
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 402 Session of
2021

INTRODUCED BY STEFANO, MASTRIANO, J. WARD, HUTCHINSON AND
PITTMAN, MARCH 11, 2021

REFERRED TO STATE GOVERNMENT, MARCH 11, 2021

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," repealing provisions relating to voting by
12 qualified mail-in electors; and making conforming and
13 editorial changes.

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

16 Section 1. Section 102(q.1), (z.5)(3) and (z.6) of the act
17 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
18 Election Code, amended or added October 31, 2019 (P.L.552,
19 No.77) and March 27, 2020 (P.L.41, No.12), are amended to read:

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

23 * * *

1 (q.1) The word "pre-canvass" shall mean the inspection and
2 opening of all envelopes containing official absentee ballots
3 [or mail-in ballots], the removal of such ballots from the
4 envelopes and the counting, computing and tallying of the votes
5 reflected on the ballots. The term does not include the
6 recording or publishing of the votes reflected on the ballots.

7 * * *

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

9 * * *

10 (3) For a qualified absentee elector under section 1301 [or
11 a qualified mail-in elector under section 1301-D]:

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

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

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

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

24 [(z.6) The words "qualified mail-in elector" shall mean a
25 qualified elector. The term does not include a person
26 specifically prohibited from being a qualified absentee elector
27 under section 1301.]

28 Section 2. Section 302(p) of the act, amended March 27, 2020
29 (P.L.41, No.12), is amended to read:

30 Section 302. Powers and Duties of County Boards.--The county

1 boards of elections, within their respective counties, shall
2 exercise, in the manner provided by this act, all powers granted
3 to them by this act, and shall perform all the duties imposed
4 upon them by this act, which shall include the following:

5 * * *

6 (p) A county board of elections shall not pay compensation
7 to a judge of elections who wilfully fails to deliver by two
8 o'clock A. M. on the day following the election envelopes;
9 supplies, including all uncast provisional ballots; and returns,
10 including all provisional ballots cast in the election district
11 and statements signed under [sections] section 1306 [and 1302-
12 D].

13 Section 3. Section 1007(b) of the act, amended November 27,
14 2019 (P.L.673, No.94), is amended to read:

15 Section 1007. Number of Ballots to Be Printed; Specimen
16 Ballots.--* * *

17 (b) The county board of each county shall also, in addition
18 to the number of ballots required to be printed for general
19 distribution, maintain a sufficient supply of such ballots at
20 the office of the county board for the use of absentee electors
21 [or mail-in electors] and for the use of any district, the
22 ballots for which may be lost, destroyed or stolen. They shall
23 also cause to be printed on tinted paper, and without the
24 facsimile endorsements or permanent binding, copies of the form
25 of ballots provided for each polling place at each primary or
26 election therein, which shall be called specimen ballots, and
27 which shall be of the same size and form as the official
28 ballots, and at each election they shall deliver to the election
29 officers, in addition to the official ballots to be used at such
30 election, a suitable supply of specimen ballots for the use of

1 the electors. At each primary, a suitable supply of specimen
2 ballots of each party shall be furnished.

3 Section 4. Section 1210(a.4)(5)(ii)(F) of the act, amended
4 October 31, 2019 (P.L.552, No.77), is amended to read:

5 Section 1210. Manner of Applying to Vote; Persons Entitled
6 to Vote; Voter's Certificates; Entries to Be Made in District
7 Register; Numbered Lists of Voters; Challenges.--* * *

8 (a.4) * * *

9 (5) * * *

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

11 * * *

12 (F) the elector's absentee ballot [or mail-in ballot] is
13 timely received by a county board of elections.

14 * * *

15 Section 5. Section 1302.2(c) of the act, amended March 27,
16 2020 (P.L.41, No.12), is amended to read:

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

19 * * *

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

1 qualified elector. Such challenges must be made to the county
2 board of elections prior to five o'clock p.m. on the Friday
3 prior to the election[: Provided, however, That a challenge to
4 an application for an absentee ballot shall not be permitted on
5 the grounds that the elector used an application for an absentee
6 ballot instead of an application for a mail-in ballot or on the
7 grounds that the elector used an application for a mail-in
8 ballot instead of an application for an absentee ballot].

