10 voting check list and either of the two numbered lists of voters
11 maintained by the county board: Provided, That the watcher shall
12 not mark upon or alter these official election records. The
13 judge of elections shall supervise or delegate the inspection of
14 any requested documents.

15 (c) No candidate or committee of a political party or of a
16 political body, nor any other person or persons shall pay to any
17 watcher compensation in excess of one hundred twenty (\$120.00)
18 dollars per diem.

19 (d) A watcher whose watcher's certificate is destroyed or
20 lost on election day may appear before the court of common pleas
21 under section 1206 and, after swearing under oath or affirmation
22 that the watcher's certificate was destroyed or lost, may
23 immediately receive a replacement watcher's certificate issued
24 by the court.

25 ARTICLE V

26 Election Districts and Polling Places

27 Section 501. Townships, Boroughs and Wards to Constitute
28 Election Districts.--Each borough and township, not divided into
29 wards, and each ward of every city, borough and township now
30 existing or hereafter created, shall constitute a separate

1 election district, unless divided into two or more election
2 districts or formed into one election district, as hereinafter
3 provided.

4 Section 502. Court to Create New Election Districts.--

5 Subject to the provisions of section 501 of this act, the court
6 of common pleas of the county in which the same are located, may
7 form or create new election districts by dividing or redividing
8 any borough, township, ward or election district into two or
9 more election districts of compact and contiguous territory,
10 having boundaries with clearly visible physical features
11 conforming with census block lines from the most recently
12 completed Federal decennial census and wholly contained within
13 any larger district from which any Federal, State, county,
14 municipal or school district officers are elected, or alter the
15 bounds of any election district, or form an election district
16 out of two or more adjacent districts or parts of districts, or
17 consolidate adjoining election districts or form an election
18 district out of two or more adjacent wards, so as to suit the
19 convenience of the [electors] voters and to promote the public
20 interests. Except for good cause shown, election districts so
21 formed shall not contain more than one thousand two hundred
22 (1,200) registered [electors] voters. No election district shall
23 be formed that shall contain less than one hundred (100)
24 registered [electors] voters. When a school district crosses
25 county lines, the regions of the school district shall be
26 composed of contiguous election districts.

27 Section 503. Petitions for New Election Districts; Reference
28 to County Board of Elections; Report.--Upon the petition of
29 twenty registered [electors] voters of any township, borough,
30 ward or election district, to the court of the proper county,

1 praying for the division or redivision of such township,
2 borough, ward or election district into two or more election
3 districts, or for the alteration of the bounds of any election
4 district, or for the formation of one or more election districts
5 out of two or more existing election districts, or parts
6 thereof, or for the consolidation of adjoining election
7 districts, the said court shall refer the said petition to the
8 county board of elections, which shall make a full investigation
9 of the facts, and shall report to the court its findings and
10 recommendations as to the division, redivision, alteration,
11 formation or consolidation of election districts prayed for. If
12 the county board shall find that a division, redivision,
13 alteration, formation or consolidation of election districts
14 will promote the convenience of the [electors] voters and the
15 public interests, it shall recommend a proper division,
16 redivision, alteration, formation or consolidation of election
17 districts, which must have clearly visible physical boundaries
18 conforming with census block lines from the most recently
19 completed Federal decennial census, and shall accompany its
20 report with a map and a verbal description of the boundaries, as
21 well as a certification of the number of [electors] voters
22 registered in each of the resulting election districts for the
23 immediately preceding general or municipal election. Such
24 petitions may specify the boundaries desired by the petitioners,
25 and may be accompanied by a map setting forth such boundaries.
26 When petitioners request specific boundaries, their petition
27 shall include a certification from the county board of elections
28 of the [electors] voters registered in each proposed election
29 district for the immediately preceding general or municipal
30 election.

1 Section 504. Petitions by County Board; Action by Court on
2 Petition or Report.--The county board of elections may also
3 petition the court for the division or redivision of any
4 township, borough, ward or election district into two or more
5 election districts, or for the alteration of the bounds of any
6 election district, or for the formation of one or more election
7 districts out of two or more existing election districts, or
8 parts thereof, or for the consolidation of adjoining election
9 districts, accompanying its petition with a map and a verbal
10 description of the boundaries of the proposed new election
11 districts which must have clearly visible physical features
12 conforming with census block lines from the most recently
13 completed Federal decennial census. The petition must also
14 include a certification of the number of [electors] voters
15 registered in each of the resulting election districts for the
16 immediately preceding general or municipal election. Upon the
17 presentation of any such petition by the county board, or upon
18 the filing by the board of its report and recommendations as to
19 any petition presented by qualified [electors] voters under the
20 provisions of section 503 of this act, the court may make such
21 order for the division, redivision, alteration, formation or
22 consolidation of election districts, as will, in its opinion,
23 promote the convenience of [electors] voters and the public
24 interests: Provided, however, That the court shall not make any
25 final order for the division, redivision, alteration, formation
26 or consolidation of election districts until at least ten days
27 after notice shall have been posted in at least five public and
28 conspicuous places in the district or districts to be affected
29 thereby, one of which notices shall be posted on or in the
30 immediate vicinity of the polling place in each such district.

1 Such notice shall state in brief form the division, redivision,
2 alteration, formation or consolidation of election districts
3 recommended by the county board, the number of [electors] voters
4 registered in each district at the immediately preceding general
5 or municipal election, and the date upon which the same will be
6 considered by the court, and shall contain a warning that any
7 person objecting thereto must file his objections with the clerk
8 of the court prior to such date. Upon the making of any such
9 final order by the court, a copy thereof shall be certified by
10 the clerk to the county board of elections.

11 Section 505. Court in its Order to Appoint Election
12 Officers.--In all cases in which any court shall make a final
13 order for the division, redivision, alteration, formation or
14 consolidation of an election district or districts, said court
15 shall, within a reasonable time thereafter, make an order
16 appointing the district election board or boards for holding
17 elections in said district or districts, until an election board
18 shall have been elected according to law.

19 Section 506. District Boundaries.--In administering
20 elections for the nomination and election of candidates for the
21 United States House of Representatives and the General Assembly,
22 county boards of election shall adhere to the following rule:
23 Where an election district is used in or pursuant to a
24 congressional redistricting statute or the Final Plan of the
25 Legislative Reapportionment Commission to define the boundary of
26 a congressional district or State legislative district, the
27 boundary of such election district shall be the boundary
28 existing and recognized by the Legislative Reapportionment
29 Commission for the adoption of its Final Plan. The boundaries of
30 the congressional districts as established by statute and State

1 legislative districts as set forth in the Final Plan of the
2 Legislative Reapportionment Commission shall remain in full
3 force and effect for use thereafter until the next
4 reapportionment or redistricting as required by law and shall
5 not be deemed to be affected by any action taken pursuant to
6 this article.

7 (b) Polling Places

8 Section 526. Polling Places to Be Selected by County

9 Board.--(a) The county board of elections shall select and fix
10 the polling place within each new election district and may, at
11 any time, for any reason that may seem proper to it, either on
12 its own motion or on petition of ten qualified registered
13 [electors] voters of an election district, change the polling
14 place within any election district. Except in case of an
15 emergency or unavoidable event occurring within twenty days of a
16 primary or election, which renders any polling place unavailable
17 for use at such primary or election, the county board shall not
18 change any polling place until at least five days after notice
19 of the proposed change shall have been posted on the existing
20 polling place and in the immediate vicinity thereof, and until
21 at least five days after written notice of the proposed change
22 shall have been given to the occupant or owner of said polling
23 place, or their agent.

24 (b) Except in case of emergency or unavoidable event,
25 occurring within twenty days of a primary or election, which
26 renders any polling place unavailable for use, if a petition be
27 presented to the county board on or before the day set for
28 hearing of the petition for change of polling place, signed by a
29 majority of the registered [electors] voters of the district,
30 objecting to the proposed change, said change shall not be

1 ordered.

2 (c) The county board of elections shall publicly announce,
3 not less than twenty days prior to the primary election, special
4 election, municipal election or general election, by posting at
5 its office in a conspicuous place, a list of the places at which
6 the election is to be held in the various election districts of
7 the county. The list shall be available for public inspection at
8 the office of the county board of elections.

9 Section 527. Public Buildings to Be Used Where Possible;

10 Portable Polling Places.--(a) In selecting polling places, the
11 county board of elections shall, wherever possible and
12 practicable, select schoolhouses, municipal buildings or rooms,
13 or other public buildings for that purpose. Any board of public
14 education or school directors, or county or the municipal
15 authorities shall, upon request of the county board, make
16 arrangements for the use of school property, or of county or
17 municipal property for polling places. In selecting polling
18 places, the county board of elections shall make every effort to
19 select polling places that provide all [electors] voters with an
20 environment that is free from intimidation and violence.

21 In the event no available public building as contemplated
22 under this section is situated within the boundaries of any
23 election district, the county board of elections may, not less
24 than twenty days prior to any election, designate as the polling
25 place for such election district any such public building
26 situated in another election district within the same or
27 immediately adjacent ward, or, if there are no wards, then
28 within the same borough or township as the case may be, provided
29 such other building is located in an election district which is
30 immediately adjacent to the boundary of the election district

1 for which it is to be the polling place and is directly
2 accessible therefrom by public street or thoroughfare. Two or
3 more polling places may be located in the same public building
4 under this section. A polling place may be selected and
5 designated hereunder less than twenty days prior to any
6 election, with the approval of a court of competent
7 jurisdiction.

8 (b) In the event no available public building as
9 contemplated under subsection (a) is situated within the
10 boundaries of a borough which constitutes a single election
11 district, the county board of elections may, not less than ten
12 days prior to any election, designate as the polling place for
13 such election district a municipal building owned by that
14 borough and located in an adjoining second class township:
15 Provided, That the municipal building which is to serve as the
16 polling place is located in an election district immediately
17 adjacent to the boundary of such borough and is directly
18 accessible from the borough by public street or thoroughfare.
19 Such municipal building may be designated as the polling place
20 for an election less than ten days prior to that election, with
21 the approval of a court of competent jurisdiction.

22 (c) The board, in its discretion, may procure and provide
23 portable or movable polling places of adequate size and
24 facilities for any or all election districts.

25 Section 528. Temporary Polling Places.--If, in any election
26 district, no proper polling place can be obtained, the county
27 board of elections shall cause to be constructed for such
28 district, a temporary room of adequate size to be used as a
29 polling place.

30 Section 529. Polling Places in Buildings or Rooms Where Malt

1 or Brewed Beverages or Liquors Dispensed Prohibited.--(a)
2 Except as provided in subsection (c), no election shall be held
3 in any room where malt or brewed beverages or liquors are
4 dispensed. No malt or brewed beverages or liquors may be served
5 in a building where a polling place is located during the hours
6 that the polling place is open.

7 (b) The polling place [must] shall be accessible from an
8 outside entrance that does not require passageway through the
9 room where malt or brewed beverages or liquors are dispensed.

10 (c) In the case of an establishment licensed as a club under
11 the act of April 12, 1951 (P.L.90, No.21), known as the Liquor
12 Code, which is located in a building with only one room, an
13 election may be held in the room if no malt or brewed beverages
14 or liquors are served during the hours that the polling place is
15 open.

16 Section 529.1. Polling Places in Other Buildings.--No
17 election shall be held in any of the following:

18 (1) A private residence not situated within the boundaries
19 of the election district.

20 (2) A private residence of an elected or appointed party
21 official.

22 (3) A private residence that is not otherwise prohibited
23 under paragraphs (1), (2), (6) and (7), unless the county board
24 of elections certifies in writing and at a public hearing that:

25 (i) the polling place located within the private residence
26 is accessible to persons with disabilities; and

27 (ii) the private residence is a location free of
28 intimidation and harassment.

29 (4) An abandoned building.

30 (5) A vacant lot.

1 (6) An office, building or private residence of a candidate
2 for political office.

3 (7) An office, building or private residence of an elected
4 official.

5 (8) A building utilized by a ward or political party as
6 headquarters.

7 Section 530. Equipment and Arrangement of Polling Places;
8 Guard Rail; Number of Voting Compartments or Voting Machines.--

9 (a) The county board of elections shall cause all rooms used
10 as polling places to be suitably provided with heat and light,
11 and, in districts in which ballots are used, with a sufficient
12 number of voting compartments or booths with proper supplies, in
13 which [electors] voters may conveniently mark their ballots,
14 with a curtain, screen or door in the upper part of the front of
15 each compartment or booth so that in the marking thereof they
16 may be screened from the observation of others. Every polling
17 place shall consist of a single room, every part of which is
18 within the unobstructed view of those present therein, and shall
19 be furnished with a guard rail or barrier enclosing the inner
20 portion of the said room, which guard rail or barrier shall be
21 so constructed and placed that only such persons as are inside
22 said rail or barrier can approach within six feet of the ballot
23 box and voting compartments, or booths, or voting machines, as
24 the case may be. The ballot box and voting compartments or
25 booths shall be so arranged in the voting room within the
26 enclosed space as to be in full view of those persons in the
27 room outside the said guard rail or barrier. The voting machine
28 or machines shall be so placed in the voting room within the
29 enclosed space that, unless its construction shall otherwise
30 require, the ballot labels on the face of the machine can be

1 plainly seen by the election officers, overseers and watchers
2 when the machine is not occupied by [an elector] a voter.

3 (b) The number of voting compartments to be furnished to
4 each polling place shall not be less than one for every two
5 hundred (200) registered qualified [electors] voters, or
6 fraction thereof, in the election district. The number of voting
7 machines to be furnished to polling places in which voting
8 machines are used shall be not more than one machine for each
9 three hundred and fifty (350) registered [electors] voters, or
10 fraction thereof, nor less than one machine for each six hundred
11 (600) registered [electors] voters, or fraction thereof, in such
12 election district: Provided, however, That the court of common
13 pleas having jurisdiction, upon petition presented by either the
14 county election board or by ten (10) or more registered
15 qualified [electors] voters of an election district, may order
16 that additional voting machines or voting compartments be
17 provided for any such election district if the court shall be of
18 the opinion that such additional voting machines or voting
19 compartments shall be necessary in such district for the
20 convenience of the [electors] voters and the public interests.
21 The county shall provide equal distribution of voting machines
22 or voting compartments in election districts containing a
23 similar number of [electors] voters.

24 (c) The county board may make such arrangements as it deems
25 proper for the storage of election equipment in the various
26 election districts of the county at such times of the year that
27 it will not be used for election purposes, and may fix
28 reasonable compensation therefor.

29 Section 531. Compensation for Rent, Heat and Light.--(a)
30 The county board of elections shall fix the compensation for

1 rent, heat, light and janitorial services to be paid for the use
2 of polling places other than public buildings for primaries and
3 elections.

4 (b) No compensation for rent, heat, water, custodial
5 service, janitorial services, other services[,] or light shall
6 be paid in the case of municipal buildings or rooms, or other
7 public buildings used as polling places and as limited voter
8 registration centers.

9 (c) No compensation for rent, heat, water, or light shall be
10 paid in the case of schoolhouses, but the county board of
11 elections shall fix the compensation for custodial services and
12 janitorial services for schoolhouses used as polling places or
13 as limited voter registration centers.

14 (c) Creation, Division, Realignment and
15 Consolidation of Wards in Cities of the First Class
16 Section 532. Wards in Cities of the First Class May be
17 Created, Divided, Realigned, or Consolidated.--

18 (a) Wards in a city of the first class may be created,
19 divided, realigned or consolidated, along clearly visible
20 physical boundaries conforming with census block lines from the
21 most recently completed Federal decennial census, by the court
22 of common pleas of the county in which said city is located,
23 upon application thereto for those purposes by the petition of
24 at least a total of one hundred qualified [electors] voters from
25 the ward or wards sought to be affected, or of the council of
26 such city.

27 (b) Upon such petition, the said court shall appoint five
28 impartial persons as a commission to inquire into and consider
29 the merits of said petition, by such procedure as said court
30 shall direct, to inspect the ward or wards sought to be

1 affected, and to prepare a plan of the ward or wards proposed to
2 be created, divided, realigned or consolidated.

3 (c) Said commission shall submit its report and plan within
4 such time as shall be fixed by the said court.

5 (d) Unless at least four of said commissioners report
6 favorably upon said petition and agree upon an implementing
7 plan, said petition shall be dismissed by said court and the
8 subject or subjects of said petition shall not be reconsidered
9 for at least two years from the date of such dismissal.

10 (e) No final plan shall be entered until at least ten days
11 after notice to the [electors] voters in the wards to be
12 affected thereby. Such notice shall be in the manner, form and
13 means directed by the commission, shall state the date of
14 consideration by the commission and shall contain a warning that
15 all objections to said report and plan must be set forth in
16 writing and filed with the commission prior to such date.

17 (f) On or after such given date, the commission shall
18 prepare a final plan which will best serve the public interest,
19 shall number the new ward or wards and shall cause a certified
20 copy of the whole proceedings to be placed of record among the
21 minutes of the city council and with the Mayor of said city.

22 (g) In the event that any final plan shall affect less than
23 fifty (50) per centum of the wards in existence prior to the
24 preparation of said plan, the city council, upon receipt of said
25 plan from the commission, shall cause the same to be placed upon
26 the ballot for the purpose of approval or rejection by vote of
27 the qualified [electors] voters of the ward or wards divided,
28 created, consolidated or realigned by said plan at the primary
29 election next following the preparation of said plan.

30 (h) In the event that any final plan shall affect fifty (50)

1 per centum or more of the wards in existence prior to the
2 preparation of said plan, the city council upon receipt of said
3 plan from the commission, shall cause the same to be placed upon
4 the ballot for the purpose of approval or rejection by vote of
5 the qualified [electors] voters of the city at the primary
6 election next following the preparation of said plan.

7 (i) No plan dividing, creating, consolidating or realigning
8 any ward shall be valid or take effect unless approved by the
9 vote of the qualified [electors] voters as provided by
10 subsections (g) or (h) of this act, whichever is applicable.

11 (j) Upon the appointment of said commission, it shall
12 prepare and submit to the said court, for consideration and
13 approval, a proposed budget of the expenses involved in
14 connection with its duties and functions. After the filing of
15 its report, the commission shall prepare and submit to said
16 court for consideration and approval, its request for allowance
17 of fees and any supplemental expenses. Upon approval of these
18 items, said court shall enter an order directing payment by said
19 city.

20 (d) Election District Alteration
21 and Data Reporting

22 Section 535. Definitions.--The following words and phrases
23 when used in this subdivision shall have the following meanings
24 unless otherwise clearly apparent from the context:

25 [The word "bureau" shall mean the] "Bureau." The Bureau of
26 Commissions, Elections and Legislation of the Department of
27 State.

28 [The word "secretary" shall mean the] "Secretary." The
29 Secretary of the Commonwealth.

30 Section 536. Restrictions on Alteration.--(a) Except as

1 provided in subsection (b), there shall be no power to
2 establish, abolish, divide, consolidate or alter in any manner
3 an election district during the period July 15, 2009, through
4 November 30, 2012, or through resolution of all judicial appeals
5 to the 2012 Congressional Redistricting Plan, whichever occurs
6 later.

7 (b) During the period from July 15, 2009, through December
8 31, 2010, an election district may be divided or election
9 districts may be combined if the following are met:

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

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

19 (c) If an alteration of an election district under
20 subsection (b) is sought, the following shall apply:

21 (1) The county board of elections shall notify the
22 secretary, in writing, of the proposed alteration. The notice
23 shall include a map and a description of the proposed boundary
24 of any new or altered district or districts. The secretary shall
25 forward a copy of any notice of proposed alteration to the
26 Legislative Data Processing Center within seven (7) days of
27 receipt.

28 (2) Before a county board of elections may petition the
29 court for a change in the boundary of an election district under
30 this section, the secretary must make a determination that the

1 board has complied with subsection (b). Any of the following
2 constitute evidence of the determination under this clause:

3 (i) A certification by the secretary that the determination
4 has been made.

5 (ii) A certification by the board that notice under this
6 clause has been given to the secretary and that the secretary
7 has not acted within forty-five (45) days of the notice.

8 (3) The board shall forward a copy of the order approving
9 any alteration to the secretary and the Legislative Data
10 Processing Center within seven (7) days of the issuance of that
11 order.

12 Section 537. Alterations After Period of Restriction.--(a)
13 Unless otherwise provided in this act, an election district may
14 be established, abolished, divided, consolidated or altered if
15 the boundary of each resulting district is composed entirely of
16 clearly visible physical features conforming with census block
17 lines from the most recently completed Federal decennial census.

18 (b) Within thirty (30) days of an alteration under
19 subsection (a), the county board of elections shall submit to
20 the bureau a report, including a map and a verbal description,
21 of the boundaries of each resulting district.

22 (c) The bureau shall review each report submitted under
23 subsection (b) to determine whether the boundaries of all
24 resulting election districts included in the report comply with
25 the requirements of subsection (a). If the bureau determines
26 that the boundaries of any resulting election district included
27 in the report do not comply with the requirements of subsection
28 (a), the bureau shall send written notice of this determination
29 to the county board of elections within thirty (30) days of
30 receipt of the report. Within sixty (60) days of receipt of the

1 notice, the county board shall submit a subsequent report
2 regarding the election district or districts named in the
3 bureau's notice, indicating that changes have been made to the
4 boundaries of each such election district so as to comply with
5 the requirements of subsection (a). If the county board fails to
6 submit a subsequent report indicating that changes have been
7 made to the boundaries of each such election district so as to
8 comply with the requirements of subsection (a), the Department
9 of State shall withhold any reimbursements owed to the county
10 board under section 305 until the bureau receives the report.

11 Section 538. Reports.--(a) Within six (6) months of the
12 effective date of this subdivision, each county board of
13 elections shall submit to the bureau a report, including maps
14 and verbal descriptions, of the boundaries of every election
15 district within the county. All reports filed under section 536
16 or 537 shall be filed as amendments to this initial report.

17 (b) The bureau shall retain at all times the reports of the
18 current boundaries of all election districts, including maps and
19 verbal descriptions. Copies of such reports shall be made
20 available to the General Assembly, on request, and to the public
21 for a fee, as established by the department.

22 Section 539. Election Results; Registration.--In addition to
23 any other reports, returns or certifications required by any
24 other law, within thirty (30) days after a primary, municipal,
25 special or general election, the county board of elections shall
26 submit to the bureau a report stating the total number of votes
27 cast in each voting district for each candidate for the
28 following offices:

29 (1) A Statewide office.

30 (2) State Senator.

1 (3) State Representative.

2 (4) United States Representative.

3 Section 540. Regulations.--The secretary may promulgate
4 regulations to administer this subdivision.

5 Section 3. Sections 605, 626 and 630.1 of the act are
6 amended to read:

7 Section 605. Elections on Proposed Constitutional
8 Amendments.--Unless the General Assembly shall prescribe
9 otherwise with respect to any particular proposed amendment or
10 amendments and the manner and time of submitting to the
11 qualified [electors] voters of the State any proposed amendment
12 or amendments to the Constitution for the purpose of
13 ascertaining whether the same shall be approved by a majority of
14 those voting thereon, the said amendment or amendments which
15 have heretofore, or which may hereafter be proposed, and which
16 have not been submitted to the qualified [electors] voters of
17 the State, shall be submitted to the qualified [electors] voters
18 of the State for the purpose aforesaid, at the first municipal
19 or general election at which such amendment or amendments may be
20 legally submitted to the [electors] voters, which election shall
21 occur at least three months after the date upon which such
22 proposed amendment or amendments shall have been agreed to for
23 the second time by a majority of the members elected to each
24 house of the General Assembly, as provided in Article Eighteen,
25 section one of the Constitution. Said election shall be
26 conducted on said election day in the manner prescribed by the
27 provisions of this act. Such proposed constitutional amendments
28 shall be printed on the ballots or ballot labels in brief form
29 to be determined by the Secretary of the Commonwealth with the
30 approval of the Attorney General.

1 Section 626. Special Elections for United States Senator;
2 Nominations.--Whenever a vacancy shall occur in the office of
3 United States Senator, said vacancy shall be filled for the
4 unexpired term by the vote of the [electors] voters of the State
5 at a special election to be held at the time of the next general
6 or municipal election, occurring at least ninety (90) days after
7 the happening of such vacancy, and it shall be the duty of the
8 Governor to issue writs of election to the various county boards
9 of elections and to the Secretary of the Commonwealth within ten
10 (10) days after the happening of said vacancy. Candidates to
11 fill vacancies in the office of United States Senator shall be
12 nominated by political parties, in accordance with the party
13 rules relating to the filling of vacancies, by means of
14 nomination certificates, in the form prescribed in section 630
15 of this act; and by political bodies, by means of nomination
16 papers, in accordance with the provisions of sections 951, 952
17 and 954 of this act. Said nomination certificates and nomination
18 papers shall be filed in the office of the Secretary of the
19 Commonwealth at least sixty (60) days prior to the date of said
20 special election. Until such time as said vacancy shall be
21 filled by an election as herein provided, the Governor of the
22 Commonwealth may make a temporary appointment to fill said
23 vacancy.

24 Section 630.1. Affidavits of Candidates.--Each candidate for
25 any State, county, city, borough, incorporated town, township,
26 school district or poor district office, or for the office of
27 United States Senator or Representative in Congress, selected as
28 provided in section 630 of this act, shall file with the
29 nomination certificate an affidavit stating--(a) his residence,
30 with street and number, if any, and his post-office address; (b)

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

19 Section 4. Article VII of the act is reenacted and amended
20 to read:

21 ARTICLE VII

22 Qualifications of [Electors] Voters

23 Section 701. Qualifications of [Electors] Voters.--Every
24 citizen of this Commonwealth eighteen years of age, possessing
25 the following qualifications, shall be entitled to vote at all
26 elections, provided he or she has complied with the provisions
27 of the acts requiring and regulating the registration of
28 [electors] voters:

29 (1) He or she shall have been a citizen of the United States
30 at least one month.

1 (2) He or she shall have resided in the State ninety days
2 immediately preceding the election.

3 (3) He or she shall have resided in the election district
4 where he or she shall offer to vote at least thirty days
5 immediately preceding the election, except that if qualified to
6 vote in an election district prior to removal of residence, he
7 or she may, if a resident of Pennsylvania, vote in the election
8 district from which he or she removed his or her residence
9 within thirty days preceding the election.

10 Section 702. Qualifications of [Electors] Voters at
11 Primaries.--The qualifications of [electors] voters entitled to
12 vote at primaries shall be the same as the qualifications of
13 [electors] voters entitled to vote at elections within the
14 election district where the primary is held, provided that no
15 [elector] voter who is not registered and enrolled as a member
16 of a political party, in accordance with the provisions of this
17 act, shall be permitted to vote the ballot of such party or any
18 other party ballot at any primary.

19 Section 703. Residence of [Electors] Voters.--For the
20 purpose of registration and voting, no person shall be deemed to
21 have gained a residence by reason of his presence, or lost it by
22 reason of his absence, while employed in the service, either
23 civil or military, of this State or of the United States, nor
24 while engaged in the navigation of the waters of the State or of
25 the United States, or on the high seas, nor while a student of
26 any institution of learning, nor while kept in any poorhouse or
27 other asylum at public expense, nor while confined in public
28 prison, except that any veteran who resides in a home for
29 disabled and indigent soldiers and sailors, operated and
30 maintained by the Commonwealth of Pennsylvania, and who

1 possesses all the qualifications for voting, may gain a
2 residence for registration and voting at the home for disabled
3 and indigent soldiers and sailors. The provisions of this
4 amendment shall not be construed to affect the voting rights of
5 bedridden or hospitalized veterans who choose to vote as
6 absentee [electors] voters by the use of veteran's official
7 ballots.

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

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

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

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

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

29 (e) If a person removes to another state with the intention
30 of making such state his permanent residence, he shall be

1 considered to have lost his residence in this State.

2 (f) If a person removes to another state with the intention
3 of remaining there an indefinite time and making such state his
4 place of residence, he shall be considered to have lost his
5 residence in this State, notwithstanding he may entertain an
6 intention to return at some indefinite future period.

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

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

16 Section 5. Sections 801, 802, 810, 902, 905, 907, 908, 909,
17 910, 912.1, 912.2(b), 913(a) and (b.1), 922, 951, 952, 953(a),
18 976, 977, 978.1, 979, 981.1, 984, 993, 994 and 998(a) and (b) of
19 the act are amended to read:

20 Section 801. Definition of Political Parties and Political
21 Bodies.--

22 (a) Any party or political body, one of whose candidates at
23 the general election next preceding the primary polled in each
24 of at least ten counties of the State not less than two per
25 centum of the largest entire vote cast in each of said counties
26 for any elected candidate, and polled a total vote in the State
27 equal to at least two per centum of the largest entire vote cast
28 in the State for any elected candidate, is hereby declared to be
29 a political party within the State, and shall nominate all its
30 candidates for any of the offices provided for in this act, and

1 shall elect its delegates and alternate delegates to the
2 National convention as party rules provide. State committee
3 members, and also such party officers, including members of the
4 National committee, as its rules provide, shall be elected by a
5 vote of the party [electors] voters, in accordance with the
6 provisions of this act and party rules.

7 (b) Any party or political body, one of whose candidates at
8 either the general or municipal election preceding the primary
9 polled at least five per centum of the largest entire vote cast
10 for any elected candidate in any county, is hereby declared to
11 be a political party within said county; and shall nominate all
12 its candidates for office in such county and in all political
13 districts within said county, or of which said county forms a
14 part, and shall elect such party officers as its rules provide
15 shall be elected therein, by a vote of the party [electors]
16 voters, in accordance with the provisions of this act.

17 (c) Any political body which is not a political party, as
18 hereinabove defined, but which has nominated candidates for such
19 general or municipal election by nomination papers in the manner
20 provided by this act, shall be deemed to be a political body
21 within the meaning of this act, but such political body shall
22 not be entitled to nominate its candidates or elect its party
23 officers at primaries held under the provisions of this act.

24 (d) Provided, however, That the words "political party" and
25 the words "political body", as hereinabove defined, shall not
26 include any political party, political organization or political
27 body composed of a group of [electors] voters, whose purposes or
28 aims, or one of whose purposes or aims, is the establishment,
29 control, conduct, seizure or overthrow of the Government of the
30 Commonwealth of Pennsylvania or the United States of America by

1 the use of force, violence, military measures, or threats of one
2 or more of the foregoing.

3 Section 802. Only Enrolled [Electors] Voters to Vote at
4 Primaries or Hold Party Offices.--No person who is not
5 registered and enrolled as a member of a political party shall
6 be entitled to vote at any primary of such party or to be
7 elected or serve as a party officer, or a member or officer of
8 any party committee, or delegate or alternate delegate to any
9 party convention.

10 Section 810. Who Shall Be Declared Elected Members of
11 National or State Committee and Party Offices.--Candidates of
12 the various political parties for the office of member of the
13 State committee, or for the office of member of the National
14 committee, in cases where the rules of the party provide that
15 such office shall be filled by a vote of the party [electors]
16 voters, who receive a plurality of the votes of the party
17 [electors] voters at a primary, shall be the duly elected
18 members of the State or National committee, as the case may be,
19 of their respective parties. Candidates for other party offices,
20 who receive a plurality of the votes of the party [electors]
21 voters at a primary, shall be the party officers of their
22 respective parties.

23 Section 902. Candidates to Be Nominated and Party Officers
24 to Be Elected at Primaries.--All candidates of political
25 parties, as defined in section 801 of this act, for the offices
26 of United States Senator, Representative in Congress and for all
27 other elective public offices within this State, except that of
28 presidential electors, shall be nominated, and party delegates
29 and alternate delegates, committeemen and officers who, under
30 the provisions of Article VIII of this act or under the party

1 rules, are required to be elected by the party [electors]
2 voters, shall be elected at primaries held in accordance with
3 the provisions of this act, except as otherwise provided in this
4 act. In the years when candidates for the office of President of
5 the United States are to be nominated, every registered and
6 enrolled member of a political party shall have the opportunity
7 at the Spring primary in such years to vote his preference for
8 one person to be the candidate of his political party for
9 President.

10 Section 905. Secretary of the Commonwealth to Notify County
11 Board of Certain Nominations to Be Made.--On or before the
12 thirteenth Tuesday preceding each primary, the Secretary of the
13 Commonwealth shall send to the county board of each county a
14 written notice designating all the offices for which candidates
15 are to be nominated therein, or in any district of which such
16 county forms a part, or in the State at large, at the ensuing
17 primary, and for the nomination to which candidates are required
18 to file nomination petitions in the office of the Secretary of
19 the Commonwealth, including that of President of the United
20 States; and shall also in said notice set forth the number of
21 presidential electors, United States Senators, Representatives
22 in Congress and State officers, including senators,
23 representatives and judges of courts of record, to be elected at
24 the succeeding November election by a vote of the [electors]
25 voters of the State at large, or by a vote of the [electors]
26 voters of the county, or of any district therein, or of any
27 district of which such county forms a part.

28 Section 907. Nomination Petitions to Be Filed.--The names of
29 candidates for nomination as President of the United States, and
30 the names of all other candidates for party nominations, and for

1 election as delegates, alternate delegates, members of
2 committees and other party officers, shall be printed upon the
3 official primary ballots or ballot labels of a designated party,
4 upon the filing of separate nomination petitions in their
5 behalf, in form prescribed by the Secretary of the Commonwealth,
6 signed by duly registered and enrolled members of such party who
7 are qualified [electors] voters of the State, or of the
8 political district, as the case may be, within which the
9 nomination is to be made or election is to be held. Nomination
10 petitions of delegates and alternate delegates to National
11 conventions committed to support a particular presidential
12 candidate must be signed by the particular presidential
13 candidate to whom support is pledged before it can be certified
14 by the Secretary of the Commonwealth. The name of no candidate
15 shall be placed upon the official ballots or ballot labels of a
16 political party to be used at any primary, unless such petition
17 shall have been filed in his behalf. In no event shall any
18 person's name be printed upon the official ballots or ballot
19 labels of any party for the office of delegate, alternate
20 delegate, member of committee or other party officer, unless he
21 is a duly registered and enrolled member of said party.

22 Section 908. Manner of Signing Nomination Petitions; Time of
23 Circulating.--Each signer of a nomination petition shall sign
24 but one such petition for each office to be filled, and shall
25 declare therein that he is a registered and enrolled member of
26 the party designated in such petition: Provided, however, That
27 where there are to be elected two or more persons to the same
28 office, each signer may sign petitions for as many candidates
29 for such office as, and no more than, he could vote for at the
30 succeeding election. He shall also declare therein that he is a

1 qualified [elector] voter of the county therein named, and in
2 case the nomination is not to be made or candidates are not to
3 be elected by the [electors] voters of the State at large, of
4 the political district therein named, in which the nomination is
5 to be made or the election is to be held. He shall add his
6 residence, giving city, borough or township, with street and
7 number, if any, and shall legibly print his name and add the
8 date of signing, expressed in words or numbers: Provided,
9 however, That if the said political district named in the
10 petition lies wholly within any city, borough or township, or is
11 coextensive with same, it shall not be necessary for any signer
12 of a nomination petition to state therein the city, borough or
13 township of his residence. No nomination petition shall be
14 circulated prior to the thirteenth Tuesday before the primary,
15 and no signature shall be counted unless it bears a date affixed
16 not earlier than the thirteenth Tuesday nor later than the tenth
17 Tuesday prior to the primary.

18 Section 909. Petition May Consist of Several Sheets;
19 Affidavit of Circulator.--Said nomination petition may be on one
20 or more sheets, and different sheets must be used for signers
21 resident in different counties. If more than one sheet is used,
22 they shall be bound together when offered for filing if they are
23 intended to constitute one petition, and each sheet shall be
24 numbered consecutively beginning with number one, at the foot of
25 each page. In cases of petitions for delegate or alternate
26 delegate to National conventions, each sheet shall contain a
27 notation indicating the presidential candidate to whom he is
28 committed or the term "uncommitted." Each sheet shall have
29 appended thereto the affidavit of the circulator of each sheet,
30 setting forth--(a) that he or she is a qualified [elector] voter

1 duly registered and enrolled as a member of the designated party
2 of the State, or of the political district, as the case may be,
3 referred to in said petition, unless said petition relates to
4 the nomination of a candidate for a court of common pleas, for
5 the Philadelphia Municipal Court or for the Traffic Court of
6 Philadelphia or for [justice of the peace] magisterial district
7 judge, in which event the circulator need not be a duly
8 registered and enrolled member of the designated party; (b) his
9 residence, giving city, borough or township, with street and
10 number, if any; (c) that the signers thereto signed with full
11 knowledge of the contents of the petition; (d) that their
12 respective residences are correctly stated therein; (e) that
13 they all reside in the county named in the affidavit; (f) that
14 each signed on the date set opposite his name; and (g) that, to
15 the best of affiant's knowledge and belief, the signers are
16 qualified [electors] voters and duly registered and enrolled
17 members of the designated party of the State, or of the
18 political district, as the case may be.

19 Section 910. Affidavits of Candidates.--Each candidate for
20 any State, county, city, borough, incorporated town, township,
21 ward, school district, poor district, election district, party
22 office, party delegate or alternate, or for the office of United
23 States Senator or Representative in Congress, shall file with
24 his nomination petition his affidavit stating--(a) his
25 residence, with street and number, if any, and his post-office
26 address; (b) his election district, giving city, borough, town
27 or township; (c) the name of the office for which he consents to
28 be a candidate; (d) that he is eligible for such office; (e)
29 that he will not knowingly violate any provision of this act, or
30 of any law regulating and limiting nomination and election

1 expenses and prohibiting corrupt practices in connection
2 therewith; (f) unless he is a candidate for judge of a court of
3 common pleas, the Philadelphia Municipal Court or the Traffic
4 Court of Philadelphia, or for the office of school director in a
5 district where that office is elective or for the office of
6 [justice of the peace] magisterial district judge that he is not
7 a candidate for nomination for the same office of any party
8 other than the one designated in such petition; (g) if he is a
9 candidate for a delegate, or alternate delegate, member of State
10 committee, National committee or party officer, that he is a
11 registered and enrolled member of the designated party; (h) if
12 he is a candidate for delegate or alternate delegate the
13 presidential candidate to whom he is committed or the term
14 "uncommitted"; (i) that he is aware of the provisions of section
15 1626 of this act requiring pre-election and post-election
16 reporting of campaign contributions and expenditures; and (j)
17 that he is not a candidate for an office which he already holds,
18 the term of which is not set to expire in the same year as the
19 office subject to the affidavit. In cases of petitions for
20 delegate and alternate delegate to National conventions, the
21 candidate's affidavit shall state that his signature to the
22 delegate's statement, as hereinafter set forth, if such
23 statement is signed by said candidate, was affixed to the sheet
24 or sheets of said petition prior to the circulation of same. In
25 the case of a candidate for nomination as President of the
26 United States, it shall not be necessary for such candidate to
27 file the affidavit required in this section to be filed by
28 candidates, but the post-office address of such candidate shall
29 be stated in such nomination petition.

30 Section 912.1. Number of Signers Required for Nomination

1 Petitions of Candidates at Primaries.--Candidates for nomination
2 of offices as listed below shall present a nominating petition
3 containing at least as many valid signatures of registered and
4 enrolled members of the proper party as listed below:

5 (1) President of the United States: Two thousand.

6 (2) United States Senate: Two thousand.

7 (3) Governor: Two thousand including at least one hundred
8 from each of at least ten counties.

9 (4) Lieutenant Governor: One thousand including at least one
10 hundred from each of at least five counties.

11 (5) Treasurer: One thousand including at least one hundred
12 from each of at least five counties.

13 (6) Auditor General: One thousand including at least one
14 hundred from each of at least five counties.

15 (7) Attorney General: One thousand including at least one
16 hundred from each of at least five counties.

17 (8) Justice of the Supreme Court: One thousand including at
18 least one hundred from each of at least five counties.

19 (9) Judge of the Superior Court: One thousand including at
20 least one hundred from each of at least five counties.

21 (10) Judge of the Commonwealth Court: One thousand including
22 at least one hundred from each of at least five counties.

23 (11) For any other office to be filled by the vote of the
24 [electors] voters of the State at large or for any other party
25 office to be elected by the [electors] voters of the State at
26 large: One thousand including at least one hundred from each of
27 at least five counties.

28 (12) Representative in Congress: One thousand.

29 (13) Senator in the General Assembly: Five hundred.

30 (14) Representative in the General Assembly: Three hundred.

1 (15) Public or party offices to be filled by a vote of the
2 [electors] voters in counties of the first class at large: One
3 thousand.

4 (16) Public or party offices to be filled by a vote of the
5 [electors] voters in counties of the second class at large: Five
6 hundred.

7 (17) Public or party offices to be filled by a vote of the
8 [electors] voters in cities of the first class at large: One
9 thousand.

10 (18) Public or party offices to be filled by a vote of the
11 [electors] voters in counties of the second class A at large:
12 Two hundred fifty.

13 (19) Public or party offices to be filled by a vote of the
14 [electors] voters in counties of the third class at large: Two
15 hundred fifty.

16 (20) Public or party offices to be filled by a vote of the
17 [electors] voters in counties of the fourth class at large: Two
18 hundred fifty.

19 (21) Public or party offices to be filled by a vote of the
20 [electors] voters in cities of the second class at large: Two
21 hundred fifty.

22 (22) Public or party offices to be filled by a vote of the
23 [electors] voters in cities of the second class A at large: One
24 hundred.