9 * * *

10 Section 6. Sections 1302.3 heading and subsection (c) and
11 1305(b) of the act, amended October 31, 2019 (P.L.552, No.77),
12 are amended to read:

13 Section 1302.3. Absentee and [Mail-in Electors] Files and
14 Lists.--

15 * * *

16 (c) Not less than five days preceding the election, the
17 chief clerk shall prepare a list for each election district
18 showing the names and post office addresses of all voting
19 residents thereof to whom official absentee [or mail-in] ballots
20 shall have been issued. Each such list shall be prepared in
21 duplicate, shall be headed "Persons in (give identity of
22 election district) to whom absentee [or mail-in] ballots have
23 been issued for the election of (date of election)," and shall
24 be signed by him not less than four days preceding the election.
25 He shall post the original of each such list in a conspicuous
26 place in the office of the county election board and see that it
27 is kept so posted until the close of the polls on election day.
28 He shall cause the duplicate of each such list to be delivered
29 to the judge of election in the election district in the same
30 manner and at the same time as are provided in this act for the

1 delivery of other election supplies, and it shall be the duty of
2 such judge of election to post such duplicate list in a
3 conspicuous place within the polling place of his district and
4 see that it is kept so posted throughout the time that the polls
5 are open. Upon written request, he shall furnish a copy of such
6 list to any candidate or party county chairman.

7 Section 1305. Delivering or Mailing Ballots.--

8 * * *

9 (b) (1) The county board of elections upon receipt and
10 approval of an application filed by any elector qualified in
11 accordance with the provisions of section 1301, subsections (i)
12 to (l), inclusive, shall commence to deliver or mail official
13 absentee ballots as soon as a ballot is certified and the
14 ballots are available. While any proceeding is pending in a
15 Federal or State court which would affect the contents of any
16 ballot, the county board of elections may await a resolution of
17 that proceeding but in any event, shall commence to deliver or
18 mail official absentee ballots not later than the second Tuesday
19 prior to the primary or election. For those applicants whose
20 proof of identification was not provided with the application or
21 could not be verified by the board, the board shall send the
22 notice required under section 1302.2(d) with the absentee
23 ballot. As additional applications are received and approved
24 after the time that the county board of elections begins
25 delivering or mailing official absentee [and mail-in] ballots,
26 the board shall deliver or mail official absentee ballots to
27 such additional electors within forty-eight hours.

28 (2) Notwithstanding any other provisions of this act and
29 notwithstanding the inclusion of a mailing address on an
30 absentee [or mail-in] ballot application, a voter who presents

1 the voter's own application for an absentee [or mail-in] ballot
2 within the office of the county board of elections during
3 regular business hours may request to receive the voter's
4 absentee [or mail-in] ballot while the voter is at the office.
5 This request may be made orally or in writing. Upon presentation
6 of the application and the making of the request and upon
7 approval under [sections] section 1302.2 [and 1302.2-D], the
8 county board of elections shall promptly present the voter with
9 the voter's absentee [or mail-in] ballot. If a voter presents
10 the voter's application within the county board of elections'
11 office in accordance with this section, a county board of
12 elections may not deny the voter's request to have the ballot
13 presented to the voter while the voter is at the office unless
14 there is a bona fide objection to the absentee [or mail-in]
15 ballot application.

16 * * *

17 Section 7. Section 1306(b) (3) of the act, amended March 27,
18 2020 (P.L.41, No.12), is amended to read:

19 Section 1306. Voting by Absentee Electors.--* * *

20 (b) * * *

21 (3) Notwithstanding paragraph (2), an elector who requests
22 an absentee ballot and who is not shown on the district register
23 as having voted the ballot may vote at the polling place if the
24 elector remits the ballot and the envelope containing the
25 declaration of the elector to the judge of elections to be
26 spoiled and the elector signs a statement subject to the
27 penalties under 18 Pa.C.S. § 4904 (relating to unsworn
28 falsification to authorities) in substantially the following
29 form:

30 I hereby declare that I am a qualified registered elector who

1 has obtained an absentee ballot [or mail-in ballot]. I
2 further declare that I have not cast my absentee ballot [or
3 mail-in ballot], and that instead I remitted my absentee
4 ballot [or mail-in ballot] and the envelope containing the
5 declaration of the elector to the judge of elections at my
6 polling place to be spoiled and therefore request that my
7 absentee ballot [or mail-in ballot] be voided.

8 (Date)

9 (Signature of Elector).....(Address of Elector)

10 (Local Judge of Elections)

11 * * *

12 Section 8. Section 1308(a), (b), (d), (f), (g) and (h) of
13 the act, amended October 31, 2019 (P.L.552, No.77) and March 27,
14 2020 (P.L.41, No.12), are amended to read:

15 Section 1308. Canvassing of Official Absentee Ballots [and
16 Mail-in Ballots].--(a) The county boards of election, upon
17 receipt of official absentee ballots in sealed official absentee
18 ballot envelopes as provided under this article [and mail-in
19 ballots as in sealed official mail-in ballot envelopes as
20 provided under Article XIII-D], shall safely keep the ballots in
21 sealed or locked containers until they are to be canvassed by
22 the county board of elections. An absentee ballot, whether
23 issued to a civilian, military or other voter during the regular
24 or emergency application period, shall be canvassed in
25 accordance with subsection (g). [A mail-in ballot shall be
26 canvassed in accordance with subsection (g).]

27 (b) Watchers shall be permitted to be present when the
28 envelopes containing official absentee ballots [and mail-in
29 ballots] are opened and when such ballots are counted and
30 recorded.

1 * * *

2 (d) Whenever it shall appear by due proof that any absentee
3 elector [or mail-in elector] who has returned his ballot in
4 accordance with the provisions of this act has died prior to the
5 opening of the polls on the day of the primary or election, the
6 ballot of such deceased elector shall be rejected by the
7 canvassers but the counting of the ballot of an absentee elector
8 [or a mail-in elector] thus deceased shall not of itself
9 invalidate any nomination or election.

10 (f) Any person challenging an application for an absentee
11 ballot[,] or an absentee ballot[, an application for a mail-in
12 ballot or a mail-in ballot] for any of the reasons provided in
13 this act shall deposit the sum of ten dollars (\$10.00) in cash
14 with the county board, which sum shall only be refunded if the
15 challenge is sustained or if the challenge is withdrawn within
16 five (5) days after the primary or election. If the challenge is
17 dismissed by any lawful order then the deposit shall be
18 forfeited. The county board shall deposit all deposit money in
19 the general fund of the county.

20 Notice of the requirements of subsection (b) of section 1306
21 shall be printed on the envelope for the absentee ballot [or
22 mail-in ballot].

23 (g) (1) (i) An absentee ballot cast by any absentee
24 elector as defined in section 1301(a), (b), (c), (d), (e), (f),
25 (g) and (h) shall be canvassed in accordance with this
26 subsection if the ballot is cast, submitted and received in
27 accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to
28 uniform military and overseas voters).

29 (ii) An absentee ballot cast by any absentee elector as
30 defined in section 1301(i), (j), (k), (l), (m) and (n)[,] or an

1 absentee ballot under section 1302(a.3) [or a mail-in ballot
2 cast by a mail-in elector] shall be canvassed in accordance with
3 this subsection if the absentee ballot [or mail-in ballot] is
4 received in the office of the county board of elections no later
5 than eight o'clock P.M. on the day of the primary or election.

6 (1.1) The county board of elections shall meet no earlier
7 than seven o'clock A.M. on election day to pre-canvass all
8 ballots received prior to the meeting. A county board of
9 elections shall provide at least forty-eight hours' notice of a
10 pre-canvass meeting by publicly posting a notice of a pre-
11 canvass meeting on its publicly accessible Internet website. One
12 authorized representative of each candidate in an election and
13 one representative from each political party shall be permitted
14 to remain in the room in which the absentee ballots [and mail-in
15 ballots] are pre-canvassed. No person observing, attending or
16 participating in a pre-canvass meeting may disclose the results
17 of any portion of any pre-canvass meeting prior to the close of
18 the polls.