25 (23) Public or party offices to be filled by a vote of the
26 [electors] voters in cities of the third class at large: One
27 hundred.

28 (24) Public or party offices to be filled by a vote of the
29 [electors] voters in counties of the fifth class at large: One
30 hundred.

1 (25) Public or party offices to be filled by a vote of the
2 [electors] voters in counties of the sixth class at large: One
3 hundred.

4 (26) Public or party offices to be filled by a vote of the
5 [electors] voters in counties of the seventh class at large: One
6 hundred.

7 (27) Public or party offices to be filled by a vote of the
8 [electors] voters in counties of the eighth class at large: One
9 hundred.

10 (28) Office of judge of any court of record other than a
11 Statewide court or a court in a county of the first or second
12 class: Two hundred fifty.

13 (29) District delegate or alternate district delegate to a
14 National party convention: Two hundred fifty.

15 (30) Member of State committee: One hundred.

16 (31) Office of district council member in a city of the
17 first class: Seven hundred fifty.

18 (31.1) Office of district council member in a city of the
19 second class: One hundred.

20 (32) Office of [district justice] magisterial district
21 judge: One hundred.

22 (33) Office of judge of election: Ten.

23 (34) Inspector of elections: Five.

24 (35) All other public and party offices: Ten.

25 Section 912.2. Nominations by Minor Political Parties.--* *

26 *

27 (b) All nomination papers circulated and filed pursuant to
28 this section shall specify--(1) the name or appellation of the
29 minor political party which the candidates nominated thereby
30 represent and, in the case of [electors] voters for President

1 and Vice President of the United States, the names of the
2 candidates for President and Vice President of such minor
3 political party; (2) the name of each candidate nominated
4 therein, his profession, business or occupation, if any, and his
5 place of residence with street and number, if any; and (3) the
6 office for which such candidate is nominated. No words shall be
7 used in any nomination paper to designate the name or
8 appellation of the minor political party represented by the
9 candidate's name in such nomination paper which are identical
10 with or deceptively similar to the words used for a like purpose
11 by any minor political party which has already filed nomination
12 papers for the same office. Any petition to set aside a
13 nomination paper on account of the name or appellation used
14 therein, or involving the right of the signers thereof to use
15 such name or appellation, or on any other account, shall be
16 decided as in the case of other petitions to set aside
17 nomination papers, in the manner provided by this article.

18 * * *

19 Section 913. Place and Time of Filing Nomination Petitions;
20 Filing Fees.--(a) Nomination petitions in the case of
21 candidates for the office of President of the United States,
22 United States Senator, Representative in Congress and for all
23 State offices, including senators, representatives and judges of
24 courts of record, for the office of delegate or alternate
25 delegate to National party conventions, and for the office of a
26 member of a State or National committee, shall be filed with the
27 Secretary of the Commonwealth. Nomination petitions in all other
28 cases shall be filed with the county boards of election of the
29 respective counties. Nomination petitions for candidates for any
30 office to be voted for by the [electors] voters of any city,

1 borough, township, ward or school district which is situate in
2 two or more counties, shall be filed with the county board of
3 the county in which the major number of the registered
4 [electors] voters of such city, borough, township, ward or
5 school district reside. Immediately after the last day for such
6 candidates to withdraw and after they have cast lots for their
7 position on the ballots or ballot labels, the said county board
8 shall certify to the county board of each other county involved
9 a list of the names, addresses and occupations of the candidates
10 so filing nomination petitions for each party, together with the
11 order in which their names are to appear upon the primary
12 ballots or ballot labels, and such other county board shall
13 prepare the primary ballots or ballot labels to be used in the
14 portion of such city, borough, township, ward or school district
15 situate in such county accordingly.

16 (b.1) Each person filing any nomination petition shall pay
17 for each petition, at the time of filing, a filing fee to be
18 determined as follows, and no nomination petition shall be
19 accepted or filed, unless and until such filing fee is paid by a
20 certified check or money order or also by cash when filed with
21 the county board. All moneys paid on account of filing fees
22 shall be transmitted by the county board to the county treasurer
23 and shall become part of the General Fund. Certified checks or
24 money orders in payment of filing fees shall be made payable to
25 the Commonwealth of Pennsylvania or to the county, as the case
26 may be, and shall be transmitted to the State Treasurer or to
27 the county treasurer and shall become part of the General Fund.

28 1. If for the office of President of the United States, or
29 for any public office to be filled by the [electors] voters of
30 the State at large, the sum of two hundred dollars (\$200.00).

1 2. If for the office of Representative in Congress, the sum
2 of one hundred fifty dollars (\$150.00).

3 3. If for the office of judge of a court of record,
4 excepting judges to be voted for by the [electors] voters of the
5 State at large, the sum of one hundred dollars (\$100.00).

6 4. If for the offices of Senator or Representative in the
7 General Assembly, for any office to be filled by the [electors]
8 voters of an entire county, for the office of district
9 councilman in a city of the first class and for any office other
10 than school district office to be filled by the [electors]
11 voters of an entire city, the sum of one hundred dollars
12 (\$100.00), except as provided in paragraph 4.1.

13 4.1. If for nonschool board offices for any third class city
14 official, the sum of twenty-five dollars (\$25.00).

15 6. If for the office of delegate or alternate delegate to
16 National party convention, or member of National committee or
17 member of State committee, the sum of twenty-five dollars
18 (\$25.00).

19 7. If for the office of constable, the sum of ten dollars
20 (\$10.00).

21 8. If for the office of district councilman in a city of the
22 second class or the office of district justice, the sum of fifty
23 dollars (\$50.00).

24 * * *

25 Section 922. Which Candidates Nominated.--Candidates of the
26 various political parties for nomination, except for the office
27 of President of the United States, who receive a plurality of
28 votes of their party [electors] voters in the State, or in the
29 political district, as the case may be, at the primary election,
30 together with the candidates for the office of presidential

1 elector nominated as herein provided, shall be candidates of
2 their respective parties, and it shall be the duty of the proper
3 county boards to print their names upon the official ballots and
4 ballot labels at the succeeding election: Provided, That when a
5 candidate for nomination shall have died before or on the day of
6 the primary election and shall nevertheless receive a plurality
7 of votes of his party [electors] voters cast for the office for
8 which he sought nomination, then no candidate shall have been
9 nominated for the office at such primary and a substituted
10 nomination may be made in the manner hereinafter provided.

11 Section 951. Nominations by Political Bodies.--(a) In
12 addition to the party nominations made at primaries, nomination
13 of candidates for any public office may also be made by
14 nomination papers signed by qualified [electors] voters of the
15 State, or of the electoral district for which the nomination is
16 made, and filed in the manner herein provided. Such nomination
17 papers shall be in form prescribed by the Secretary of the
18 Commonwealth, and no other forms than the ones so prescribed
19 shall be used for such purposes.

20 (b) Where the nomination is for any office to be filled by
21 the [electors] voters of the State at large, the number of
22 qualified [electors] voters of the State signing such nomination
23 paper shall be at least equal to two per centum of the largest
24 entire vote cast for any elected candidate in the State at large
25 at the last preceding election at which State-wide candidates
26 were voted for. In the case of all other nominations, the number
27 of qualified [electors] voters of the electoral district signing
28 such nomination papers shall be at least equal to two per centum
29 of the largest entire vote cast for any officer, except a judge
30 of a court of record, elected at the last preceding election in

1 said electoral district for which said nomination papers are to
2 be filed, and shall be not less than the number of signers
3 required for nomination petitions for party candidates for the
4 same office. In cases where a new electoral district shall have
5 been created, the number of qualified [electors] voters signing
6 such nomination papers, for candidates to be elected at the
7 first election held after the creation of such district, shall
8 be at least equal to two per centum of the largest vote cast in
9 the several election districts, which are included in the
10 district newly created, for any officer elected in the last
11 preceding election.

12 (c) Each person signing a nomination paper shall declare
13 therein that he is a qualified [elector] voter of the State or
14 district, as the case may be, and shall add to his signature his
15 legibly printed name and residence, giving city, borough or
16 township, with street and number, if any, and shall also add the
17 date of signing, expressed in words or numbers: Provided,
18 however, That if said political district named in the papers
19 lies wholly within any city, borough or township, or is
20 coextensive with same, it shall not be necessary for any signer
21 of a paper to state therein the city, borough or township of his
22 residence. No [elector] voter shall sign more than one
23 nomination paper for each office to be filled, unless there are
24 two or more persons to be elected to the same office, in which
25 case he may sign nomination papers for as many candidates for
26 such office as, and no more than, he could vote for at the
27 succeeding election. More than one candidate may be nominated by
28 one nomination paper and candidates for more than one office may
29 be nominated by one nomination paper: Provided, That each
30 political body nominating does not nominate more candidates than

1 there are offices to be voted for at the ensuing election: And
2 provided, That all the signers on each nomination paper are
3 qualified to vote for all the candidates nominated therein.

4 (d) Nomination papers may be on one or more sheets and
5 different sheets must be used for signers resident in different
6 counties. If more than one sheet is used, they shall be bound
7 together when offered for filing if they are intended to
8 constitute one nomination paper, and each sheet shall be
9 numbered consecutively, beginning with number one (1) at the
10 foot of each page. Each sheet shall have appended thereto the
11 affidavit of some person, not necessarily a signer, and not
12 necessarily the same person on each sheet, setting forth--(1)
13 that the affiant is a qualified [elector] voter of the State, or
14 of the electoral district, as the case may be, referred to in
15 the nomination paper; (2) his residence, giving city, borough or
16 township with street and number, if any; (3) that the signers
17 signed with full knowledge of the contents of the nomination
18 paper; (4) that their respective residences are correctly stated
19 therein; (5) that they all reside in the county named in the
20 affidavit; (6) that each signed on the date set opposite his
21 name; and (7) that, to the best of affiant's knowledge and
22 belief, the signers are qualified [electors] voters of the
23 State, or of the electoral district, as the case may be.

24 (e) There shall be appended to each nomination paper offered
25 for filing an affidavit of each candidate nominated therein,
26 stating--(1) the election district in which he resides; (2) the
27 name of the office for which he consents to be a candidate; (3)
28 that he is eligible for such office; (4) that he will not
29 knowingly violate any provision of this act, or of any law
30 regulating and limiting election expenses, and prohibiting

1 corrupt practices in connection therewith; (5) that his name has
2 not been presented as a candidate by nomination petitions for
3 any public office to be voted for at the ensuing primary
4 election, nor has he been nominated by any other nomination
5 papers filed for any such office; (6) that in the case where he
6 is a candidate for election at a general or municipal election,
7 he was not a registered and enrolled member of a party thirty
8 (30) days before the primary held prior to the general or
9 municipal election in that same year; (7) that, in the case
10 where he is a candidate for election at a special election, he
11 is not a registered and enrolled member of a party; and (8) that
12 he is not a candidate for an office which he already holds, the
13 term of which is not set to expire in the same year as the
14 office subject to the affidavit.

15 Section 952. Contents of Nomination Papers; Restriction on
16 Names; Campaign Finances.--All nomination papers shall specify--

17 (a) The name or appellation of the political body which the
18 candidates nominated thereby represent, expressed in not more
19 than three words, and in the case of [electors] voters for
20 President and Vice-President of the United States, the names of
21 the candidates for President and Vice-President of such
22 political body; (b) the name of each candidate nominated
23 therein, his profession, business or occupation, if any; and his
24 place of residence with street and number, if any; (c) the
25 office for which such candidate is nominated; and (d) the names
26 and addresses of the committee, not to be less than three (3)
27 nor more than five (5) persons, authorized to fill vacancies, if
28 any shall occur. No words shall be used in any nomination paper
29 to designate the name or appellation of the political body
30 represented by the candidates named in such nomination paper

1 which are identical with or deceptively similar to the words
2 used for a like purpose by any existing political party as
3 defined by section 801 of this act, or which contain part of the
4 name or an abbreviation of the name or part of the name of any
5 existing political party; nor shall any words be used in any
6 nomination paper to designate the name or appellation of the
7 political body represented by the candidate's name in such
8 nomination paper which are identical with or deceptively similar
9 to the words used for a like purpose by any political body which
10 has already filed nomination papers for the same office nor
11 which contain part of the name or an abbreviation of the name or
12 part of the name of a political body which has already filed
13 nomination papers for the same office. Any petition to set aside
14 a nomination paper on account of the name or appellation used
15 therein, or involving the right of the signers thereof to use
16 such name or appellation shall be decided as in the case of
17 other petitions to set aside nomination papers, in the manner
18 provided by this article.

19 Each person filing any nomination paper for public office
20 shall be given a statement composed by the Secretary of the
21 Commonwealth setting forth his duties under law to file pre-
22 election and post-election campaign finance reports, and the
23 penalties for nonfiling. Each person filing shall also be given
24 a form to file expenses if the amount received or expended or
25 liabilities incurred shall exceed the sum of two hundred fifty
26 dollars (\$250), and a form containing a sworn statement that the
27 amount received or expended or liabilities incurred do not
28 exceed the sum of two hundred fifty dollars (\$250), with written
29 instructions prepared by the Secretary of the Commonwealth.
30 Within three weeks after such candidate has filed, the

1 appropriate supervisor shall mail the same forms and
2 instructions to such candidate by first class mail.

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

4 (a) Nomination papers for candidates for presidential
5 electors, United States Senators, Representatives in Congress,
6 and State offices, including senators, representatives and
7 judges of courts of record, shall be filed with the Secretary of
8 the Commonwealth. Nomination papers for all other candidates
9 shall be filed with the county boards of elections of the
10 respective counties. Nomination papers for candidates for any
11 office to be voted for by the [electors] voters of any city,
12 borough, township, ward or school district which is situate in
13 two or more counties shall be filed with the county board of the
14 county in which the major number of the registered [electors]
15 voters of such city, borough, township, ward or school district
16 reside. Immediately after the last day for withdrawals of
17 candidates nominated by nomination papers, the said county board
18 shall certify to the county board of each other county involved
19 a list of the names, addresses and occupations of the candidates
20 so nominated to be voted for in two or more counties, together
21 with the names or appellations of the political bodies
22 nominating them.

23 * * *

24 Section 976. Examination of Nomination Petitions,
25 Certificates and Papers; Return of Rejected Nomination
26 Petitions, Certificates and Papers.--When any nomination
27 petition, nomination certificate or nomination paper is
28 presented in the office of the Secretary of the Commonwealth or
29 of any county board of elections for filing within the period
30 limited by this act, it shall be the duty of the said officer or

1 board to examine the same. No nomination petition, nomination
2 paper or nomination certificate shall be permitted to be filed
3 if--(a) it contains material errors or defects apparent on the
4 face thereof, or on the face of the appended or accompanying
5 affidavits; or (b) it contains material alterations made after
6 signing without the consent of the signers; or (c) it does not
7 contain a sufficient number of signatures as required by law;
8 Provided, however, That the Secretary of the Commonwealth or the
9 county board of elections, although not hereby required so to
10 do, may question the genuineness of any signature or signatures
11 appearing thereon, and if he or it shall thereupon find that any
12 such signature or signatures are not genuine, such signature or
13 signatures shall be disregarded in determining whether the
14 nomination petition, nomination paper or nomination certificate
15 contains a sufficient number of signatures as required by law;
16 or (d) in the case of nomination petitions, if nomination
17 petitions have been filed for printing the name of the same
18 person for the same office, except the office of judge of a
19 court of common pleas, the Philadelphia Municipal Court or the
20 Traffic Court of Philadelphia, or the office of school director
21 in districts where that office is elective or the office of
22 [justice of the peace] magisterial district judge upon the
23 official ballot of more than one political party; or (e) in the
24 case of nomination papers, if the candidate named therein has
25 filed a nomination petition for any public office for the
26 ensuing primary, or has been nominated for any such office by
27 nomination papers previously filed; or (f) if the nomination
28 petitions or papers are not accompanied by the filing fee or
29 certified check required for said office; or (g) in the case of
30 nomination papers, the appellation set forth therein is

1 identical with or deceptively similar to the words used by any
2 existing party or by any political body which has already filed
3 nomination papers for the same office, or if the appellation set
4 forth therein contains part of the name, or an abbreviation of
5 the name or part of the name of an existing political party, or
6 of a political body which has already filed nomination papers
7 for the same office. The invalidity of any sheet of a nomination
8 petition or nomination paper shall not affect the validity of
9 such petition or paper if a sufficient petition or paper remains
10 after eliminating such invalid sheet. The action of said officer
11 or board in refusing to receive and file any such nomination
12 petition, certificate or paper, may be reviewed by the court
13 upon an application to compel its reception as of the date when
14 it was presented to the office of such officer or board:

15 Provided, however, That said officer or board shall be entitled
16 to a reasonable time in which to examine any petitions,
17 certificates or papers, and to summon and interrogate the
18 candidates named therein, or the persons presenting said
19 petitions, certificates or papers, and his or their retention of
20 same for the purpose of making such examination or interrogation
21 shall not be construed as an acceptance or filing.

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

27 Provided further, That no nomination petition, nomination
28 paper or nomination certificate shall be permitted to be filed,
29 if the political party or political body referred to therein
30 shall be composed of a group of [electors] voters whose purposes

1 or aims, or one of whose purposes or aims, is the establishment,
2 control, conduct, seizure or overthrow of the Government of the
3 Commonwealth of Pennsylvania or the United States of America by
4 the use of force, violence, military measure or threats of one
5 or more of the foregoing. The authority to reject such
6 nomination petition, paper or certificate for this reason shall,
7 when filed with the Secretary of the Commonwealth, be vested in
8 a committee composed of the Governor, the Attorney General and
9 the Secretary of the Commonwealth, and when filed with any
10 county board of elections shall be vested in such board. If in
11 such case the committee or board, as the case may be, shall
12 conclude that the acceptance of such nomination petition, paper
13 or certificate should be refused, it shall within two days of
14 the filing of such nomination petition, paper or certificate fix
15 a place and a time five days in advance for hearing the matter,
16 and notice thereof shall be given to all parties affected
17 thereby. At the time and place so fixed the committee or board,
18 as the case may be, shall hear testimony, but shall not be bound
19 by technical rules of evidence. The testimony presented shall be
20 stenographically recorded and made a part of the record of the
21 committee or board. Within two days after such hearing the
22 committee or board, if satisfied upon competent evidence that
23 the said nomination petition, paper or certificate is not
24 entitled to be accepted and filed, it shall announce its
25 decision and immediately notify the parties affected thereby.
26 Failure to announce decision within two days after such hearing
27 shall be conclusive that such nomination petition, paper or
28 certificate has been accepted and filed. The decision of said
29 committee or board in refusing to accept and file such
30 nomination petition, paper or certificate may be reviewed by the

1 court upon an application to compel its reception as of the date
2 when presented to the Secretary of the Commonwealth or such
3 board. The application shall be made within two days of the time
4 when such decision is announced. If the application is properly
5 made, any judge of said court may fix a time and place for
6 hearing the matter in dispute, of which notice shall be served
7 with a copy of said application upon the Secretary of the
8 Commonwealth or the county board of elections, as the case may
9 be. At the time so fixed, the court, or any judge thereof
10 assigned for the purpose, shall hear the case de novo. If after
11 such hearing the said court shall find that the decision of the
12 committee or the board was erroneous, it shall issue its mandate
13 to the committee or board to correct its decision and to accept
14 and file the nomination paper, petition or certificate. From any
15 decision of the court an appeal may be taken within two days
16 after the entry thereof. It shall be the duty of the said court
17 to fix the hearing and to announce its decision within such
18 period of time as will permit the Secretary of the Commonwealth
19 or the county board of elections to permit the names of the
20 candidates affected by the court's decision to be printed on the
21 ballot, if the court should so determine.

22 Section 977. Objections to Nomination Petitions and
23 Papers.--All nomination petitions and papers received and filed
24 within the periods limited by this act shall be deemed to be
25 valid, unless, within seven days after the last day for filing
26 said nomination petition or paper, a petition is presented to
27 the court specifically setting forth the objections thereto, and
28 praying that the said petition or paper be set aside. A copy of
29 said petition shall, within said period, be served on the
30 officer or board with whom said nomination petition or paper was

1 filed. Upon the presentation of such a petition, the court shall
2 make an order fixing a time for hearing which shall not be later
3 than ten days after the last day for filing said nomination
4 petition or paper, and specifying the time and manner of notice
5 that shall be given to the candidate or candidates named in the
6 nomination petition or paper sought to be set aside. On the day
7 fixed for said hearing, the court shall proceed without delay to
8 hear said objections, and shall give such hearing precedence
9 over other business before it, and shall finally determine said
10 matter not later than fifteen (15) days after the last day for
11 filing said nomination petitions or papers. If the court shall
12 find that said nomination petition or paper is defective under
13 the provisions of section 976, or does not contain a sufficient
14 number of genuine signatures of [electors] voters entitled to
15 sign the same under the provisions of this act, or was not filed
16 by persons entitled to file the same, it shall be set aside. If
17 the objections relate to material errors or defects apparent on
18 the face of the nomination petition or paper, the court, after
19 hearing, may, in its discretion, permit amendments within such
20 time and upon such terms as to payment of costs, as the said
21 court may specify. In case any such petition is dismissed, the
22 court shall make such order as to the payment of the costs of
23 the proceedings, including witness fees, as it shall deem just.
24 If a person shall sign any nomination petitions or papers for a
25 greater number of candidates than he is permitted under the
26 provisions of this act, if said signatures bear the same date,
27 they shall, upon objections filed thereto, not be counted on any
28 petition or paper and if they bear different dates, they shall
29 be counted in the order of their priority of date, for only so
30 many persons as there are candidates to be nominated or elected.

1 The office of the Prothonotary of the Commonwealth Court and the
2 office of the Secretary of the Commonwealth and the various
3 offices of prothonotary of the court of common pleas shall be
4 open between the hours of eight-thirty o'clock A.M. and five
5 o'clock P.M. on the last day to withdraw after filing nomination
6 petitions and on the last day to file objections to nomination
7 petitions.

8 Section 978.1. Vacancy in Party Nomination by Failure to Pay
9 Filing Fee or for Failure to File Loyalty Oath.--Every person
10 nominated at any primary election as the candidate of any
11 political party for any office, other than a borough, town,
12 township, school district or poor district office, or the office
13 of [justice of the peace] magisterial district judge, or
14 constable, who has not paid the filing fee required by section
15 nine hundred thirteen of this act, as amended, for the filing of
16 a nomination petition for such office, or who has not filed the
17 loyalty oath required by section 14, act of December 22, 1951
18 (P.L.1726), known as the "Pennsylvania Loyalty Act," as last
19 amended June 19, 1961 (P.L.446), shall pay the amount of such
20 fee to and file such oath with the Secretary of the
21 Commonwealth, or the county board of elections, as the case may
22 be, at least eighty-five (85) days previous to the day of the
23 general or municipal election at which such candidate's name
24 would appear on the ballot. Failure to pay such fee or file such
25 oath within the time herein prescribed shall result in a vacancy
26 in such party nomination. Such vacancy shall be filled in the
27 manner hereinafter provided for the filling of such vacancies
28 happening by reason of the death or withdrawal of any candidate.

29 Section 979. Substituted Nominations by Parties.--Any
30 vacancy happening or existing after the date of the primary in

1 any party nomination, by reason of the death or withdrawal of
2 any candidate after nomination, or by reason of the death before
3 or on the day of the primary election of a candidate for
4 nomination who had received a plurality of votes of his party
5 [electors] voters cast for the office for which he sought
6 nomination, may be filled by a substituted nomination made by
7 such committee as is authorized by the rules of the party to
8 make nominations in the event of vacancies on the party ticket:
9 Provided, however, That no substitute nomination certificate
10 shall nominate any person who has already been nominated by any
11 political party or by any other political body for the same
12 office. Upon the making of any such substituted nomination, in
13 accordance with the party rules, it shall be the duty of the
14 chairman and secretary or secretaries of the party committee
15 making the nomination to file with the Secretary of the
16 Commonwealth in the case of United States Senator,
17 Representative in Congress and all State officers, including
18 judges of courts of records, senators and representatives, and
19 with the proper county board of elections in the case of other
20 offices, a nomination certificate which shall be signed by the
21 chairman and secretary or secretaries of the said committee, and
22 which shall set forth the following:

- 23 (a) The office and district, if any, for which it is filed;
24 (b) the cause of the vacancy; (c) the rule or rules of the
25 political party, setting forth the provisions applicable to a
26 substituted nomination; (d) that a quorum of the committee,
27 caucus or convention, as provided by the party rules, duly
28 convened, and the names of those present at said meeting, or
29 their proxies; that said persons are the duly appointed or
30 elected members of said committee, caucus or convention; (e) the

1 name, residence and occupation of the candidate duly nominated
2 at said meeting. Every such certificate of nomination shall be
3 sworn to or affirmed by the chairman and secretary or
4 secretaries before an officer qualified to administer oaths.

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

1 Section 984. Certification of Nominees by Secretary of the
2 Commonwealth to County Boards.--The Secretary of the
3 Commonwealth shall, as soon as possible after the last day fixed
4 for the filing of substituted nomination certificates for any
5 November election of presidential electors, United States
6 Senator, Representative in Congress or State officers, including
7 judges of courts of record, senators and representatives, or
8 upon constitutional amendments or other questions to be
9 submitted to the [electors] voters of the State at large,
10 transmit to the county board of elections of each county, in
11 which such election is to be held, an official list, certified
12 by him, of all of the candidates who have been nominated in
13 accordance with the provisions of this act, to be voted for in
14 such county at such election, substantially in the form of the
15 ballots to be used therein, and also a copy of the text of all
16 constitutional amendments and other questions to be voted upon
17 at such election, together with a statement of the form in which
18 they are to be printed on the ballots or ballot labels.

19 Section 993. Filling of Certain Vacancies in Public Office
20 by Means of Nomination Certificates and Nomination Papers.--(a)
21 In all cases where a vacancy shall occur for any cause in an
22 elective public office, including that of judge of a court of
23 record, at a time when such vacancy is required by the
24 provisions of the Constitution or the laws of this Commonwealth
25 to be filled at the ensuing election but at a time when
26 nominations for such office cannot be made under any other
27 provision of this act, nominations to fill such vacancies shall
28 be made by political parties in accordance with party rules
29 relating to the filling of vacancies by means of nomination
30 certificates in the form prescribed in section nine hundred

1 ninety-four of this act, and by political bodies by means of
2 nomination papers in accordance with the provisions of sections
3 nine hundred fifty-one, nine hundred fifty-two and nine hundred
4 fifty-four of this act. No such nomination certificate shall
5 nominate any person who has already been nominated by any other
6 political party or by any political body for the same office
7 unless such person is a candidate for the office of judge of a
8 court of common pleas, the Philadelphia Municipal Court or the
9 Traffic Court of Philadelphia, or for the office of school
10 director in districts where that office is elective or for the
11 office of [justice of the peace] magisterial district judge. No
12 such nomination papers shall nominate any person who has already
13 been nominated by any political party or by any other political
14 body for any office to be filled at the ensuing November
15 election, unless such person is a candidate for the office of
16 judge of a court of common pleas, the Philadelphia Municipal
17 Court or the Traffic Court of Philadelphia, or for the office of
18 school director in districts where that office is elective or
19 for the office of [justice of the peace] magisterial district
20 judge.

21 (b) Said nomination certificates and nomination papers for
22 State public offices and judges of courts of records shall be
23 filed in the office of the Secretary of the Commonwealth at
24 least fifty (50) days prior to a general or municipal election,
25 as the case may be. Nomination certificates and nomination
26 papers for public offices in counties, cities, boroughs, towns,
27 townships, wards and school districts and for the offices of
28 aldermen and [justices of the peace] magisterial district judges
29 shall be filed in the office of the county board of elections at
30 least fifty (50) days prior to a municipal election.

1 (c) The provisions of this subdivision shall not be
2 construed to apply to elective public offices for which a method
3 is provided in this act for the holding of special elections to
4 fill vacancies in certain public offices, or to the filling of
5 vacancies in the office of presidential electors in accordance
6 with the provisions of section nine hundred eighteen of this
7 act. Nor shall the provisions of this subdivision be construed
8 to apply to any public office for which, by the provisions of
9 any statute, a vacancy is required to be filled at the next
10 election appropriate to the office, if said vacancy occurs at
11 any time within two (2) calendar months immediately preceding a
12 general or municipal election, as the case may be.

13 Section 994. Number, Form and Requirements of Nomination
14 Certificates to Fill Certain Vacancies.--(a) Each political
15 party shall be entitled to nominate and to file nomination
16 certificates in accordance with the provisions of section nine
17 hundred ninety-three of this act for the purpose of supplying as
18 many candidates as each [elector] voter will be entitled to vote
19 for at the ensuing November election. Every nomination
20 certificate for a November election required under the
21 provisions of section nine hundred ninety-three of this act
22 shall be in the form prescribed by the Secretary of the
23 Commonwealth and shall set forth the following:

24 (1) The office and district, if any, for which it is filed;

25 (2) The cause of the vacancy;

26 (3) The rule or rules of the political party setting forth
27 the provisions applicable to the nomination of a candidate or
28 candidates to fill said vacancy;

29 (4) That a quorum of the committee, caucus or convention as
30 provided by the party rules duly convened and the names of those

1 present at said meeting or their proxies that said persons are
2 the duly appointed or elected members of said committee, caucus
3 or convention;

4 (5) The name, residence and occupation of the candidate duly
5 nominated at said meeting.

6 (b) Every such certificate of nomination shall be signed by
7 the presiding officer and the secretary or secretaries of the
8 committees, caucus or convention and shall be sworn or affirmed
9 to by them before any officer qualified to administer oaths.

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

27 (b) In case of the death or withdrawal of any candidate
28 nominated by a political body for an election, the committee
29 named in the original nomination papers may nominate a
30 substitute in his place by filing a substituted nomination

1 certificate in the form and manner prescribed by section nine
2 hundred eighty of this act. In the case of a vacancy caused by
3 the death of any candidate, said nomination certificate shall be
4 accompanied by a death certificate properly certified. No
5 substituted nomination certificate shall nominate any person who
6 has already been nominated by any political party or by any
7 other political body for any office to be filled at the ensuing
8 November election, unless such person is a candidate for the
9 office of judge of a court of common pleas, the Philadelphia
10 Municipal Court or the Traffic Court of Philadelphia, or for the
11 office of school director in districts where that office is
12 elective or for the office of [justice of the peace] magisterial
13 district judge.

14 * * *

15 Section 6. Article X of the act is reenacted and amended to
16 read:

17 ARTICLE X

18 Ballots

19 Section 1001. Official Ballots to Be used.--All primaries
20 and elections in this Commonwealth shall be conducted by ballot,
21 except in districts in which voting machines are used under the
22 provisions of Article XI of this act. All ballots used at
23 primaries and elections in election districts in which ballots
24 are used, shall be provided by the respective county boards of
25 elections, in accordance with the provisions of this act, and,
26 except as otherwise provided in this act, only official ballots
27 furnished by the county boards of elections shall be cast or
28 counted at any primary or election in any district in which
29 ballots are used.

30 Section 1002. Form of Official Primary Ballot.--(a) At

1 primaries separate official ballots shall be prepared for each
2 party which shall be in substantially the following form:

3 Official..... Primary Ballot.

4 (Name of Party)

5District,.....Ward, City of.....,

6 County of....., State of Pennsylvania

7Primary election held on the.....day of....., 19...

8 Make a cross (X) or check () in the square to the right of
9 each candidate for whom you wish to vote. If you desire to vote
10 for a person whose name is not on the ballot, write, print or
11 paste his name in the blank space provided for that purpose.

12 Mark ballot only in black lead pencil, indelible pencil or blue,
13 black or blue-black ink in fountain pen or ball point pen. Use
14 the same pencil or pen for all markings you place on the ballot.

15 President of the United States.

16 (Vote for one)

17 John Doe

18 Richard Roe

19 John Stiles

20 United States Senator.

21 (Vote for one)

22 John Doe

23 Richard Roe

24 John Stiles

25 Governor.

26 (Vote for one)

27 John Doe

28 Richard Roe

29 John Stiles

30 Representative in Congress.....District.

1 (Vote for one)

2 John Doe

3 Richard Roe

4 John Stiles

5 Delegates at Large to National Convention.

6 (Vote for.....)

7 John Doe

8 (Committed to Jeremiah Smith)

9 John Stiles

10 (Uncommitted)

11 Delegate to National Convention.....District.

12 (Vote for.....)

13 John Doe

14 (Committed to Jeremiah Smith)

15 John Stiles

16 (Uncommitted)

17 Senator in the General Assembly.....District.

18 (Vote for one)

19 John Doe

20 Richard Roe

21 John Stiles

22 Member of State Committee.

23 (Vote for one)

24 John Doe

25 Richard Roe

26 John Stiles

27 Party Committeemen.

28 (Vote for.....)

29 John Doe

30 Richard Roe

1 John Stiles

2 (b) On the back of each ballot shall be printed in prominent
3 type the words "OFFICIAL PRIMARY BALLOT OFPARTY FOR"
4 followed by the designation of the election district for which
5 it is prepared, the date of the primary and the facsimile
6 signatures of the members of the county board of elections. The
7 names of candidates shall in all cases be arranged under the
8 title of the office for which they are candidates, and be
9 printed thereunder in the order determined by the casting of
10 lots as provided by this act. Under the title of such offices
11 where more than one candidate is to be voted for, shall be
12 printed "Vote for not more than" (the blank space to
13 indicate the number of candidates to be voted for the particular
14 office.) At the right of the name of each candidate there shall
15 be a square of sufficient size for the convenient insertion of a
16 cross (x) or check () mark. There shall be left at the end of
17 the list of candidates for each office (or under the title of
18 the office itself in case there be no candidates who have filed
19 nomination petitions therefor) as many blank spaces as there are
20 persons to be voted for, for such office, in which space the
21 [elector] voter may insert the name of any person whose name is
22 not printed on the ballot as a candidate for such office.
23 Opposite or under the name of each candidate, except candidates
24 for the office of President of the United States and candidates
25 for delegate or alternate delegate to a National Party
26 Convention, who is to be voted for by the [electors] voters of
27 more than one county, shall be printed the name of the county in
28 which such candidate resides; and opposite or under the name of
29 each candidate except candidates for delegate or alternate
30 delegate to a National Party Convention who is to be voted for

1 by the [electors] voters of an entire county or any
2 congressional, senatorial or representative district within the
3 county, shall be printed the name of the city, borough, township
4 or ward, as the case may be, in which such candidate resides.

5 (c) The ballot shall vary in form only as the names of
6 districts, offices, candidates or the provisions of this act may
7 require.

8 (d) At the written request of a State committee, filed with
9 the party rules and on the deadline provided by section 808.1 of
10 this act, a party may have a "no preference" column added to the
11 list of candidates for the office of President of the United
12 States at the primary election. The ballot position for "no
13 preference" shall be drawn in the same manner as the other
14 candidates for that office: Provided, however, That this
15 position shall be drawn by the Secretary of the Commonwealth or
16 his or her designee.

17 Section 1003. Form of Official Election Ballot.--

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

20 OFFICIAL BALLOT

21 District, Ward,
22 City of, County of,
23 State of Pennsylvania
24 Election held on the day of, 19.....

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

27 To vote a straight party ticket, mark a cross (X) or check
28 () in the square, in the Party Column, opposite the name of the
29 party of your choice. To vote for an individual candidate of
30 another party after making a mark in the party square, mark a

1 cross (X) or check () opposite his name. For an office where
2 more than one candidate is to be voted for, the voter, after
3 marking in the party square, may divide his vote by marking a
4 cross (X) or check () to the right of each candidate for whom
5 he or she desires to vote. For such office votes shall not be
6 counted for candidates not individually marked.

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

19 Before leaving the voting compartment, fold this ballot,
20 without displaying the markings thereon, in the same way it was
21 folded when received, then leave the compartment and exhibit the
22 ballot to one of the election officers who shall ascertain by an
23 inspection of the number appearing upon the right hand corner of
24 the back of the ballot whether the ballot so exhibited to him is
25 the same ballot which the [elector] voter received before
26 entering the voting compartment. If it is the same, the election
27 officer shall direct the [elector] voter, without unfolding the
28 ballot, to remove the perforated corner containing the number,
29 and the [elector] voter shall immediately deposit the ballot in
30 the ballot box. Any ballot deposited in a ballot box at any

1 primary or election without having the said number torn off
2 shall be void and shall not be counted.

3 Party Column Presidential Electors
4 To Vote a Straight Party Ticket (Vote for the candidates of
5 Mark a Cross (X) or Check () in one party for President and
6 this Column. Vice-President, or insert the
7 names of candidates.)

8 For
9 John Stiles
10 Democratic and
11 Richard Doe,
12 Democratic

13 For
14 John Doe
15 Republican and
16 Richard Roe,
17 Republican

18 For
19 John Smith
20 Socialist and
21 William Jones,
22 Socialist

23 Citizens
24 United States Senator.

25 (Vote for one)
26 Richard Roe Democratic
27 John Doe Republican
28 Richard Stiles Socialist

29 Governor.
30 (Vote for one)

1 Richard Roe Democratic
2 John Doe Republican
3 Richard Stiles Socialist

4 Representatives in Congress,

5 District.

6 (Vote for one)

7 Richard Roe Democratic
8 John Doe Republican
9 Richard Stiles Socialist

10 Senator in the General Assembly,

11 District.

12 (Vote for one)

13 John Doe Democratic
14 Richard Roe Republican

15 (b) On the back of each ballot shall be printed in prominent
16 type the words "Official Ballot," followed by the designation of
17 the election district for which it is prepared, the date of the
18 election and the facsimile signatures of the members of the
19 county board of elections. The names of candidates shall be
20 arranged under the title of the office for which they are
21 candidates, and shall be printed thereunder in the order of the
22 votes obtained by the parties or bodies at the last
23 gubernatorial election, beginning with the party obtaining the
24 highest number of votes: Provided, however, That in the case of
25 parties or bodies not represented on the ballot at the last
26 gubernatorial election, the names of the candidates of such
27 parties shall be arranged alphabetically, according to the party
28 name or political appellation. In the case of offices for which
29 two or more candidates are to be voted for, the candidates of
30 each party shall be arranged together in the order of the number

1 of votes obtained by them at the primary, beginning with the
2 candidates obtaining the highest number of votes, and the
3 candidates of each political body shall be arranged in the order
4 in which their names were placed in their nomination paper.
5 Under the title of such offices where more than one candidate is
6 to be voted for, shall be printed "Vote for not more
7 than" (the blank space to indicate the number of
8 candidates to be voted for the particular office.) Opposite or
9 under the name of each candidate shall be printed the name or
10 appellation of the political party or political body nominating
11 him, and at the right of such name or appellation there shall be
12 a square of sufficient size for the convenient insertion of a
13 cross (X) or check () mark.

14 (c) When presidential electors are to be elected, their
15 names shall not be printed upon the ballot, but in lieu thereof,
16 the names of the candidates of their respective parties or
17 political bodies for President and Vice-President of the United
18 States shall be printed together in pairs under the title
19 "Presidential Electors." All ballots marked for the candidates
20 for President and Vice-President of a party or political body
21 shall be counted as votes for each candidate for presidential
22 elector of such party or political body.

23 (d) Whenever any candidate shall receive more than one
24 nomination for the same office, his name shall be printed once,
25 and the names of each political party so nominating him shall be
26 printed opposite the name of such candidate, arranged in the
27 same order as candidates names are required to be arranged. At
28 the right of all the party names or appellation shall be a
29 single square of sufficient size for the convenient insertion of
30 a cross (X) or check () mark.

1 (e) There shall be left at the end of the group of
2 candidates for President and Vice-President of the United States
3 under the title "Presidential Electors," as many blank spaces as
4 there are presidential electors to be elected, in which spaces
5 the [elector] voter may insert the names of any individual
6 candidates for presidential electors for whom he desires to
7 vote. There shall also be left at the end of each group of
8 candidates for each other office (or under the title of the
9 office itself in case no candidates have been nominated
10 therefor), as many blank spaces as there are persons to be voted
11 for for such office, in which space the [elector] voter may
12 insert the name of any person or persons whose name is not
13 printed on the ballot as a candidate for such office.

14 (f) In order that each [elector] voter may have the
15 opportunity of designating his choice for all the candidates
16 nominated by one political party or political body, there shall
17 be printed on the extreme left of the ballot, and separated from
18 the rest of the ballot by a space of at least one-half inch, a
19 list of the names of all the political parties or political
20 bodies represented on such ballot which have nominated
21 candidates to be voted for at such election. Such names shall be
22 arranged in the order of the votes obtained at the last
23 gubernatorial election by the candidate for Governor of the
24 parties or bodies nominating, beginning with the party that
25 received the highest number of votes cast. Following the names
26 of such political parties and political bodies shall be the
27 names of the parties and bodies not represented on the ballot at
28 the last gubernatorial election, arranged alphabetically,
29 according to the party name or appellation. A square of
30 sufficient size for the convenient insertion of a cross mark

1 shall be placed at the right of each party name or appellation.

2 (g) The official ballots shall vary in form only as the
3 names of districts, offices, candidates or the provisions of
4 this act may require. When constitutional amendments or other
5 questions are submitted to a vote of the [electors] voters, each
6 amendment or other question so submitted may be printed upon the
7 ballot below the groups of candidates for the various offices,
8 and, when required by law, shall be so printed. Constitutional
9 amendments so submitted shall be printed in brief form, to be
10 determined by the Secretary of the Commonwealth, and other
11 questions so submitted shall be printed in brief form, to be
12 determined by the Secretary of the Commonwealth in the case of
13 questions to be voted on by the [electors] voters of the State
14 at large, and by the county boards in other cases. To the right
15 of each question there shall be placed the words "yes" and "no,"
16 together with appropriate squares to the right of each for the
17 convenient insertion of a cross mark.