19 (2) The county board of elections shall meet no earlier than
20 the close of polls on the day of the election and no later than
21 the third day following the election to begin canvassing
22 absentee ballots [and mail-in ballots] not included in the pre-
23 canvass meeting. The meeting under this paragraph shall continue
24 until all absentee ballots [and mail-in ballots] received prior
25 to the close of the polls have been canvassed. The county board
26 of elections shall not record or publish any votes reflected on
27 the ballots prior to the close of the polls. The canvass process
28 shall continue through the eighth day following the election for
29 valid military-overseas ballots timely received under 25 Pa.C.S.
30 § 3511 (relating to receipt of voted ballot). A county board of

1 elections shall provide at least forty-eight hours' notice of a
2 canvass meeting by publicly posting a notice on its publicly
3 accessible Internet website. One authorized representative of
4 each candidate in an election and one representative from each
5 political party shall be permitted to remain in the room in
6 which the absentee ballots [and mail-in ballots] are canvassed.

7 (3) When the county board meets to pre-canvass or canvass
8 absentee ballots [and mail-in ballots] under paragraphs (1),
9 (1.1) and (2), the board shall examine the declaration on the
10 envelope of each ballot not set aside under subsection (d) and
11 shall compare the information thereon with that contained in the
12 "Registered Absentee [and Mail-in] Voters File," the absentee
13 voters' list and/or the "Military Veterans and Emergency
14 Civilians Absentee Voters File," whichever is applicable. If the
15 county board has verified the proof of identification as
16 required under this act and is satisfied that the declaration is
17 sufficient and the information contained in the "Registered
18 Absentee [and Mail-in] Voters File," the absentee voters' list
19 and/or the "Military Veterans and Emergency Civilians Absentee
20 Voters File" verifies his right to vote, the county board shall
21 provide a list of the names of electors whose absentee ballots
22 [or mail-in ballots] are to be pre-canvassed or canvassed.

23 (4) All absentee ballots which have not been challenged
24 under section 1302.2(c) [and all mail-in ballots which have not
25 been challenged under section 1302.2-D(a)(2)] and that have been
26 verified under paragraph (3) shall be counted and included with
27 the returns of the applicable election district as follows:

28 (i) The county board shall open the envelope of every
29 unchallenged absentee elector [and mail-in elector] in such
30 manner as not to destroy the declaration executed thereon.

1 (ii) If any of the envelopes on which are printed, stamped
2 or endorsed the words "Official Election Ballot" contain any
3 text, mark or symbol which reveals the identity of the elector,
4 the elector's political affiliation or the elector's candidate
5 preference, the envelopes and the ballots contained therein
6 shall be set aside and declared void.

7 (iii) The county board shall then break the seals of such
8 envelopes, remove the ballots and count, compute and tally the
9 votes.

10 (iv) Following the close of the polls, the county board
11 shall record and publish the votes reflected on the ballots.

12 (5) Ballots received whose applications have been challenged
13 and ballots which have been challenged shall be placed unopened
14 in a secure, safe and sealed container in the custody of the
15 county board until it shall fix a time and place for a formal
16 hearing of all such challenges, and notice shall be given where
17 possible to all absentee electors [and mail-in electors] thus
18 challenged and to every individual who made a challenge. The
19 time for the hearing shall not be later than seven (7) days
20 after the deadline for all challenges to be filed. On the day
21 fixed for said hearing, the county board shall proceed without
22 delay to hear said challenges, and, in hearing the testimony,
23 the county board shall not be bound by the Pennsylvania Rules of
24 Evidence. The testimony presented shall be stenographically
25 recorded and made part of the record of the hearing.