18 Section 1004. Form of Ballots; Printing Ballots; Stubs;
19 Numbers.--From the lists furnished by the Secretary of the
20 Commonwealth under the provisions of sections 915 and 984, and
21 from petitions and papers filed in their office, the county
22 election board shall print the official primary and election
23 ballots in accordance with the provisions of this act: Provided,
24 however, That in no event, shall the name of any person
25 consenting to be a candidate for nomination for any one office,
26 except the office of judge of a court of common pleas, the
27 Philadelphia Municipal Court or the Traffic Court of
28 Philadelphia, or the office of school director in districts
29 where that office is elective or the office of [justice of the
30 peace] magisterial district judge be printed as a candidate for

1 such office upon the official primary ballot of more than one
2 party. All ballots for use in the same election district at any
3 primary or election shall be alike. They shall be at least six
4 inches long and four inches wide, and shall have a margin
5 extending beyond any printing thereon. They shall be printed
6 with the same kind of type (which shall not be smaller than the
7 size known as "brevier" or "eight point body") upon white paper
8 of uniform quality, without any impression or mark to
9 distinguish one from another, and with sufficient thickness to
10 prevent the printed matter from showing through. Each ballot
11 shall be attached to a stub, and all the ballots for the same
12 election district shall be bound together in books of fifty, in
13 such manner that each ballot may be detached from its stub and
14 removed separately. The ballots for each party to be used at a
15 primary shall be bound separately. The stubs of the ballots
16 shall be consecutively numbered, and in the case of primary
17 ballots, the number shall be preceded by an initial or
18 abbreviation designating the party name. The number and initial
19 or abbreviation which appears upon the stub shall also be
20 printed in the upper right hand corner of the back of the
21 ballot, separated from the remainder of the ballot by a diagonal
22 perforated line so prepared that the upper right hand corner of
23 the back of the ballot containing the number may be detached
24 from the ballot before it is deposited in the ballot box and
25 beside that corner shall also be printed, "Remove numbered stub
26 immediately before depositing your ballot in ballot box."

27 Section 1004.1. Placement of Certain Candidates on Ballots
28 and Voting Machines.--(a) Notwithstanding any other provisions
29 of this act to the contrary, the names of candidates for the
30 party offices of delegate or alternate delegate to a National

1 Party Convention, member of the State committee, member of a
2 county committee and any other party office as prescribed by the
3 bylaws of the political party shall appear at the end of the
4 ballot after the names of the candidates for all public offices.

5 (b) In any case where voting machines are used, the names of
6 the candidates for the aforementioned offices shall appear in
7 the final columns or rows, as the case may be, of the voting
8 machine.

9 Section 1005. Candidates with Similar Surnames, Occupation
10 to Be Printed.--If two or more candidates for the same office
11 [shall] have the same or similar surnames, the county board of
12 elections shall, upon the request of any such candidate filed in
13 writing not later than five days after the last day for filing
14 nomination petitions, certificates or papers, print the
15 occupation or residence of any such candidate, so filing a
16 request, on the ballot or ballot labels opposite or under his
17 name.

18 Section 1006. Names of Substituted Candidates to Be Printed
19 on Ballots.--As soon as any substituted candidate [shall have]
20 has been duly nominated, at any time prior to the day on which
21 the printing of ballots is started, his name shall be
22 substituted in place of that of the candidate who has died or
23 withdrawn.

24 Section 1007. Number of Ballots to Be Printed; Specimen
25 Ballots.--The county board of each county shall provide for each
26 election district in which a primary is to be held, one book of
27 fifty official ballots of each party for every forty-five
28 registered and enrolled [electors] voters of such party and
29 fraction thereof, appearing upon the district register, and
30 shall provide for each election district in which an election is

1 to be held one book of fifty official ballots for every forty-
2 five registered [electors] voters and fraction thereof appearing
3 upon the district register. They shall also, in addition to the
4 number of ballots required to be printed for general
5 distribution, maintain a sufficient supply of such ballots at
6 the office of the county board for the use of absentee
7 [electors] voters and for the use of any district, the ballots
8 for which may be lost, destroyed or stolen. They shall also
9 cause to be printed on tinted paper, and without the facsimile
10 endorsements, permanent binding or stubs, copies of the form of
11 ballots provided for each polling place at each primary or
12 election therein, which shall be called specimen ballots, and
13 which shall be of the same size and form as the official
14 ballots, and at each election they shall deliver to the election
15 officers, in addition to the official ballots to be used at such
16 election, a suitable supply of specimen ballots for the use of
17 the [electors] voters. At each primary, a suitable supply of
18 specimen ballots of each party shall be furnished.

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

22 (a) The county board of elections shall have on file in its
23 office, on and after the Thursday preceding each primary and
24 election, open to public inspection, forms of the ballots and
25 ballot labels, with the names and such statements and notations
26 as may be required by the provisions of this act, printed
27 thereon, which shall be used in each election district within
28 the county.

29 (b) On the Thursday preceding each primary, the county board
30 shall, upon request made at their office, there deliver to each

1 candidate whose name is printed on the ballot of any party, or
2 to his authorized representative, without charge, three specimen
3 ballots of such party for the entire district in which such
4 candidate is to be voted for, and the candidate may, at [his]
5 the candidate's own expense, have printed on different colored
6 paper as many copies as he requires for conducting his campaign.

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

17 Section 1009. County Boards to Cause Ballots to Be
18 Accurately Printed.--It shall be the duty of the county board of
19 elections of [each] a county to cause all the ballots and ballot
20 labels to be used [therein] in the county to be accurately
21 printed, and they shall be responsible for the safekeeping of
22 the same while in their possession or that of their subordinates
23 or agents.

24 Section 1010. Correction of Mistakes Appearing on Ballot.--
25 When it is shown by affidavit that mistake or omission has
26 occurred in the printing of official ballots or ballot labels
27 for any primary or election, the court of common pleas of the
28 proper county, or any judge thereof, may, upon the application
29 of any qualified [elector] voter of the county, require the
30 county board of elections to correct the mistake or omission, or

1 to show cause why they should not do so.

2 Section 1011. Record of Ballots to Be Kept.--The county
3 board shall keep a record of the number of official ballots
4 printed and furnished to each election district at each primary
5 and election, and of the number of stubs, unused ballots and
6 cancelled ballots subsequently returned [therefrom] from each
7 election district, and also of the disposition of the additional
8 official ballots provided, as required by section 1007 of this
9 act.

10 Section 7. Sections 1102, 1103, 1104, 1104.1, 1106, 1107(i),
11 1110(b) and (h), 1112(c), 1115(c), 1102-A, 1103-A, 1104-A, 1105-
12 A, 1106-A, 1112-A and 1113-A(a) of the act are amended to read:

13 Section 1102. Authorization of Voting Machines.--Any county,
14 city, borough or township may, by a majority vote of its
15 qualified [electors] voters voting thereon cast at any general
16 or municipal election, authorize and direct the use of voting
17 machines for registering or recording and computing the vote at
18 all elections held in such county, city, borough or township, or
19 in any part thereof.

20 Section 1103. Placing the Question on the Ballot; Election
21 Thereon.--

22 (a) The county election board may, upon their own motion,
23 submit to the qualified [electors] voters of the county, or of
24 any city, borough or township thereof, at any general or
25 municipal election, the question "Shall voting machines be used
26 in the (county, city, borough or township)
27 of?"

28 (b) The county election board, upon receipt of a request
29 from the council of any city or borough, or from the
30 commissioners or supervisors of any township, said request being

1 evidenced by the filing of a copy of a resolution certified by
2 the secretary or clerk of the council, commissioners or
3 supervisors, or upon the filing of a petition with them signed
4 by qualified [electors] voters of the county, city, borough or
5 township, equal in number to at least ten per cent of the total
6 number of [electors] voters who voted in said county, city,
7 borough or township at the preceding general or municipal
8 election, but in no case less than fifty, unless the total
9 number of [electors] voters who voted therein at the preceding
10 general or municipal election was less than one hundred, in
11 which case one-half of the number so voting shall be sufficient,
12 shall, at the next general or municipal election, occurring at
13 least sixty days thereafter, submit to the qualified [electors]
14 voters of such county, city, borough or township, the question
15 "Shall voting machines be used in the (county, city, borough or
16 township) of"?

17 (c) The county board shall cause the said question to be
18 printed upon the ballots to be used at the election, in the form
19 and manner provided by the laws governing general and municipal
20 elections.

21 (d) The election on said question shall be held at the
22 places, during the hours, and under the regulations, provided by
23 law for holding general and municipal elections, and shall be
24 conducted by the election officers provided by law to conduct
25 such elections. The election officers shall count the votes cast
26 at the elections on said question, and shall make return thereof
27 to the county election board of the county, as required by law.
28 Said returns shall be computed by the county election board, or
29 other return board, and, when so computed, a certificate of the
30 total number of [electors] voters voting "Yes" and of the total

1 number of [electors] voters voting "No" on such question shall
2 be filed in the office of the county election board, and copies
3 thereof, certified by the county election board, shall forthwith
4 be furnished to the Secretary of the Commonwealth, and to the
5 county commissioners or other appropriating authority.

6 (e) Where the qualified [electors] voters of any city,
7 borough or township vote in favor of the adoption of voting
8 machines in such city, borough or township, a vote on the
9 question of adoption of voting machines by the qualified
10 [electors] voters of the entire county containing therein such
11 city, borough or township, held at the same time or at a
12 subsequent time, the result of which vote is against the
13 adoption of voting machines, shall not be considered as a vote
14 to discontinue the use of voting machines in such city, borough
15 or township.

16 (f) If a majority of the [electors] voters of any county,
17 city, borough or township, voting on such question, shall vote
18 against the adoption of voting machines, the question shall not
19 again be submitted to the voters of such political subdivision
20 within a period of one hundred and three weeks.

21 (g) Whenever, under the provisions of this section, the
22 question of the adoption of voting machines is about to be
23 submitted to the [electors] voters of any county, city, borough
24 or township, it shall be the duty of the county commissioners,
25 or other authority which levies taxes for county purposes in
26 such county, to ascertain whether current funds will be
27 available to pay for said machines, if adopted and purchased, or
28 whether they have power to increase the indebtedness of the
29 county in an amount sufficient to pay for the same without the
30 consent of the [electors] voters and, if such current funds will

1 not be available and the power to increase the indebtedness of
2 the county in a sufficient amount without the consent of the
3 [electors] voters is lacking, it shall be the duty of the county
4 commissioners, or other authority aforesaid, to submit to the
5 [electors] voters of the county, in the manner provided by law,
6 at the same election at which the adoption of voting machines is
7 to be voted on, the question whether the indebtedness of such
8 county shall be increased, in an amount specified by them,
9 sufficient to pay for such voting machines, if adopted.

10 Section 1104. Installation of Voting Machines.--(a) (1) If
11 a majority of the qualified [electors] voters voting on the
12 question shall vote in the affirmative, the county election
13 board of the said county shall purchase for each election
14 district of such county, city, borough or township, one or more
15 voting machines, of a kind or kinds approved by the Secretary of
16 the Commonwealth, as hereinafter provided, and of sufficient
17 capacity to accommodate the names of a reasonable number of
18 candidates for all public and party offices which, under the
19 provisions of existing laws and party rules, are likely to be
20 voted for at any future election, and shall notify the Secretary
21 of the Commonwealth, in writing, that they have done so. The
22 county election board shall provide machines in good working
23 order, and shall preserve and keep them in repair. Voting
24 machines of different kinds may be used for different election
25 districts in the same county, city, borough or township. In each
26 election district in which voting machines are used, the county
27 election board shall provide an adequate number of voting
28 machines for the [electors] voters of the election district in
29 accordance with section 530.

30 (2) Whenever there shall be a number of candidates in a

1 primary election so great as to require voting machines limited
2 to the candidates of one political party, there shall be two
3 voting machines of the same kind in any district for any party
4 which has more than three hundred and fifty (350) registered
5 qualified [electors] voters in that district.

6 (b) Such voting machines shall be installed, either
7 simultaneously or gradually, in political subdivisions which
8 adopt them. Upon the installation of voting machines in any
9 election district, the use of paper ballots therein shall be
10 discontinued, except as otherwise provided herein.

11 (c) If voting machines are installed gradually, they may be
12 introduced, in the case of counties, in alphabetical order--by
13 cities, boroughs and townships, so that they will first be used
14 in the city, borough or township, the name of which is first in
15 alphabetical order, and then in the city, borough or township,
16 the name of which is next in alphabetical order, and so on. In
17 cities, boroughs and townships, they shall be introduced in
18 numerical or alphabetical order by wards and election districts,
19 if any, so that they will first be used in the first election
20 district of the first ward, and then in the second election
21 district of the first ward, and so on. After they have been
22 installed in all the election districts in the first ward, they
23 may be installed, in the same manner, in the second ward, then
24 in the third ward, and so on. In any event, the machines shall
25 be installed as rapidly as practicable after the [electors]
26 voters have voted in favor of them.

27 If voting machines are installed gradually they may also be
28 introduced in the case of counties by legislative districts with
29 priority in installation being given to municipalities therein
30 in the order of their descending population rank according to

1 the last official decennial census. Within such municipality the
2 voting machines shall be introduced in numerical order by wards
3 and election districts, if any, so that they will first be used
4 in the first election district of the first ward and then in the
5 second election district of the first ward and so on. After they
6 have been installed in all the election districts in the first
7 ward, they shall be installed in the same manner in the second
8 ward, then in the third ward, and so on.

9 (d) If the question hereinbefore provided shall have been
10 submitted to the qualified [electors] voters of the county,
11 city, borough or township, and the majority of the [electors]
12 voters voting thereon shall have voted favorably thereon, and if
13 the county election board shall not, within one year, have
14 executed their contract or contracts providing for the purchase
15 or procurement of voting machines for use at the next general,
16 municipal or primary election, occurring at least one year and
17 sixty days after the referendum, then the Secretary of the
18 Commonwealth shall forthwith, in writing, notify the said county
19 election board that, after the expiration of thirty days, he,
20 under the authority of this act, on behalf of the said county,
21 will award, make, and execute such contract or contracts, unless
22 the said county election board meanwhile shall have made and
23 executed the same.

24 (e) If, upon the expiration of said thirty days, the county
25 election board still shall not have made and executed the
26 contract or contracts providing for the delivery of machines as
27 aforesaid, the Secretary of the Commonwealth, on behalf of the
28 said county and upon the approval of the Attorney General as to
29 form, shall thereupon award, make, and execute a contract or
30 contracts for the purchase or procurement of a sufficient number

1 of voting machines, approved as required by this act, for each
2 election district within each such county, city, borough or
3 township; and the cost of such voting machines, including the
4 delivery thereof, and of making and entering into the said
5 contract or contracts, including the preparation and printing of
6 specifications and all other necessary expense incidental
7 thereto, shall be the debt of the said county, and, upon the
8 certificate of the Secretary of the Commonwealth, it shall be
9 the duty of the controller, if any, to allow, and of the
10 treasurer of the county to pay, the sum out of any appropriation
11 available therefor, or out of the first unappropriated moneys
12 that come into the treasury of the county.

13 (f) Provided, however, that if the county election board or
14 the Secretary of the Commonwealth, as the case may be, shall
15 find it impracticable to procure a voting machine or voting
16 machines for each election district of the county, city, borough
17 or township, for use at the general, municipal or primary
18 election then next ensuing, they or he shall provide as many
19 machines as it shall be practicable to procure, and, as soon
20 thereafter as practicable, shall provide the remainder of such
21 machines required hereunder. The machines shall be installed in
22 the election district or districts, in the manner provided for
23 the gradual introduction of voting machines in paragraph (c) of
24 this section.

25 (g) Any county, city, borough or township may, by a majority
26 vote of its qualified [electors] voters cast at any general
27 election held not earlier than one hundred and three weeks after
28 they have voted to adopt such machines, direct the
29 discontinuance of the use of voting machines at elections held
30 in such county, city, borough or township. The question for the

1 discontinuance of the use of such voting machines shall be
2 submitted to the voters, subject to the same requirements as to
3 resolution or petition and signatures thereon, as is required
4 for the submission of the question on the authorization of the
5 use of such voting machines. Such question for discontinuance
6 must be submitted to the qualified [electors] voters of the
7 county or municipality which voted on the question of the
8 adoption of voting machines, and the question of discontinuance
9 shall not be submitted to the qualified [electors] voters of any
10 city, borough or township forming a part only of any county
11 which has previously voted to adopt voting machines for the
12 entire county, unless the qualified [electors] voters of such
13 city, borough or township have previously, by separate vote of
14 its qualified [electors] voters, voted in favor of the adoption
15 of voting machines. Where the qualified [electors] voters of any
16 city, borough or township and the qualified [electors] voters of
17 the entire county containing therein such city, borough or
18 township, both have voted by separate questions in favor of the
19 adoption of voting machines, a subsequent vote by the qualified
20 [electors] voters of the entire county in favor of
21 discontinuance shall not be considered as a vote to discontinue
22 the use of voting machines in such city, borough or township.

23 Such question as to the discontinuance of the use of voting
24 machines shall be submitted in the following form:

25 "Shall the use of voting machines be continued in the (city,
26 borough or township), of.....?"

27 (h) If it shall appear at any election that the county board
28 requires additional voting machines for the use of the
29 [electors] voters, said county board shall have authority to
30 enter into a contract or contracts for the rental of a

1 sufficient number of machines for said election.

2 Section 1104.1. Temporary Use of Approved Voting Machines in
3 Certain Cases.--If the question hereinbefore provided shall have
4 been submitted to the qualified [electors] voters of the county,
5 and the majority of the [electors] voters voting thereon shall
6 have voted favorably thereon, and if the county election board
7 has made a gradual installation of voting machines approved by
8 the Secretary of the Commonwealth, then such county board of
9 elections may, upon their own motion, authorize the temporary
10 installation of voting machines approved by the Secretary of the
11 Commonwealth for primaries and elections in one or more election
12 districts of the county and the use of such voting machines
13 shall be as valid for all purposes as if the voting machines had
14 been permanently installed.

15 Section 1106. Examination and Approval of Voting Machines by
16 the Secretary of the Commonwealth.--

17 (a) Any person or corporation owning, manufacturing or
18 selling, or being interested in the manufacture or sale of, any
19 voting machine, may request the Secretary of the Commonwealth to
20 examine the machine. Any ten or more persons, being qualified
21 [electors] voters of this Commonwealth, may, at any time,
22 request the Secretary of the Commonwealth to reexamine any
23 voting machine theretofore examined and approved by him. Before
24 any such examination or reexamination, the person, persons, or
25 corporation, requesting such examination or reexamination, shall
26 pay to the treasurer of the Commonwealth an examination fee of
27 four hundred and fifty dollars (\$450). The Secretary of the
28 Commonwealth may, at any time, in his discretion, reexamine any
29 voting machine.

30 (b) The Secretary of the Commonwealth shall thereupon

1 require such machine to be examined or reexamined by three
2 examiners, whom he shall appoint for the purpose, of whom one
3 shall be an expert in patent law, and the other two shall be
4 experts in mechanics, and shall require of them a written report
5 on such machine, attested by their signatures; and the Secretary
6 of the Commonwealth himself shall examine the machine, and shall
7 make and file in his office, together with the reports of the
8 examiners appointed by him, his own report, attested by his
9 signature and the seal of his office, stating whether, in his
10 opinion and in consideration of the reports of the examiners
11 aforesaid, the kind of machine so examined can be safely used by
12 [electors] voters at elections, as provided in this act. If his
13 report states that the machine can be so used, the machine shall
14 be deemed approved, and machines of its kind may be adopted for
15 use at elections, as herein provided.

16 (c) No kind of voting machine not so approved shall be used
17 at any election, and if, upon the reexamination of any voting
18 machine previously approved, it shall appear that the machine so
19 reexamined can no longer be safely used by [electors] voters at
20 elections as provided in this act, the approval of the same
21 shall forthwith be revoked by the Secretary of the Commonwealth,
22 and no such voting machine shall thereafter be purchased for use
23 in this Commonwealth.

24 (d) When a machine has been so approved, no improvement or
25 change that does not impair its accuracy, efficiency or
26 capacity, shall render necessary a reexamination or reapproval
27 of the machine, or of its kind.

28 (e) Neither the Secretary of the Commonwealth, nor any
29 examiner appointed by him for the purpose prescribed by this
30 section, nor any member of a county election board shall have

1 any pecuniary interest in any voting machine, or in the
2 manufacture or sale thereof.

3 (f) Each examiner appointed hereunder shall receive a
4 compensation of one hundred and fifty dollars (\$150) for each
5 different type of voting machine examined by him.

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

11 * * *

12 (i) It shall permit and require voting in absolute secrecy,
13 and shall be so constructed that no person can see or know for
14 whom any other [elector] voter has voted or is voting, save a
15 voter whom he has assisted or is assisting in voting, as
16 prescribed by law.

17 * * *

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

19 * * *

20 (b) If the construction of the machine shall require it, the
21 ballot label for each candidate, group of candidates, political
22 party, or question, to be voted on, shall bear the designating
23 letter or number of the counter on the voting machine which will
24 register or record votes therefor. Each question to be voted on
25 shall appear on the ballot labels, in brief form, of not more
26 than seventy-five words, to be determined by the Secretary of
27 the Commonwealth in the case of constitutional amendments or
28 other questions to be voted on by the [electors] voters of the
29 State at large, and by the county election board in other cases.

30 * * *

1 (h) The names of all candidates of a political party shall
2 appear in the same row or column, and except in cases of names
3 of presidential commitments of nominees for delegate or
4 alternate delegate to political party National conventions no
5 other names shall appear in the same row or column, to the left
6 or top of which shall be a straight party lever, by means of
7 which [an elector] a voter may, in one operation, vote for all
8 the candidates of that political party for every office to be
9 voted for. Where the names of the delegate or alternate delegate
10 and the presidential candidate he is supporting shall both
11 appear, the print size of the name of the delegate or alternate
12 delegate shall be equal to the size of the name of the
13 particular presidential candidate to whom he is committed, or in
14 the case where he is uncommitted, the word "uncommitted" shall
15 appear in the same size print. The names of such candidates
16 shall be arranged under or opposite the title of the office for
17 which they are candidates, and shall appear in the order of the
18 votes obtained by the candidate for Governor of the party
19 nominated at the last gubernatorial election, beginning with the
20 party obtaining the highest number of votes: Provided, however,
21 That in the case of parties or bodies not represented on the
22 ballot at the last gubernatorial election, the names of the
23 candidates of such parties shall be arranged alphabetically,
24 according to the party or body name. The names of all candidates
25 of a political body shall appear in the same row or column, and,
26 if the number of parties and bodies permits, each political body
27 shall be entitled exclusively to a separate row or column, with
28 a straight party lever. If, however, the number of political
29 parties and political bodies renders it impossible or
30 impracticable to so arrange the political bodies, in such case

1 said bodies shall not be entitled to a separate row or column
2 and a straight party lever, but shall be listed by political
3 appellations on the first left hand or top row, with the
4 designating letter and number of the ballot label where their
5 candidates may be found, together with the political
6 appellations of other political bodies, whose candidates may be
7 interspersed on the same row or column. Subject to the aforesaid
8 limitations, the form and arrangement of ballot labels, as to
9 the placing thereon of political bodies, shall be within the
10 discretion of the county board.

11 * * *

12 Section 1112. Delivery of Voting Machines and Supplies by
13 County Election Boards to Election Officers.--

14 * * *

15 (c) The county election board shall furnish, at the expense
16 of the county, and deliver with each voting machine:

17 1. A lantern, or a proper substitute for one, which shall
18 give sufficient light to enable voters, while in the voting
19 machine booth, to read the ballot labels, and suitable for the
20 use of election officers in examining the counters. The lantern,
21 or proper substitute therefor, shall be prepared and in good
22 order for use before the opening of the polls.

23 2. Two diagrams or sample ballots, of suitable size,
24 representing such part of the face of such voting machine as
25 will be in use in the election, and accompanied by directions
26 for voting on the machine. Such diagrams shall be posted
27 prominently outside the enclosed space within the polling place.

28 3. A mechanically operated model of a portion of the face of
29 a voting machine, for the instruction of [electors] voters. Such
30 model shall be placed in the polling place and at or outside of

1 the guard-rail or barrier.

2 4. A seal, for sealing the machine after the polls are
3 closed; an envelope for the return of the keys, if the
4 construction of the voting machine shall permit their separate
5 return; and such other election materials and supplies as may be
6 necessary, or as may be required by law.

7 Section 1115. Instruction of Voters Before an Election.--

8 * * *

9 (c) Prior to any election, the county board may cause copies
10 of any diagram or diagrams, required to be furnished with voting
11 machines at polling places, to be made, either in full size or
12 in reduced size, and to be posted, published, advertised or
13 distributed among the [electors] voters in such manner as they
14 may deem desirable.

15 Section 1102-A. Authorization of Electronic Voting Systems
16 for Use at Polling Places.--Any county or municipality may, by a
17 majority vote of its qualified registered [electors] voters
18 voting thereon cast at any primary or election, authorize and
19 direct the use of an electronic voting system for registering or
20 recording and computing the vote at all elections and primaries
21 held at polling places in such county or municipality.

22 Section 1103-A. Placing the Question on the Ballot; Election
23 Thereon.--(a) The county election board may, upon their own
24 motion, submit to the qualified registered [electors] voters of
25 the county or municipality, at any primary or election, the
26 question "Shall an electronic voting system be used at polling
27 places in the (county or municipality) of?"

28 (b) The county election board, upon receipt of a request
29 from the governing body of a municipality, said request being
30 evidenced by the filing of a copy of a resolution certified by

1 the secretary or clerk of the municipality, or upon the filing
2 of a petition with them signed by qualified registered
3 [electors] voters of the county or municipality, equal in number
4 to at least ten (10) per centum of the total number of
5 [electors] voters who voted in said county or municipality, at
6 the preceding general or municipal election, but in no case less
7 than fifty, shall, at the next primary or election, occurring at
8 least sixty days thereafter, submit to the qualified registered
9 [electors] voters of such county or municipality, the question
10 "Shall an electronic voting system be used at polling places in
11 the (county or municipality) of"?"

12 (c) The county board shall cause the said question to be
13 submitted at the primary or election, in accordance with the
14 provisions of this act relating to elections.

15 (d) The election on said question shall be held at the
16 places, during the hours, and under the regulations, provided by
17 law for holding primaries and elections, and shall be conducted
18 by the election officers provided by law to conduct such
19 elections. The election officers shall count the votes cast at
20 the elections on said question, and shall make return thereof to
21 the county election board of the county, as required by law.
22 Said returns shall be computed by the county election board, or
23 other return board, and, when so computed, a certificate of the
24 total number of [electors] voters voting "Yes" and of the total
25 number of [electors] voters voting "No" on such question shall
26 be filed in the office of the county election board, and copies
27 thereof, certified by the county election board, shall forthwith
28 be furnished to the Secretary of the Commonwealth, and to the
29 county commissioners or other appropriating authority of the
30 county or municipality.

1 (e) If a majority of the [electors] voters of any county or
2 municipality, voting on such question, shall vote against the
3 adoption of an electronic voting system the question may again
4 be submitted to the voters of such county or municipality.

5 (f) Whenever, under the provisions of this act, the question
6 of the adoption of an electronic voting system is to be
7 submitted to the [electors] voters of any county, the county
8 board of elections shall purchase, lease or otherwise procure
9 those parts of the system used by the voter in a quantity
10 sufficient for reasonable demonstration of the system or systems
11 in such county prior to the general or municipal election in
12 question.

13 Section 1104-A. Installation of Electronic Voting Systems.--

14 (a) If a majority of the qualified registered [electors] voters
15 voting on the question in any county or municipality vote in
16 favor of the adoption of an electronic voting system, the county
17 board of elections of that county shall purchase, lease, or
18 otherwise procure for each election district of such county or
19 municipality, the components of an electronic voting system of a
20 kind approved, as hereinafter provided, by the Secretary of the
21 Commonwealth, and the board shall thereafter notify the
22 Secretary of the Commonwealth, in writing, that they have done
23 so.

24 (b) The installation throughout the county or municipality
25 of the electronic voting system adopted by the county board of
26 elections may be accomplished either simultaneously in all
27 election districts or in stages at the discretion of the county
28 board, and the manner of implementation as among election
29 districts shall also be at the discretion of the county board:
30 Provided, however, That the electronic voting system adopted by

1 the county board shall be fully implemented throughout the
2 county or municipality within one hundred and three weeks after
3 the approval of the adoption of an electronic voting system by
4 the [electors] voters of the county or municipality. Upon the
5 installation of an electronic voting system in any election
6 district, the use therein of paper ballots and of voting
7 machines shall be discontinued, except as otherwise provided
8 herein.

9 (c) If the question hereinbefore provided shall have been
10 submitted to the qualified registered [electors] voters of the
11 county or municipality and the majority of the [electors] voters
12 voting thereon shall have voted favorably thereon, and if the
13 county board of elections shall not, within one year after such
14 vote, have executed a contract or contracts providing for the
15 purchase, lease or other procurement of an electronic voting
16 system for use at the general, municipal, primary or special
17 election occurring at least one year and sixty days after such
18 vote, then the Secretary of the Commonwealth shall forthwith in
19 writing, notify the said county board of elections that, after
20 the expiration of thirty days, he, under the authority of this
21 act, will award, make and execute such contract or contracts on
22 behalf of the said county, unless the said county board of
23 elections shall make and execute the same prior to the
24 expiration of that period and shall notify him, in writing, that
25 they have done so.

26 (d) If, upon the expiration of said thirty days, the county
27 board of elections still shall not have made and executed a
28 contract or contracts providing for the purchase, lease or other
29 procurement of an electronic voting system as aforesaid, the
30 Secretary of the Commonwealth, on behalf of the said county and

1 upon the approval of the Attorney General as to form, shall
2 thereupon award, make and execute a contract or contracts for
3 the purchase, lease or other procurement of an electronic voting
4 system, approved as required by this act, for each election
5 district within such county or municipality, and the cost of
6 such system, including the preparation and printing of
7 specifications and all other necessary expenses incidental
8 thereto, shall be the debt of the said county, and upon the
9 certificate of the Secretary of the Commonwealth, it shall be
10 the duty of the controller, if any, to allow, and of the
11 treasurer of the county to pay, the sum out of any appropriation
12 available therefore or out of the first unappropriated moneys
13 that come into the treasury of the county. If the Secretary of
14 the Commonwealth shall find it impracticable to procure an
15 electronic voting system for installation in each election
16 district of the county or municipality for use at the election
17 then next ensuing, he shall provide for the installation of such
18 a system in as many election districts of the county or
19 municipality as shall be practicable and, as soon thereafter as
20 practicable, shall provide for the installation of such system
21 in the remainder of the election districts of the county or
22 municipality.

23 (e) Any county or municipality may, by a majority vote of
24 its qualified registered [electors] voters cast at any general
25 or municipal election held not earlier than one hundred and
26 three weeks after they have voted to adopt an electronic voting
27 system, direct the discontinuance of the use of such a system at
28 all elections held in such county or municipality. Upon the
29 receipt by the county board of elections of a petition signed by
30 qualified registered [electors] voters of the county or

1 municipality equal in number to at least ten (10) per centum of
2 the total number of [electors] voters who voted in said county
3 or municipality at the last preceding general or municipal
4 election, the question for the discontinuance of the use of such
5 an electronic voting system shall be submitted to the qualified
6 registered [electors] voters of that county or municipality,
7 subject to the same requirements as to the conduct of the
8 election as is required for the submission of the question on
9 the authorization of the use of an electronic voting system. The
10 question as to the discontinuance of the use of an electronic
11 voting system shall be submitted in the following form: "Shall
12 the use of an electronic voting system be continued in the
13 (county or municipality) of"?"

14 Section 1105-A. Examination and Approval of Electronic
15 Voting Systems by the Secretary of the Commonwealth.--(a) Any
16 person or corporation owning, manufacturing or selling, or being
17 interested in the manufacture or sale of, any electronic voting
18 system, may request the Secretary of the Commonwealth to examine
19 such system if the voting system has been examined and approved
20 by a federally recognized independent testing authority and if
21 it meets any voting system performance and test standards
22 established by the Federal Government. The costs of the
23 examination shall be paid by the person requesting the
24 examination in an amount set by the Secretary of the
25 Commonwealth. Any ten or more persons, being qualified
26 registered [electors] voters of this Commonwealth, may, at any
27 time, request the Secretary of the Commonwealth to reexamine any
28 electronic voting system theretofore examined and approved by
29 him. Before any reexamination, the person, persons, or
30 corporation, requesting such reexamination, shall pay to the

1 Treasurer of the Commonwealth a reexamination fee of four
2 hundred fifty dollars (\$450). The Secretary of the Commonwealth
3 may, at any time, in his discretion, reexamine any such system
4 therefore examined and approved by him. The Secretary of the
5 Commonwealth may issue directives or instructions for
6 implementation of electronic voting procedures and for the
7 operation of electronic voting systems.

8 (b) Upon receipt of a request for examination or
9 reexamination of an electronic voting system as herein provided
10 for or in the event he determines to reexamine any such system,
11 the Secretary of the Commonwealth shall examine the electronic
12 voting system and shall make and file in his office his report,
13 attested by his signature and the seal of his office, stating
14 whether, in his opinion, the system so examined can be safely
15 used by voters at elections as provided in this act and meets
16 all of the requirements hereinafter set forth. If his report
17 states that the system can be so used and meets all such
18 requirements, such system shall be deemed approved and may be
19 adopted for use at elections, as herein provided. With respect
20 to any electronic voting system approved for use in this
21 Commonwealth by the secretary, the report of the secretary shall
22 specify the capacity of the components of that system, the
23 number of voters who may reasonably be accommodated by the
24 voting devices and automatic tabulating equipment which comprise
25 such system and the number of clerks and machine inspectors, if
26 any, required based on the number of registered [electors]
27 voters in any election district in which the voting system is to
28 be used, such specifications being based upon the secretary's
29 examination of the system. Any county which thereafter may adopt
30 any such approved system shall provide the components of such

1 system in a number no less than that sufficient to accommodate
2 the voters of that county or municipality in accordance with the
3 minimum capacity standards so prescribed by the secretary. The
4 county board shall comply with the requirements for the use of
5 the electronic voting system as set forth in the report by the
6 Secretary of the Commonwealth.

7 (c) No electronic voting system not so approved shall be
8 used at any election, and if, upon the reexamination of any such
9 system previously approved, it shall appear that the system so
10 reexamined can no longer be used safely by voters at elections
11 as provided in this act or does not meet the requirements
12 hereinafter set forth, the approval of that system shall
13 forthwith be revoked by the Secretary of the Commonwealth, and
14 that system shall not thereafter be used or purchased for use in
15 this Commonwealth.

16 (d) When an electronic voting system has been so approved,
17 no improvement or change that does not impair its accuracy,
18 efficiency or capacity or its compliance with the requirements
19 hereinafter set forth, shall render necessary the reexamination
20 or reapproval of such system.

21 (e) Neither the Secretary of the Commonwealth nor any member
22 of a county board of elections shall have any pecuniary interest
23 in any electronic voting system or in any of the components
24 thereof, or in the design, manufacture or sale thereof.

25 Section 1106-A. Experimental Use of Electronic Voting
26 Systems.--(a) The county board of elections of any county may
27 provide for experimental use at any primary or election in one
28 or more election districts of said county, of an electronic
29 voting system, and the use of such system shall be as valid for
30 all purposes as if the electronic voting system had been adopted

1 in accordance with the provisions of this act.

2 (b) The Secretary of the Commonwealth may approve the use of
3 an experimental electronic voting system by the county board of
4 elections of any county which complies with section 1306(a) for
5 absentee voters as provided for in the Uniformed and Overseas
6 Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924)
7 if the system allows the [elector] voter to mark his electronic
8 ballot in secrecy as provided for paper absentee ballots
9 pursuant to section 1306(a). The system shall be exempt from the
10 requirements of sections 1107-A, 1302, 1303, 1304, 1305 and
11 1306.

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

17 (1) At primary elections, the election officer in charge
18 shall adjust the voting system before the voter records any vote
19 so that the voter will only be able to register a vote for
20 candidates on the ballot of the party in which he is registered
21 and enrolled or for persons whose names are not on the official
22 ballot, for candidates for nonpartisan nominations, if any, and
23 for any questions upon which he is entitled to vote.

24 (2) At primary elections, the voter shall be able to vote
25 for each candidate individually by the means provided. At all
26 other elections, he may vote for each candidate individually, or
27 he may vote a straight political party ticket in one operation
28 by operating the straight political party mechanism of the
29 political party or political body of his choice. He may also,
30 after having operated the straight party mechanism and before

1 recording his vote, cancel the vote for any candidate of such
2 political party or political body and may thereupon vote for a
3 candidate of another party, or political body for the same
4 office. The voter may also vote individually for or against a
5 question submitted to the vote of the [electors] voters.

6 (3) A voter may, at any primary or other election, vote for
7 any person or persons for any office for which his name does not
8 appear upon the ballot label as a candidate, by writing the
9 identification of the office and the name of such person in or
10 upon the appropriate receptacle or device provided for that
11 purpose. No write-in vote shall be cast on a voting device for
12 any person for any office, whose name appears on the ballot
13 label as a candidate for that office, and any ballot so cast
14 shall be void and not counted.

15 (4) At any general election at which presidential electors
16 are to be chosen, each elector shall be permitted to vote by one
17 operation for all the presidential electors of a political party
18 or political body. For each party or body nominating
19 presidential electors, a ballot label shall be provided
20 containing only the words "Presidential Electors," preceded by
21 the names of the party or body and followed by the names of the
22 candidates thereof for the Office of President and Vice-
23 President, and the corresponding counter or registering device
24 shall register votes cast for said [electors] voters when thus
25 voted for collectively. If any [elector] voter desires to vote a
26 ticket for presidential electors made up of the names of persons
27 nominated by different parties or bodies, or partially of names
28 of persons so in nomination and partially of names of persons
29 not in nomination by any party or body, he may write or deposit
30 a paper ballot prepared by himself in the receptacle provided in

1 or on the voting device for that purpose, or he may list their
2 names on the write-in ballot or envelope provided for that
3 purpose. The voting device shall be so constructed that it will
4 not be possible for any one voter to vote a straight party
5 ticket for presidential electors and at the same time to deposit
6 a ballot for presidential electors in a receptacle as
7 hereinabove provided. When the votes for presidential electors
8 are counted, the votes appearing upon the counter or registering
9 device corresponding to the ballot label containing the names of
10 the candidates for President and Vice-President of any party or
11 body shall be counted as votes for each of the candidates for
12 presidential elector of such party or body, and thereupon all
13 candidates for presidential elector shall be credited, in
14 addition, with the votes cast for them upon the ballots
15 deposited in the machine, as hereinabove provided.

16 (5) As soon as the [elector] voter has adjusted the voting
17 device so that it will record his choices for the various
18 candidates to be voted for, and his answers to the various
19 questions submitted, he shall operate the recording mechanism of
20 the voting device and forthwith leave the voting booth.

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

25 (1) The voter, after receiving his ballot from the district
26 election officials, shall retire to one of the voting booths in
27 which the voting devices are located.

28 (2) At primary elections, the voter shall vote for the
29 candidates of his choice for nomination, according to the number
30 of persons to be voted for by him, for each office by making a

1 cross (X) or check () mark or by making a punch or mark sense
2 mark in the square opposite the name of the candidate, or he may
3 so mark the write-in position provided on the ballot for the
4 particular office and, in the space provided therefor on the
5 ballot and/or ballot envelope, write the identification of the
6 office in question and the name of any person not already
7 printed on the ballot for that office, and such mark and written
8 insertion shall count as a vote for that person for such office.

9 (3) At all other elections, the voter shall vote for the
10 candidates of his choice for each office to be filled, according
11 to the number of persons to be voted for by him for each office,
12 by making a cross (X) or check () mark or by making a punch or
13 mark sense mark in the square opposite the name of the
14 candidate, or he may so mark the write-in position provided on
15 the ballot for the particular office and, in the space provided
16 therefor on the ballot and/or ballot envelope, write the
17 identification of the office in question and the name of any
18 person not already printed on the ballot for that office, and
19 such mark and written insertion shall count as a vote for that
20 person for such office.

21 (4) If the voter desires to vote for every candidate of a
22 political party or political body, except its candidates for
23 offices as to which he votes for individual candidates in the
24 manner hereinafter provided, he may make a cross (X) or check
25 () or punch or mark sense mark in the square opposite the name
26 of the party or political body so marked, including its
27 candidates for presidential electors, except for those offices
28 as to which he has indicated a choice for individual candidates
29 of the same or another party or political body, by making a
30 cross (X) or check () or punch or mark sense mark opposite

1 their names in the manner hereinabove provided, as to which
2 offices his ballot shall be counted only for the candidates
3 which he has thus individually marked, notwithstanding the fact
4 that he made a mark in the party column, and even though in the
5 case of an office for which more than one candidate is to be
6 voted for, he has not individually marked for such office the
7 full number of candidates for which he is entitled to vote. If
8 he desires to vote for the entire group of presidential electors
9 nominated by any party or political body, he may make a cross
10 (X) or check () or punch or mark sense mark in the appropriate
11 space opposite the names of the candidates for President and
12 Vice-President of such party or body. If he desires to vote a
13 ticket for presidential electors made up of the names of persons
14 nominated by different parties or political bodies, or partially
15 of names of persons so in nomination and partially of names of
16 persons not in nomination by any party or political body, or
17 wholly of names of persons not in nomination by any party or
18 political body, he shall insert the names of the candidates for
19 presidential electors for whom he desires to vote in the blank
20 spaces provided therefor on the write-in ballot under the title
21 of the office "Presidential Electors". In case of a question
22 submitted to the vote of the electors, he may make a cross (X)
23 or check () or punch or mark sense mark in the appropriate
24 square opposite the answer which he desires to give.