26 (6) The decision of the county board in upholding or
27 dismissing any challenge may be reviewed by the court of common
28 pleas of the county upon a petition filed by any person
29 aggrieved by the decision of the county board. The appeal shall
30 be taken, within two (2) days after the decision was made,

1 whether the decision was reduced to writing or not, to the court
2 of common pleas setting forth the objections to the county
3 board's decision and praying for an order reversing the
4 decision.

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

14 (h) For those absentee ballots [or mail-in ballots] for
15 which proof of identification has not been received or could not
16 be verified:

17 (2) If the proof of identification is received and verified
18 prior to the sixth calendar day following the election, then the
19 county board of elections shall canvass the absentee ballots
20 [and mail-in ballots] under this subsection in accordance with
21 subsection (g) (2).

22 (3) If an elector fails to provide proof of identification
23 that can be verified by the county board of elections by the
24 sixth calendar day following the election, then the absentee
25 ballot [or mail-in ballot] shall not be counted.

26 * * *

27 Section 9. Article XIII-D of the act, added October 31, 2019
28 (P.L.552, No.77), is repealed:

29 [ARTICLE XIII-D
30 VOTING BY QUALIFIED MAIL-IN ELECTORS

1 Section 1301-D. Qualified mail-in electors.

2 (a) General rule.--A qualified mail-in elector shall be
3 entitled to vote by an official mail-in ballot in any primary or
4 election held in this Commonwealth in the manner provided under
5 this article.

6 (b) Construction.--The term "qualified mail-in elector"
7 shall not be construed to include a person not otherwise
8 qualified as a qualified elector in accordance with the
9 definition in section 102(t).

10 Section 1302-D. Applications for official mail-in ballots.

11 (a) General rule.--A qualified elector under section 1301-D
12 may apply at any time before any primary or election for an
13 official mail-in ballot in person or on any official county
14 board of election form addressed to the Secretary of the
15 Commonwealth or the county board of election of the county in
16 which the qualified elector's voting residence is located.

17 (b) Content.--The following shall apply:

18 (1) The qualified elector's application shall contain
19 the following information:

20 (i) Date of birth.

21 (ii) Length of time a resident of voting district.

22 (iii) Voting district, if known.

23 (iv) Party choice in case of primary.

24 (v) Name.

25 (2) A qualified elector shall, in addition, specify the
26 address to which the ballot is to be sent, the relationship
27 where necessary and other information as may be determined by
28 the Secretary of the Commonwealth.

29 (3) When an application is received by the Secretary of
30 the Commonwealth it shall be forwarded to the proper county

1 board of election.

2 (c) Signature required.--Except as provided in subsection
3 (d), the application of a qualified elector under section 1301-D
4 for an official mail-in ballot in any primary or election shall
5 be signed by the applicant.

6 (d) Signature not required.--If any elector entitled to a
7 mail-in ballot under this section is unable to sign the
8 application because of illness or physical disability, the
9 elector shall be excused from signing upon making a statement
10 which shall be witnessed by one adult person in substantially
11 the following form:

12 I hereby state that I am unable to sign my application
13 for a mail-in ballot without assistance because I am
14 unable to write by reason of my illness or physical
15 disability. I have made or have received assistance in
16 making my mark in lieu of my signature.

17 (Mark)

18 (Date)

19 (Complete Address of Witness)

20 (Signature of Witness)

21 (e) Numbering.--The county board of elections shall number,
22 in chronological order, the applications for an official mail-in
23 ballot, which number shall likewise appear on the official mail-
24 in ballot for the qualified elector. The numbers shall appear
25 legibly and in a conspicuous place but, before the ballots are
26 distributed, the number on the ballot shall be torn off by the
27 county board of election. The number information shall be
28 appropriately inserted and become a part of the Registered
29 Absentee and Mail-in Voters File provided under section 1302.3.

30 (f) Form.--Application for an official mail-in ballot shall

1 be on physical and electronic forms prescribed by the Secretary
2 of the Commonwealth. The application shall state that a voter
3 who applies for a mail-in ballot under section 1301-D shall not
4 be eligible to vote at a polling place on election day unless
5 the elector brings the elector's mail-in ballot to the elector's
6 polling place, remits the ballot and the envelope containing the
7 declaration of the elector to the judge of elections to be
8 spoiled and signs a statement subject to the penalties under 18
9 Pa.C.S. § 4904 (relating to unsworn falsification to
10 authorities) to the same effect. The physical application forms
11 shall be made freely available to the public at county board of
12 elections, municipal buildings and at other locations designated
13 by the Secretary of the Commonwealth. The electronic application
14 forms shall be made freely available to the public through
15 publicly accessible means. No written application or personal
16 request shall be necessary to receive or access the application
17 forms. Copies and records of all completed physical and
18 electronic applications for official mail-in ballots shall be
19 retained by the county board of elections.

20 (g) Permanent mail-in voting list.--

21 (1) Any qualified registered elector may request to be
22 placed on a permanent mail-in ballot list file at any time
23 during the calendar year. A mail-in ballot application shall
24 be mailed to every person otherwise eligible to receive a
25 mail-in ballot application by the first Monday in February
26 each year or within 48 hours of receipt of the request,
27 whichever is later, so long as the person does not lose the
28 person's voting rights by failure to vote as otherwise
29 required by this act. A mail-in ballot application mailed to
30 an elector under this section, which is completed and timely

1 returned by the elector, shall serve as an application for
2 any and all primary, general or special elections to be held
3 in the remainder of that calendar year and for all special
4 elections to be held before the third Monday in February of
5 the succeeding year.

6 (2) The Secretary of the Commonwealth may develop an
7 electronic system through which all qualified electors may
8 apply for a mail-in ballot and request permanent mail-in
9 voter status under this section, provided the system is able
10 to capture a digitized or electronic signature of the
11 applicant. A county board of elections shall treat an
12 application or request received through the electronic system
13 as if the application or request had been submitted on a
14 paper form or any other format used by the county.

15 (3) The transfer of a qualified registered elector on a
16 permanent mail-in voting list from one county to another
17 county shall only be permitted upon the request of the
18 qualified registered elector.

19 Section 1302.1-D. Date of application for mail-in ballot.

20 (a) General rule.--Applications for mail-in ballots shall be
21 received in the office of the county board of elections not
22 earlier than 50 days before the primary or election, except that
23 if a county board of elections determines that it would be
24 appropriate to the county board of elections' operational needs,
25 any applications for mail-in ballots received more than 50 days
26 before the primary or election may be processed before that
27 time. Applications for mail-in ballots shall be processed if
28 received not later than five o'clock P.M. of the first Tuesday
29 prior to the day of any primary or election.

30 (b) Early applications.--In the case of an elector whose

1 application for a mail-in ballot is received by the office of
2 the county board of elections earlier than 50 days before the
3 primary or election, the application shall be held and processed
4 upon commencement of the 50-day period or at such earlier time
5 as the county board of elections determines may be appropriate.

6 Section 1302.2-D. Approval of application for mail-in ballot.

7 (a) Approval process.--The county board of elections, upon
8 receipt of any application of a qualified elector under section
9 1301-D, shall determine the qualifications of the applicant by
10 verifying the proof of identification and comparing the
11 information provided on the application with the information
12 contained on the applicant's permanent registration card. The
13 following shall apply:

14 (1) If the board is satisfied that the applicant is
15 qualified to receive an official mail-in ballot, the
16 application shall be marked "approved."

17 (2) The approval decision shall be final and binding,
18 except that challenges may be made only on the grounds that
19 the applicant was not a qualified elector.

20 (3) Challenges must be made to the county board of
21 elections prior to five o'clock p.m. on the Friday prior to
22 the election: Provided, however, That a challenge to an
23 application for a mail-in ballot shall not be permitted on
24 the grounds that the elector used an application for a mail-
25 in ballot instead of an application for an absentee ballot or
26 on the grounds that the elector used an application for an
27 absentee ballot instead of an application for a mail-in
28 ballot.