25 (5) Any voter who spoils his ballot may return it and secure
26 another. The word "spoiled" shall be written across the face of
27 the ballot, and it shall be placed in the envelope marked
28 "Spoiled Ballots".

29 (6) Following the completion of his vote, the voter shall
30 leave the voting booth and return the ballot to the election

1 officer by a means designed to insure its secrecy; upon removal
2 of the stub of the ballot by the election officer, the voter
3 shall insert the ballot into the district automatic tabulating
4 equipment or, in the event district tabulation is not provided
5 for by the voting system or such district tabulation equipment
6 is inoperative for any reason, into a secure ballot box. No
7 ballot card from which the stub has been detached shall be
8 accepted by the election officer in charge of such equipment or
9 ballot box, but it shall be marked "spoiled" and shall be placed
10 in the envelope marked "Spoiled Ballots."

11 Section 1113-A. Post Election Procedures.--(a) As soon as
12 the polls have been closed and the last [elector] voter has
13 voted in districts having an electronic voting system which
14 employs paper ballots or ballot cards, and district tabulation
15 is provided for, the number of such ballots issued to [electors]
16 voters (at primary elections, the number issued to the
17 [electors] voters of each party), as shown by the stubs, and the
18 number of ballots (at primaries the number of ballots of each
19 party), if any, spoiled and returned by voters and cancelled,
20 shall be announced to all present in the polling place and
21 entered on the general returns of votes cast at such primary or
22 election. The district election officers shall then compare the
23 number of names marked as voting in the district register,
24 "Voting Check List" and numbered lists of voters, shall announce
25 the result, and shall enter on the general returns the number of
26 [electors] voters who have voted, as shown by the "Voter's Check
27 List." Any differences which exist shall be reconciled where
28 possible, and where reconciliation is not possible such
29 differences shall be noted on the general returns. The district
30 register, the "Voting Check List," the numbered lists of voters

1 and the stubs of all ballots used, together with all unused
2 ballots, and all spoiled and cancelled ballots, and all rejected
3 voters certificates shall then be placed in separate packages,
4 containers or envelopes and sealed before the tabulation of any
5 ballots.

6 * * *

7 Section 8. Articles XII, XIII, XIII-C and XIV of the act are
8 reenacted and amended to read:

9 ARTICLE XII

10 Preparation For and Conduct of Primaries and
11 Elections

12 Section 1201. Notice of November Elections.--The county
13 board of each county shall, not earlier than ten days nor later
14 than three days before each November election, give notice of
15 the same by newspaper publication in the county in accordance
16 with the provisions of section 106 of this act, said notice to
17 be published twice in counties of the first class and once in
18 all other counties. Such notice shall set forth--(a) the
19 officers to be elected in the State at large, or in said county,
20 or in any district of which said county or part thereof forms a
21 part, or in any city, borough, township, school district, poor
22 district, ward or other district which is contained in such
23 county; (b) the names of the candidates for election to Federal,
24 State, county and city offices, whose names will appear upon the
25 ballots or ballot labels; (c) the text of all constitutional
26 amendments and other questions to be submitted at such election;
27 (d) the places at which the election is to be held in the
28 various election districts of the county; and (e) the date of
29 the election and the hours during which the polls will be open.
30 Such notice may include a portion of the form of ballot or

1 diagram of the face of the voting machine in reduced size.

2 Section 1201.2. Publishing Constitutional Amendments.--In
3 accordance with the requirements of section 1 of Article XI of
4 the Constitution of Pennsylvania, the Secretary of the
5 Commonwealth shall cause to have published in the manner
6 prescribed all proposed amendments to the Constitution of
7 Pennsylvania. As much of the money, from time to time, in the
8 General Fund as shall be deemed necessary by the Governor is
9 hereby appropriated to the Department of State to pay the costs
10 of such publications.

11 Section 1202. Cards of Instructions and Supplies.--Prior to
12 each primary and election each county board of election shall
13 prepare full instructions for the guidance of [electors] voters
14 in districts in which ballots are used, and also similar
15 instructions for the guidance of [electors] voters in districts
16 in which voting machines are used, and they shall cause the
17 same, together with such portions of this act as deemed
18 advisable, to be printed in large clear type on separate cards
19 to be called cards of instruction. They shall also prepare blank
20 forms of oaths of election officers, records of assisted voters,
21 affidavits of challenged [electors] voters and others, general
22 and duplicate return sheets, tally papers, statements, blank
23 forms for numbered lists of voters, with sufficient space for
24 noting their party enrollment at primaries, notice of penalties
25 for the information of [electors] voters and election officers,
26 and other forms and supplies required by this act for use in
27 each election district of the county. Said forms, blank books,
28 and other supplies shall have printed thereon appropriate
29 instructions. In districts in which voting machines are used the
30 general and duplicate return sheets and statement shall be

1 printed to conform to the type of voting machine used in such
2 districts and the designating number and letter, if any, on the
3 counter for each candidate shall be printed thereon opposite the
4 candidate's name.

5 Section 1203. Voter's Certificates.--At each primary and
6 election each county board shall prepare a suitable number of
7 voter's certificates which shall be in form approved by the
8 Secretary of the Commonwealth substantially as follows:

9 Voter's Certificate

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

11 I hereby certify that I am qualified to vote at this

12 (primary) (election)

13 Signature

14 Address

15Pa.

16 Approved.....

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

19 The voter's certificate shall be so prepared as to be capable
20 of being inserted by the election officers in a suitable file or
21 binder to be furnished by the county board. One such file or
22 binder shall be furnished by the county board for each election
23 district for each primary and election, and shall have printed
24 or written thereon the words "Voting Check List," together with
25 the number of the district and ward, if any, and the date of the
26 primary or election.

27 Section 1204. Delivery of Ballots and Supplies to Judges of
28 Election.--The cards of instruction, return sheets, tally
29 papers, statements, oaths of election officers, affidavits,
30 voter's certificates, and other forms and supplies required for

1 use in each election district, and also the district register of
2 such district, and in districts in which ballots are used, the
3 official and specimen ballots prepared for use therein, shall be
4 packed by the county board of elections in separate sealed
5 packages for each election district, marked on the outside so as
6 to clearly designate the districts for which they are intended,
7 and, in the case of districts in which ballots are used, the
8 number of ballots of each kind enclosed. They shall then be
9 delivered by the county board, together with the ballot box
10 which shall bear the name and number of the election district,
11 to the judges of election in the several election districts, not
12 later than the day prior to the day of the primary or election:
13 Provided, however, That if, for any reason, it is impossible to
14 deliver such packages to the judge of election in any district,
15 such packages may be delivered to one of the inspectors therein.
16 The respective judges of election or inspectors shall, on
17 delivery to them of such packages, return receipts therefor to
18 the county board, which shall keep a record of the time when and
19 the manner in which the several packages are delivered. The
20 county board may, in its discretion, require the respective
21 judges of election to call at its office to obtain the said
22 packages.

23 Section 1205. Time for Opening and Closing Polls.--At all
24 primaries and elections the polls shall be opened at 7 A.M.,
25 Eastern Standard Time, and shall remain open continuously until
26 8 P.M., Eastern Standard Time, at which time they shall be
27 closed.

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

1 be in continuous session at the courthouse of said county, or,
2 in judicial districts composed of more than one county, at the
3 courthouse of the county in which such judge or judges reside,
4 on the day of each primary and election from 7 o'clock A.M.
5 until 10 o'clock P.M. and so long thereafter as it may appear
6 that the process of said court will be necessary to secure a
7 free, fair and correct computation and canvass of the votes cast
8 at said election. In judicial districts having but one judge of
9 the court of common pleas, such judge shall not be required to
10 be in session, as aforesaid, between the hours of 12 o'clock
11 noon and 2 o'clock P.M., nor between the hours of 5:30 o'clock
12 P.M. and 7 o'clock P.M. During such period said court shall act
13 as a committing magistrate for any violation of the election
14 laws; shall settle summarily controversies that may arise with
15 respect to the conduct of the election; shall issue process, if
16 necessary, to enforce and secure compliance with the election
17 laws; and shall decide such other matters pertaining to the
18 election as may be necessary to carry out the intent of this
19 act. When an individual is seeking a judicial order to vote, the
20 court shall, pursuant to the provisions of the Help America Vote
21 Act of 2002 (Public Law 107-252, 42 U.S.C. § 15301 et seq.),
22 inform the individual of the provisional ballot process set
23 forth in section 1210(a.4) and shall direct the individual to
24 follow the procedure in section 1210(a.4). In counties of the
25 third class the court shall have power to appoint additional
26 clerks at the polling places where needed and requested by the
27 election board: Provided, That for each clerk appointed from the
28 majority political party, a clerk from the minority political
29 party must also be appointed.

30 Section 1206.1. The counsel for the county board of

1 elections shall be in constant attendance at the office of the
2 board on the day of each primary and election from 7 o'clock
3 A.M. until 12 o'clock noon, and from 2 o'clock P.M. until 5:30
4 o'clock P.M., and from 7 o'clock P.M. until 10 o'clock P.M., and
5 shall, upon request, instruct election officers, overseers,
6 watchers, and [electors] voters as to their rights and duties in
7 election matters.

8 Section 1206.2. Title III Complaints.--The Department of
9 State shall establish within the Bureau of Commissions,
10 Elections and Legislation a procedure for the review of
11 complaints regarding the administration of Title III of the Help
12 America Vote Act of 2002 (Public Law 107-252, 42 U.S.C. § 15301
13 et seq.). The Department of State shall provide a complaint form
14 which shall require the signature of the complainant, an
15 affidavit and notarization and the attachment of any supporting
16 documentation.

17 (b) Where a complaint pertains to a local or county employe
18 or official, the following procedure shall apply:

19 (1) The Department of State shall provide the county board
20 of elections with a copy of the complaint within three business
21 days of receipt.

22 (2) The county board of elections shall have twenty days to
23 either reach an agreement with the complainant or file a written
24 response to the complaint.

25 (3) The Department of State shall provide the complainant
26 with a copy of the response and an opportunity for an informal
27 hearing.

28 (4) Where an informal hearing is requested, the county board
29 of elections shall be given notice and the opportunity to
30 participate.

1 (5) The Department of State shall issue a final
2 determination and remedial plan if necessary no later than
3 ninety days after the filing of the complaint. If the Department
4 of State fails to issue the determination within ninety days, it
5 shall provide alternative dispute resolution for the disposition
6 of the complaint. The alternative process shall be completed
7 within sixty days of its commencement.

8 (c) Where a complaint pertains to the Department of State
9 the following procedure shall apply:

10 (1) The Department of State shall forward the complaint to
11 the Office of General Counsel within three business days of
12 receipt.

13 (2) The Department of State shall have twenty days to either
14 reach an agreement with the complainant or file a written
15 response to the complaint.

16 (3) The Office of General Counsel shall provide the
17 complainant with a copy of the response and an opportunity for
18 an informal hearing.

19 (4) Where an informal hearing is requested, the Department
20 of State shall be given notice and an opportunity to
21 participate.

22 (5) The Office of General Counsel shall issue a final
23 determination and remedial plan if necessary no later than
24 ninety days after the filing of the complaint. If the Office of
25 General Counsel fails to issue the determination within ninety
26 days, it shall provide alternative dispute resolution for the
27 disposition of the complaint. The alternative process shall be
28 completed within sixty days of its commencement.

29 (d) Proceedings under this section shall not be considered
30 an administrative adjudication under 2 Pa.C.S Chs. 5 Subch. A

1 (relating to practice and procedure of Commonwealth agencies)
2 and 7 Subch. A (relating to judicial review of Commonwealth
3 agency action), known as the Administrative Agency Law.

4 (e) A determination made pursuant to subsection (b) shall
5 not be an agency determination subject to appellate review
6 pursuant to 42 Pa.C.S. § 763 (relating to direct appeals from
7 government agencies). Either party may initiate a de novo appeal
8 from the department's final order in the court of common pleas
9 of the county where the election board is located.

10 (f) A determination made pursuant to subsection (c) shall be
11 an agency determination subject to appellate review pursuant to
12 42 Pa.C.s. § 763.

13 Section 1207. Peace Officers; No Police Officer to Be Within
14 One Hundred Feet of Polling Place; Exceptions; Presence of
15 Soldiers Prohibited.--(First two sentences repealed Oct. 9,
16 2009, P.L.494, No.49) The election officers, or any three
17 qualified [electors] voters of any election district, may call
18 upon any mayor, chief burgess, sheriff, deputy sheriff,
19 constable, deputy constable, or police officer, to clear an
20 avenue to the door of any polling place which is obstructed in
21 such a way as to prevent [electors] voters from approaching, or
22 to maintain order and quell any disturbance, if such arises. No
23 police officer in commission, whether in uniform or in citizen's
24 clothes, shall be within one hundred feet of a polling place
25 during the conduct of any primary or election, unless in the
26 exercise of his privilege of voting, or for the purpose of
27 serving warrants, or unless called upon to preserve the peace,
28 as provided by this act: Provided, however, That such
29 prohibition shall not apply to such police officers assigned to
30 a police station or headquarters located in a building or on the

1 premises where the polling place is located and such police
2 officers must be within one hundred (100) feet of the polling
3 place to enter and exit such police station or headquarters: And
4 provided further, That in no event may any police officer
5 unlawfully use or practice any intimidation, threats, force or
6 violence nor, in any manner, unduly influence or overawe any
7 [elector] voter or prevent him from voting or restrain his
8 freedom of choice, nor may any such police officer electioneer
9 or directly or indirectly attempt to influence the election or
10 [electors] voters while within one hundred (100) feet of a
11 polling place as herein set forth: And provided further, That
12 where polling places are located in buildings or on premises
13 where a police station or headquarters are located, the polling
14 place shall be located in a separate room. No body of troops in
15 the Army of the United States or of this Commonwealth shall be
16 present, either armed or unarmed, at any place of election
17 within this Commonwealth during the time of any primary or
18 election: Provided, however, That no officer or soldier shall be
19 prevented from exercising the right of suffrage in the election
20 district in which he resides, if otherwise qualified.

21 Section 1208. Meeting of Election Officers on Day of
22 Election; Duties of Election Officers.--(a) The judges,
23 inspectors, clerks of election and machine inspectors, together
24 with the overseers, if any, shall meet in the respective places
25 appointed for holding the election in each election district at
26 least thirty minutes before the hour for opening the polls on
27 the day of each primary and election. They shall thereupon, in
28 the presence of each other, take and subscribe in duplicate to
29 the oaths required by this act.

30 (b) If any judge of election shall not appear at the polling

1 place by 7 o'clock A.M., on the day of any primary or election,
2 the majority inspector shall appoint a judge of election, who is
3 qualified under the provisions of this act. If any majority
4 inspector of election shall not appear at said hour, the judge
5 of election shall appoint a majority inspector, who is qualified
6 under the provisions of this act. If any minority inspector of
7 election shall not appear at said hour, the person who received
8 the second highest vote for judge at the preceding election
9 shall serve as minority inspector, if available, and if
10 qualified under the provisions of this act. If such person is
11 not available or not qualified, the qualified [electors] voters
12 of the district, present at said time, shall, under the
13 supervision of the judge of election, elect one of their number
14 who is duly qualified, to fill said vacancy. If, for any reason,
15 any vacancy in an election board shall not have been filled, as
16 aforesaid, by 7:30 A.M., the qualified [electors] voters of the
17 district, present at said time, shall elect a qualified person
18 or persons to fill such vacancies. If any clerk shall not appear
19 by 7 o'clock A.M., the inspector who appointed said clerk shall
20 fill said vacancy, appointing a qualified [elector] voter
21 therefor. If any machine inspector shall not appear at said
22 time, it shall be the duty of the judge of election to promptly
23 notify the county board, who shall immediately appoint a
24 qualified machine inspector to fill said vacancy. Any persons
25 thus appointed or elected to fill vacancies shall take and
26 subscribe in duplicate to the oaths required by this act, and
27 shall hold office only for said election.

28 (c) After the election board has been organized, the judge
29 of election shall designate one of the inspectors of election to
30 have custody of the district register and to make the entries

1 therein, required by this act. In districts in which ballots are
2 used, the other inspector shall have charge of the receipt and
3 deposit of ballots in the ballot box, the judge or one of the
4 clerks shall issue the ballots to [electors] voters after they
5 are found entitled to vote, and the other clerk shall have
6 custody of the "Voting Check List," and shall place the voter's
7 certificates therein as they are received and approved. In
8 districts in which voting machines are used, the other inspector
9 or clerk shall have custody of the "Voting Check List," and
10 shall place the voter's certificates therein as they are
11 received and approved, and the judge shall have special charge
12 of the operation of the voting machine: Provided, however, That
13 the judge of election may make other arrangements for the
14 division of the duties imposed by this act, so long as each
15 election officer and clerk is assigned some specific duty to
16 perform. If more than one voting machine is used, the judge
17 shall be assisted by the machine inspectors, each machine
18 inspector being assigned by him to have charge of the operation
19 of a particular machine. In all election districts, the judge
20 shall assign two (2) members of the election board or clerks to
21 keep two (2) numbered lists of voters during the progress of the
22 voting.

23 (d) Any election officer, clerk or machine inspector may be
24 assigned by the judge of election to assist another officer,
25 clerk or machine inspector in the performance of his duties, or
26 to perform them for him during his temporary absence or
27 disability.

28 Section 1209. Opening of Polls; Posting Cards of Instruction
29 and Notices of Penalties and Voters' Rights; Examination of
30 Voting Machines.--(a) In districts in which ballots are used,

1 the election officers shall, after taking the oath, open the
2 ballot boxes which have been furnished to them, and burn and
3 totally destroy all the ballots and other papers which they may
4 find therein, before the opening of the polls.

5 Whenever during any emergency, it becomes necessary to save
6 waste paper on account of a shortage thereof, the Governor of
7 the Commonwealth may, by proclamation, suspend the foregoing
8 provisions relating to the destruction of ballots and papers,
9 and in that case, the election board shall set the ballots and
10 other papers aside and they shall be collected and disposed of
11 by such means and in such manner as may be determined by the
12 county election board. When the polling place is opened, the
13 ballot box shall be securely locked, and shall not be opened
14 until the close of the polls, as provided in section 1221. At
15 the opening of the polls the seals of the packages furnished by
16 the county board shall be publicly broken, and the said packages
17 shall be opened by the judge of election. The cards of
18 instruction and notices of penalties shall be immediately posted
19 in each voting compartment, and not less than three such cards
20 and notices of penalties and voters' rights, and not less than
21 five specimen ballots (at primaries five of each party), shall
22 be immediately posted in or about the voting room outside the
23 enclosed space, and such cards of instruction, notices of
24 penalties and specimen ballots shall be given to any [elector]
25 voter at his request, so long as there are any on hand.

26 (a.1) The notice pertaining to voters' rights shall contain
27 the following in boldface type:

28 [An elector] A voter shall have the right to cast his or her
29 vote:

30 without the use or threat of force, violence or restraint;

1 without the infliction or threat of infliction of injury;
2 without any intimidation or coercion upon or against his or
3 her person; or

4 without any other action intended to deny any individual's
5 right to vote.

6 (b) (1) In districts in which voting machines are used, at
7 the opening of the polls, the seals of the package furnished by
8 the county board shall be publicly broken, and the said package
9 shall be opened by the judge of election. Not less than three
10 cards of instruction and notices of penalties, and not less than
11 two diagrams of the face of the machine shall be immediately
12 posted in or about the voting room outside the enclosed space,
13 and such cards and notices of penalties shall be given to any
14 [elector] voter at his request, so long as there are any on
15 hand. Thereupon the election officers, before opening the
16 envelope containing the keys which unlock the operating
17 mechanism and registering counters or counter compartment of the
18 voting machine, shall examine the number of the seal on the
19 machine and the number registered on the protective counter or
20 device, and shall see whether they are the same as the numbers
21 written on the envelope containing the keys. If either number
22 shall be found not to agree, the envelope shall remain unopened
23 until the election officers shall have notified the proper
24 custodian of voting machines, or the county board, and until the
25 custodian or some other person authorized by the county board
26 shall have presented himself at the polling place for the
27 purpose of reexamining the machine, and shall have certified
28 that it is properly arranged. But if the numbers on the seal and
29 the protective counter or device shall both be found to agree
30 with the numbers on the envelope, the envelope shall be opened,

1 and where the voting machine provided is not equipped with
2 mechanism for printing paper proof sheets, the election officers
3 shall examine the registering counters, and, for that purpose,
4 shall open the doors concealing such counters, if the
5 construction of the voting machine shall so require, and, before
6 the polls are opened, the judge and each inspector shall
7 carefully examine every counter, and shall see that it registers
8 zero (000), and shall allow the overseers and watchers to
9 examine the counters. When the voting machine provided is
10 equipped with mechanism for printing paper proof sheets, and
11 requires the simultaneous use of three keys to unlock the
12 registering counters or counter compartment, the judge of
13 election shall deliver one of the two keys, aforesaid, to the
14 minority inspector to be retained by him as hereinafter
15 provided, and shall then print at least two proof sheets, one of
16 which the judge and each inspector shall carefully examine to
17 ascertain whether every counter registers zero (000), and shall
18 then preserve said proof sheets to be signed by them and
19 returned to the county election board, with the duplicate return
20 sheet, and shall sign and post the other proof sheet upon the
21 wall of the polling place, where it shall remain until the polls
22 are closed. The key delivered by the judge of election to the
23 minority inspector as aforesaid, shall be retained by the
24 minority inspector until the polls have been closed, and the
25 voting and counting mechanism of the machine shall have been
26 locked and sealed against voting, and shall then be returned to
27 the judge of election, for return by him to the county election
28 board, as hereinafter provided.

29 (2) If the ballot labels containing the names of offices,
30 parties, political bodies, candidates, and questions, shall not

1 be in their proper places on the voting machine, the election
2 officers, forthwith, shall notify the proper custodian of voting
3 machines, or the county board, and the machine shall not be used
4 until the custodian, or some other person authorized by the
5 county board, shall have supplied ballot labels, as herein
6 prescribed. If the ballot labels for a voting machine shall not
7 be delivered at the time required, or if after delivery, they
8 shall be lost, destroyed, or stolen, the county board or
9 custodian shall cause other ballot labels to be prepared,
10 printed or written, as nearly in the form of the official ballot
11 labels as practicable, and shall cause such ballot labels to be
12 used in the same manner, as nearly as may be, as the official
13 ballot labels would have been used.

14 (3) The judge, each inspector of election, each clerk of
15 election and the overseers, if any, shall sign a certificate
16 showing--(1) the identifying number or other designation of the
17 voting machine; (2) the delivery of the keys in a sealed
18 envelope; (3) the number on the seal upon the machine; (4) the
19 number registered on the protective counter or device; (5) that
20 all of the counters were set at zero (000); and (6) that the
21 ballot labels are properly placed in the machine, which
22 certificate shall be returned by the judge of election to the
23 county board with the other certificates, as hereinafter
24 provided.

25 (4) The machine shall remain locked against voting until the
26 polls are opened, and shall not be operated except by [electors]
27 voters in voting. If any counter is found not to register zero
28 (000), the election officer shall immediately notify the
29 custodian, or the county board, who shall, if practicable,
30 adjust or cause the counters to be adjusted at zero (000), but,

1 if it shall be found impracticable for the custodian or other
2 person authorized by the county board to arrive in time so to
3 adjust such counters before the time set for opening the polls,
4 the election officer shall immediately make a written record of
5 the designation or designating letter or number of such counter,
6 together with the number registered thereon, herein below called
7 the initial number, and shall sign and post the same upon the
8 wall of the polling place, where it shall remain until the polls
9 are closed: Provided, however, That if the voting machine used
10 is equipped with mechanism for printing paper proof sheets, in
11 any case where any counter is shown by such proof sheet not to
12 register zero (000), if it shall be found impracticable to have
13 such counter adjusted before the time set for opening the polls,
14 the election officer shall sign such printed proof sheet and
15 post the same upon the wall of the polling place where it shall
16 remain until the polls are closed; and, in filling out the
17 returns of the election, if the final number of such counter is
18 greater than the initial number, the election officer shall
19 subtract the initial number from the final number, and enter the
20 difference on the returns as the vote for the candidate or on
21 the question represented by such counter; if the final number of
22 such counter is less than the initial number, the election
23 officers shall add one thousand to the final number and shall
24 subtract the initial number from the sum so ascertained, and
25 shall enter upon the returns as the vote for the candidate or on
26 the question represented by such counter the final number plus
27 one thousand less the initial number.

28 (5) The exterior of the voting machine, and every part of
29 the polling place, shall be in plain view of the election
30 officers, overseers and watchers. The voting machine shall be

1 located in the polling place, at least six feet back of the
2 guard-rail or barrier, in such a position that, unless its
3 construction shall require otherwise, the ballot labels on the
4 face of the machine can be seen plainly by the election
5 officers, overseers and watchers when the machine is not
6 occupied by a voter.

7 (6) The election officers shall not themselves be, nor allow
8 any other person to be, in any position that will permit any one
9 to see or ascertain how [an elector] a voter votes, or how he
10 has voted. The election officers, or one of them, shall inspect
11 the face of the machine at frequent intervals, to see that the
12 ballot labels are in their proper places, and that the machine
13 has not been injured or tampered with.

14 (7) During a primary or election, the door, or other
15 covering of the compartment containing the counters of the
16 machine shall not be unlocked or opened, or the counters
17 exposed, except by action of the proper custodian of voting
18 machines, for good and sufficient reason, a statement of which
19 shall be made in writing and signed by him and attested by the
20 signatures of the election officers and overseers, or except
21 upon the written order of the county board, for good and
22 sufficient reason, which shall be stated in the order.

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

29 The election officer shall examine the proof of identification
30 presented by the [elector] voter and sign an affidavit stating

1 that this has been done.

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

5 (1) The [elector] voter is unable to produce proof of
6 identification:

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

10 (ii) on any other grounds.

11 (2) The [elector's] voter's proof of identification is
12 challenged by the judge of elections.

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

22 (2) Such election officer shall thereupon announce the
23 [elector's] voter's name so that it may be heard by all members
24 of the election board and by all watchers present in the polling
25 place and shall compare the [elector's] voter's signature on his
26 voter's certificate with his signature in the district register.
27 If, upon such comparison, the signature upon the voter's
28 certificate appears to be genuine, the [elector] voter who has
29 signed the certificate shall, if otherwise qualified, be
30 permitted to vote: Provided, That if the signature on the

1 voter's certificate, as compared with the signature as recorded
2 in the district register, shall not be deemed authentic by any
3 of the election officers, such [elector] voter shall not be
4 denied the right to vote for that reason, but shall be
5 considered challenged as to identity and required to make the
6 affidavit and produce the evidence as provided in subsection (d)
7 of this section.

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

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

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

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

11 (2) Prior to voting the provisional ballot, the [elector]
12 voter shall be required to sign an affidavit stating the
13 following:

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

20 Signature of [Voter/Elector] Voter

21 Current Address

22 Check the Reason for Casting the Provisional Ballot.

23 Signed by Judge of Elections and minority inspector

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

1 (4) Within seven calendar days of the election, the county
2 board of elections shall examine each provisional ballot
3 envelope that is received to determine if the individual voting
4 that ballot was entitled to vote at the election district in the
5 election. One authorized representative of each candidate in an
6 election and one representative from each political party shall
7 be permitted to remain in the room in which the determination is
8 being made. Representatives shall be permitted to keep a list of
9 those persons who cast a provisional ballot and shall be
10 entitled to challenge any determination of the county board of
11 elections with respect to the counting or partial counting of
12 the ballot under this section. Upon challenge of any provisional
13 ballot under this clause, the ballot envelope shall be marked
14 "challenged" together with the reason for the challenge, and the
15 provisional ballot shall be set aside pending final
16 determination of the challenge according to the following
17 procedure:

18 (i) Provisional ballots marked "challenged" shall be placed
19 unopened in a secure, safe and sealed container in the custody
20 of the county board of elections until it shall fix a time and
21 place for a formal hearing of all such challenges, and notice
22 shall be given where possible to all provisional [electors]
23 voters thus challenged and to every attorney, watcher or
24 candidate who made the challenge.

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

27 (iii) On the day fixed for the hearing, the county board
28 shall proceed without delay to hear the challenges and, in
29 hearing the testimony, the county board shall not be bound by
30 the Pennsylvania Rules of Evidence.

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

3 (v) The decision of the county board in upholding or
4 dismissing any challenge may be reviewed by the court of common
5 pleas of the county upon a petition filed by any petitioner
6 aggrieved by the decision of the county board. The appeal shall
7 be taken, within two days after the decision was made, whether
8 the decision was reduced to writing or not, to the court of
9 common pleas setting forth the objections to the county board's
10 decision and praying for an order reversing the decision.

11 (vi) Pending the final determination of all appeals, the
12 county board shall suspend any action in canvassing and
13 computing all challenged provisional ballots irrespective of
14 whether or not an appeal was taken from the county board's
15 decision.

16 (vii) Upon completion of the computation of the returns of
17 the county, the votes cast upon the challenged official
18 provisional ballots shall be added to the other votes cast
19 within the county.

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

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

30 (A) either the provisional ballot envelope under clause (3)

1 or the affidavit under clause (2) is not signed by the
2 individual;

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

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

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

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

29 (iii) One authorized representative of each candidate in an
30 election and one representative from each party shall be

1 permitted to remain in the room in which deliberation or
2 determination of subclause (ii) is being made.

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

8 (7) The following shall apply:

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

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

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

22 (ii) In the event that the individual casting the
23 provisional ballot is not found to be a resident of the county
24 in which the provisional ballot was cast, the ballot shall not
25 be counted.

26 (iii) In the event that the board of elections determines,
27 based on an evidentiary record, that the individual
28 intentionally and wilfully cast a provisional ballot in an
29 election district in which the individual was not eligible to
30 vote, the ballot shall not be counted.

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

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

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

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

24 (12) For purposes of this subsection, "provisional ballot"
25 means a ballot issued to an individual who claims to be a
26 registered [elector] voter by the judge of elections on election
27 day when the individual's name does not appear on the general
28 register and the individual's registration cannot be verified.

29 (b) If any [elector] voter was unable to sign his name at
30 the time of registration, or, if having been able to sign his

1 name when registered, he subsequently shall have lost his sight
2 or lost the hand with which he was accustomed to sign his name,
3 or shall have been otherwise rendered by disease or accident
4 unable to sign his name when he applies to vote, he shall
5 establish his identity to the satisfaction of the election
6 officers, and in such case he shall not be required to sign a
7 voter's certificate, but a certificate shall be prepared for him
8 by one of the election officers, upon which the facts as to such
9 disability shall be noted and attested by the signature of such
10 election officer.

11 (c) No person who applies to vote shall be permitted by any
12 election officer or clerk or other person to see the signature
13 recorded as his in the district register until after he shall
14 have signed his name to the voter's certificate.

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

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

11 (e) A person who wilfully commits fraud or who conspires to
12 wilfully commit fraud in relation to any of the provisions of
13 this section commits a felony of the third degree and, upon
14 conviction, shall be sentenced to pay a fine not exceeding
15 fifteen thousand dollars (\$15,000) or to undergo a term of
16 imprisonment of not more than seven years, or both. An
17 individual convicted under this subsection shall be barred for
18 life from serving as a judge, inspector or clerk of election,
19 machine inspector translator, county election board official,
20 poll watcher or in any other official capacity relating to the
21 sanctity, observation or conduct of Pennsylvania elections.

22 (f) As used in this section, "care facility" means any of
23 the following:

24 (1) A long-term care nursing facility as defined in section
25 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the
26 "Health Care Facilities Act."

27 (2) An assisted living residence or a personal care home as
28 defined in section 1001 of the act of June 13, 1967 (P.L.31,
29 No.21), known as the ["Public Welfare Code."] "Human Services
30 Code."

1 Section 1211. Bribery at Elections; Challenges; Rejection of
2 Votes.--(a) The election officers shall reject the vote of any
3 person at any primary or election who shall give or promise or
4 offer to give to [an elector] a voter, any money, reward or
5 other valuable consideration for his vote at such primary or
6 election or for withholding the same, or who shall give or
7 promise to give such consideration to any other person or party
8 for such [elector's] voter's vote or for the withholding
9 thereof, or who shall receive or agree to receive for himself or
10 for another any money, reward or other valuable consideration
11 for his vote at such primary or election, or for withholding the
12 same.

13 (b) The vote of any [elector] voter shall be rejected by the
14 election officers if they or any one of them shall of their own
15 knowledge know him to be guilty of a violation of any of the
16 provisions of this section, or if upon challenge of such
17 [elector] voter by any qualified [elector] voter, election
18 officer, overseer or watcher, it shall be proved to their
19 satisfaction that such [elector] voter has violated the
20 provisions of this section, and in no case shall any [elector]
21 voter so challenged be permitted to vote, unless he shall make
22 written affidavit that the matter of the challenge is untrue.

23 Section 1212. Voting Check List.--After each [elector] voter
24 has been admitted to vote, his voter's certificate shall be
25 inserted in the file or binder provided therefor by the county
26 board, and known as the "Voting Check List," and the said
27 voter's certificate so bound shall constitute the official list
28 of [electors] voters voting at such primary or election. All
29 voter's certificates prepared by persons applying to vote whose
30 applications to vote are refused by the election officer shall

1 be carefully preserved and returned to the county board with the
2 other papers.

3 Section 1213. Qualifications of [Electors] Voters to Be
4 Decided by Inspectors; Duty of Judge.--The inspectors of
5 election shall investigate and pass upon the qualifications of
6 all persons claiming the right to vote at any primary or
7 election, and if the inspectors shall disagree upon the right of
8 any person to vote, the judge of election shall decide the
9 question. If the judge is unable to decide, then the overseers
10 of election, if they be agreed, shall decide the question.

11 Section 1214. Admission of [Electors] Voters Within Enclosed
12 Space.--

13 (a) No [elector] voter shall be allowed to enter the
14 enclosed space until he shall be found entitled to vote.

15 (b) As soon as [an elector] a voter has been admitted within
16 the enclosed space, the election officer having charge of the
17 ballots in districts in which ballots are used, shall detach a
18 ballot from the stub and give it to the [elector] voter, first
19 folding it so that the words and figures printed on the back
20 shall be the only words and figures visible, and no ballots
21 shall be deposited in the ballot box unless folded in the same
22 manner. Not more than one ballot shall be detached from its stub
23 in any book of ballots at any one time. Not more than one ballot
24 shall be given to [an elector] a voter, but if [an elector] a
25 voter inadvertently spoils a ballot, he may obtain another upon
26 returning the spoiled one. The ballots thus returned shall be
27 immediately cancelled and at the close of the polls shall be
28 enclosed in an envelope, sealed and returned to the county
29 board.

30 (c) In districts in which voting machines are used, [an

1 elector] a voter, after being found to be qualified and admitted
2 within the enclosed space, shall be admitted to the voting
3 machine booth as soon as it is vacant, and shall be permitted to
4 vote.

5 (d) Not more than twice as many [electors] voters waiting to
6 vote as there are voting compartments or voting machines in use
7 in the district shall be admitted within the enclosed space at
8 any one time.

9 Section 1215. Method of Marking Ballots and Depositing Same
10 in Districts in Which Ballots are Used.--(a) In districts in
11 which ballots are used, the [elector] voter, after receiving his
12 ballot, shall retire to one of the voting compartments, and draw
13 the curtain or shut the screen or door, and shall then prepare
14 his ballot.

15 (b) At primaries, the [elector] voter shall prepare his
16 ballot in the following manner: He shall vote for the candidates
17 of his choice for nomination or election, according to the
18 number of persons to be voted for by him, for each office, by
19 making a cross (X) or check () mark in the square opposite the
20 name of the candidate, or he may insert by writing, stamping or
21 sticker, in the blank space provided therefor, any name not
22 already printed on the ballot, and such insertion shall count as
23 a vote without the making of a cross (X) or check () mark.

24 (c) At elections, the [elector] voter shall prepare his
25 ballot in the following manner: He may vote for the candidates
26 of his choice for each office to be filled according to the
27 number of persons to be voted for by him for each office, by
28 making a cross (X) or check () mark in the square opposite the
29 name of the candidate, or he may insert by writing, stamping or
30 sticker, in the blank spaces provided therefor, any name not

1 already printed on the ballot, and such insertion shall count as
2 a vote without the making of a cross (X) or check () mark. If
3 he desires to vote for every candidate of a political party or
4 political body, except its candidates for offices as to which he
5 votes for individual candidates in the manner hereinafter
6 provided, he may make a cross (X) or check () mark in the
7 square opposite the name of the party or political body of his
8 choice in the party column on the left of the ballot, and every
9 such cross (X) or check () mark shall be equivalent to and be
10 counted as a vote for every candidate of a party or political
11 body so marked, including its candidates for presidential
12 electors, except for those offices as to which he has indicated
13 a choice for individual candidates of the same or another party
14 or political body, by making a cross (X) or check () mark
15 opposite their names in the manner hereinabove provided, as to
16 which offices his ballot shall be counted only for the
17 candidates which he has thus individually marked,
18 notwithstanding the fact that he made a mark in the party
19 column, and even though in the case of an office for which more
20 than one candidate is to be voted for, he has not individually
21 marked for such office the full number of candidates for which
22 he is entitled to vote. If he desires to vote for the entire
23 group of presidential electors nominated by any party or
24 political body, he may make a cross (X) or check () mark in the
25 appropriate square at the right of the names of the candidates
26 for President and Vice-President of such party or body. If he
27 desires to vote a ticket for presidential electors made up of
28 the names of persons nominated by different parties or political
29 bodies, or partially of names of persons so in nomination and
30 partially of names of persons not in nomination by any party or

1 political body, or wholly of names of persons not in nomination
2 by any party or political body, he shall insert the names of the
3 candidates for presidential electors for whom he desires to vote
4 in the blank spaces provided therefor under the title of the
5 office "Presidential Electors." In case of a question submitted
6 to the vote of the [electors] voters, he may make a cross (X) or
7 check () mark in the appropriate square opposite the answer
8 which he desires to give.

9 (d) Before leaving the voting compartment, the [elector]
10 voter shall fold his ballot, without displaying the markings
11 thereon, in the same way it was folded when received by him, and
12 he shall then leave the compartment and exhibit the ballot to
13 one of the election officers who shall ascertain by an
14 inspection of the number appearing upon the right hand corner of
15 the back of the ballot whether the ballot so exhibited to him is
16 the same ballot which the [elector] voter received before
17 entering the voting compartment. If it is the same, the election
18 officer shall direct the [elector] voter, without unfolding the
19 ballot, to remove the perforated corner containing the number,
20 and the [elector] voter shall immediately deposit the ballot in
21 the ballot box. Any ballot deposited in a ballot box at any
22 primary or election without having the said number torn off
23 shall be void and shall not be counted.

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

26 (a) In districts in which voting machines are used, the
27 election officers shall, with the aid of the diagrams authorized
28 by this act and the mechanically operated model, instruct each
29 [elector] voter before he enters the voting machine booth
30 regarding the operation of the machine, and shall give the

1 [elector] voter opportunity personally to operate the model. In
2 election districts using full-scale models listing the actual
3 ballot labels for the primary or election as the case may be,
4 any [elector] voter who desires a demonstration on such full-
5 size scale model shall have the right to select any registered
6 [elector] voter who is legally entitled to be inside the polling
7 place under the provisions of this act to give such [elector]
8 voter a demonstration.

9 (b) If any voter, after entering the voting machine booth
10 and before the closing of such booth, shall ask for further
11 instructions concerning the manner of voting, any one of the
12 election officers may give him such instructions, but no person
13 giving a voter such instructions shall in any manner request,
14 suggest or seek to persuade or induce any such [elector] voter
15 to vote any particular ticket or for any particular candidate or
16 for or against any particular question. After giving such
17 instructions, and before the [elector] voter closes the booth or
18 votes, the election officer shall retire, and the [elector]
19 voter shall forthwith vote.

20 (c) At primaries, before a voter is admitted to the voting
21 machine, it shall be adjusted by the election officer in charge
22 thereof, so that such voter will only be able to vote for the
23 candidates of the party in which he is registered and enrolled
24 and for candidates for nonpartisan nomination, if any.