29 (4) When approved, the registration commission shall
30 cause a mail-in voter's record to be inserted in the district

1 register as prescribed by the Secretary of the Commonwealth.

2 (b) Duties of county boards of elections and registration
3 commissions.--The duties of the county boards of elections and
4 the registration commissions with respect to the insertion of
5 the mail-in voter's record shall include only the applications
6 as are received on or before the first Tuesday prior to the
7 primary or election.

8 (c) Notice.--In the event that an application for an
9 official mail-in ballot is not approved by the county board of
10 elections, the elector shall be notified immediately with a
11 statement by the county board of the reasons for the
12 disapproval. For applicants whose proof of identification was
13 not provided with the application or could not be verified by
14 the board, the board shall send notice to the elector with the
15 mail-in ballot requiring the elector to provide proof of
16 identification with the mail-in ballot or the ballot will not be
17 counted.

18 Section 1303-D. Official mail-in elector ballots.

19 (a) General rule.--In election districts in which ballots
20 are used, the ballots for use by mail-in voters under this act
21 shall be the official ballots printed in accordance with
22 sections 1002 and 1003.

23 (a.1) Duties of county boards of elections.--The county
24 board of elections, when preparing the official ballots for
25 mail-in voters, shall be required to indicate on the voter's
26 record the identification number of specific ballot envelope
27 into which the voter's ballot is inserted. The county board of
28 elections shall also print, stamp or endorse on the official
29 ballots the words, "Official Mail-in Ballot." The ballots shall
30 be distributed by a board as provided under this section.

1 (b) Preparation of ballots.--In election districts in which
2 voting machines are used and in election districts in which
3 paper ballots are used, the county board of elections in that
4 election district will not print official mail-in ballots in
5 accordance with sections 1002 and 1003. The ballots for use by
6 mail-in voters under this section shall be prepared sufficiently
7 in advance by the county board of elections and shall be
8 distributed by the boards as provided under this act. The
9 ballots shall be marked "Official Mail-in Ballot" but shall not
10 be numbered and shall otherwise be in substantially the form for
11 ballots required by Article X, which form shall be prescribed by
12 the Secretary of the Commonwealth.

13 (c) Use of ballot cards.--In election districts in which
14 electronic voting systems are utilized, the mail-in ballot may
15 be in the form of a ballot card which shall be clearly stamped
16 on the ballot card's face "Mail-in Ballot."

17 (d) Special write-in mail-in ballots.--In cases where there
18 is not time to print on the ballots the names of the various
19 candidates, the county board of elections shall print special
20 write-in mail-in ballots which shall be in substantially the
21 form of other official mail-in ballots, except that the special
22 write-in mail-in ballots shall contain blank spaces only under
23 the titles of the offices in which electors may insert by
24 writing or stamping the names of the candidates for whom they
25 desire to vote, and in those cases, the county board of
26 elections shall furnish to electors lists containing the names
27 of all the candidates named in nomination petitions or who have
28 been regularly nominated under the provisions of this act, for
29 the use of the electors in preparing their ballots. Special
30 write-in mail-in ballots shall include all constitutional

1 amendments and other questions to be voted on by the electors.

2 (e) Notice.--The official mail-in voter ballot shall state
3 that a voter who receives a mail-in ballot under section 1301-D
4 and whose voted mail-in ballot is not timely received may only
5 vote on election day by provisional ballot unless the elector
6 brings the elector's mail-in ballot to the elector's polling
7 place, remits the ballot and the envelope containing the
8 declaration of the elector to the judge of elections to be
9 spoiled and signs a statement subject to the penalties of 18
10 Pa.C.S. § 4904 (relating to unsworn falsification to
11 authorities) to the same effect.