25 (d) At primaries, he shall vote for each candidate
26 individually by operating the key, handle, pointer or knob, upon
27 or adjacent to which the name of such candidate is placed. At
28 elections, he may vote for each candidate individually by
29 operating the key, handle, pointer or knob, upon or adjacent to
30 which the names of candidates of his choice are placed, or he

1 may vote a straight political party ticket in one operation by
2 operating the straight political party lever of the political
3 party or political body of his choice, if such machine has
4 thereon a separate lever for all the candidates of the political
5 body. He may also, after having operated the straight party
6 lever, and before recording his vote, cancel the vote for any
7 candidate of such political party or political body by replacing
8 the individual key, handle, pointer or knob of such candidate,
9 and may thereupon vote for a candidate of another party, or
10 political body for the same office by operating the key, handle,
11 pointer or knob, upon or adjacent to which the name of such
12 candidate appears. In the case of a question submitted to the
13 vote of the [electors] voters, the [elector] voter shall operate
14 the key, handle, pointer or knob corresponding to the answer
15 which he desires to give.

16 (e) A voter may, at any primary or election, vote for any
17 person for any office, for which office his name does not appear
18 upon the voting machine as a candidate, by an irregular ballot
19 containing the name of such person deposited, written or affixed
20 in or upon the appropriate receptacle or device provided in or
21 on the machine for that purpose, and in no other manner. Where
22 two or more persons are to be elected to the same office, and
23 the name of each candidate is placed upon or adjacent to a
24 separate key, handle, pointer or knob, and the voting machine
25 requires that all irregular ballots voted for that office be
26 deposited, written or affixed in or upon a single receptacle or
27 device, [an elector] a voter may vote in or by such receptacle
28 or device for one or more persons whose names do not appear upon
29 the machine, with or without the names of one or more persons
30 whose names do so appear. With these exceptions no irregular

1 ballot shall be cast on a voting machine for any person for any
2 office, whose name appears on the machine as a candidate for
3 that office, and any ballot so cast shall be void and not
4 counted.

5 (f) At any general election at which presidential electors
6 are to be chosen, each [elector] voter shall be permitted to
7 vote by one operation for all the presidential electors of a
8 political party or political body. For each party or body
9 nominating presidential electors, a ballot label shall be
10 provided containing only the words "Presidential Electors,"
11 preceded by the names of the party or body and followed by the
12 names of the candidates thereof for the office of President and
13 Vice-President, and the corresponding counter or registering
14 device shall register votes cast for said presidential electors
15 when thus voted for collectively. If [an elector] a voter
16 desires to vote a ticket for presidential electors made up of
17 the names of persons nominated by different parties or bodies,
18 or partially of names of persons so in nomination and partially
19 of names of persons not in nomination by any party or body, or
20 wholly of names of persons not in nomination by any party or
21 body, he may write or deposit a paper ballot prepared by himself
22 in the receptacle provided in or on the machine for the purpose.
23 The machine shall be so constructed that it will not be possible
24 for any one voter to vote a straight party ticket for
25 presidential electors and at the same time to deposit a ballot
26 for presidential electors in a receptacle as hereinabove
27 provided. When the votes for presidential electors are counted,
28 the votes appearing upon the counter or registering device
29 corresponding to the ballot label containing the names of the
30 candidates for President and Vice-President of any party or body

1 shall be counted as votes for each of the candidates for
2 presidential elector of such party or body, and thereupon all
3 candidates for presidential elector shall be credited, in
4 addition, with the votes cast for them upon the ballots
5 deposited in the machine, as hereinabove provided.

6 (g) As soon as the [elector] voter has adjusted the voting
7 machine so that it will record his choice for the various
8 candidates to be voted for, and his answers to the various
9 questions submitted, he shall operate the recording mechanism,
10 and forthwith leave the voting machine booth.

11 Section 1217. Time Allowed [Elector] in Voting Booth or
12 Voting Machine Compartment.--No [elector] voter shall remain in
13 a voting compartment or voting machine booth an unreasonable
14 length of time, and, in no event, for more than three minutes,
15 and if he shall refuse to leave after said period, he shall be
16 removed by the election officers: Provided, however, That they
17 may grant him a longer time if other [electors] voters are not
18 waiting to vote.

19 Section 1218. Assistance in Voting.--

20 (a) No voter shall be permitted to receive any assistance in
21 voting at any primary or election, unless there is recorded upon
22 his registration card his declaration that, by reason of
23 blindness, disability, or inability to read or write, he is
24 unable to read the names on the ballot or on the voting machine
25 labels, or that he has a physical disability which renders him
26 unable to see or mark the ballot or operate the voting machine,
27 or to enter the voting compartment or voting machine booth
28 without assistance, the exact nature of such condition being
29 recorded on such registration card, and unless the election
30 officers are satisfied that he still suffers from the same

1 condition.

2 (b) Any [elector] voter who is entitled to receive
3 assistance in voting under the provisions of this section shall
4 be permitted by the judge of election to select a person of the
5 [elector's] voter's choice to enter the voting compartment or
6 voting machine booth with him to assist him in voting, such
7 assistance to be rendered inside the voting compartment or
8 voting machine booth except that the judge of election, the
9 [elector's] voter's employer or an agent of the employer or an
10 officer or agent of the [elector's] voter's union shall not be
11 eligible to assist the [elector] voter.

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

1 election.

2 Section 1219. Ballots to Be Issued by Election Officers
3 Only; Ballots Not to Be Removed; Official Ballots Only to Be
4 Deposited or Counted.--No official ballot shall be taken or
5 detached from its stub in any book of ballots, except by an
6 election officer or clerk when a person desiring to vote has
7 been found to be a qualified [elector] voter entitled to vote.
8 Not more than one ballot shall be removed at any one time or
9 given to an [elector] voter, except in the case of a spoiled
10 ballot as provided by this act. No person other than the
11 election officers shall take or remove any ballot from the
12 polling place. No ballot without the official endorsement shall,
13 except as herein otherwise provided, be deposited in the ballot
14 box, and no other ballots shall be counted. If any ballot
15 appears to have been obtained otherwise than from the county
16 board as provided by this act, the same shall not be counted,
17 and the judge of election shall transmit such ballot to the
18 district attorney without delay, together with whatever
19 information he may have regarding the same.

20 Section 1220. Regulations in Force at Polling Places.--(a)
21 Until the polls are closed, no person shall be allowed in the
22 polling place outside of the enclosed space at any primary or
23 election, except the watchers, voters not exceeding ten at any
24 one time who are awaiting their turn to vote, and peace
25 officers, when necessary for the preservation of the peace. No
26 [elector] voter shall be allowed to occupy a voting compartment
27 or voting machine booth already occupied by another, except when
28 giving assistance as permitted by this act.

29 (b) No [elector] voter, except an election officer, clerk,
30 machine inspector or overseer, shall be allowed to re-enter the

1 enclosed space after he has once left it, except to give
2 assistance as provided by this act.

3 (c) No person, when within the polling place, shall
4 electioneer or solicit votes for any political party, political
5 body or candidate, nor shall any written or printed matter be
6 posted up within the said room, except as required by this act.

7 (d) All persons, except election officers, clerks, machine
8 inspectors, overseers, watchers, persons in the course of
9 voting, persons lawfully giving assistance to voters, and peace
10 and police officers, when permitted by the provisions of this
11 act, must remain at least ten (10) feet distant from the polling
12 place during the progress of the voting.

13 (e) When the hour for closing the polls shall arrive, all
14 qualified [electors] voters who have already qualified, and are
15 inside the enclosed space, shall be permitted to vote; and, in
16 addition thereto, all those qualified [electors] voters who are
17 in the polling place outside the enclosed space waiting to vote
18 and all those voters who are in line either inside or outside of
19 the polling place waiting to vote, shall be permitted to do so,
20 if found qualified.

21 (f) It shall be the duty of the judge of election to secure
22 the observance of the provision of this section, to keep order
23 in the voting room, and to see that no more persons are admitted
24 within the enclosed space than are permitted by this act. The
25 judge of election may call upon any constable, deputy constable,
26 police officer or other peace officer to aid him in the
27 performance of his duties under this section.

28 Section 1221. Duties of Election Officers After the Close of
29 the Polls in Districts in Which Ballots are Used.--After the
30 polls are closed and the last [elector] voter has voted in

1 districts in which ballots are used, the election officers,
2 clerks and overseers, if any, shall remain within the enclosed
3 space. Before the ballot box is opened, the number of ballots
4 issued to [electors] voters (at primaries the number issued to
5 the [electors] voters of each party), as shown by the stubs, and
6 the number of ballots (at primaries the number of ballots of
7 each party), if any, spoiled and returned by voters and
8 cancelled, shall be announced to all present in the voting room,
9 and entered on the general returns of votes cast at such primary
10 or election. The election officers shall then compare the number
11 of [electors] voters voting as shown by the stubs with the
12 number of names marked as voting in the district register,
13 "Voting Check List," and numbered lists of voters, shall
14 announce the result, and shall enter on the general returns the
15 number of [electors] voters who have voted, as shown by the
16 "Voter's Check List." If any differences exist, they shall be
17 reconciled, if possible, otherwise they shall be noted on the
18 general returns. The district register, the "Voting Check List,"
19 the numbered lists of voters and the stubs of all ballots used,
20 together with all unused ballots, and all spoiled and cancelled
21 ballots, and all rejected voter's certificates shall then be
22 placed in separate packages, containers or envelopes, and
23 sealed, before the ballot box is opened.

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

26 (a) As soon as all the ballots have been properly accounted
27 for, and those outside the ballot box, as well as the "Voting
28 Check List," numbered lists of voters and district register
29 sealed, the election officers shall forthwith open the ballot
30 box, and take therefrom all ballots therein, and at primaries,

1 separate the same according to the party to which they belong.
2 The ballots shall then be counted one by one, and a record made
3 of the total number, and at primaries of the total number cast
4 for each party. Then the judge, under the scrutiny of the
5 minority inspector, or the minority inspector, under the
6 scrutiny of the judge, in the presence of the other officers,
7 clerks, and of the overseers, if any, and within the hearing and
8 sight of the watchers outside the enclosed space, shall read
9 aloud the names of the candidates marked or inserted upon each
10 ballot (at primaries the ballots of each party being read in
11 sequence), together with the office for which the person named
12 is a candidate, and the answers contained on the ballots to the
13 questions submitted, if any, and the majority inspector and
14 clerks shall carefully enter each vote as read, and keep account
15 of the same in ink in triplicate tally papers (triplicate tally
16 papers for each party at primaries) to be provided by the county
17 board of elections for that purpose, all three of which shall be
18 made at the same time: Provided, That at all general, municipal
19 and special elections, in entering each vote received by
20 candidates at such election, it shall not be necessary to enter
21 separate tally marks for each vote received by such candidates
22 upon the ballots containing the same votes for the same names,
23 commonly known, and in this act designated as "Straight Party
24 Tickets" for such purpose straight party ticket votes shall be
25 entered carefully as each straight party ticket vote is read on
26 the triplicate tally sheets under the heading "Number of votes
27 received upon the straight party
28 tickets." Upon completing the number of votes received by each
29 straight party ticket, the number so tallied for each party
30 shall be entered numerically on the extreme right hand margin of

1 each such tally paper. All ballots, after being removed from the
2 box, shall be kept within the unobstructed view of all persons
3 in the voting room until replaced in the box. No person while
4 handling the ballots shall have in his hand any pencil, pen,
5 stamp or other means of marking or spoiling any ballot. The
6 election officers shall forthwith proceed to canvass and compute
7 the votes cast, and shall not adjourn or postpone the canvass or
8 computation until it shall have been fully completed.

9 (b) When the vote cast for the different persons named upon
10 the ballots and upon the questions, if any, appearing thereon,
11 shall have been fully recorded in the tally papers and counted,
12 the election officers shall duly certify to the number of votes
13 cast for each person (upon the respective party tickets at
14 primaries), and shall prepare in ink two (2) general returns,
15 showing, in addition to the entries made thereon as aforesaid,
16 the total number of ballots received from the county board (the
17 total of each party at primaries), the number of ballots cast
18 (the number of each party at primaries), the number of ballots
19 (of each party at primaries) declared void, and the number of
20 ballots spoiled and cancelled, and any blank ballots cast, as
21 well as the votes cast for each candidate. At elections, the
22 number of votes cast for each candidate by each political party
23 or political body of which such candidate is a nominee shall be
24 separately stated: Provided, That the number of votes received
25 by each set of candidates upon "straight party tickets" shall be
26 entered opposite the names of the respective candidates in a
27 column immediately adjoining upon the left which column shall be
28 of convenient width and shall be headed "number of votes
29 received upon straight party tickets." In an immediate column to
30 the left thereto, the number of votes received by each candidate

1 upon all ballots other than "straight party tickets" including
2 all ballots known as "split tickets" shall be entered, such
3 column to be of convenient width and shall be headed "number of
4 votes received other than upon straight party tickets." The
5 number of votes received by each candidate as shown in the
6 column headed "number of votes received upon straight party
7 tickets" shall then be added, together with the number of votes
8 received by each candidate as shown in the column headed "number
9 of votes received other than upon straight party tickets" and
10 thereupon, the total number of votes received by each candidate
11 shall be entered in a column on the extreme right-hand side of
12 the return sheets, which column shall be of convenient width and
13 shall be headed "total number of votes."

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

23 (c) In returning any votes cast for any person whose name is
24 not printed on the ballot, the election officers shall record
25 any such names exactly as they were written, stamped or applied
26 to the ballot by sticker.

27 Section 1223. What Ballots Shall Be Counted; Manner of
28 Counting; Defective Ballots.--(a) No ballot which is so marked
29 as to be capable of identification shall be counted. Any ballot
30 that is marked in blue, black or blue-black ink, in fountain pen

1 or ball point pen, or black lead pencil or indelible pencil,
2 shall be valid and counted: Provided, That all markings on the
3 ballot are made by the same pen or pencil. Any ballot marked by
4 any other mark than an (X) or check () in the spaces provided
5 for that purpose shall be void and not counted: Provided,
6 however, That no vote recorded thereon shall be declared void
7 because a cross (X) or check () mark thereon is irregular in
8 form. Any erasure, mutilation or defective marking of the
9 straight party column at November elections shall render the
10 entire ballot void, unless the voter has properly indicated his
11 choice for candidates in any office block, in which case the
12 vote or votes for such candidates only shall be counted. Any
13 erasure or mutilation in the vote in any office block shall
14 render void the vote for any candidates in said block, but shall
15 not invalidate the votes cast on the remainder of the ballot, if
16 otherwise properly marked. Any ballot indicating a vote for any
17 person whose name is not printed on the ballot, by writing,
18 stamping or sticker, shall be counted as a vote for such person,
19 if placed in the proper space or spaces provided for that
20 purpose, whether or not an (X) or check () is placed after the
21 name of such person: Provided, however, That if such writing,
22 stamping or sticker is placed over the name of a candidate
23 printed on the ballot, it shall render the entire vote in said
24 office block void. If [an elector] a voter shall mark his ballot
25 for more persons for any office than there are candidates to be
26 voted for for such office, or if, for any reason, it may be
27 impossible to determine his choice for any office, his ballot
28 shall not be counted for such office, but the ballot shall be
29 counted for all offices for which it is properly marked. Ballots
30 not marked, or improperly or defectively marked, so that the

1 whole ballot is void, shall be set aside and shall be preserved
2 with the other ballots.

3 (b) At November elections, a cross (X) or check () mark in
4 the square opposite the name of political party or political
5 body in the party column shall be counted as a vote for every
6 candidate of that party or body so marked, including its
7 candidates for presidential electors, except for those offices
8 as to which the voter has indicated a choice for individual
9 candidates of the same or another party or body in any office
10 block, in which case the ballot for such office block shall be
11 counted only for the candidates thus individually marked,
12 notwithstanding the fact that the voter has made a mark in the
13 party column, and even though in the case of an office for which
14 more than one candidate is to be voted for, he has not
15 individually marked for such office the full number of
16 candidates for which he is entitled to vote.

17 Section 1224. Ballot Decisions to Be Made by Inspectors;
18 Duty of Judge.--Decisions concerning questionable marks on
19 ballots or defacing or mutilation of ballots, and the count to
20 be recorded thereon, shall be made in the same manner as
21 decisions concerning the qualifications of voters, as provided
22 in section 1213 herein.

23 Section 1225. Signing and Disposition of Returns, District
24 Register and Voting Check List; Posting; Return of Ballot
25 Boxes.--(a) Immediately after the vote has been counted in
26 districts in which paper ballots are used, all of the general
27 returns shall be signed by the election officers and clerks, and
28 certified by the overseers, if any. If any election officer,
29 clerk or overseer shall refuse to sign or certify the general
30 returns, he shall write his reasons therefor upon the general

1 return sheets. One of said returns shall be immediately posted
2 for the information of the public outside the polling place, and
3 one shall be entrusted to the judge for delivery to the county
4 board with the package of unused ballots, etc., in an envelope
5 provided for that purpose. The election officers shall then
6 replace all the ballots cast, so counted and canvassed, in the
7 ballot boxes, including those declared void, spoiled, and
8 cancelled, together with one set of tally papers, one numbered
9 list of voters, sealed as aforesaid, and one oath of each
10 election officer, and lock and seal each ballot box so that
11 nothing can be inserted therein until it be opened again; and
12 the judge and minority inspector shall immediately deliver the
13 ballot boxes to the custody of the county board, and the county
14 board shall not compute any returns from any election district
15 until the ballot boxes therefor, as well as the package of
16 unused ballots, etc., aforesaid therefrom, are delivered, as
17 aforesaid. The election officers shall record the number of
18 votes cast for each person on an official specimen ballot, shall
19 sign the same and immediately post it outside the polling place
20 for the information of the public.

21 (b) The minority inspector shall retain one complete set of
22 tally papers, one numbered list of voters, sealed as aforesaid,
23 and one set of oaths of election officers and carefully preserve
24 the same for a period of at least one year. The remaining tally
25 papers, affidavits of voters and others, including oaths of
26 election officers, and one general return sheet shall be placed
27 in separate envelopes, to be provided for that purpose, and
28 sealed as soon as the count is finally completed. All of such
29 envelopes and one numbered list of voters, previously sealed as
30 aforesaid, shall be entrusted to the judge of election to be

1 immediately delivered to the county board. The judge of
2 elections shall return to the county board by two o'clock A. M.
3 on the day following the election envelopes; supplies, including
4 all uncast provisional ballots; and returns, including all
5 provisional ballots and absentee ballots cast in the election
6 district.

7 (c) Immediately upon completion of the count and tabulation
8 of the votes cast, the district register and the voting check
9 list shall be locked and sealed, and returned forthwith by the
10 judge of election to the custody of the proper registration
11 commission.

12 Section 1226. Duties of Election Officers After the Close of
13 the Polls in Districts in Which Voting Machines are Used.--(a)
14 When the hour for closing the polls shall arrive, all qualified
15 [electors] voters who have already qualified and are inside the
16 enclosed space shall be permitted to vote; and in addition
17 thereto, all those qualified [electors] voters who are in the
18 polling place outside the enclosed space waiting to vote and all
19 those who are in line either inside or outside of the polling
20 place waiting to vote, shall be permitted by the election
21 officers to do so. As soon as the polls are closed, and the last
22 voter has voted, the election officers shall immediately lock
23 and seal the operating lever or mechanism of the machine, so
24 that the voting and counting mechanism will be prevented from
25 operation, and, they the clerk and the overseers, if any, shall
26 then sign a certificate stating--(1) that the machine has been
27 locked against voting and sealed; (2) the number, as shown on
28 the public counter; (3) the number on the seal which they have
29 placed upon the machine; (4) the number registered on the
30 protective counter or device; and (5) the number or other

1 designation of the voting machine, which certificate shall be
2 returned by the judge of election to the county board with the
3 other certificates, as herein provided. The election officers
4 shall then compare the number, as shown by the public counter of
5 the machine, with the number of names written in the numbered
6 lists of voters, the district register and voting check list,
7 which shall then be placed in separate packages, containers or
8 envelopes and sealed.

9 Section 1227. Canvass and Return of Votes in Districts in
10 Which Voting Machines are Used.--(a) If the type of voting
11 machine provided shall require the counters to be seen in order
12 to enable the election officers to canvass the vote, the
13 election officers, in the presence of the watchers and all other
14 persons who may be lawfully within the polling place, shall then
15 make visible the registering counters, and, for that purpose,
16 shall unlock and open the doors, or other covering concealing
17 the same, giving full view of all the counter numbers. If the
18 voting machine is equipped with mechanism for printing paper
19 proof sheets, the election officers shall forthwith print not
20 less than four proof sheets, and as many more as may be
21 necessary to supply one to each member of the election board,
22 overseer, candidate, watcher, representative of a newspaper, and
23 other persons who may be lawfully present within the polling
24 place, requesting the same. The judge of election and the
25 minority inspector shall then, under the scrutiny of the
26 majority inspector of election, the clerk appointed by the
27 minority inspector, the overseers, if any, and the watchers, and
28 in the order of the offices as their titles are arranged on the
29 machine, read from the counters or from one of the proof sheets,
30 as the case may be, and announce, in distinct tones, the

1 designation or designating number and letter on each counter for
2 each candidate's name, the result as shown by the counter
3 numbers, the votes recorded for each office for persons other
4 than nominated candidates, and the designation or designating
5 numbers and letters on each counter, and the results as shown by
6 the counter numbers for and against each question voted on. The
7 counters shall not be read consecutively along the party rows or
8 columns, but shall always be read along the office columns or
9 rows, completing the canvass for each office or question before
10 proceeding to the next.

11 (b) The vote as registered shall be entered by the election
12 officers, in ink, on duplicate return sheets, and also on a
13 general return sheet and statement, all of which, after the
14 canvass is completed, shall be signed by the election officers,
15 the clerk, and certified by the overseers, if any. If any
16 election officer, clerk or overseer shall refuse to sign or
17 certify the general or duplicate return sheets or statement, he
18 shall write his reasons therefor upon said sheets. The vote for
19 presidential electors shall be computed and returned as provided
20 hereinbefore in section 1215 of this act. If more than one
21 voting machine is used in any election district, the vote
22 registered on each machine shall be ascertained in like manner,
23 and separately entered in appropriate spaces on the general and
24 duplicate return sheets and statement. The total vote cast for
25 each candidate, and for and against each question, shall then be
26 computed and entered on the general and duplicate return sheets
27 and statement. There shall also be entered on the general return
28 sheet and statement the number of voters who have voted and in
29 primaries, the number of voters who voted in each party, as
30 shown by the numbered lists of voters, district register, and

1 voting check list, and the number on each machine, as shown by
2 the public counters, and also the number registered on the
3 protective counter or device on each machine immediately prior
4 to the opening of the polls and immediately after the closing
5 thereof and sealing of the machine. The number or other
6 designation of each machine used shall also be entered thereon.
7 In the case of primary elections, duplicate return sheets shall
8 be prepared as for other elections. The registering counters of
9 the voting machine or the paper proof sheets, as the case may
10 be, shall remain exposed to view until the said returns, and all
11 other reports have been fully completed and checked by the
12 inspectors, clerk and overseers, if any. During such time, any
13 candidate, or duly accredited watcher, who may desire to be
14 present shall be admitted to the polling place.

15 (c) The proclamation of the result of the votes cast shall
16 be announced distinctly and audibly by the judge of election,
17 who shall read the name of each candidate, the designation or
18 designating numbers and letters of his counters, and the vote
19 registered on each counter, also the vote cast for and against
20 each question submitted. During such proclamation, ample
21 opportunity shall be given to any person lawfully present to
22 compare the results so announced with the counter dials of the
23 machine or with the paper proof sheets, as the case may be, and
24 any necessary corrections shall then and there be made by the
25 election officers, after which the doors or other cover of the
26 voting machine shall be closed and locked. Any ballots written,
27 deposited, or affixed, in or upon the voting machine, shall be
28 inclosed in properly sealed packages, and properly indorsed, and
29 shall be delivered by the judge of election as hereinafter
30 provided. The judge of election shall promptly deliver to the

1 county board, or their duly authorized representative, the keys
2 of the voting machine, inclosed in a sealed envelope, if the
3 construction of the voting machine shall permit their separate
4 return. Said envelope shall have indorsed thereon a certificate
5 of the election officers, stating the number of the machine, the
6 election district where it has been used, the number on the
7 seal, and the number on the protective counter or device at the
8 close of the polls.

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

17 Section 1228. Disposition of Returns; Posting; Return of
18 District Register and Voting Check List.--(a) The general
19 return sheet, duplicate return sheets, and statement, shall be
20 printed to conform to the type of voting machine used, and in
21 form approved by the Secretary of the Commonwealth. The
22 designating number and letter, if any, on the counter for each
23 candidate, shall be printed thereon opposite the candidate's
24 name: Provided, however, That it shall not be necessary to print
25 the name or designating counter number or letter of any
26 candidate for any borough, township, ward, or election district
27 office. Immediately after the vote has been ascertained, the
28 statement thereof shall be posted on the door of the polling
29 place. The minority inspector shall retain one of said duplicate
30 return sheets, one numbered list of voters, sealed as aforesaid,

1 and one set of oaths of election officers and carefully preserve
2 the same for a period of at least one year. The other duplicate
3 return sheet, numbered list of voters, oaths of election
4 officers, and affidavits of voters and others, shall be sealed
5 up and given to the judge of election, who shall deliver them,
6 together with the general return sheet and the package of
7 ballots deposited, written or affixed in or upon the voting
8 machine, to the county board. If the type of voting machine is
9 equipped with mechanism for printing paper proof sheets, one of
10 said proof sheets shall be posted on the door of the polling
11 place with the statement aforesaid; one shall be retained by the
12 minority inspector; one shall be placed in the envelope and
13 delivered with the general return sheet; and one shall be sealed
14 in the envelope with the duplicate return sheets and delivered
15 by the judge of election to the county board. The printed proof
16 sheet returned with the general return sheet, and the printed
17 proof sheet returned with the duplicate return sheet, shall each
18 be part of the return of the election. The judge of elections
19 shall return to the county board by two o'clock A. M. on the day
20 following the election envelopes; supplies, including all uncast
21 provisional ballots; and returns, including all provisional
22 ballots and absentee ballots cast in the election district.

23 (b) Immediately upon completion of the count and tabulation
24 of the vote cast, the district register and the voting check
25 list shall be locked and sealed, and returned forthwith by the
26 judge of election to the custody of the proper registration
27 commission. In cities of the first class, the registration
28 commission shall designate police stations at which it will
29 accept such custody.

30 Section 1229. Conduct of Special Elections; Returns.--Every

1 special election on a proposed constitutional amendment or other
2 question, to be voted on by the [electors] voters of the State
3 at large, or by the [electors] voters of any political district,
4 shall be held and conducted in all respects in accordance with
5 the provisions of this act relating to November elections, and
6 the provisions of this act relating to November elections shall
7 apply thereto, in so far as applicable, and not inconsistent
8 with any other provisions of this act. All such special
9 elections shall be conducted by the election officers and
10 clerks, by the use of the same equipment and facilities, so far
11 as practicable, as are used for such November elections. The
12 returns of special elections, unless otherwise provided by law,
13 shall be prepared and returned in like manner as returns from
14 November elections, and shall be canvassed and computed as
15 herein provided.

16 Section 1230. Removal and Storage of Voting Machines.--As
17 soon as possible after the completion of the count in districts
18 in which voting machines are used, the county board shall have
19 the voting machines properly boxed, and removed to the place of
20 storage provided for in this act. The voting machines shall
21 remain locked against voting for the period of twenty days next
22 following each primary and election, and as much longer as may
23 be necessary or advisable because of any existing or threatened
24 contest over the result of the primary or election, with due
25 regard for the date of the next following election or primary,
26 except that they may be opened and all the data and figures
27 therein examined under the provisions of this act, by order of
28 any court of competent jurisdiction, or judge thereof, or by
29 direction of any legislative committee to investigate and report
30 upon contested primaries or elections affected by the use of

1 such machines, and such data and such figures shall be examined
2 by such committee in the presence of the officer having the
3 custody of such machines.

4 ARTICLE XIII

5 Voting By Qualified Absentee [Electors] Voters

6 Section 1301. Qualified Absentee [Electors] Voters.--The
7 following persons shall be entitled to vote by an official
8 absentee ballot in any primary or election held in this
9 Commonwealth in the manner hereinafter provided:

10 (a) Any qualified [elector] voter who is or who may be in
11 the military service of the United States regardless of whether
12 at the time of voting he is present in the election district of
13 his residence or is within or without this Commonwealth and
14 regardless of whether he is registered or enrolled; or

15 (b) Any qualified [elector] voter who is a spouse or
16 dependent residing with or accompanying a person in the military
17 service of the United States if at the time of voting such
18 spouse or dependent is absent from the municipality of his
19 residence: Provided, however, That the said [elector] voter has
20 been registered or enrolled according to law or is entitled,
21 under provisions of the Permanent Registration Law as now or
22 hereinafter enacted by the General Assembly, to absentee
23 registration prior to or concurrently with the time of voting;
24 or

25 (c) Any qualified [elector] voter who is or who may be in
26 the service of the Merchant Marine of the United States if at
27 the time of voting he is absent from the municipality of his
28 residence: Provided, however, That the said [elector] voter has
29 been registered or enrolled according to law or is entitled,
30 under provisions of the Permanent Registration Law as now or

1 hereinafter enacted by the General Assembly, to absentee
2 registration prior to or concurrently with the time of voting;
3 or

4 (d) Any qualified [elector] voter who is a spouse or
5 dependent residing with or accompanying a person who is in the
6 service of the Merchant Marine of the United States if at the
7 time of voting such spouse or dependent is absent from the
8 municipality of his residence: Provided, however, That the said
9 [elector] voter has been registered or enrolled according to law
10 or is entitled, under provisions of the Permanent Registration
11 Law as now or hereinafter enacted by the General Assembly, to
12 absentee registration prior to or concurrently with the time of
13 voting; or

14 (e) Any qualified [elector] voter who is or who may be in a
15 religious or welfare group officially attached to and serving
16 with the armed forces if at the time of voting he is absent from
17 the municipality of his residence: Provided, however, That the
18 said [elector] voter has been registered or enrolled according
19 to law or is entitled, under provisions of the Permanent
20 Registration Law as now or hereinafter enacted by the General
21 Assembly, to absentee registration prior to or concurrently with
22 the time of voting; or

23 (f) Any qualified [elector] voter who is a spouse or
24 dependent residing with or accompanying a person in a religious
25 or welfare group officially attached to and serving with the
26 armed forces if at the time of voting such spouse or dependent
27 is absent from the municipality of his residence: Provided,
28 however, That the said [elector] voter has been registered or
29 enrolled according to law or is entitled, under provisions of
30 the Permanent Registration Law as now or hereinafter enacted by

1 the General Assembly, to absentee registration prior to or
2 concurrently with the time of voting; or

3 (g) Any qualified [elector] voter who expects to be or is
4 outside the territorial limits of the several States of the
5 United States and the District of Columbia because his duties,
6 occupation or business require him to be elsewhere during the
7 entire period the polls are open for voting on the day of any
8 primary or election or who is or who may be a civilian employee
9 of the United States outside the territorial limits of the
10 several States of the United States and the District of
11 Columbia, whether or not such [elector] voter is subject to
12 civil-service laws and the Classification Act of 1949 and
13 whether or not paid from funds appropriated by the Congress, if
14 at the time of voting he is absent from the municipality of his
15 residence: Provided, however, That said [elector] voter has been
16 registered or enrolled according to law or is entitled, under
17 provisions of the Permanent Registration Law as now or
18 hereinafter enacted by the General Assembly, to absentee
19 registration prior to or concurrently with the time of voting;
20 or

21 (h) Any qualified [elector] voter who is a spouse or
22 dependent residing with or accompanying a person who expects to
23 be or is outside the territorial limits of the several States of
24 the United States and the District of Columbia because his
25 duties, occupation or business require him to be elsewhere
26 during the entire period the polls are open for voting on the
27 day of any primary or election or who is a spouse or dependent
28 residing with or accompanying a person who is a civilian
29 employee of the United States outside the territorial limits of
30 the several States of the United States and the District of

1 Columbia, whether or not such person is subject to civil-service
2 laws and the Classification Act of 1949 and whether or not paid
3 from funds appropriated by the Congress, if at the time of
4 voting such spouse or dependent is absent from the municipality
5 of his residence: Provided, however, That the said [elector]
6 voter has been registered or enrolled according to law or is
7 entitled, under provisions of the Permanent Registration Law as
8 now or hereinafter enacted by the General Assembly, to absentee
9 registration prior to or concurrently with the time of voting;
10 or

11 (i) Any qualified war veteran [elector] voter who is
12 bedridden or hospitalized due to illness or physical disability
13 if he is absent from the municipality of his residence and
14 unable to attend his polling place because of such illness or
15 physical disability regardless of whether he is registered and
16 enrolled; or

17 (j) Any qualified registered and enrolled [elector] voter
18 who expects to be or is absent from the municipality of his
19 residence because his duties, occupation or business require him
20 to be elsewhere during the entire period the polls are open for
21 voting on the day of any primary or election; or

22 (k) Any qualified registered and enrolled [elector] voter
23 who because of illness or physical disability is unable to
24 attend his polling place or operate a voting machine and secure
25 assistance by distinct and audible statement as required in
26 section 1218 of this act;

27 (l) Any qualified registered and enrolled [elector] voter
28 who is a spouse or dependent accompanying a person employed in
29 the service of this Commonwealth or in the service of the
30 Federal Government within the territorial limits of the several

1 States of the United States and the District of Columbia in the
2 event the duties, profession or occupation of such person
3 require him to be absent from the municipality of his residence;
4 or

5 (m) Any qualified [elector] voter who is a county employe
6 who cannot vote due to duties on election day relating to the
7 conduct of the election; or

8 (n) Any qualified [elector] voter who will not attend a
9 polling place because of the observance of a religious holiday:

10 Provided, however, That the words "qualified absentee
11 [elector] voter" shall in nowise be construed to include persons
12 confined in a penal institution or a mental institution nor
13 shall it in anywise be construed to include a person not
14 otherwise qualified as a qualified [elector] voter in accordance
15 with the definition set forth in section 102(t) of this act.

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

17 (a) Any qualified [elector] voter defined in preceding section
18 1301, subsections (a) to (h), inclusive, may apply at any time
19 before any primary or election for any official absentee ballot
20 in 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.

25 (b) The application shall contain the following information:
26 Home residence at the time of entrance into actual military
27 service or Federal employment, length of time a citizen, length
28 of residence in Pennsylvania, date of birth, length of time a
29 resident of voting district, voting district if known, party
30 choice in case of primary, name and, for a military [elector]

1 voter, his stateside military address, FPO or APO number and
2 serial number. Any [elector] voter other than a military
3 [elector] voter shall in addition specify the nature of his
4 employment, the address to which ballot is to be sent,
5 relationship where necessary, and such other information as may
6 be determined and prescribed by the Secretary of the
7 Commonwealth. When such application is received by the Secretary
8 of the Commonwealth it shall be forwarded to the proper county
9 board of election.

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

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

30 (e) Any qualified bedridden or hospitalized veteran absent

1 from the municipality of his residence and unable to attend his
2 polling place because of such illness or physical disability,
3 regardless of whether he is registered or enrolled, may apply at
4 any time before any primary or election for an official absentee
5 ballot on any official county board of election form addressed
6 to the Secretary of the Commonwealth of Pennsylvania or the
7 county board of elections of the county in which his voting
8 residence is located.

9 The application shall contain the following information:

10 Residence at the time of becoming bedridden or hospitalized,
11 length of time a citizen, length of residence in Pennsylvania,
12 date of birth, length of time a resident in voting district,
13 voting district if known, party choice in case of primary, name
14 and address of present residence or hospital at which
15 hospitalized. When such application is received by the Secretary
16 of the Commonwealth, it shall be forwarded to the proper county
17 board of elections.

18 The application for an official absentee ballot for any
19 primary or election shall be made on information supplied over
20 the signature of the bedridden or hospitalized veteran as
21 required in the preceding subsection. Any qualified registered
22 [elector] voter, including a spouse or dependent referred to in
23 subsection (1) of section 1301, who expects to be or is absent
24 from the municipality of his residence because his duties,
25 occupation or business require him to be elsewhere on the day of
26 any primary or election and any qualified registered [elector]
27 voter who is unable to attend his polling place on the day of
28 any primary or election because of illness or physical
29 disability and any qualified registered bedridden or
30 hospitalized veteran in the county of residence, or in the case

1 of a county employe who cannot vote due to duties on election
2 day relating to the conduct of the election, or in the case of a
3 person who will not attend a polling place because of the
4 observance of a religious holiday, may apply to the county board
5 of elections of the county in which his voting residence is
6 located for an Official Absentee Ballot. Such application shall
7 be made upon an official application form supplied by the county
8 board of elections. Such official application form shall be
9 determined and prescribed by the Secretary of the Commonwealth
10 of Pennsylvania.

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

28 (2) The application of any qualified registered [elector]
29 voter who is unable to attend his polling place on the day of
30 any primary or election because of illness or physical

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

24 (Mark)
25 (Date)
26
27 (Complete Address of Witness) (Signature of Witness)

28 (e.1) Any qualified registered [elector] voter, including
29 any qualified bedridden or hospitalized veteran, who is unable
30 because of illness or physical disability to attend his polling

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

20 (e.2) Notwithstanding the other provisions of this act any
21 qualified [elector] voter who expects to be or is absent from
22 the municipality of his residence because his duties, occupation
23 or business require him to be elsewhere on the day of any
24 election or a county employe who cannot vote due to duties on
25 election day relating to the conduct of the election or a person
26 who will not attend a polling place because of the observance of
27 a religious holiday may make an application for an absentee
28 ballot by mail by sending a letter to the county board of
29 elections in the county in which his voting residence is
30 located. The letter shall be signed by the applicant and contain

1 his name, place of residence and proof of identification.

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

19 (g) The county board of election shall appoint teams of
20 three members for each public institution that shall go to the
21 public institutions and hold the election on the first Friday
22 prior to election day. Each member of the board shall appoint
23 one member on every team. After the votes are cast, the teams
24 shall collect the ballots and return them to the county board of
25 election where they shall be placed unopened in a secure, safe
26 and sealed container in the custody of the board until they
27 shall be distributed to the respective absentee voters' election
28 district as provided in section 1308 of this act where they
29 shall be counted with the other absentee ballots, if any.

30 (h) The county board of election shall number, in

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

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

24 (j) Notwithstanding the provisions of this section requiring
25 proof of identification, a qualified absentee [elector] voter
26 shall not be required to provide proof of identification if the
27 [elector] voter is entitled to vote by absentee ballot under the
28 Uniformed and Overseas Citizens Absentee Voting Act (Public Law
29 99-410, 100 Stat. 924) or by an alternative ballot under the
30 Voting Accessibility for the Elderly and Handicapped Act (Public

1 Law 98-435, 98 Stat. 1678).

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

3 (a) Except as provided in subsections (a.1) and (a.2),
4 applications for absentee ballots shall be received in the
5 office of the county board of elections not earlier than fifty
6 (50) days before the primary or election and not later than five
7 o'clock P.M. of the first Tuesday prior to the day of any
8 primary or election.

9 (a.1) Except as provided in subsection (a.2), in the event
10 any [elector] voter otherwise qualified who is so physically
11 disabled or ill on or before the first Tuesday prior to any
12 primary or election that he is unable to file his application or
13 who becomes physically disabled or ill after the first Tuesday
14 prior to any primary or election and is unable to appear at his
15 polling place or any [elector] voter otherwise qualified who
16 because of the conduct of his business, duties or occupation
17 will necessarily be absent from the municipality of his
18 residence on the day of the primary or election, which fact was
19 not and could not reasonably be known to said [elector] voter on
20 or before the first Tuesday prior to any primary or election,
21 the [elector] voter shall be entitled to an absentee ballot at
22 any time prior to five o'clock P.M. on the first Friday
23 preceding any primary or election upon execution of an Emergency
24 Application in such form prescribed by the Secretary of the
25 Commonwealth.

26 (a.2) In the event any [elector] voter otherwise qualified
27 who becomes so physically disabled or ill between five o'clock
28 P.M. on the first Friday preceding any primary or election and
29 eight o'clock P.M. on the day of any primary or election that he
30 is unable to appear at his polling place or any [elector] voter

1 otherwise qualified who because of the conduct of his business,
2 duties or occupation will necessarily be absent from the
3 municipality of his residence on the day of the primary or
4 election, which fact was not and could not reasonably be known
5 to said [elector] voter prior to five o'clock P.M. on the first
6 Friday preceding any primary or election, the [elector] voter
7 shall be entitled to an absentee ballot if the [elector] voter
8 completes and files with the court of common pleas in the county
9 in which the [elector] voter is qualified to vote an Emergency
10 Application or a letter or other signed document, which includes
11 the same information as is provided on the Emergency
12 Application. Upon a determination that the [elector] voter is a
13 qualified absentee [elector] voter under section 1301, the judge
14 shall issue an absentee ballot to the [elector] voter. If the
15 [elector] voter is unable to appear in court to receive the
16 ballot, the judge shall give the [elector's] voter's absentee
17 ballot to an authorized representative of the [elector] voter
18 who is designated in writing by the [elector] voter. The
19 authorized representative shall deliver the absentee ballot to
20 the [elector] voter and return the completed absentee ballot,
21 sealed in the official absentee ballot envelopes, to the county
22 board of elections, who shall distribute the ballot, unopened,
23 to the absentee voter's election district. If the [elector]
24 voter is unable to appear in court or unable to obtain
25 assistance from an authorized representative, the judge shall
26 direct a deputy sheriff of the county to deliver the absentee
27 ballot to the [elector] voter if the [elector] voter is at a
28 physical location within the county and return the completed
29 absentee ballot, sealed in the official absentee ballot
30 envelopes, to the county board of elections, who shall

1 distribute the ballots, unopened, to the absentee voter's
2 respective election district. If there is no authorized
3 representative and a deputy sheriff is unavailable to deliver an
4 absentee ballot under this section, the judge may direct a
5 constable to make such delivery in accordance with the
6 provisions of this section. In the case of an [elector] voter
7 who requires assistance in marking the [elector's] voter's
8 ballot, the [elector] voter shall designate in writing the
9 person who will assist in marking the ballot. Such person shall
10 be otherwise eligible to provide assistance to [electors] voters
11 eligible for assistance, and such person shall declare in
12 writing that assistance was rendered. Any person other than the
13 designee who shall render assistance in marking a ballot or any
14 person rendering assistance who shall fail to execute a
15 declaration shall be guilty of a violation of this act. No
16 absentee ballot under this subsection shall be counted which is
17 received in the office of the county board of elections later
18 than eight o'clock P.M. on the day of the primary or election.

19 (b) In the case of [an elector] a voter whose application
20 for an absentee ballot is received by the office of the county
21 board of elections earlier than fifty (50) days before the
22 primary or election, the application shall be held and processed
23 upon commencement of the fifty-day period.

24 (c) In the case of [an elector] a voter who is physically
25 disabled or ill on or before the first Tuesday prior to a
26 primary or election or becomes physically disabled or ill after
27 the first Tuesday prior to a primary or election, such Emergency
28 Application, letter or other signed document shall contain a
29 supporting affidavit from his attending physician stating that
30 due to physical disability or illness said [elector] voter was

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

4 (d) In the case of [an elector] a voter who is necessarily
5 absent because of the conduct of his business, duties or
6 occupation under the unforeseen circumstances specified in
7 subsections (a.1) and (a.2), such Emergency Application, letter
8 or other signed document shall contain a supporting affidavit
9 from such [elector] voter stating that because of the conduct of
10 his business, duties or occupation said [elector] voter will
11 necessarily be absent from the municipality of his residence on
12 the day of the primary or election which fact was not and could
13 not reasonably be known to said [elector] voter on or before the
14 first Tuesday prior to the primary or election.

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

17 (a) The county board of elections, upon receipt of any
18 application filed by a qualified [elector] voter not required to
19 be registered under preceding section 1301, shall ascertain from
20 the information on such application, district register or from
21 any other source that such applicant possesses all the
22 qualifications of a qualified [elector] voter other than being
23 registered or enrolled. If the board is satisfied that the
24 applicant is qualified to receive an official absentee ballot,
25 the application shall be marked approved such approval decision
26 shall be final and binding except that challenges may be made
27 only on the ground that the applicant did not possess
28 qualifications of an absentee [elector] voter. Such challenges
29 must be made to the county board of elections prior to 5:00
30 o'clock P.M. on the first Friday prior to the election. When so

1 approved, the county board of elections shall cause the
2 applicant's name and residence (and at a primary, the party
3 enrollment) to be inserted in the Military, Veterans and
4 Emergency Civilians Absentee Voters File as provided in section
5 1302.3, subsection (b): Providing, however, That no application
6 of any qualified [elector] voter in military service shall be
7 rejected for failure to include on his application any
8 information if such information may be ascertained within a
9 reasonable time by the county board of elections.

10 (b) The county board of elections, upon receipt of any
11 application filed by a qualified [elector] voter who is
12 entitled, under the provisions of the Permanent Registration Law
13 as now or hereinafter enacted by the General Assembly, to
14 absentee registration prior to or concurrently with the time of
15 voting as provided under preceding section 1301, shall ascertain
16 from the information on such application or from any other
17 source that such applicant possesses all the qualifications of a
18 qualified [elector] voter. If the board is satisfied that the
19 applicant is entitled, under the provisions of the Permanent
20 Registration Law as now or hereinafter enacted by the General
21 Assembly, to absentee registration prior to or concurrently with
22 the time of voting and that the applicant is qualified to
23 receive an official absentee ballot, the application shall be
24 marked "approved." Such approval decision shall be final and
25 binding except that challenges may be made only on the ground
26 that the applicant did not possess the qualifications of an
27 absentee [elector] voter prior to or concurrently with the time
28 of voting. Such challenges must be made to the county board of
29 elections prior to 5:00 o'clock P.M. on the first Friday prior
30 to the election. When so approved, the county board of elections

1 shall cause the applicant's name and residence (and at a
2 primary, the party enrollment) to be inserted in the Military,
3 Veterans and Emergency Civilian Absentee Voters File as provided
4 in section 1302.3 subsection (b).

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

25 Provided, however, That the duties of the county boards of
26 elections and the registration commissions with respect to the
27 insertion of the absentee voter's temporary registration card of
28 any [elector] voter from the district register as set forth in
29 section 1302.2 shall include only such applications and
30 emergency applications as are received on or before the first

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

26 (d) In the event that any application for an official
27 absentee ballot is not approved by the county board of
28 elections, the [elector] voter shall be notified immediately to
29 that effect with a statement by the county board of the reasons
30 for the disapproval. For those applicants whose proof of

1 identification was not provided with the application or could
2 not be verified by the board, the board shall send notice to the
3 [elector] voter with the absentee ballot requiring the [elector]
4 voter to provide proof of identification with the absentee
5 ballot or the ballot will not be counted.

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

13 (f) Notwithstanding the provisions of this section, a
14 qualified absentee [elector] voter shall not be required to
15 provide proof of identification if the [elector] voter is
16 entitled to vote by absentee ballot under the Uniformed and
17 Overseas Citizens Absentee Voting Act (Public Law 99-410, 100
18 Stat. 924) or by an alternative ballot under the Voting
19 Accessibility for the Elderly and Handicapped Act (Public Law
20 98-435, 98 Stat. 1678).

21 Section 1302.3. Absentee [Electors] Voters Files and
22 Lists.--(a) The county board of elections shall maintain at its
23 office a file containing the duplicate absentee voter's
24 temporary registration cards of every registered [elector] voter
25 to whom an absentee ballot has been sent. Such duplicate
26 absentee voter's temporary registration cards shall be filed by
27 election districts and within each election district in exact
28 alphabetical order and indexed. The registration cards so filed
29 shall constitute the Registered Absentee Voters File for the
30 Primary or Election of (date of primary or election) and shall

1 be kept on file for a period commencing the Tuesday prior to the
2 day of the primary or election until the day following the
3 primary or election or the day the county board of elections
4 certifies the returns of the primary or election, whichever date
5 is later. Such file shall be open to public inspection at all
6 times subject to reasonable safeguards, rules and regulations.

7 (b) The county board of elections shall post in a
8 conspicuous public place at its office a master list arranged in
9 alphabetical order by election districts setting forth the name
10 and residence, and at primaries, the party enrollment, of (1)
11 every military [elector] voter to whom an absentee ballot is
12 being sent, each such name to be prefixed with an "M"; (2) every
13 bedridden or hospitalized veteran outside the county of his
14 residence who is not registered and to whom an absentee ballot
15 is being sent, each such name to be prefixed with a "V"; and (3)
16 every registered [elector] voter who has filed his application
17 for an absentee ballot too late for the extraction of his
18 original registration card and to whom a ballot is being sent
19 and every qualified [elector] voter who has filed his
20 application for an absentee ballot and is entitled, under
21 provisions of the Permanent Registration Law as now or
22 hereinafter enacted by the General Assembly, to absentee
23 registration prior to or concurrently with the time of voting,
24 each such name to be prefixed with a "C." This list shall be
25 known as the Military, Veterans and Emergency Civilians Absentee
26 Voters File for the Primary or Election of (date of primary or
27 election) and shall be posted for a period commencing the
28 Tuesday prior to the day of the primary or election until the
29 day following the primary or election or the day on which the
30 county board of elections certifies the returns of the primary

1 or election, whichever date is later. Such file shall be open to
2 public inspection at all times subject to reasonable safeguards,
3 rules and regulations. This posted list shall not contain any
4 military address or references to any military organization.
5 Upon written request, the county board shall furnish a copy of
6 such list to any candidate or party county chairman.

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

28 Section 1303. Official Absentee Voters Ballots.--(a) In
29 districts in which ballots are used, the ballots for use by such
30 absentee [electors] voters under the provisions of this act

1 shall be the official ballots printed in accordance with
2 sections 1002 and 1003: Provided, however, That the county board
3 of elections when detaching the official ballots for absentee
4 [electors] voters shall be required to indicate on the stub of
5 each ballot so detached the name of the applicant to which that
6 precise ballot is being sent. The county board of elections
7 shall also be required to remove the numbered stub from each
8 such ballot and shall thereupon print, stamp or endorse in red
9 color upon such official ballots the words, Official Absentee
10 Ballot. Such ballots shall be distributed by such boards as
11 hereinafter provided.

12 (b) In districts in which voting machines are used and in
13 those districts in which paper ballots are used and the county
14 board of elections therein do not print official absentee
15 ballots in accordance with sections 1002 and 1003, the ballots
16 for use by such absentee [electors] voters under the provisions
17 of this act shall be prepared sufficiently in advance by the
18 county board of elections and shall be distributed by such
19 boards as hereinafter provided. Such ballots shall be marked
20 Official Absentee Ballot but shall not be numbered and shall
21 otherwise be in substantially the form for ballots required by
22 article ten of this act, which form shall be determined and
23 prescribed by the Secretary of the Commonwealth.

24 (c) In districts in which electronic voting systems are
25 utilized, the absentee ballot may be in the form of a ballot
26 card which shall be clearly stamped on its face "Absentee
27 Ballot."

28 (d) In cases where there is not time to print on said
29 ballots the names of the various candidates, the county board of
30 elections shall print special write-in absentee ballots which

1 shall be in substantially the form of other official absentee
2 ballots except that such special write-in absentee ballots shall
3 contain blank spaces only under the titles of such offices in
4 which [electors] voters may insert the names of the candidates
5 for whom they desire to vote, and in such cases the county board
6 of elections shall furnish to [electors] voters lists containing
7 the names of all the candidates named in nomination petitions or
8 who have been regularly nominated under the provisions of this
9 act, for the use of such [electors] voters in preparing their
10 ballots. Special write-in absentee ballots also shall include
11 all constitutional amendments and other questions to be voted on
12 by the [electors] voters.

13 (e) The official absentee voter ballot shall state that a
14 voter who receives an absentee ballot pursuant to section 1301
15 and who, on election day, is capable of voting at the
16 appropriate polling place must void the absentee ballot and vote
17 in the normal manner at the appropriate voting place.

18 Section 1304. Envelopes for Official Absentee Ballots.--

19 The county boards of election shall provide two additional
20 envelopes for each official absentee ballot of such size and
21 shape as shall be prescribed by the Secretary of the
22 Commonwealth, in order to permit the placing of one within the
23 other and both within the mailing envelope. On the smaller of
24 the two envelopes to be enclosed in the mailing envelope shall
25 be printed, stamped or endorsed the words "Official Absentee
26 Ballot," and nothing else. On the larger of the two envelopes,
27 to be enclosed within the mailing envelope, shall be printed the
28 form of the declaration of the [elector] voter, and the name and
29 address of the county board of election of the proper county.
30 The larger envelope shall also contain information indicating

1 the local election district of the absentee voter. Said form of
2 declaration and envelope shall be as prescribed by the Secretary
3 of the Commonwealth and shall contain among other things a
4 statement of the [electors] voters qualifications, together with
5 a statement that such [elector] voter has not already voted in
6 such primary or election. The mailing envelope addressed to the
7 [elector] voter shall contain the two envelopes, the official
8 absentee ballot, lists of candidates, when authorized by section
9 1303 subsection (b) of this act, the uniform instructions in
10 form and substance as prescribed by the Secretary of the
11 Commonwealth and nothing else: Provided, however, That envelopes
12 for [electors] voters qualified under preceding section 1301,
13 subsections (a) to (h), inclusive, shall have printed across the
14 face of each transmittal or return envelope two parallel
15 horizontal red bars, each one-quarter inch wide, extending from
16 one side of the envelope to the other side, with an intervening
17 space of one-quarter inch, the top bar to be one and one-quarter
18 inches from the top of the envelope and with the words "Official
19 Election Balloting Material via Air Mail" between the bars; that
20 there be printed, in the upper right corner of each such
21 envelope in a box, the words "Free of U. S. Postage, Including
22 Air Mail;" that all printing on the face of each such envelope
23 be in red, and that there be printed in red, in the upper left
24 corner of each such envelope, the name and address of the county
25 board of elections of the proper county or blank lines for
26 return address of the sender:

27 Provided further, That the aforesaid envelope addressed to
28 the [elector] voter may contain absentee registration forms
29 where required, and shall contain detailed instructions on the
30 procedures to be observed in casting an absentee ballot as

1 prescribed by the Secretary of the Commonwealth, together with
2 return envelope upon which is printed the name and address of
3 the registration commission of the proper county, which envelope
4 shall have printed across the face two parallel horizontal red
5 bars, each one-quarter inch wide, extending from one side of the
6 envelope to the other side, with an intervening space of one-
7 quarter inch, the top bar to be one and one-quarter inches from
8 the top of the envelope and with the words "Official Election
9 Balloting Material via Air Mail" between the bars; that there be
10 printed in the upper right corner of each such envelope in a box
11 the words "Free of U. S. Postage, Including Air Mail," and, in
12 the upper left corner of each such envelope, blank lines for
13 return address of the sender; that all printing on the face of
14 each such envelope be in red.

15 Section 1305. Delivering or Mailing Ballots.--

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

1 (d) of section 1303 when official absentee ballots are not yet
2 printed; as additional applications of such [electors] voters
3 are received, the board shall deliver or mail official absentee
4 ballots or special write-in absentee ballots when official
5 absentee ballots are not yet printed to such additional
6 [electors] voters within forty-eight hours after approval of
7 their application. If the calling of a special election would
8 make it impossible to comply with the forty-five day delivery or
9 mailing requirement of this section, then the county board of
10 elections shall mail absentee ballots or special write-in
11 absentee ballots within five days of the county board's receipt
12 of the information necessary to prepare said ballots.

13 (b) The county board of elections upon receipt and approval
14 of an application filed by any [elector] voter qualified in
15 accordance with the provisions of section 1301, subsections (i)
16 to (l), inclusive, shall commence to deliver or mail official
17 absentee ballots on the second Tuesday prior to the primary or
18 election. For those applicants whose proof of identification was
19 not provided with the application or could not be verified by
20 the board, the board shall send the notice required under
21 section 1302.2(d) with the absentee ballot. As additional
22 applications are received and approved, the board shall deliver
23 or mail official absentee ballots to such additional [electors]
24 voters within forty-eight hours.

25 (c) Notwithstanding the provisions of this section, a
26 qualified absentee [elector] voter shall not be required to
27 provide proof of identification if the [elector] voter is
28 entitled to vote by absentee ballot under the Uniformed and
29 Overseas Citizens Absentee Voting Act (Public Law 99-410, 100
30 Stat. 924) or by an alternative ballot under the Voting

1 Accessibility for the Elderly and Handicapped Act (Public Law
2 98-435, 98 Stat. 1678).

3 Section 1305.1. Notice to County Board of Elections.--(a)
4 At least fifty days prior to a primary, the Secretary of the
5 Commonwealth shall transmit to the county board of elections a
6 list of candidates who have filed a nominating petition with him
7 and who are not known to have withdrawn or been disqualified,
8 conforming, to the extent possible, with the requirements of
9 section 916.

10 (b) At least seventy days prior to an election, the
11 Secretary of the Commonwealth shall transmit to the county board
12 of elections a list, as he knows it to exist at that time, of
13 candidates to be voted on in the county at the election, as well
14 as a copy of all constitutional amendments and other questions
15 to be voted on at such election, together with a statement of
16 the form in which they are to be placed on the ballot,
17 conforming to the extent possible with the requirements of
18 section 984.

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

29 (1) Any [elector] voter who submits an Emergency Application
30 and receives an absentee ballot in accordance with section

1 1302.1(a.2) or (c) shall mark the ballot on or before eight
2 o'clock P.M. on the day of the primary or election. This
3 envelope shall then be placed in the second one, on which is
4 printed the form of declaration of the [elector] voter, and the
5 address of the [elector's] voter's county board of election and
6 the local election district of the [elector] voter. The
7 [elector] voter shall then fill out, date and sign the
8 declaration printed on such envelope. Such envelope shall then
9 be securely sealed and the [elector] voter shall send same by
10 mail, postage prepaid, except where franked, or deliver it in
11 person to said county board of election.

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

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

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

3 (Mark)

4 (Date)

5

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

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

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

28 I hereby swear that I am a qualified registered [elector]
29 voter who has obtained an absentee ballot, however, I am present
30 in the municipality of my residence and physically able to

1 present myself at my polling place and therefore request that my
2 absentee ballot be voided.

3

4 (Date)

5

6 (Local Judge of Elections) (Signature of [Elector]

7 Voter)

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

16 Section 1306.1. Assistance in Voting by Certain Absentee
17 [Electors] Voters.--

18 Any [elector] voter qualified to vote an official absentee
19 ballot in accordance with the provisions of section 1301,
20 subsection (k), may receive assistance in voting (1) if there is
21 recorded on his registration card his declaration that he has a
22 physical disability which renders him unable to see or mark the
23 official absentee ballot, the exact nature of such disability
24 being recorded on such registration card; (2) if such [elector]
25 voter requiring assistance submits with his application for an
26 official absentee ballot, a statement setting forth the precise
27 nature of the disability which renders him unable to see or mark
28 the official absentee ballot and that to the best of his
29 knowledge and belief he will still suffer from the said physical
30 disability at the time of voting his official absentee ballot.

1 He shall acknowledge the same before an officer qualified to
2 take acknowledgment of deeds. Such statement shall be in
3 substantially the following form:

4 Statement of Absentee [Elector] Voter Requiring Assistance

5 I,, hereby state

6 (Name of voter requiring assistance)

7 that I require assistance in marking the official absentee
8 ballot for the primary or election held,

9 (Date)

10 19..., that will be issued to me for the following reason:

11

12 (Insert nature of disability)

13

14 (Signature or mark of [elector] voter)

15

16 (Date of signature or mark)

17 Commonwealth of Pennsylvania:

18 ss

19 County of

20 On this.....day of....., 19..., before me,
21, the undersigned officer personally
22 appeared....., known to me (or satisfactorily
23 proven) to be the person whose signature or mark appears on the
24 within instrument and acknowledged the same for the purposes
25 therein contained.

26 In witness whereof, I have hereunto set my hand and official
27 seal

28

29 (Title of Officer)

30 Upon receipt of the official absentee ballot, such [elector]

1 voter requiring assistance may select a person to assist him in
2 voting, such assistance to be rendered in secret: Provided,
3 however, That the person rendering assistance may not be the
4 [elector's] voter's employer or an agent of the employer or an
5 officer or agent of the [elector's] voter's union. The person
6 rendering the assistance in voting shall complete, date and sign
7 the declaration in such form approved by the Secretary of the
8 Commonwealth, or substantially in the form as set forth below,
9 that the person has caused the [elector's] voter's ballot to be
10 marked in accordance with such [elector's] voter's desires and
11 instruction. Such declaration form shall be returned to the
12 county board of elections in the mailing envelope addressed to
13 the county board of elections within which the small "official
14 absentee ballot" is returned.

15 Declaration of Person Rendering Assistance

16 I,,

17 (Name of Person rendering assistance)

18 hereby declare that I have witnessed the aforesaid [elector's]
19 voter's signature or mark and that I have caused the aforesaid
20 [elector's] voter's ballot to be marked in accordance with the
21 desires and instructions of the aforesaid [elector] voter.

22

23 (Signature of Person Rendering Assistance)

24

25 (Address)

26 Section 1307. Certain [Electors] Voters Voting in Districts
27 of Residence.--

28 (a) Whenever any qualified [elector] voter in actual
29 military service is present in his voting district of residence
30 on any primary, special, municipal or general election day and

1 has not already voted in such election, he may apply in person
2 at the office of the county board of election of the county of
3 his residence and he shall then and there execute his
4 application for an official absentee ballot.

5 (b) Each such application shall be in the form and shall
6 contain the information required by this act together with a
7 statement by the applicant that he has not already voted in the
8 election.

9 The county board of elections shall ascertain from the
10 information on such application or from any other source that
11 such applicant possesses all the qualifications of a qualified
12 [elector] voter other than being registered or enrolled. If the
13 board is satisfied that the applicant is qualified to receive an
14 official absentee ballot, the application shall be marked
15 "Approved," subject to the limitations set out in section 1302.2
16 of this act. When so approved, the county board of elections
17 shall cause the applicant's name and residence (and at
18 primaries, the party enrollment) to be inserted in the
19 "Military, Veterans and Emergency Civilian Absentee Voters File"
20 as provided in section 1302.3 subsection (b).

21 (c) Upon receiving an official absentee ballot and envelopes
22 therefor, he shall, in secret, in the office of the county board
23 of elections vote the ballot and execute the declaration as
24 prescribed by this act. The [elector] voter shall then securely
25 seal the second envelope and hand it to the chief clerk of the
26 county board of election who shall securely keep same in
27 accordance with the provisions of section 1308.

28 Section 1308. Canvassing of Official Absentee Ballots.--(a)
29 The county boards of election, upon receipt of official absentee
30 ballots in such envelopes, shall safely keep the same in sealed

1 or locked containers until they distribute same to the
2 appropriate local election districts in a manner prescribed by
3 the Secretary of the Commonwealth.

4 Except as provided in section 1302.1(a.2), the county board
5 of elections shall then distribute the absentee ballots,
6 unopened, to the absentee voter's respective election district
7 concurrently with the distribution of the other election
8 supplies. Absentee ballots shall be canvassed immediately and
9 continuously without interruption until completed after the
10 close of the polls on the day of the election in each election
11 district. The results of the canvass of the absentee ballots
12 shall then be included in and returned to the county board with
13 the returns of that district. Except as provided in section
14 1302.1(a.2) and subsection (g), no absentee ballot shall be
15 counted which is received in the office of the county board of
16 election later than five o'clock P.M. on the Friday immediately
17 preceding the primary or November election.

18 (b) Watchers shall be permitted to be present when the
19 envelopes containing official absentee ballots are opened and
20 when such ballots are counted and recorded.

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

26 (d) Whenever it shall appear by due proof that any absentee
27 [elector] voter who has returned his ballot in accordance with
28 the provisions of this act has died prior to the opening of the
29 polls on the day of the primary or election, the ballot of such
30 deceased [elector] voter shall be rejected by the canvassers but

1 the counting of the ballot of [an elector] a voter thus deceased
2 shall not of itself invalidate any nomination or election.

3 (e) At such time the local election board shall then further
4 examine the declaration on each envelope not so set aside and
5 shall compare the information thereon with that contained in the
6 "Registered Absentee Voters File," the absentee voters' list and
7 the "Military Veterans and Emergency Civilians Absentee Voters
8 File." If the local election board is satisfied that the
9 declaration is sufficient and the information contained in the
10 "Registered Absentee Voters File," the absentee voters' list and
11 the "Military Veterans and Emergency Civilians Absentee Voters
12 File" verifies his right to vote, the local election board shall
13 announce the name of the [elector] voter and shall give any
14 watcher present an opportunity to challenge any absentee
15 [elector] voter upon the ground or grounds (1) that the absentee
16 [elector] voter is not a qualified [elector] voter; or (2) that
17 the absentee [elector] voter was within the municipality of his
18 residence on the day of the primary or election during the
19 period the polls were open, except where he was in military
20 service or except in the case where his ballot was obtained for
21 the reason that he was unable to appear personally at the
22 polling place because of illness or physical disability; or (3)
23 that the absentee [elector] voter was able to appear personally
24 at the polling place on the day of the primary or election
25 during the period the polls were open in the case his ballot was
26 obtained for the reason that he was unable to appear personally
27 at the polling place because of illness or physical disability.
28 Upon challenge of any absentee [elector] voter, as set forth
29 herein the local election board shall mark "challenged" on the
30 envelope together with the reason or reasons therefor, and the

1 same shall be set aside for return to the county board unopened
2 pending decision by the county board and shall not be counted.
3 All absentee ballots not challenged for any of the reasons
4 provided herein shall be counted and included with the general
5 return of paper ballots or voting machines, as the case may be
6 as follows. Thereupon, the local election board shall open the
7 envelope of every unchallenged absentee [elector] voter in such
8 manner as not to destroy the declaration executed thereon. All
9 of such envelopes on which are printed, stamped or endorsed the
10 words "Official Absentee Ballot" shall be placed in one or more
11 depositories at one time and said depository or depositories
12 well shaken and the envelopes mixed before any envelope is taken
13 therefrom. If any of these envelopes shall contain any
14 extraneous marks or identifying symbols other than the words
15 "Official Absentee Ballot," the envelopes and the ballots
16 contained therein shall be set aside and declared void. The
17 local election board shall then break the seals of such
18 envelopes, remove the ballots and record the votes in the same
19 manner as district election officers are required to record
20 votes. With respect to the challenged ballots, they shall be
21 returned to the county board with the returns of the local
22 election district where they shall be placed unopened in a
23 secure, safe and sealed container in the custody of the county
24 board until it shall fix a time and place for a formal hearing
25 of all such challenges and notice shall be given where possible
26 to all absentee [electors] voters thus challenged and to every
27 attorney, watcher or candidate who made such challenge. The time
28 for the hearing shall not be later than seven (7) days after the
29 date of said challenge. On the day fixed for said hearing, the
30 county board shall proceed without delay to hear said challenges

1 and, in hearing the testimony, the county board shall not be
2 bound by technical rules of evidence. The testimony presented
3 shall be stenographically recorded and made part of the record
4 of the hearing. The decision of the county board in upholding or
5 dismissing any challenge may be reviewed by the court of common
6 pleas of the county upon a petition filed by any person
7 aggrieved by the decision of the county board. Such appeal shall
8 be taken, within two (2) days after such decision shall have
9 been made, whether reduced to writing or not, to the court of
10 common pleas setting forth the objections to the county board's
11 decision and praying for an order reversing same. Pending the
12 final determination of all appeals, the county board shall
13 suspend any action in canvassing and computing all challenged
14 ballots irrespective of whether or not appeal was taken from the
15 county board's decision. Upon completion of the computation of
16 the returns of the county, the votes cast upon the challenged
17 official absentee ballots shall be added to the other votes cast
18 within the county.

19 (f) Any person challenging an application for an absentee
20 ballot or an absentee ballot for any of the reasons provided in
21 this act shall deposit the sum of ten dollars (\$10.00) in cash
22 with the local election board, in cases of challenges made to
23 the local election board and with the county board in cases of
24 challenges made to the county board for which he shall be issued
25 a receipt for each challenge made, which sum shall only be
26 refunded if the challenge is sustained or if the challenge is
27 withdrawn within five (5) days after the primary or election. If
28 the challenge is dismissed by any lawful order then the deposit
29 shall be forfeited. All deposit money received by the local
30 election board shall be turned over to the county board

1 simultaneously with the return of the challenged ballots. The
2 county board shall deposit all deposit money in the general fund
3 of the county.

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

6 (g) (1) An absentee ballot cast by any absentee [elector]
7 voter as defined in section 1301(a), (b), (c), (d), (e), (f),
8 (g) and (h) which is received in the office of the county board
9 of elections after five o'clock P.M. on the Friday immediately
10 preceding the election and no later than five o'clock P.M. on
11 the seventh day following an election shall be canvassed in
12 accordance with this subsection if the absentee ballot is
13 postmarked no later than the day immediately preceding the
14 election.

15 (2) The county board of elections shall meet on the eighth
16 day following the election to canvass the absentee ballots
17 received under this subsection and subsection (h) (2). One
18 authorized representative of each candidate in an election and
19 one representative from each political party shall be permitted
20 to remain in the room in which the absentee ballots are
21 canvassed. Representatives shall be permitted to challenge any
22 absentee [elector] voter in accordance with the provisions of
23 paragraph (3).

24 (3) When the county board meets to canvass absentee ballots
25 under paragraph (2), the board shall examine the declaration on
26 the envelope of each ballot not set aside under subsection (d)
27 and shall compare the information thereon with that contained in
28 the "Registered Absentee Voters File," the absentee voters' list
29 and/or the "Military Veterans and Emergency Civilians Absentee
30 Voters File," whichever is applicable. If the county board has

1 verified the proof of identification as required under this act
2 and is satisfied that the declaration is sufficient and the
3 information contained in the "Registered Absentee Voters File,"
4 the absentee voters' list and/or the "Military Veterans and
5 Emergency Civilians Absentee Voters File" verifies his right to
6 vote, the county board shall announce the name of the [elector]
7 voter and shall give any candidate representative or party
8 representative present an opportunity to challenge any absentee
9 [elector] voter upon the ground or grounds: (i) that the
10 absentee [elector] voter is not a qualified [elector] voter; or
11 (ii) that the absentee [elector] voter was within the
12 municipality of his residence on the day of the primary or
13 election during the period the polls were open, except where he
14 was in the military service or except in the case where his
15 ballot was obtained for the reason that he was unable to appear
16 personally at the polling place because of illness or physical
17 disability; or (iii) that the absentee [elector] voter was able
18 to appear personally at the polling place on the day of the
19 primary or election during the period the polls were open in the
20 case his ballot was obtained for the reason that he was unable
21 to appear personally at the polling place because of illness or
22 physical disability. Upon challenge of any absentee [elector]
23 voter, as set forth herein, the board shall mark "challenged" on
24 the envelope together with the reasons therefor, and the same
25 shall be set aside unopened pending final determination of the
26 challenge according to the procedure described in paragraph (5).

27 (4) All absentee ballots not challenged for any of the
28 reasons provided in paragraph (3) shall be counted and included
29 with the returns of the applicable election district as follows.
30 The county board shall open the envelope of every unchallenged

1 absentee [elector] voter in such manner as not to destroy the
2 declaration executed thereon. If any of the envelopes on which
3 are printed, stamped or endorsed the words "Official Absentee
4 Ballot" contain any extraneous marks or identifying symbols, the
5 envelopes and the ballots contained therein shall be set aside
6 and declared void. The county board shall then break the seals
7 of such envelopes, remove the ballots and record the votes.

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

21 (6) The decision of the county board in upholding or
22 dismissing any challenge may be reviewed by the court of common
23 pleas of the county upon a petition filed by any person
24 aggrieved by the decision of the county board. The appeal shall
25 be taken, within two (2) days after the decision was made,
26 whether the decision was reduced to writing or not, to the court
27 of common pleas setting forth the objections to the county
28 board's decision and praying for an order reversing the
29 decision.

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

1 county board shall suspend any action in canvassing and
2 computing all challenged ballots received under this subsection
3 irrespective of whether or not appeal was taken from the county
4 board's decision. Upon completion of the computation of the
5 returns of the county, the votes cast upon the challenged
6 official absentee ballots that have been finally determined to
7 be valid shall be added to the other votes cast within the
8 county.

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

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

23 (2) If the proof of identification is received and verified
24 after the absentee ballots have been distributed to the
25 appropriate local election districts, but prior to the sixth
26 calendar day following the election, then the county board of
27 elections shall canvass the absentee ballots under this
28 subsection in accordance with subsection (g)(2), unless the
29 [elector] voter appeared to vote at the proper polling place for
30 the purpose of casting a ballot, then the absentee ballot cast

1 by that [elector] voter shall be declared void.

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

6 (i) Notwithstanding the provisions of this section, a
7 qualified absentee [elector] voter shall not be required to
8 provide proof of identification if the [elector] voter is
9 entitled to vote by absentee ballot under the Uniformed and
10 Overseas Citizens Absentee Voting Act (Public Law 99-410, 100
11 Stat. 924) or by an alternative ballot under the Voting
12 Accessibility for the Elderly and Handicapped Act (Public Law
13 98-435, 98 Stat. 1678).

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

23 Section 1331. Violation of Provisions Relating to Absentee
24 Voting.--(a) Except as provided in subsection (b), any person
25 who shall violate any of the provisions of this act relating to
26 absentee voting shall, unless otherwise provided, be subject to
27 the penalties provided for in section 1850 of this act.

28 (b) Any person who knowingly assists another person who is
29 not a qualified absentee [elector] voter in filling out an
30 absentee ballot application or absentee ballot commits a

1 misdemeanor of the third degree.

2 ARTICLE XIII-C

3 Statewide Uniform Registry of Electors Advisory Board

4 Section 1301-C. Definitions.

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

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

9 "Secretary." The Secretary of the Commonwealth.

10 "Statewide Uniform Registry of Electors" or "SURE system."
11 The integrated voter registration system of all registered
12 [electors] voters in this Commonwealth established in 25 Pa.C.S.
13 Ch. 12 Subch. B (relating to Statewide Uniform Registry of
14 Electors (SURE)).
15 Section 1302-C. SURE System Advisory Board.

16 (a) Establishment.--The secretary shall form an advisory
17 board to confer with the department regarding the SURE system.

18 (b) Composition.--The advisory board shall be comprised of
19 six directors of elections who have been appointed as follows:

20 (1) Two directors by the Senate, one appointed by the
21 Minority Leader and one appointed by the President pro
22 tempore of the Senate.

23 (2) Two directors by the House of Representatives, one
24 appointed by the Minority Leader and one appointed by the
25 Speaker of the House of Representatives.

26 (3) Two directors appointed by the secretary.

27 (c) Terms.--The term of office of each member of the
28 advisory board shall be coterminous with the term of the
29 authority appointing that member.

30 ARTICLE XIV

1 Returns of Primaries and Elections

2 Section 1401. Offices of County Boards to Remain Open During
3 Primaries and Elections and Until Completion of Count; Reports
4 and Returns to Be Made Public.--Each county board of elections
5 shall cause its office to remain open, in charge of one or more
6 members of the board, during the entire duration of each primary
7 and election, and after the close of the polls, until all the
8 ballot boxes and returns have been received in the office of the
9 county elections board, or received in such other place as has
10 been designated by the board.

11 Section 1402. Returns to Be Open to Public Inspection;
12 Exceptions.--(a) The general returns from the various districts
13 which have been returned unsealed shall be open to public
14 inspection at the office of the county board as soon as they are
15 received from the judges of election. None of the envelopes
16 sealed by election officers and entrusted to the judge of
17 election for delivery to the county board shall be opened by any
18 person, except by the order of the return board, or of the court
19 of common pleas.

20 (b) The county board shall submit returns received under
21 subsection (a) to the Department of State for each office for
22 which a candidate must file a nomination petition with the
23 Secretary of the Commonwealth by three o'clock A. M. on the day
24 following the election. The submission shall be by telephone,
25 facsimile or the World Wide Web site or by any other manner
26 required by the secretary.

27 Section 1403. Place of Meeting for Computation of Votes;
28 Notice; Papers to Be Prepared; Assistants to Be Sworn.--

29 (a) The county board of elections shall arrange for the
30 computation and canvassing of the returns of votes cast at each

1 primary and election at its office or at some other convenient
2 public place at the county seat with adequate accommodations for
3 the watchers and attorneys authorized by this act to be present,
4 who shall be permitted to keep or check their own computation of
5 the votes cast in the several election districts as the returns
6 from the same are read, as hereinafter directed. The county
7 board shall give at least one week's previous notice by
8 newspaper publication, as provided by section 106 of this act,
9 of the time and place when and where the board will commence and
10 hold its sessions for the computation and canvassing of the
11 returns, and keep copies of such advertisement posted in its
12 office during said period. The county board shall also prepare a
13 sufficient number of blank forms of returns made out in proper
14 manner, and headed as the nature of the primary or election may
15 require, for making out full and fair statements of all votes
16 which shall have been cast within the county or any political
17 district therein, according to the returns from the several
18 election districts thereof, for any person voted for therein, or
19 upon any question voted upon therein. All the clerks of the
20 county board and other persons designated to assist in the
21 computation and canvassing of the votes shall be first sworn to
22 perform their duties impartially and not read, write, count or
23 certify any return or vote falsely or fraudulently.

24 (b) If any member of the county board of any county shall be
25 a candidate for any nomination or election to public office, he
26 shall not act as a member of said board for the computation and
27 canvassing of returns, but the other members, if qualified, and
28 if both such remaining members are not of the same political
29 party affiliation, shall act; and in case in any county there
30 are not at least a majority of the members of said board so

1 qualified, two (2) or more judges of the court of common pleas
2 shall be designated by said court to act as a return board,
3 provided that neither of them is a candidate for any nomination
4 or election to public office; and if there shall be only one
5 judge of such court in such county or if less than two (2)
6 judges are qualified and able to act in such county, any judge
7 who is qualified may act alone, and if there be none qualified,
8 the following county officers, in order named, not being
9 candidates for any nomination or election to any public office,
10 shall act as the return board: the prothonotary, sheriff, county
11 treasurer, clerk of the orphans' court, clerk of oyer and
12 terminer and quarter sessions court, register of wills and the
13 recorder of deeds. If none of the above officers can qualify,
14 the president judge of the court of common pleas in such county
15 shall make a written request to the Chief Justice of the Supreme
16 Court for the assignment of a judge from another judicial
17 district, who shall act as the return board. The county
18 solicitor shall serve as counsel for the return board in the
19 several counties of the Commonwealth and shall receive no
20 additional compensation therefor in addition to his compensation
21 as county solicitor.

22 Section 1404. Computation of Returns by County Board;
23 Certification; Issuance of Certificates of Election.--

24 (a) The county board shall, at nine o'clock A. M. on the
25 third day following the primary or election, at its office or at
26 some other convenient public place at the county seat, of which
27 due notice shall have been given as provided by section 1403,
28 publicly commence the computation and canvassing of the returns,
29 and continue the same from day to day until completed, in the
30 manner hereinafter provided. For this purpose any county board

1 may organize itself into sections, each of which may
2 simultaneously proceed with the computation and canvassing of
3 the returns from various districts of the county in the manner
4 provided by this section. Upon the completion of such
5 computation and canvassing, the board shall tabulate the figures
6 for the entire county and sign, announce and attest the same, as
7 required by this section.

8 (b) It shall be the duty of each board of registration
9 commissioners in each county, before the time fixed for the
10 county board to convene for purpose of computing and canvassing
11 returns of any primary or election, to certify to said county
12 board the total registration of each election district within
13 its jurisdiction, and the enrollment of each district by
14 political parties at primaries. The county board, before
15 computing the votes cast in any election district, shall compare
16 said registration and enrollment figures with the certificates
17 returned by the election officers showing the number of persons
18 who voted in each district or the number of ballots cast. If,
19 upon consideration by said return board of the returns before it
20 from any election district and the certificates aforesaid, it
21 shall appear that the total vote returned for any candidate or
22 candidates for the same office or nomination or on any question
23 exceeds the number of registered or enrolled [electors] voters
24 in said election district or exceeds the total number of persons
25 who voted in said election district or the total number of
26 ballots cast therein, or, if it shall appear that the total
27 number of partisan votes returned for any candidate or
28 candidates for the same office or nomination at any primary
29 exceeds the number of [electors] voters registered or enrolled
30 in said district as members of that political party, or exceeds

1 the total number of persons belonging to that party who voted in
2 said district or the total number of ballots of that party cast
3 therein, in any such case, such excess shall be deemed a
4 discrepancy and palpable error, and shall be investigated by the
5 return board, and no votes shall be recorded from such district
6 until such investigation shall be had, and such excess shall
7 authorize--(a) the summoning of the election officers,
8 overseers, machine inspectors, and clerks to appear forthwith
9 with any election papers in their possession; (b) the production
10 of the ballot box before the return board, and the examination
11 and scrutiny of all of its contents, and all of the registration
12 and election documents whatever, relating to said district, in
13 the presence of representatives of each party and candidate
14 interested who are attending the canvass of such votes; and the
15 recount of the ballots contained in said ballot box, either
16 generally or respecting the particular office, nomination, or
17 question as to which the excess exists, in the discretion of the
18 return board; (c) the correction of the returns in accordance
19 with the result of said recount; (d) in the discretion of the
20 return board, the exclusion of the poll of that district, either
21 as to all offices, candidates, questions, and parties, or as to
22 any particular offices, candidates, questions, or parties as to
23 which said excess exists, if the ballot box be found to contain
24 more ballots than there are [electors] voters registered or
25 enrolled in said election district, or more ballots of one party
26 than there are [electors] voters registered or enrolled in said
27 district as members of that party, or more ballots than the
28 number of voters who voted at said election, or more ballots of
29 one party than the number of voters of that party who voted at
30 said election; (e) a report of the facts of the case to the

1 district attorney where such action appears to be warranted.

2 (c) The county board shall first publicly account for all
3 extra official ballots printed under the provisions of section
4 1007 of this act. The general returns made by the election
5 officers from the various election districts shall then be read
6 one after another in the usual order, slowly and audibly, by one
7 of the clerks who shall, in each case of a return from a
8 district in which ballots were used, read therefrom the number
9 of ballots (in the case of primaries the number of ballots of
10 each party) issued, spoiled and cancelled, and cast,
11 respectively, whereupon the clerk having charge of the records
12 of the county board showing the number of ballots furnished for
13 each election district, including the number of extra official
14 ballots as provided by section 1007 of this act as so furnished,
15 and the number of stubs and unused ballots and spoiled and
16 cancelled ballots returned, shall publicly announce the number
17 of the same respectively, and unless it appears by said number
18 or calculations therefrom that said records, and the said
19 general return correspond, no further returns shall be read from
20 the latter until all discrepancies are explained to the
21 satisfaction of the county board. In the case of districts in
22 which voting machines are used, there shall be read from the
23 general return the identifying number or other designation of
24 each voting machine used, the numbers registered on the
25 protective counter or device on each machine prior to the
26 opening of the polls and immediately after close of the same,
27 whereupon the clerk having charge of the records of the county
28 board showing the number registered on the protective counter or
29 device of each voting machine prior to delivery at the polling
30 place, shall publicly announce the numbers so registered, and

1 unless it appears that the said records, and the said general
2 return correspond, no further returns shall be read from the
3 latter until any and all discrepancies are explained to the
4 satisfaction of the county board.

5 (d) (1) In districts in which paper ballots have been used,
6 when the records agree with said returns regarding the number of
7 ballots and the number of votes recorded for each candidate (on
8 each party ticket at primaries), said votes for each candidate
9 shall be read by the clerk slowly, audibly, and in an orderly
10 manner from the general return which has been returned unsealed,
11 and the figures announced shall be compared by other clerks with
12 the general return which has been returned sealed. The figures
13 announced for all districts shall be compared by one of the
14 clerks with the tally papers from the respective districts. If
15 any discrepancies are discovered, the county board shall
16 thereupon examine all of the return sheets, tally papers and
17 other papers in its possession relating to the same election
18 district. If the tally papers and sealed general return sheet
19 agree, the unsealed general return shall be forthwith corrected
20 to conform thereto. But in every other case the county board
21 shall forthwith cause the ballot box of the district to be
22 opened and the vote therein to be recounted in the presence of
23 attorneys, watchers, and candidates interested, and if the
24 recount shall not be sufficient to correct the error, the county
25 board may summon the election officers and overseers, if any, to
26 appear forthwith with all election papers in their possession.

27 (2) In districts in which voting machines have been used,
28 when the records agree with the returns regarding the number
29 registered on the voting machine, the votes recorded for each
30 candidate shall be read by the clerk slowly, audibly, and in an

1 orderly manner from the general return sheet which has been
2 returned unsealed, and the figures announced shall be compared
3 by other clerks with the duplicate return sheet which has been
4 returned sealed, and if the voting machine is of the type
5 equipped with mechanism for printing paper proof sheets, said
6 general and duplicate return sheets shall also be compared with
7 said proof sheets, which have been returned as aforesaid. If any
8 discrepancies are discovered, the county board shall thereupon
9 examine all of the return sheets, proof sheets and other papers
10 in its possession relating to the same election district. The
11 said proof sheets shall be deemed to be the primary evidence of
12 the result of the election and to be prima facie accurate, and
13 if the proper proof sheets properly identified, shall be
14 mutually consistent, and if the general and duplicate returns,
15 or either of them, from said district shall not correspond with
16 said proof sheets, they shall be corrected so as to correspond
17 with same, in the absence of allegation of specific fraud or
18 error, proved to the satisfaction of the county board.

19 (3) If any error or fraud is discovered, the county board
20 shall compute and certify the votes justly regardless of any
21 fraudulent or erroneous returns presented to it, and shall
22 report the facts to the district attorney of the proper county
23 for action.

24 (4) In districts where electronically tabulated ballots are
25 used in conjunction with central ballot tabulation, the return
26 board shall compare the number of persons voting as indicated on
27 the computer return sheets, with the number voting as indicated
28 on the sealed general return from the election district. In the
29 case of a discrepancy, the procedures specified for paper
30 ballots in subsection (d)(1) shall be followed.

1 (5) In districts where ballots are tabulated at the election
2 district, the procedures specified for paper ballots in
3 subsection (d)(1) shall be followed.

4 (e) Provision for Recount or Recanvass of Vote.--Whenever it
5 shall appear that there is a discrepancy in the returns of any
6 election district, or, upon petition of three voters of any
7 district, verified by affidavit, that an error, although not
8 apparent on the face of the returns, has been committed therein,
9 or of its own motion or under subsection (g), the county board
10 shall at any time prior to the completion of the computation of
11 all of the returns for the county, summon the election officers
12 of the district, and said officers, in the presence of said
13 board, shall conduct a recount or recanvass of all ballots cast.
14 Before making such recount or recanvass, the said board shall
15 give notice in writing to the proper custodian of voting
16 machines, and to each candidate, and to the county chairman of
17 each party or political body, affected by the recount or
18 recanvass; and each such candidate may be present in person, or
19 by attorney, and each of such parties, or bodies, may send two
20 representatives to be present at such recount or recanvass.

21 (1) In a county in which an election district uses voting
22 machines, all of the following apply:

23 (i) The county board shall:

24 (A) make a record of the number of the seal upon the voting
25 machine and the number on the protective counter or other
26 device;

27 (B) make visible the registering counters of such machine;
28 and

29 (C) without unlocking the machine against voting, recanvass
30 the vote cast on the machine.

1 (ii) If, upon such recanvass, it shall be found that the
2 original canvass of the returns has been correctly made from the
3 machine, and that the discrepancy still remains unaccounted for,
4 the said board, with the assistance of the custodian, in the
5 presence of the election officers and the authorized candidates
6 and representatives, shall unlock the voting and counting
7 mechanism of the machine, and shall proceed thoroughly to
8 examine and test the machine to determine and reveal the true
9 cause or causes, if any, of the discrepancy in returns from such
10 machine. Each counter shall be reset at zero (000) before it is
11 tested, after which it shall be operated at least one hundred
12 times. After the completion of such examination and test, the
13 custodian shall then and there prepare a statement, in writing,
14 giving in detail the result of the examination and test, and
15 such statement shall be witnessed by the persons present, and
16 shall be filed with the said board.

17 (iii) If, upon such recanvass, it shall appear that the
18 original canvass of the returns by the election officers was
19 incorrect, the said returns and all papers being prepared by the
20 said board shall be corrected accordingly: Provided, however,
21 That in the case of returns from any election district wherein
22 the election was held by the use of a voting machine equipped
23 with mechanism for printing paper proof sheets, said proof
24 sheets, if mutually consistent, shall be deemed to be the
25 primary evidence of the result of the election and to be prima
26 facie accurate, and there shall not be considered to be any
27 discrepancy or error in the returns from any such district, such
28 as to require a recanvass of the vote, if all available proof
29 sheets, from the voting machine used therein, identified to the
30 satisfaction of the return board and shown to its satisfaction

1 to have been produced from proper custody, shall be mutually
2 consistent, and, if the general and duplicate returns, or either
3 of them, from said district shall not correspond with said proof
4 sheets, they, and all other papers being prepared by said return
5 board, shall be corrected so as to correspond with the same, in
6 the absence of allegation of specific fraud or error, proved to
7 the satisfaction of the return board by the weight of the
8 evidence, and only in such case shall the vote of said election
9 district be recanvassed under the provisions of this section.

10 (2) In a county in which an election district uses paper
11 ballots other than those used in conjunction with an electronic
12 voting system, all of the following apply:

13 (i) The county board shall, in the presence of the election
14 officers and the authorized candidates and representatives,
15 cause:

16 (A) the ballot box of each district to be opened and the
17 vote in the ballot box to be recounted; and

18 (B) the entire vote of the election district to be counted
19 correctly.

20 (ii) The county board may summon the election officers and
21 overseers to appear with all election papers in their possession
22 to assist in determining an accurate count or addressing errors
23 and omissions.

24 (3) In a county in which an election district uses an
25 electronic voting system utilizing paper ballots, all of the
26 following apply:

27 (i) The county board shall recount all ballots using manual,
28 mechanical or electronic devices of a different type used for
29 the specific election.

30 (ii) All ballots containing overvotes shall be counted

1 manually.

2 (4) In a county in which an election district uses any other
3 type of electronic voting systems, the county board shall
4 conduct the recanvass similar to the procedure specified in
5 clause (1) for voting machines.

6 (f) As the returns from each election district are read,
7 computed and found to be correct or corrected as aforesaid, they
8 shall be recorded on the blanks prepared for the purpose until
9 all the returns from the various election districts which are
10 entitled to be counted shall have been duly recorded, when they
11 shall be added together, announced and attested by the clerks
12 who made and computed the entries respectively and signed by the
13 members of the county board. Returns under this subsection shall
14 be considered unofficial for five (5) days. The county board
15 shall submit the unofficial returns to the Secretary of the
16 Commonwealth by five o'clock P. M. on the Tuesday following the
17 election. The submission shall be as directed by the secretary
18 for public office which appears on the ballot in every election
19 district in this Commonwealth or for a ballot question which
20 appears on the ballot in every election district in this
21 Commonwealth. At the expiration of five (5) days after the
22 completion of the computation of votes, in case no petition for
23 a recount or recanvass has been filed in accordance with the
24 provisions of this act, or upon the completion of the recount or
25 recanvass if a petition therefor has been filed within five (5)
26 days after the completion of the computation of votes, the
27 county board shall certify the returns so computed in said
28 county in the manner required by this act, unless upon appeals
29 taken from any decision, the court of common pleas shall have
30 directed any returns to be revised, or unless in case of a

1 recount, errors in the said returns shall have been found, in
2 which case said returns shall be revised, corrected and
3 certified accordingly. The county board shall thereupon, in the
4 case of elections, issue certificates of election to the
5 successful candidates for all county, city, borough, township,
6 ward, school district, poor district and election offices, and
7 local party offices to be filled by the votes of the [electors]
8 voters of said county, or of any part thereof.

9 (g) This subsection relates to recounts and recanvasses
10 ordered by the secretary.

11 (1) Except as set forth in subsection (h), the secretary
12 shall order a recount and recanvass to all county boards if the
13 unofficial returns prepared in accordance with subsection (f)
14 reflect any of the following:

15 (i) A candidate for a public office which appears on the
16 ballot in every election district in this Commonwealth was
17 defeated by one-half of a percent or less of the votes cast for
18 the office. This subclause includes a candidate for retention to
19 a Statewide judicial office.

20 (ii) A ballot question appearing on the ballot in every
21 election district in this Commonwealth was approved or rejected
22 by one-half of a percent or less of the votes cast on the
23 question.

24 (2) The secretary shall issue an order under clause (1) by
25 five o'clock P. M. of the second Thursday following the day of
26 the election.

27 (3) The secretary shall provide twenty-four (24) hours
28 notice of an order under clause (1) to each candidate and to the
29 county chairman of each party or political body affected by the
30 recount and recanvass. Notice shall be by press release, the

1 World Wide Web site or other means.

2 (4) A candidate affected by the recount and recanvass may be
3 present, in person or by attorney, at the recount and recanvass.

4 A party or body affected by the recount and recanvass may send
5 two representatives to the recount and recanvass.

6 (5) The recount and recanvass shall:

7 (i) follow procedures specified in subsection (e);

8 (ii) be scheduled to be held by the third Wednesday
9 following the day of the election; and

10 (iii) be completed by noon on the following Tuesday.

11 (6) The results of the recount and recanvass shall be
12 submitted to the secretary by 12 o'clock noon on the day
13 following completion of the recount and recanvass.

14 (7) The secretary shall issue a press release and publish on
15 the World Wide Web site all results received from the county
16 boards of election.

17 (8) Following the completion of the recount and recanvass,
18 the Commonwealth shall pay to each county the sum specified in
19 sections 1701 and 1702. The amounts necessary to pay the
20 counties are hereby appropriated, upon approval of the Governor,
21 to the Department of State.

22 (h) A recount and recanvass shall not be ordered under
23 subsection (g) (1) (i) if the defeated candidate requests in
24 writing that a recount and recanvass not be made. A request
25 under this subsection must be made by 12 o'clock noon on the
26 second Wednesday following the election.

27 Section 1405. Manner of Computing Irregular Ballots.--The
28 county board, in computing the votes cast at any primary or
29 election, shall compute and certify votes cast on irregular
30 ballots exactly as such names were written, stamped, affixed to

1 the ballot by sticker, or deposited or affixed in or on
2 receptacles for that purpose, and as they have been so returned
3 by the election officers. In the primary the Secretary of the
4 Commonwealth shall not certify the votes cast on irregular
5 ballots for any person for a National office including that of
6 the President of the United States, United States Senator and
7 Representative in Congress; or for any State office including
8 that of Governor and Lieutenant Governor, Auditor General, State
9 Treasurer, Senator and Representative in the General Assembly,
10 justices and judges of courts of record or for any party office
11 including that of delegate or alternate delegate to National
12 conventions and member of State committee unless the total
13 number of votes cast for said person is equal to or greater than
14 the number of signatures required on a nomination petition for
15 the particular office. In the primary the county board shall not
16 certify the votes cast on irregular ballots for any person for a
17 [justice of the peace] magisterial district judge, constable,
18 National, State, county, city, borough, town, township, ward,
19 school district, election or local party office unless the total
20 number of votes cast for said person is equal to or greater than
21 the number of signatures required on a nomination petition for
22 the particular office.

23 Section 1406. Petition to Establish Identity by Candidate
24 Nominated under Different Names; Cumulation Prohibited.--Any
25 person who has been nominated at a primary election by more than
26 one party for the same office under different names may, at any
27 time not later than five (5) days after the certification by the
28 county board of the votes cast at a primary election, present a
29 petition to the court of common pleas of the proper county,
30 praying for an order declaring such petitioner by his true name

1 to be the person who was thus nominated by more than one party
2 under different names. If the court shall determine that the
3 different names so appearing on the returns of the primary
4 represent one and the same person, the court shall enter an
5 order finding said fact and directing the county board to revise
6 its return accordingly. No such order shall be entered by any
7 court, unless notice of the filing of said petition shall first
8 have been given to the county board, and to all the other
9 candidates who appear to have been nominated for the same
10 office, in such manner as the court may, by its order, direct,
11 which notice shall specify the time and place of the hearing on
12 said petition. Upon the filing of any such petition, said court
13 shall proceed to hear said matter without delay, having due
14 regard to the proximity of the ensuing election. Immediately
15 upon the entry of any order as aforesaid, a certified copy
16 thereof shall be served on the county board, which shall correct
17 and revise its returns accordingly. No candidate for public
18 office at any November election whose name, for any reason, is
19 printed more than once for the same office on any ballot at any
20 general, municipal or special election, shall be entitled to
21 have cumulated, either by the election officers, by the county
22 board, or by any court, the votes cast after such different
23 names.

24 Section 1407. Appeals to Court from Decisions of the County
25 Board.--

26 (a) Any person aggrieved by any order or decision of any
27 county board regarding the computation or canvassing of the
28 returns of any primary or election, or regarding any recount or
29 recanvass thereof under sections 1701, 1702 and 1703 of this
30 act, may appeal therefrom within two days after such order or

1 decision shall have been made, whether then reduced to writing
2 or not, to the court specified in this subsection, setting forth
3 why he feels that an injustice has been done, and praying for
4 such order as will give him relief. If a recount or recanvass is
5 made under section 1404(g), the appeal must be made to
6 Commonwealth Court. Unless a recount or recanvass is made under
7 section 1404(g), the appeal must be made to the court of common
8 pleas of the proper county. Upon the payment to the prothonotary
9 of a fee for filing such appeal, a judge of the court shall fix
10 a time and place for hearing the matter in dispute within three
11 days thereafter, of which due notice shall be served, with a
12 copy of such appeal, by the appellant upon a member of the
13 county board whose action is complained of and upon every
14 attorney, watcher or candidate who opposed the contention of the
15 appellant before the county board, and upon any other person
16 that the judge shall direct, at least two days before the matter
17 shall be reviewed by the court. Proof of such notice or the
18 waiver thereof must be filed therein before any appeal is
19 sustained.

20 (b) The court on an appeal shall have full power and
21 authority to hear and determine all matters pertaining to any
22 fraud or error committed in any election district to which such
23 appeal relates, and to make such decree as right and justice may
24 require. Pending such appeal, the county board shall suspend any
25 official certification of the votes cast in such election
26 district. None of the orders or decisions of either the county
27 board or the court of common pleas on appeal shall be deemed a
28 final adjudication regarding the results of any primary or
29 election, so as to preclude any contest thereof. No appeal shall
30 be allowed or granted from any order or decree of the court of

1 common pleas made in pursuance of this section. The court of
2 common pleas, upon any appeal under this section, may compel the
3 appellant or any opposing party, other than the county board, to
4 pay all the witness fees, if any, or other legal costs of the
5 hearing, which costs may be taxed by the prothonotary in the
6 usual manner.

7 Section 1408. Copy of Certified Returns to Be Filed; Copy to
8 Be Forwarded to the Secretary of the Commonwealth; Duplicate
9 Copies.--After the certification of the returns of any primary
10 or election, as provided by section 1404 of this act, the county
11 board shall retain in its office one copy of the returns so
12 certified. In the case of elections of presidential electors,
13 United States Senators, Representatives in Congress, Governor,
14 Lieutenant Governor, Auditor General, State Treasurer and
15 Secretary of Internal Affairs, Judges of the Supreme Court,
16 Judges of the Superior Court and judges of other courts of
17 record, including associate judges, senators and representatives
18 in the General Assembly, a separate certificate, showing totals
19 of the returns cast for each of such offices respectively, shall
20 also be forwarded by the county board to the Secretary of the
21 Commonwealth on forms furnished by the Secretary of the
22 Commonwealth.

23 Section 1409. Secretary of the Commonwealth to Tabulate,
24 Compute and Canvass Returns.--Upon receiving the certified
25 returns of any primary or election from the various county
26 boards, the Secretary of the Commonwealth shall forthwith
27 proceed to tabulate, compute and canvass the votes cast for all
28 candidates enumerated in section 1408, and upon all questions
29 voted for by the [electors] voters of the State at large, and
30 shall thereupon certify and file in his office the tabulation

1 thereof.

2 Section 1410. Returns of Local Officers Voted for in Two or
3 More Counties; Certificates of Election; Returns of County and
4 Local Officers Commissioned by Governor to Be Transmitted to
5 Governor; Commissions; Contests.--

6 (a) In the case of any city, borough, township, ward, school
7 district, or poor district office, or of the submission of any
8 question to the [electors] voters, voted for or upon by the
9 [electors] voters of two or more counties or parts of counties,
10 the county election board, in each of the counties in which such
11 municipality is located, shall certify to the county board of
12 the county in which reside the majority of registered [electors]
13 voters of such city, borough, township, ward, school district or
14 poor district, the return of the vote cast for such officers or
15 upon such questions. After completing the tabulation of such
16 returns, the return board of said county shall issue
17 certificates of election to the successful candidates. In case
18 of any county, borough, city or township officer who is by law
19 required to be commissioned by the Governor, the said return
20 board shall also transmit a certified copy of such return to the
21 Secretary of the Commonwealth, who shall forthwith lay the
22 results of such election before the Governor.

23 (b) In case of the election of judge of a court of record,
24 prothonotary, clerk of the courts, recorder of deeds, register
25 of wills, or any other officer required by law to be
26 commissioned by the Governor in any of the several counties of
27 this Commonwealth, it shall be the duty of the county elections
28 board to transmit immediately to the Secretary of the
29 Commonwealth a certified copy of the returns for all such
30 offices. The Secretary of the Commonwealth shall forthwith lay

1 the return so made before the Governor, and the Governor shall
2 issue a commission to any persons elected to said offices,
3 notwithstanding that the election of such person to any or
4 either of said offices may be contested in the manner provided
5 by this act.

6 (c) Whenever it shall appear by the decision of the proper
7 tribunal having jurisdiction of a contested election, that the
8 person to whom said commission shall have been issued has not
9 been legally elected to the office for which he has been
10 commissioned, then a commission shall issue to the person who
11 shall appear to be legally elected to said office, the issuing
12 of which commission shall nullify and make void the commission
13 already issued, and all power and authority under said
14 commission first issued shall thereupon cease and determine.

15 Section 1411. Secretary of the Commonwealth to Certify Votes
16 of National Delegates and Members of State Committee.--Following
17 his tabulation of the returns received from each Spring primary,
18 the Secretary of the Commonwealth shall issue certificates of
19 election to the persons in each political party who have been
20 duly elected delegates or alternate delegates to the National
21 convention of each party, and to the persons in each party who
22 have been duly elected members of the National Committee or the
23 State committee of each party. In the case of delegates or
24 alternate delegates to a National party convention, the
25 certificates of election shall show the number of votes received
26 in the State or in the political district, as the case may be,
27 by each candidate of such delegate's or alternate delegate's
28 political party for nomination as President of the United
29 States. The Secretary of the Commonwealth shall also certify to
30 the State chairman of each party the votes cast for each

1 candidate for the office of member of State committee of each
2 party.

3 Section 1412. Secretary of the Commonwealth to Certify
4 Presidential Votes by Congressional Districts.--The Secretary of
5 the Commonwealth, following his tabulation of the returns from
6 each such Spring primary held in years in which candidates for
7 President of the United States are to be nominated, shall
8 prepare a statement from the said returns, showing the total
9 number of votes cast in the State and in each congressional
10 district of the State for each political party for nomination as
11 President of the United States.

12 Section 1413. United States Senators, Representatives in
13 Congress; Certificates of Election; Returns.--Upon completing
14 the tabulation of any election for United States Senator or
15 Representative in Congress, the Secretary of the Commonwealth
16 shall lay the same before the Governor, who shall immediately
17 issue certificates of election under the seal of the
18 Commonwealth, duly signed by himself, and attested by the
19 Secretary of the Commonwealth, and deliver the same to the
20 candidates receiving the highest number of votes for the
21 respective offices. The Governor shall also transmit the returns
22 of such election to the President of the United States Senate,
23 in the case of the election of a United States Senator, and to
24 the Speaker of the House of Representatives of the United
25 States, in the case of the election of representatives in
26 Congress.

27 Section 1414. Members of the General Assembly; Certificates
28 of Election; Returns.--The Secretary of the Commonwealth shall
29 issue certificates of election to the persons elected members of
30 the Senate and House of Representatives of the Commonwealth, and

1 between the hours of twelve noon and one P. M. on the first
2 Tuesday in January of each odd-numbered year, present before the
3 Senate and the House of Representatives the several returns of
4 the elections of members of the respective houses: Provided,
5 however, That if the General Assembly shall be convened in
6 extraordinary session during the month of December next
7 following their election, the said returns shall be presented as
8 aforesaid, on the first day of said extraordinary session. In
9 case of a special election occurring during a session of the
10 General Assembly, he shall present the returns thereof to the
11 proper house as soon as received and tabulated by him.

12 Section 1415. Governor and Other State Officers; Judges;
13 Certificates of Election; Commissions.--The Secretary of the
14 Commonwealth, at the first meeting of the General Assembly
15 following the election of a Governor, Lieutenant Governor,
16 Secretary of Internal Affairs, Auditor General or State
17 Treasurer, shall deliver to the President of the Senate the
18 returns of elections for all such offices, who shall open and
19 publish them in the presence of members of both houses of the
20 General Assembly. The person receiving the highest number of
21 votes for the respective offices shall be declared elected
22 thereto, and certificates of such elections shall be made and
23 filed with the Secretary of the Commonwealth. The Secretary of
24 the Commonwealth shall immediately lay before the Governor such
25 certificates of election, except the certificate of election of
26 Governor, whereupon the Governor shall issue a commission to
27 each person so elected. The Secretary of the Commonwealth shall
28 immediately after tabulating and computing the returns of each
29 election of Judge of every court, certify the result thereof to
30 the Governor, who shall immediately issue a commission to such

1 person.

2 Section 1416. Presidential Electors; Certificates of Persons
3 Elected.--The Secretary of the Commonwealth, on receiving and
4 computing the returns of the election of presidential electors,
5 shall lay them before the Governor, who shall enumerate and
6 ascertain the number of votes given for each person so voted
7 for, and shall cause a certificate of election to be delivered
8 to each person so chosen.

9 Section 1417. Persons Receiving Highest Number of Votes to
10 Be Declared Elected.--Except as otherwise provided by law, the
11 persons receiving the highest number of votes for any office at
12 any election shall be declared elected to such office, up to the
13 number required by law to be elected thereto.

14 Section 1418. Tie Votes.--In the case of a tie vote not
15 otherwise provided for by law, the candidates receiving the tie
16 vote shall cast lots before the county board or the Secretary of
17 the Commonwealth, as the case may be, at 12 o'clock noon on the
18 third Friday after the election, and the one to whom the lot
19 shall fall shall be declared elected. In any case where the fact
20 of a tie vote is not authoritatively determined until after the
21 third Wednesday after the election, the time for casting lots
22 shall be 12 o'clock noon of the second day after the fact of
23 such tie vote is authoritatively determined. If any candidate or
24 candidates receiving a tie vote, fail to appear before twelve
25 o'clock noon of said day, the county board or the Secretary of
26 the Commonwealth, as the case may be, shall cast lots for him or
27 them. For the purpose of casting lots any candidate may appear
28 in person, or by proxy duly appointed in writing.

29 Section 9. Sections 1501, 1621(c), 1626(d), 1631, 1633(a)
30 and 1636(a) of the act are amended to read:

1 Section 1501. Election of Presidential Electors.--At the
2 general election to be held in the year 1940, and every fourth
3 year thereafter, there shall be elected by the qualified
4 [electors] voters of the Commonwealth, persons to be known as
5 electors of President and Vice-President of the United States,
6 and referred to in this act as presidential electors, equal in
7 number to the whole number of senators and representatives to
8 which this State may be entitled in the Congress of the United
9 States.

10 Section 1621. Definitions.--As used in this article, the
11 following words have the following meanings:

12 * * *

13 (c) The word "election" shall mean any retention, primary,
14 special, municipal or general election at which candidates
15 appear on the ballot for nomination or election or at which
16 questions are to be voted on by the [electors] voters of this
17 Commonwealth.

18 * * *

19 Section 1626. Reporting by Candidate and Political
20 Committees and other Persons.--

21 * * *

22 (d) Pre-election reports by candidates for offices to be
23 voted for by the [electors] voters of the State at large and all
24 political committees, which have expended money for the purpose
25 of influencing the election of such candidate, shall be filed
26 not later than the sixth Tuesday before and the second Friday
27 before an election, provided that the initial pre-election
28 report shall be complete as of fifty (50) days prior to the
29 election and the subsequent pre-election report shall be
30 complete as of fifteen (15) days prior to the election. Pre-

1 election reports by all other candidates and political
2 committees which have received contributions or made
3 expenditures for the purpose of influencing an election shall be
4 filed not later than the second Friday before an election,
5 provided that such report be complete as of fifteen (15) days
6 prior to the election.

7 * * *

8 Section 1631. Place of Filing.--

9 Any statement or report required by this article to be filed,
10 shall be done in the following manner:

11 (1) (i) Any candidate, individual, or committee required to
12 file a report concerning any candidate shall file that statement
13 or report in the office of the supervisor with whom the
14 candidate filed a nomination paper, nomination certificate,
15 nomination petitions or with the supervisor with whom the
16 candidate would have filed such if he had sought nomination in
17 that manner.

18 (ii) All candidates and political committees, authorized by
19 candidates and created solely for the purpose of influencing the
20 election of such candidates, who must file reports with the
21 Secretary of the Commonwealth, shall also file copies of their
22 reports in the county in which the candidate resides.

23 (2) (i) Any statement or report concerning an issue to be
24 voted on by the [electors] voters of the State at large shall be
25 filed with the Secretary of the Commonwealth.

26 (ii) Any statement or report concerning any other issue to
27 be voted on by the [electors] voters of this Commonwealth shall
28 be filed in the county wherein the [electors] voters reside.

29 (3) However, if any report of any political committee
30 concerns both candidates who file for nomination with the

1 Secretary of the Commonwealth and candidates who file with a
2 county board of elections, then such report shall be filed with
3 the Secretary of the Commonwealth.

4 Section 1633. Contributions or Expenditures by National
5 Banks, Corporations or Unincorporated Associations.--(a) It is
6 unlawful for any National or State bank, or any corporation,
7 incorporated under the laws of this or any other state or any
8 foreign country or any unincorporated association, except those
9 corporations formed primarily for political purposes or as a
10 political committee, to make a contribution or expenditure in
11 connection with the election of any candidate or for any
12 political purpose whatever except in connection with any
13 question to be voted on by the [electors] voters of this
14 Commonwealth. Furthermore, it shall be unlawful for any
15 candidate, political committee, or other person to knowingly
16 accept or receive any contribution prohibited by this section,
17 or for any officer or any director of any corporation, bank, or
18 any unincorporated association to consent to any contribution or
19 expenditure by the corporation, bank or unincorporated
20 association, as the case may be, prohibited by this section.

21 * * *

22 Section 1636. Audit of Expense Accounts.--

23 (a) Within ninety (90) days after the last day for filing
24 any report and affidavit required by this act, any five (5)
25 [electors] voters of the Commonwealth or of the political
26 subdivision may present a petition to the court of common pleas
27 of the county in which is situated the office where such
28 original report has been filed or with the Commonwealth Court in
29 the case of original report filed with the Secretary of the
30 Commonwealth for an audit of such report. Thereupon the court

1 shall direct the officer or board with whom such report has been
2 filed to certify the same to the court for audit and may, in its
3 discretion, require security to be entered for costs. The court
4 may, in its discretion, appoint an auditor to audit such report,
5 but the fees of such auditor shall be a reasonable sum per day
6 for each day actually engaged. The court or auditor shall fix a
7 day as early as may be convenient for the audit, at which time
8 the person by whom such report has been filed shall be required
9 to be present in person to vouch his report and to answer on
10 oath or affirmation all such relevant questions concerning the
11 same, as may be put to him by the petitioners or their counsel.
12 The auditor shall issue subpoenas to all parties whom the
13 petitioners or the filer of the report may require, to give
14 evidence concerning such report, and he shall determine, subject
15 to exception, all questions as to the admissibility of evidence,
16 and shall file a copy of the evidence with his findings. If upon
17 the audit, the court shall decide that the report was false in
18 any substantial manner, or that any expenses have been incurred
19 in contravention of this act, the costs of said audit shall be
20 paid by the filer of the report, otherwise the court shall make
21 such order as to payment of costs as shall be just in the
22 circumstances.

23 * * *

24 Section 10. Article XVII of the act is reenacted and amended
25 to read:

26 ARTICLE XVII

27 Recounts and Contests

28 (a) Recounts

29 Section 1701. Opening Ballot Boxes upon Petition of
30 [Electors] Voters Alleging Fraud or Error; Deposit or Bond.--(a)

1 Except as set forth in subsection (a.1), the court of common
2 pleas, or a judge thereof, of the county in which any election
3 district is located in which ballots were used, shall open the
4 ballot box of such election district used at any general,
5 municipal, special or primary election held therein, and cause
6 the entire vote thereof to be correctly counted by persons
7 designated by such court or judge, if three qualified [electors]
8 voters of the election district shall file, as hereinafter
9 provided, a petition duly verified by them, alleging that upon
10 information which they consider reliable they believe that fraud
11 or error, although not manifest on the general return of votes
12 made therefrom, was committed in the computation of the votes
13 cast for all offices or for any particular office or offices in
14 such election district, or in the marking of the ballots, or
15 otherwise in connection with such ballots. It shall not be
16 necessary for the petitioners to specify in their petition the
17 particular act of fraud or error which they believe to have been
18 committed, nor to offer evidence to substantiate the allegations
19 of their petition.

20 (a.1) In cases resulting from a recount or recanvass order
21 by the Secretary of the Commonwealth under section 1404(g), all
22 of the following apply:

23 (1) Upon petition under clause (2), Commonwealth Court
24 shall:

25 (i) open the ballot box of each election district in which
26 ballots were used at a general, municipal, special or primary
27 election; and

28 (ii) cause the entire vote of the election district to be
29 correctly counted by persons designated by the court.

30 (2) To obtain relief under clause (1):

1 (i) Three (3) qualified [electors] voters of a county must
2 file a verified petition alleging that, upon information which
3 they consider reliable, they believe that fraud or error,
4 although not manifest on the general return of votes, was
5 committed:

6 (A) in the computation of votes cast;

7 (B) in the marking of the ballots; or

8 (C) otherwise in connection with the ballots.

9 (ii) It is not necessary for the petitioners to specify in
10 their petition the particular act of fraud or error which they
11 believe to have been committed nor to offer evidence to
12 substantiate the allegations of their petition.

13 (b) Every petition for the opening of a ballot box under the
14 provisions of this section shall be filed in the office of the
15 prothonotary of the proper county, accompanied by a deposit of
16 cash in the amount of fifty (\$50.00) dollars, or by a bond
17 signed by the petitioners as principals and by a corporate
18 surety to be approved by the court, in the amount of one hundred
19 (\$100.00) dollars, conditioned upon the payment to the county
20 treasurer for the use of the county of the sum of fifty (\$50.00)
21 dollars, in the event that, upon the opening of the ballot box,
22 it shall not appear that fraud or substantial error was
23 committed in the computation of the votes cast on the ballots
24 contained therein, or fraud in the marking of the ballots
25 contained therein, or otherwise in connection with such ballots.

26 (c) Before any ballot box is opened under the provisions of
27 this section, the court shall direct that notice of time and
28 place of proposed recount be given, either personally or by
29 registered mail, to each candidate for the office or offices
30 which are to be recounted by the order of the court, and each

1 such candidate may be present at such recount, either in person
2 or by his attorney or by his duly authorized representative,
3 under such regulations as the court may prescribe.

4 (d) If, upon opening any such ballot box, it shall appear
5 that fraud or substantial error was committed in the computation
6 of the votes cast on the ballots contained therein, or fraud in
7 the marking of the ballots contained therein, or otherwise in
8 connection with such ballots, it shall be the duty of the court
9 to certify such fact to the prothonotary and thereupon the
10 prothonotary shall return to the petitioners the said sum of
11 fifty (\$50.00) dollars, or if the petitioners shall have filed a
12 bond in lieu of cash, to mark said bond cancelled and notify the
13 petitioners that he has done so.

14 (e) If, upon opening any ballot box under the provisions of
15 this section, it shall not appear that fraud or substantial
16 error was committed in the computation of the votes cast on the
17 ballots contained therein, or fraud in the marking of the
18 ballots contained therein, or otherwise in connection with such
19 ballots, the persons upon whose petition such ballot box shall
20 have been opened shall forfeit to the county the sum of fifty
21 (\$50.00) dollars. If said petitioners shall have deposited the
22 said sum in cash with the prothonotary at the time of filing the
23 petition, the prothonotary, upon certification of the court that
24 fraud or substantial error was not discovered, shall pay said
25 sum deposited with him to the county treasurer; and if the
26 petitioners shall have filed with their petition a bond in the
27 sum of one hundred (\$100.00) dollars, it shall be the duty of
28 the county treasurer forthwith to collect from the principals or
29 surety on said bond, the sum of fifty (\$50.00) dollars, and
30 costs of suit, and for this purpose, he is hereby authorized to

1 institute any necessary legal proceedings. When so collected,
2 the said sum of fifty (\$50.00) dollars shall be paid over to the
3 county treasurer.

4 (f) Ballot boxes may be opened under the provisions of this
5 section at any time within four months after the date of the
6 general, municipal, special or primary election at which the
7 ballots therein shall have been cast.

8 Section 1702. Recanvassing Voting Machines upon Petition of
9 [Electors] Voters Alleging Fraud or Error.--(a) Judicial
10 proceedings shall be as follows:

11 (1) Except as set forth in clause (2), the court of common
12 pleas, or a judge thereof, of the county in which any election
13 district is located, shall make visible the registering counters
14 of the voting machine or machines used in such election district
15 at any primary or election, and without unlocking the machine
16 against voting, shall recanvass the vote cast therein, if three
17 qualified [electors] voters of the election district shall file
18 a petition, duly verified by them, alleging that, upon
19 information which they consider reliable, they believe that
20 fraud or error, although not manifest on the general return of
21 votes made therefrom, was committed in the canvassing of the
22 votes cast on such machine or machines. It shall not be
23 necessary for the petitioners to specify in their petition the
24 particular act of fraud or error they believe to have been
25 committed, nor to offer evidence to substantiate the allegations
26 of their petition.

27 (2) In cases resulting from a recount or recanvass ordered
28 by the Secretary of the Commonwealth under section 1404(g), all
29 of the following apply:

30 (i) Upon petition under subclause (ii), Commonwealth Court

1 shall:

2 (A) make visible the registering counter of the voting
3 machine used;

4 (B) without unlocking the machine against voting, recanvass
5 the vote cast in the machine.

6 (ii) To obtain relief under subclause (i):

7 (A) Three qualified [electors] voters of the county must
8 file a verified petition alleging that, upon information which
9 they consider reliable, they believe that fraud or error,
10 although not manifest on the general return of votes, was
11 committed in the canvassing of the votes cast on the machine.

12 (B) It is not necessary for the petitioners to specify in
13 their petition the particular act of fraud or error they believe
14 to have been committed nor to offer evidence to substantiate the
15 allegations of the petition.

16 (a.1) Every petition for the recanvassing of votes cast in
17 the voting machine, or voting machines of an election district,
18 under the provisions of this section, shall be filed in the
19 office of the prothonotary of the proper county accompanied by a
20 deposit of cash in the amount of fifty (\$50) dollars, or by a
21 bond signed by the petitioners as principals and by a corporate
22 surety to be approved by the court in the amount of one hundred
23 (\$100) dollars, conditioned upon the payment to the county
24 treasurer for the use of the county of the sum of fifty (\$50)
25 dollars, in the event that upon the recanvassing of the votes
26 cast in a voting machine or voting machines, it does not appear
27 that fraud or substantial error was committed in the canvassing
28 of the votes cast on such machine or otherwise in connection
29 with such voting machines.

30 (b) Before the votes cast on any voting machine are

1 recanvassed under the provisions of this section, the court
2 shall direct that notice of the time and place of the proposed
3 recanvass be given, either personally or by registered mail, to
4 each candidate whose name appears on the ballot labels, and each
5 such candidate may be present at such recanvass, either in
6 person or by his attorney, or by his duly authorized
7 representative, under such regulations as the court may
8 prescribe.

9 (b.1) If, upon the recanvassing of the votes in any voting
10 machine, it shall appear that fraud or substantial error was
11 committed in the computation of the votes cast on the voting
12 machine or otherwise in connection with such voting machine, it
13 shall be the duty of the court to certify such fact to the
14 prothonotary, and thereupon the prothonotary shall return to the
15 petitioners the said sum of fifty (\$50) dollars, or if the
16 petitioners shall have filed a bond, in lieu of cash, to mark
17 said bond cancelled and notify the petitioners that he has done
18 so.

19 (b.2) If, upon the recanvassing of the votes in any voting
20 machine under the provisions of this section, it shall not
21 appear that fraud or substantial error was committed in the
22 computation of the votes cast in the voting machine or otherwise
23 in connection with such voting machine, the persons upon whose
24 petition such voting machine was recanvassed shall forfeit to
25 the county the sum of fifty (\$50) dollars. If said petitioners
26 shall have deposited the said sum in cash with the prothonotary
27 at the time of filing the petition, the prothonotary, upon
28 certification of the court that fraud or substantial error or
29 otherwise in connection with such machine was not discovered,
30 shall pay said sum deposited with him to the county treasurer,

1 and if the petitioners shall have filed with their petition a
2 bond in the sum of one hundred (\$100) dollars, it shall be the
3 duty of the county treasurer forthwith to collect from the
4 principals or surety on said bond the sum of fifty (\$50) dollars
5 and costs of suit, and for this purpose he is hereby authorized
6 to institute any necessary legal proceedings. When so collected,
7 the said sum of fifty (\$50) dollars shall be paid over to the
8 county treasurer.

9 (c) Voting machines may be recanvassed under the provisions
10 of this section at any time within twenty days after the date of
11 the primary or election at which they were used.

12 Section 1703. Correction of Returns; Decision Not to Be
13 Final; Evidence for Prosecution.--

14 (a) (1) Any petition to open a ballot box or to recanvass
15 the votes on a voting machine or an electronic voting system
16 pursuant to sections 1701 and 1702 shall be filed no later than
17 five (5) days after the completion of the computational
18 canvassing of all returns of the county by the county board. If
19 any error or fraud is found the court shall grant the interested
20 parties an additional five (5) days to file petitions requesting
21 additional ballot boxes to be opened or voting machines or
22 electronic voting systems to be recanvassed.

23 (i) Except as set forth in subclause (ii):

24 (A) a recount or recanvass shall include all election
25 districts in which ballots were cast for the office in question;
26 and

27 (B) petitions, accompanied by the appropriate money or bond,
28 must be filed in each election district in accordance with this
29 act.

30 (ii) Subclause (i) shall not apply if a petitioner under

1 section 1701 or 1702 pleads that a particular act of fraud or
2 error occurred and offers prima facie evidence supporting the
3 allegation.

4 (2) If any petition to open a ballot box or to recanvass the
5 votes on a voting machine or an electronic voting system shall
6 have been presented, under the provisions of sections 1701 and
7 1702 of this act and the court shall discover therein any fraud
8 or error, the court shall correct, compute and certify to the
9 county board the votes justly, regardless of any fraudulent or
10 erroneous entries made by the election officers thereof, and the
11 county board shall correct accordingly any entries previously
12 made in the returns of the county being prepared by it, or which
13 have been prepared and not yet certified.

14 (b) No order or decision of the court under the provisions
15 of sections 1701 and 1702 of this act, shall be deemed a final
16 adjudication regarding the results of any primary or election,
17 so as to preclude any contest thereof under the provisions of
18 this article, and no such order or decision shall affect the
19 official returns of any election district, unless a petition to
20 open the ballot boxes or to recanvass the votes on a voting
21 machine or an electronic voting system shall have been presented
22 before the certification of the returns of the county by the
23 county board, or unless a contest shall have been instituted in
24 the manner provided by this article.

25 (c) If upon the opening of any ballot box or recanvass of
26 any voting machine or electronic voting system under the
27 provisions of this article, it shall be found that fraud was
28 committed in the computation of the votes cast on the ballots or
29 voting machine, or in the marking of the ballots contained
30 therein or otherwise in connection with such ballots, the county

1 board shall take such steps as shall be appropriate to enable
2 the ballot box and contents thereof or voting machine or
3 electronic voting system to be available as evidence in any
4 prosecution which may be begun against any person or persons
5 alleged to be guilty of such fraud.

6 (b) Classes of Nomination and Election
7 Contests

8 Section 1711. Classes of Nomination and Election Contests.--

9 The several classes of nominations at primaries and elections of
10 public officers which may be contested in this Commonwealth are
11 hereby distinguished and designated as follows, to wit:

12 Class I. Nominations and elections of the Governor and
13 Lieutenant Governor of the Commonwealth.

14 Class II. Nominations and elections of electors of President
15 and Vice-President of the United States and all officers of this
16 Commonwealth, including Judges of the Courts (except Governor
17 and Lieutenant Governor), who now are or hereafter shall be
18 required to be nominated or elected by the [electors] voters of
19 the State at large, and nominations of United States Senators.

20 Class III. Nominations and elections of judges of the
21 several courts.

22 Class IV. Nominations and elections of Senators and
23 Representatives in the General Assembly, and nominations of
24 Representatives in Congress.

25 Class V. All other officers, whether nominated or elected by
26 the qualified voters of counties, cities, boroughs, townships,
27 wards, school districts, poor districts or any other division of
28 the State.

29 (c) Contested Nominations and Elections of the
30 First Class

1 Section 1712. Committee of General Assembly to Try.--
2 Contested nominations and elections of Governor and Lieutenant
3 Governor shall be tried and determined by a committee to be
4 selected from both houses of the General Assembly, and formed
5 and regulated in the following manner.

6 Section 1713. Contest Petitions; When and to Whom
7 Presented.--Upon the petition in writing of at least one hundred
8 registered [electors] voters of the Commonwealth, accompanied by
9 the affidavit, taken and subscribed by at least twenty of the
10 petitioners, before some person having authority to administer
11 oaths, that the facts set forth are true to the best of their
12 knowledge and belief, and a certificate from the registration
13 commission of the county or counties where the petitioners
14 reside, setting forth that they are all registered [electors]
15 voters, being presented to the presiding officer of the Senate
16 within ten days from the organization of the General Assembly
17 next succeeding the election complained of, he shall immediately
18 give information thereof to both houses. Such petition after
19 being read in each house, shall be laid on the table without any
20 question taken thereon, until the two houses shall proceed
21 thereon in the following manner.

22 Section 1714. Personnel of Contest Committee; Senate
23 Members.--The Senate and House of Representatives shall, on a
24 day and hour to be agreed on between them, which day shall be
25 within five days of the reception of the petition as aforesaid,
26 convene in the hall of the House of Representatives, where the
27 petition shall be read by the secretary of the Senate; the names
28 of the members of each house shall then be called over by the
29 respective clerks, and a quorum of each house being present, a
30 joint committee shall be formed as follows:

1 (a) The names of all senators present, except the President
2 pro tempore, shall be written on distinct pieces of paper as
3 nearly alike as may be, each of which shall be rolled up and put
4 into a box by the clerk of the House of Representatives, and
5 placed on the Speaker's table.

6 (b) The secretary of the Senate, having shaken and
7 intermixed the said papers, shall draw them out one by one, and
8 put them alternately into three boxes, also placed on the
9 Speaker's table.

10 (c) When the whole number shall be thus distributed, the
11 clerk of the House of Representatives shall shake and intermix
12 the papers in each box, and shall draw alternately from each box
13 the papers so rolled up, until twelve papers have been so drawn,
14 and shall deliver them singly, as drawn, to the Speaker of the
15 House of Representatives.

16 (d) The Speaker of the House of Representatives shall open
17 the said papers singly and read aloud the names on each, and
18 then deliver the papers singly to the President of the Senate,
19 who shall place them openly on the table.

20 (e) A member of each House, to be designated by the
21 respective presiding officers, shall take down in writing the
22 names so called, and shall each of them repeat aloud the name so
23 written.

24 Section 1715. Personnel of Contest Committee; House
25 Members.--The like proceedings shall then be had for drawing
26 twenty-five members of the House of Representatives for the
27 purpose: Provided, however, That--

28 (a) The duties in the preceding section enjoined upon the
29 clerk of the House of Representatives shall be performed by the
30 secretary of the Senate.

1 (b) The duties therein enjoined upon the secretary of the
2 Senate shall be performed by the clerk of the House of
3 Representatives.

4 (c) The duties therein enjoined upon the Speaker of the
5 House of Representatives shall be performed by the presiding
6 officer of the Senate.

7 (d) The duties therein enjoined upon the President of the
8 Senate shall be performed by the Speaker of the House of
9 Representatives, whose name shall not be placed in the box.

10 Section 1716. Challenges.--If any objection be made by
11 either of the parties to any member so drawn by lot, such member
12 shall be discharged, and another name be drawn to supply the
13 place, and so on until the whole number of twelve senators and
14 twenty-five members of the House of Representatives shall be
15 completed; and in all cases, the members drawn in place of those
16 objected to, shall be in like manner liable to be set aside, and
17 others shall be drawn in their places; but if so many be set
18 aside by reason of objections, as aforesaid, that there shall
19 not remain more than the number aforesaid, then no further
20 objection shall be admitted.

21 Section 1717. Selection of Committee.--When the number
22 aforesaid shall be completed, the clerk of the House of
23 Representatives shall draw out, one by one, the names of the
24 remaining members of the Senate, and deliver them singly to the
25 Speaker of the House of Representatives, who shall unfold and
26 read them aloud; and the secretary of the Senate shall in like
27 manner draw out the names of the remaining members of the House
28 of Representatives, and deliver them singly to the presiding
29 officer of the Senate, who shall unfold them and read them
30 aloud; and if any unfairness or mistakes shall then be

1 discovered therein, the whole proceedings shall be set aside,
2 and the same shall be renewed in manner and form hereinbefore
3 directed; but after the committee is sworn, no objection for
4 such cause shall be received.

5 Section 1718. Final Selection of Committee.--When the
6 proceedings aforesaid shall be concluded, a list of the twelve
7 members of the Senate and a separate list of the twenty-five
8 members of the House of Representatives so drawn shall be given
9 to each of the parties, who shall immediately withdraw to some
10 adjoining room, with a clerk or members appointed by the joint
11 vote of members present, where they shall proceed to strike off
12 alternately the names upon such list, until the number shall be
13 reduced to four members of the Senate and nine of the House of
14 Representatives, which shall constitute a select committee.

15 Section 1719. Members to Remain Until Final Selection.--On
16 the parties withdrawing to form such select committee, the
17 members of both houses shall continue convened and the members
18 whose names shall have been drawn out of the boxes shall not
19 leave the conference room without permission, until the time and
20 place for the meeting of the select committee shall be fixed as
21 hereinafter provided.

22 Section 1720. Final Qualification of Committee.--Within one
23 hour from the time of withdrawing as aforesaid, the parties
24 shall deliver to the presiding officer of the Senate the names
25 of the said four members of the Senate and nine of the House of
26 Representatives remaining on the list, who shall then
27 respectively take an oath or affirmation, to be administered by
28 the presiding officer of the Senate, to try the matter of the
29 petition and to give a true judgment thereon according to the
30 evidence, unless the committee shall be dissolved.

1 Section 1721. Time and Place of Meeting.--The time and place
2 for the meeting of the select committee so appointed shall then
3 be directed by the joint vote of the members of both houses,
4 which time shall be within forty-eight hours of the appointment.

5 Section 1722. Absence from Committee.--If any person
6 appointed a member of such select committee shall, at the time
7 of such appointment, swear or affirm that he cannot without
8 great inconvenience serve on such committee, he shall be
9 excused, and in such case another shall be substituted.

10 Section 1723. Meetings of Committee; Quorums; Adjournment.--
11 The select committee shall sit from day to day, Sundays
12 excepted, at such hours as shall not interfere with their
13 attendance in the Legislature, but unless nine of their number
14 be present, the committee shall adjourn to the next day, and if
15 the number of the committee shall unavoidably be reduced to less
16 than nine members, and shall so continue for the space of three
17 days, Sundays excepted, the committee shall be dissolved, and
18 there shall be another chosen in manner aforesaid. When the two
19 houses shall stand adjourned for more than three days, the
20 committee may adjourn to the same time.

21 Section 1724. Presiding Officer of Committee.--Immediately
22 after the appointment of the select committee aforesaid, the
23 President of the Senate shall notify the Chief Justice of the
24 Supreme Court, and he shall immediately attend the meetings of
25 the committee as the presiding officer thereof. The Chief
26 Justice of the Supreme Court shall decide questions regarding
27 the admissibility of evidence, and he shall, upon request of the
28 committee, pronounce his opinion upon other questions of law
29 involved in the contest, but he shall not have a vote on the
30 final determination of the case.

1 Section 1725. Powers of Committee.--The select committee
2 shall have power to subpoena persons and require the production
3 of papers and records, and to compel the attendance of and
4 examine all witnesses who may come before them, upon oath or
5 affirmation, which the Chief Justice of the Supreme Court or
6 clerk of the committee may administer in their presence and to
7 decide not only on the validity of such contested election, but
8 also which of the candidates had the greatest number of legal
9 votes.

10 Section 1726. Proceeding Before Committee; Unqualified
11 Voters; Testimony; Immunity.--When it is proven to the
12 satisfaction of said committee that any person, not a legally
13 qualified voter, voted at any such contested election, it shall
14 be lawful for said committee to compel said voter to disclose,
15 under oath, for which of the respective candidates he voted; but
16 when the committee examines the witness on oath as to the person
17 or persons for whom he voted, and said witness on such
18 examination discloses the names of the persons for whom he voted
19 at such election, he shall not afterwards be prosecuted for
20 having illegally voted at such election.

21 Section 1727. Conduct of Committee.--The doors of the room
22 in which the select committee shall meet shall remain open
23 during the examination of witnesses, but may be closed at any
24 other time. All determinations required to be made by such
25 committee shall be by a majority of the whole number appointed.
26 As soon as the committee shall have agreed upon the same, two
27 reports thereof shall be made in writing, one of which shall be
28 delivered to the presiding officer of the Senate, and the other
29 to the Speaker of the House of Representatives, which reports
30 shall be entered on the journals of the respective houses, and

1 shall be final and conclusive.

2 Section 1728. Report of Committee to Be Final.--If the
3 committee, or a majority thereof as aforesaid, shall report that
4 either of the candidates had the greatest number of legal votes,
5 and ought to receive the nomination or to be admitted to the
6 office, as the case may be, such candidate shall thereupon be
7 entitled to such office or nomination.

8 Section 1729. New Election if Invalid; Notice.--If the
9 committee, or a majority thereof, shall report that such
10 election or return is invalid, a new election shall take place
11 on the day of the general election ensuing, agreeably to the
12 Constitution, of which the presiding officer of each house shall
13 immediately give notice by their joint writ directed to the
14 Secretary of the Commonwealth and the county boards of the
15 respective counties; and the county boards of the respective
16 counties shall give due notice thereof according to law. If the
17 committee, or a majority thereof, shall report that such
18 nomination is invalid, the vacancy in the party ticket shall be
19 filled in the manner provided by section 979 of this act.

20 Section 1730. Pay of Witnesses.--Every witness subpoenaed
21 attending the trial of any contested election of the first
22 class, shall be allowed six cents for every mile of the distance
23 necessarily traveled by him in coming to and returning from the
24 place of trial, and shall also be allowed the sum of two dollars
25 and fifty cents for every day he may be detained at the place of
26 such trial, which mileage and expense, as well as the expense of
27 summoning such witnesses, shall be taxed by the select committee
28 and certified by their chairman to the Speaker of the House of
29 Representatives or the presiding officer of the Senate, or both,
30 as the case may require. The amount thereof, after having been

1 first approved by the house or houses to which such certificate
2 may be made, shall be paid by the treasurer of the county or
3 counties in which the facts complained of took place, if such
4 facts be substantiated, or by the treasurer of the county or
5 counties in which the petitioners shall reside, if the
6 statements in the petition shall not be substantiated, on orders
7 drawn by the Speaker of the House of Representatives or the
8 presiding officer of the Senate, or both, as the case may
9 require.

10 (d) Contested Nominations and Elections of the
11 Second Class

12 Section 1731. Court of Common Pleas of Dauphin County with
13 Two Nearest President Judges to Have Jurisdiction.--Cases of the
14 second class shall be tried and determined by the court, upon
15 petition of at least one hundred [electors] voters as
16 hereinafter provided.

17 Section 1732. Entry and Effect of Decision.--After the
18 hearing of the said case, the said judges shall, without
19 unnecessary delay, decide which of the candidates voted for
20 received the greatest number of legal votes, and is entitled to
21 the nomination or office which decision shall be entered of
22 record to the case in the said court, and a certified copy
23 thereof shall, within five (5) days from the rendering thereof,
24 be delivered to the Secretary of the Commonwealth, whereupon the
25 person who, by the decision of the court, shall appear to have
26 received the largest number of votes, shall be entitled to the
27 nomination or to the office, and be commissioned accordingly.

28 (e) Contested Nominations and Elections of the
29 Third Class

30 Section 1736. Common Pleas Court of County of Residence of

1 Candidate Returned as Elected to Have Jurisdiction.--Contested
2 nominations and elections of judges of courts of any judicial
3 district of this Commonwealth, shall be tried and determined
4 before the court of common pleas of the county where the person
5 returned as nominated or elected shall reside, in the following
6 manner.

7 Section 1737. Procedure to Contest; Petition; Personnel of
8 Court.--Upon the petition in writing, as hereinafter provided,
9 of at least fifty (50) registered [electors] voters of the
10 district for which the person whose nomination or election is
11 contested was returned as nominated or elected, presented to the
12 Governor of the Commonwealth, complaining of an illegal primary
13 or election or false return of any judge of a court of any
14 judicial district of the Commonwealth, the Governor shall
15 without delay, direct the three president judges residing
16 nearest to the courthouse of the county composing the district,
17 or, if more than one county composes the judicial district, then
18 those nearest the courthouse of the most populous county of the
19 district, to convene without delay the court of common pleas of
20 such county, and proceed to hear and determine the complaint of
21 the said petition.

22 Section 1739. Certification and Effect of Decision.--After
23 such hearing the said judges shall, without delay, decide which
24 of the candidates voted for received the greatest number of
25 legal votes, and is entitled to the nomination or office, which
26 decision shall be entered of record to the case in said court,
27 and a certified copy thereof shall, within five (5) days from
28 the rendering of such decision, be transmitted to the Secretary
29 of the Commonwealth; whereupon the person who, by the said
30 decision, shall appear to have received the largest number of

1 votes, shall be entitled to the nomination, or to the office,
2 and commissioned accordingly.

3 (f) Contested Nominations and Elections of the
4 Fourth Class

5 Section 1741. Jurisdiction to Try.--Contested nominations
6 and elections of senators and representatives in the General
7 Assembly of this Commonwealth and contested nominations of
8 representatives in Congress shall be tried and determined by the
9 court of common pleas of the county where the person returned as
10 such shall reside, in the following manner.

11 Section 1742. Method of Contest; Petition; Notice.--Upon
12 petition in writing, as hereinafter provided, of at least twenty
13 registered [electors] voters of the senatorial district in case
14 of a senator and of the legislative district in case of a
15 representative in the General Assembly, complaining of an
16 illegal primary or election or false return of any senator or
17 representative, or upon petition in writing as hereinafter
18 provided of at least twenty registered [electors] voters of the
19 congressional district in case of a representative in Congress,
20 complaining of an illegal primary or false return of any
21 representative in Congress, the court, shall immediately appoint
22 a suitable time for the hearing in open court of such complaint;
23 notice of which shall be given to the person returned, at least
24 ten days before such hearing.

25 Section 1743. Complainants and Candidate Returned Shall Be
26 Parties.--On the trial of contested nominations or elections of
27 senators and representatives in the General Assembly and of
28 contested nominations of representatives in Congress, the
29 petitioners complaining of nomination or the election, and the
30 person returned as nominated or elected, shall be the parties

1 thereto.

2 Section 1744. Powers and Duties of the Court.--The court of
3 common pleas to which a petition shall be presented as
4 aforesaid, contesting the right of a candidate for senator or
5 representative in the General Assembly to the nomination or to
6 the seat for which he may have been returned as elected, or
7 contesting the right of a candidate for representative in
8 Congress to the nomination, shall have authority to subpoena and
9 to compel the attendance of any officer of the primary or
10 election complained of, and of any person capable of testifying
11 concerning the same, and also to compel the production of all
12 books, papers, tally lists, ballots, ballot boxes, voting
13 machines and all documents which may be required at such
14 hearing, in like manner, and to the same extent as in other
15 cases litigated before such court; to take testimony and to
16 proceed without delay, postponing for the purpose, if necessary,
17 all other business, to the hearing and determination of such
18 contest.

19 Section 1745. Decision of Court.--After the hearing as
20 aforesaid, the court shall, without delay, decide which of the
21 candidates voted for received the greatest number of legal votes
22 and is entitled to the nomination or election.

23 Section 1746. Return of Result to Proper House.--In the case
24 of contested elections of senator and representative in the
25 General Assembly, the Secretary of the Commonwealth shall, on
26 the day of the meeting of the next General Assembly, or if in
27 session, then immediately upon its reception, deliver to the
28 presiding officer of the proper house the certified copy of the
29 decision of the court aforesaid.

30 Section 1747. Appeal to Proper House; Requirements.--Any

1 claimant to a seat in either branch of the General Assembly, who
2 shall feel aggrieved by the decision of the court in his case,
3 may present his petition to the proper house within ten days
4 after the meeting of the General Assembly, or within ten days
5 after the decision shall have been made in his case, if the
6 General Assembly shall then be in session, setting forth his
7 claim, which petition shall have appended thereto the affidavit
8 of the petitioner, setting forth that he believes that he was
9 duly elected to the seat, and that the statements set forth in
10 his petition are just and true, to the best of his knowledge and
11 belief.

12 Section 1748. Action on Appeal Petition.--Such petition,
13 when presented, shall be referred to a standing committee on
14 election, which committee shall proceed to hear the claims of
15 the contestant and respondent, and report the facts and a
16 resolution expressing the decision of the committee, for the
17 consideration of the house; and the vote of the proper house on
18 the claims of the contestant and respondent shall be final.

19 Section 1749. Vote on Petition.--No resolution deciding such
20 question shall be adopted, unless it shall receive the votes of
21 a majority of all the members elected to the house considering
22 the same.

23 (g) Contested Nominations and Elections of the
24 Fifth Class

25 Section 1751. Jurisdiction.--Cases of the fifth class shall
26 be tried and determined upon petition of twenty registered
27 [electors] voters, as hereinafter provided, by the court of
28 common pleas of the county in which such contested election was
29 held.

30 (h) General Provisions Relating to Contested

1 Section 1759. Bond by Petitioners.--Whenever a petition to
2 contest nomination or contest election of any class, shall be
3 presented to the General Assembly or to the court, it shall be
4 the duty of said petitioners, within five days thereafter, to
5 file a bond, signed by at least five of the said petitioners in
6 such sum as the presiding officer of the Senate or said court,
7 shall designate, with two or more individual sureties or a
8 corporate surety to be approved by the said officer or court or
9 judge, conditioned for the payment of all costs which may accrue
10 in said contested nomination or election proceeding, in case the
11 said petitioners by decree shall be adjudged liable to pay said
12 costs, and if the said bond shall not be filed, as herein
13 provided, the said petition to contest the nomination or
14 election shall be dismissed.

15 Section 1760. Notice of Hearing.--Notice of the filing of
16 the petition, with a copy thereof, shall be served upon the
17 person whose nomination or right of office shall be contested,
18 together with a rule to answer at the time fixed for hearing,
19 which notice, copy and rule shall be served such length of time
20 before the day fixed for hearing as the said court or judge
21 shall require, not exceeding seven days in cases of contested
22 nominations at primaries preceding municipal elections, and not
23 exceeding thirty days in all other cases.

24 Section 1761. Disqualification of Judge.--No judge shall sit
25 on the trial of a case in which he shall be a party.

26 Section 1762. Substitute Judges.--In any case where, by
27 reason of incompetency or any disability to act, there shall be
28 no law judge of the judicial district in which any contest shall
29 arise, present and able, as well as qualified to act, the judge,
30 learned in the law, residing nearest the courthouse of the

1 county in which, by the provisions of this article, the trial in
2 any such case is required to be had, except in cases otherwise
3 provided in this article, shall preside on the contest, and
4 shall have and exercise all the powers and authority and
5 discharge all the duties granted to or imposed upon the regular
6 judges of the said courts in cases wherein they are qualified
7 and required to act by the provisions of this article.

8 Section 1764. Powers of Court.--All of the said courts and
9 judges hereby required to try any contested election case shall
10 have plenary power to make, issue and enforce all necessary
11 orders, rules, process and decrees, for a full and proper
12 understanding and final determination and enforcement of the
13 decision of every such case, according to the course of practice
14 in similar cases under the laws of this Commonwealth, or which
15 may be necessary and proper to carry out the provisions of this
16 article.

17 Section 1765. Power of Court; Witnesses; Records.--The
18 proper court or judge shall have power to compel the attendance
19 of any election officer or other person as a witness, and may
20 also compel the production of all ballots, boxes, voting
21 machines, books, papers, tally lists, returns of election, other
22 documentary or record evidence, at discretion, for use at the
23 trial, and may issue subpoenas and attachments for these
24 purposes as in other proceedings in the courts of this
25 Commonwealth, and all such books, papers, documents, ballots,
26 boxes, voting machines and records, shall be returned to the
27 proper custody.

28 Section 1766. Conduct of Hearings; Certified Records;
29 Examiners.--Certified copies of all election papers, registers
30 of voters, and records, duly authenticated by the person having

1 custody thereof, shall be competent evidence and prima facie
2 proof of their contents; but the party against whom the same
3 shall be produced shall have the right to compel the attendance
4 of the person who certified them for cross-examination.
5 Examiners to take and report evidence may be appointed, and
6 reasonable notice of the time and place of taking the same shall
7 be prescribed by the court or judge and served upon the opposite
8 party.

9 Section 1767. Witnesses; Duty to Testify.--In trials of
10 contested nominations and elections, and in all proceedings for
11 the investigation of primaries and elections, no person shall be
12 permitted to withhold his testimony upon the ground that he may
13 incriminate himself, or subject himself to public infamy, but
14 such testimony shall not afterwards be used against him in any
15 judicial proceedings, except for perjury in giving such
16 testimony.

17 Section 1768. Witnesses and Officers; Fees.--Witnesses and
18 officers shall be paid the same fees as are now or hereafter
19 shall be fixed by law for similar services in the county in
20 which the trial shall be held.

21 Section 1769. Costs of Contest if Without Probable Cause.--

22 (a) In contested nominations or elections of all classes, if
23 the committee or court or judge shall decide that the complaint
24 is without probable cause, the petitioners, and every one of
25 them, shall be jointly and severally liable for all the costs,
26 and the same may be collected as debts of like amount are by law
27 collectible.

28 Section 1770. Costs of Contest if For Probable Cause.--

29 (a) In contested nominations or elections of electors of
30 President and Vice-President, and State officers whose

1 jurisdiction extends over the State, and Senators and
2 Representatives of the United States and of this Commonwealth,
3 in which the committee, or court or judge shall decide that the
4 complaint is not without probable cause, the Commonwealth shall
5 be liable for all costs. The said committee or court shall
6 certify to the Auditor General a bill of such costs, which shall
7 be adjusted and settled in the usual manner, and paid out of
8 moneys appropriated for that purpose.

9 (b) Whenever, in contested nominations or elections of
10 judges of courts of record, and of county, city, borough,
11 township, ward, school district or poor district officers, the
12 contestant or contestants establish his or their right to the
13 nomination or office, or, if they fail to establish their
14 rights, but the court or judge shall decide that the complaint
15 was not without probable cause, the court or judge shall
16 apportion all the costs among the proper districts, counties,
17 cities, boroughs, townships, wards, school districts or poor
18 districts, of the whole district in which contest is had, in
19 such way as said court or judge shall think just, and shall
20 compel by order, the payment of such amounts so apportioned to
21 each, by the properly constituted authorities of each of the
22 proper districts, counties, cities, boroughs, townships, wards,
23 school districts or poor districts, as the payment of debts by
24 the same can now be enforced.

25 Section 1771. Court or Committee May Limit Time for Taking
26 Testimony.--In all contested nomination and election cases, the
27 committee or court may, in its discretion, limit the time to be
28 consumed in taking testimony, dividing said time equitably among
29 all parties concerned, with a view therein to the circumstances
30 of the matter and the proximity of the next succeeding election.

1 Section 1772. Nominations or Elections Declared Invalid;
2 Filling of Vacancies.--Whenever in any contested nomination or
3 election, the tribunal trying the case shall decide that the
4 ballots or ballot labels used in one or more election districts,
5 by reason of the omission, addition, misplacing, misspelling or
6 misstatement of one or more titles of office, or names of
7 candidates, or parties or bodies represented by them, were so
8 defective as to the office in contest as to be calculated to
9 mislead the voters in regard to any of the candidates nominated
10 or seeking nomination for said office, and that the defective
11 condition of the said ballots or ballot labels may have affected
12 the result of the entire primary or election for said office,
13 the said tribunal shall declare the primary or election to be
14 invalid as regards the said office, and in the case of elections
15 shall report their decision, in cases where vacancies in such
16 offices are filled by appointment, to the proper officer or
17 officers who are by law authorized to fill vacancies occurring
18 in such office, who, upon receipt of such notice, shall, without
19 delay, proceed to appoint a suitable person or persons to fill
20 the vacancies thus created, and the person or persons so
21 appointed shall continue in office until the next election
22 succeeding his appointment at which such office is by law
23 required to be filled. All other vacancies so created shall be
24 filled in such manner as now or hereafter may be provided by
25 law, and all vacancies in nominations so created shall be filled
26 in the manner provided by section 979 of this act.

27 Section 1773. Specific Findings by Trial Court.--It is
28 hereby made the duty of the judges in the court of common pleas
29 trying an election contest to, first, find separately and
30 explicitly the facts deemed by them material to the decision,

1 and also such other facts as any party to the contest may
2 request them in writing to ascertain; and second, to answer such
3 points of law as may be submitted to them.

4 Section 1774. Certified Copy of Order of Court to Be
5 Forwarded to Secretary of the Commonwealth and County Boards.--
6 Immediately upon the entry of any order or decree of court
7 deciding any contested nomination or election, it shall be the
8 duty of the prothonotary of said court to transmit immediately
9 to the Secretary of the Commonwealth and to the proper county
10 board a certified copy of said order or decree.

11 Section 11. Sections 1819, 1821, 1823, 1824, 1825, 1827,
12 1828, 1829, 1830, 1831, 1831.1, 1832, 1833, 1834, 1838 and 1853
13 of the act are amended to read:

14 Section 1819. Destroying, Defacing or Removing Notices, Et
15 Cetera.--Any person who shall, prior to any primary or election,
16 wilfully deface, remove or destroy any notice or list of
17 candidates posted in accordance with the provisions of this act,
18 or who, during any primary or election, shall wilfully deface,
19 tear down, remove or destroy any card of instructions, notice of
20 penalties, specimen ballot or diagram printed or posted for the
21 instruction of [electors] voters, or who shall, during any
22 primary or election, wilfully remove or destroy any of the
23 supplies or conveniences furnished by the county board of
24 elections to any polling place in order to enable [electors]
25 voters to vote, or the election officers to perform their
26 duties, or who shall wilfully hinder the voting of others, shall
27 be guilty of a misdemeanor, and, upon conviction thereof, shall
28 be sentenced to pay a fine not exceeding one hundred (\$100)
29 dollars, or to undergo an imprisonment of not more than three
30 (3) months, or both, in the discretion of the court.

1 Section 1821. Peace Officer; Failure to Quell Disturbances
2 at Polls; Hindering or Delaying Election Officers and Others.--
3 Any mayor, chief burgess, sheriff, deputy sheriff, constable,
4 deputy constable, police officer or other peace officer who
5 shall neglect or refuse to clear an avenue to the door of any
6 polling place which is obstructed in such a way as to prevent
7 [electors] voters from approaching, or who shall neglect or
8 refuse to maintain order and quell any disturbance if such
9 arises at any polling place upon the day of any primary or
10 election, when called upon so to do by any election officer or
11 any three qualified [electors] voters of the election district,
12 or who shall wilfully hinder or delay, or attempt to hinder or
13 delay, any judge, inspector or clerk of election, machine
14 inspector or overseer in the performance of any duty under this
15 act, shall be guilty of a misdemeanor in office, and, upon
16 conviction thereof, shall be sentenced to pay a fine not
17 exceeding one thousand (\$1,000) dollars, or to undergo an
18 imprisonment of not more than one (1) year, or both, in the
19 discretion of the court.

20 Section 1823. Election Officers Permitting Unregistered
21 [Electors] Voters to Vote; Challenges; Refusing to Permit
22 Qualified [Electors] Voters to Vote.--Any judge or inspector of
23 election who permits any person to vote at any primary or
24 election who is not registered in accordance with law, except a
25 person in actual military service or a person as to whom a court
26 of competent jurisdiction has ordered that he shall be permitted
27 to vote, or who permits any registered [elector] voter to vote
28 knowing that such registered [elector] voter is not qualified to
29 vote, whether or not such person has been challenged, or who
30 permits any person who has been lawfully challenged to vote at

1 any primary or election without requiring the proof of the right
2 of such person to vote which is required by law, or who refuses
3 to permit any duly registered and qualified [elector] voter to
4 vote at any primary or election, with the knowledge that such
5 [elector] voter is entitled to vote, shall be guilty of a felony
6 of the third degree, and, upon conviction thereof, shall be
7 sentenced to pay a fine not exceeding fifteen thousand (\$15,000)
8 dollars, and to undergo an imprisonment of not more than seven
9 (7) years, or both.

10 Section 1824. Election Officers Refusing to Permit [Elector]
11 Voter to Vote in Proper Party at Primaries.--Any judge,
12 inspector or clerk of election who refuses to permit [an
13 elector] a voter at any primary at which ballots are used to
14 receive the ballot of the party with which he is enrolled, or
15 who gives to any such [elector] voter the ballot of any party in
16 which he is not enrolled, or any judge, or inspector of
17 election, or machine inspector who, at any primary at which
18 voting machines are used, adjusts any voting machine about to be
19 used by [an elector] a voter so as not to permit him to vote for
20 the candidates of the party in which he is enrolled, or so as to
21 permit him to vote for the candidates of any party in which he
22 is not enrolled, shall be guilty of a misdemeanor of the first
23 degree, and, upon conviction thereof, shall be sentenced to pay
24 a fine not exceeding ten thousand (\$10,000) dollars, or to
25 undergo an imprisonment of not more than five (5) years, or
26 both, in the discretion of the court.

27 Section 1825. Frauds by Election Officers.--Any judge,
28 inspector or clerk of election or machine inspector who shall be
29 guilty of any wilful fraud in the conduct of his duties at a
30 primary or election, and any person who shall make a false

1 return of the votes cast at any primary or election, or who
2 shall deposit fraudulent ballots in the ballot box or certify as
3 correct a return of ballots in the ballot box which he knows to
4 be fraudulent, or who shall register fraudulent votes upon any
5 voting machine or certify as correct a return of votes cast upon
6 any voting machine which he knows to be fraudulently registered
7 thereon, or who shall make any false entries in the district
8 register, or who shall fail to insert in the voting check list
9 the voter's certificate of any [elector] voter actually voting
10 at any primary or election, or who shall fail to record voting
11 information as required herein, or who shall fail to insert in
12 the numbered lists of voters the name of any person actually
13 voting, or who shall wilfully destroy or alter any ballot,
14 voter's certificate, or registration card contained in any
15 district register, or who shall wilfully tamper with any voting
16 machine, or who shall prepare or insert in the voting check list
17 any false voter's certificates not prepared by or for [an
18 elector] a voter actually voting at such primary or election,
19 for the purpose of concealing the destruction or removal of any
20 voter's certificate, or for the purpose of concealing the
21 deposit of fraudulent ballots in the ballot box, or the
22 registering of fraudulent votes upon any voting machine or of
23 aiding in the perpetration of any such fraud, or who shall fail
24 to return to the county board of election following any primary
25 or election any keys of a voting machine, ballot box, general or
26 duplicate return sheet, tally paper, oaths of election officers,
27 affidavits of [electors] voters and others, record of assisted
28 voters, numbered list of voters, district register, voting check
29 list, unused, spoiled and cancelled ballots, ballots deposited,
30 written or affixed in or upon a voting machine, or any

1 certificate, or any other paper or record required to be
2 returned under the provisions of this act; or who shall conspire
3 with others to commit any of the offenses herein mentioned, or
4 in any manner to prevent a free and fair primary or election,
5 shall be guilty of a felony of the third degree, and, upon
6 conviction thereof, shall be sentenced to pay a fine not
7 exceeding fifteen thousand (\$15,000) dollars, or to undergo an
8 imprisonment of not more than seven (7) years, or both, in the
9 discretion of the court.

10 Section 1827. Interference with Primaries and Elections;
11 Frauds; Conspiracy.--If any person shall prevent or attempt to
12 prevent any election officers from holding any primary or
13 election, under the provisions of this act, or shall use or
14 threaten any violence to any such officer; or shall interrupt or
15 improperly interfere with him in the execution of his duty; or
16 shall block up or attempt to block up the avenue to the door of
17 any polling place; or shall use or practice any intimidation,
18 threats, force or violence with design to influence unduly or
19 overawe any [elector] voter, or to prevent him from voting or
20 restrain his freedom of choice; or shall prepare or present to
21 any election officer a fraudulent voter's certificate not signed
22 in the polling place by the [elector] voter whose certificate it
23 purports to be; or shall deposit fraudulent ballots in the
24 ballot box; or shall register fraudulent votes upon any voting
25 machine; or shall tamper with any district register, voting
26 check list, numbered lists of voters, ballot box or voting
27 machine; or shall conspire with others to commit any of the
28 offenses herein mentioned, or in any manner to prevent a free
29 and fair primary or election, he shall be guilty of a felony of
30 the third degree, and, upon conviction thereof, shall be

1 sentenced to pay a fine not exceeding fifteen thousand (\$15,000)
2 dollars, or to undergo an imprisonment of not more than seven
3 (7) years, or both, in the discretion of the court.

4 Section 1828. Persons Interfering in Other Districts.--Any
5 person who shall on the day of any primary or election visit any
6 polling place at which he is not entitled to vote and at which
7 he is not entitled to be present under any provision of this
8 act, and shall use any intimidation or violence for the purpose
9 of preventing any election officer from performing the duties
10 required of him by this act, or for the purpose of preventing
11 any qualified [elector] voter from exercising his right to vote
12 or from exercising his right to challenge any person offering to
13 vote, or for the purpose of influencing the vote of any
14 [elector] voter, he shall be guilty of a felony of the third
15 degree, and, upon conviction thereof, shall be sentenced to pay
16 a fine not exceeding fifteen thousand (\$15,000) dollars, or to
17 undergo an imprisonment of not more than seven (7) years, or
18 both, in the discretion of the court.

19 Section 1829. Assault and Battery at Polls.--Any person who
20 shall unlawfully strike, wound or commit an assault and battery
21 upon the person of any [elector] voter at or near the polling
22 place during the time of any primary or election shall be guilty
23 of a misdemeanor of the first degree, and, upon conviction
24 thereof, shall be sentenced to pay a fine not exceeding ten
25 thousand (\$10,000) dollars, or to undergo an imprisonment of not
26 more than five (5) years, or both, in the discretion of the
27 court.

28 Section 1830. Unlawful Assistance in Voting.--Any [elector]
29 voter at any primary or election who shall allow his ballot or
30 the face of the voting machine voted by him to be seen by any

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

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

13 Section 1831. Election Officers Permitting Unlawful
14 Assistance.--Any election officer who shall permit a voter to be
15 accompanied by another into the voting compartment or voting
16 machine booth when the registration card of such person contains
17 no declaration that such person requires assistance, or when
18 such person has not made, under oath or affirmation, the
19 statement required by section 1218 of this act, or when such
20 election officer knows that the disability which the [elector]
21 voter declared before any registration commission no longer
22 exists, or who shall permit any person to accompany [an elector]
23 a voter into the voting compartment or voting machine booth,
24 except as provided by this act, shall be guilty of a
25 misdemeanor, and, upon conviction thereof, shall be sentenced to
26 pay a fine not exceeding one thousand (\$1,000) dollars, or to
27 undergo an imprisonment of not more than one (1) year, or both,
28 in the discretion of the court.

29 Section 1831.1. Children in Polling Places and Voting
30 Compartments or Voting Machine Booths.--Notwithstanding any

1 other provision of this act, [an elector] a voter may permit his
2 or her minor child or children to accompany him or her into the
3 polling place and may permit one such minor child to accompany
4 him or her into the voting compartment or voting machine booth.

5 Section 1832. Failure to Keep and Return Record of Assisted
6 Voters.--Any judge of election who shall fail to record, as
7 required by section 1218 (c) of this act, the name of each
8 [elector] voter who received assistance or who is accompanied by
9 another into the voting compartment or voting machine booth; or
10 who shall insert in the record of assisted voters the name of
11 any [elector] voter who does not receive assistance or is not
12 accompanied by another into the voting compartment or voting
13 machine booth; or who shall fail to record the exact disability
14 of any assisted [elector] voter which makes the assistance
15 necessary, or shall record in respect of any assisted [elector]
16 voter a disability, other than that stated by the [elector]
17 voter; or who shall fail to record the name of each person
18 rendering assistance to [an elector] a voter as prescribed by
19 this act; or who shall knowingly record as the name of such
20 person giving assistance a name which is not the name of such
21 person; or who shall fail or neglect to return the record of
22 assisted voters to the county board of elections as required by
23 this act, shall be guilty of a misdemeanor, and, upon conviction
24 thereof, shall be sentenced to pay a fine not exceeding one
25 thousand (\$1,000) dollars, or to undergo an imprisonment of not
26 less than two (2) months nor more than two (2) years, or both,
27 in the discretion of the court.

28 Section 1833. Unlawful Voting.--Any person who votes or
29 attempts to vote at any primary or election, knowing that he
30 does not possess all the qualifications of [an elector] a voter

1 at such primary or election, as set forth in this act, shall be
2 guilty of a misdemeanor of the first degree, and, upon
3 conviction thereof, shall be sentenced to pay a fine not
4 exceeding ten thousand (\$10,000) dollars, or to undergo an
5 imprisonment of not more than five (5) years, or both, in the
6 discretion of the court.

7 Section 1834. [Elector] Voting Ballot of Wrong Party at
8 Primary.--Any [elector] voter who shall wilfully vote at any
9 primary the ballot of a party in which he is not enrolled, in
10 violation of the provisions of this act, shall be guilty of a
11 misdemeanor of the second degree, and, upon conviction thereof,
12 shall be sentenced to pay a fine not exceeding five thousand
13 (\$5,000) dollars, or to undergo an imprisonment of not more than
14 two (2) years, or both, in the discretion of the court.

15 Section 1838. Fraudulent Voting by Soldiers.--Any person who
16 shall vote or attempt to vote at any election by [electors]
17 voters in military service under the provisions of Article XIII
18 of this act, not being qualified to vote at such election, shall
19 be guilty of a misdemeanor, and, upon conviction thereof, shall
20 be sentenced to pay a fine not exceeding one thousand (\$1,000)
21 dollars, or to undergo an imprisonment of not more than one (1)
22 year, or both, in the discretion of the court.

23 Section 1853. Violations of Provisions Relating to Absentee
24 [Electors] Voters Ballots.--If any person shall sign an
25 application for absentee ballot or declaration of [elector]
26 voter on the forms prescribed knowing any matter declared
27 therein to be false, or shall vote any ballot other than one
28 properly issued to him, or vote or attempt to vote more than
29 once in any election for which an absentee ballot shall have
30 been issued to him, or shall violate any other provisions of

1 Article XIII of this act, he shall be guilty of a misdemeanor of
2 the first degree, and, upon conviction, shall be sentenced to
3 pay a fine not exceeding ten thousand dollars (\$10,000), or be
4 imprisoned for a term not exceeding five (5) years, or both, at
5 the discretion of the court.

6 If any chief clerk or member of a board of elections, member
7 of a return board or member of a board of registration
8 commissioners, shall neglect or refuse to perform any of the
9 duties prescribed by Article XIII of this act, or shall reveal
10 or divulge any of the details of any ballot cast in accordance
11 with the provisions of Article XIII of this act, or shall count
12 an absentee ballot knowing the same to be contrary to Article
13 XIII, or shall reject an absentee ballot without reason to
14 believe that the same is contrary to Article XIII, or shall
15 permit [an elector] a voter to cast his ballot at a polling
16 place knowing that there has been issued to the [elector] voter
17 an absentee ballot, he shall be guilty of a felony of the third
18 degree, and, upon conviction, shall be punished by a fine not
19 exceeding fifteen thousand dollars (\$15,000), or be imprisoned
20 for a term not exceeding seven (7) years, or both, at the
21 discretion of the court.

22 Section 12. This act shall take effect in 60 days.