12 Section 1304-D. Envelopes for official mail-in ballots.

13 (a) Additional envelopes.--The county boards of election
14 shall provide two additional envelopes for each official mail-in
15 ballot of a size and shape as shall be prescribed by the
16 Secretary of the Commonwealth, in order to permit the placing of
17 one within the other and both within the mailing envelope. On
18 the smaller of the two envelopes to be enclosed in the mailing
19 envelope shall be printed, stamped or endorsed the words
20 "Official Election Ballot," and nothing else. On the larger of
21 the two envelopes, to be enclosed within the mailing envelope,
22 shall be printed the form of the declaration of the elector and
23 the name and address of the county board of election of the
24 proper county. The larger envelope shall also contain
25 information indicating the local election district of the mail-
26 in voter.

27 (b) Form of declaration and envelope.--The form of
28 declaration and envelope shall be as prescribed by the Secretary
29 of the Commonwealth and shall contain, among other things, a
30 statement of the elector's qualifications, together with a

1 statement that the elector has not already voted in the primary
2 or election.

3 (c) Mailing envelope.--The mailing envelope addressed to the
4 elector shall contain the two envelopes, the official mail-in
5 ballot, lists of candidates, when authorized by section 1303-
6 D(b), the uniform instructions in form and substance as
7 prescribed by the Secretary of the Commonwealth and nothing
8 else.

9 (d) Notice.--Notice of the requirements under section 1306-D
10 shall be printed on the envelope for the mail-in ballot.

11 Section 1305-D. Delivering or mailing ballots.

12 The county board of elections, upon receipt and approval of
13 an application filed by a qualified elector under section 1301-
14 D, shall commence to deliver or mail official mail-in ballots
15 as soon as a ballot is certified and the ballots are available.
16 While any proceeding is pending in a Federal or State court
17 which would affect the contents of any ballot, the county board
18 of elections may await a resolution of that proceeding but in
19 any event, shall commence to deliver or mail official mail-in
20 ballots not later than the second Tuesday prior to the primary
21 or election. For applicants whose proof of identification was
22 not provided with the application or could not be verified by
23 the board, the board shall send the notice required under
24 section 1302.2-D(c) with the mail-in ballot. As additional
25 applications are received and approved, the board shall deliver
26 or mail official mail-in ballots to the additional electors
27 within 48 hours.

28 Section 1306-D. Voting by mail-in electors.

29 (a) General rule.--At any time after receiving an official
30 mail-in ballot, but on or before eight o'clock P.M. the day of

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

15 (a.1) Signature.--Any elector who is unable to sign the
16 declaration because of illness or physical disability, shall be
17 excused from signing upon making a declaration which shall be
18 witnessed by one adult person in substantially the following
19 form:

20 I hereby declare that I am unable to sign my declaration
21 for voting my mail-in ballot without assistance because I
22 am unable to write by reason of my illness or physical
23 disability. I have made or received assistance in making
24 my mark in lieu of my signature.

25 (Mark)

26 (Date)

27 (Complete Address of Witness)

28 (Signature of Witness)

29 (b) Eligibility.--

30 (1) Any elector who receives and votes a mail-in ballot

1 under section 1301-D shall not be eligible to vote at a
2 polling place on election day. The district register at each
3 polling place shall clearly identify electors who have
4 received and voted mail-in ballots as ineligible to vote at
5 the polling place, and district election officers shall not
6 permit electors who voted a mail-in ballot to vote at the
7 polling place.

8 (2) An elector who requests a mail-in ballot and who is
9 not shown on the district register as having voted may vote
10 by provisional ballot under section 1210(a.4)(1).

11 (3) Notwithstanding paragraph (2), an elector who
12 requests a mail-in ballot and who is not shown on the
13 district register as having voted the ballot may vote at the
14 polling place if the elector remits the ballot and the
15 envelope containing the declaration of the elector to the
16 judge of elections to be spoiled and the elector signs a
17 statement subject to the penalties of 18 Pa.C.S. § 4904
18 (relating to unsworn falsification to authorities) which
19 shall be in substantially the following form:

20 I hereby declare that I am a qualified registered elector
21 who has obtained an absentee ballot or mail-in ballot. I
22 further declare that I have not cast my absentee ballot or
23 mail-in ballot, and that instead I remitted my absentee
24 ballot or mail-in ballot to the judge of elections at my
25 polling place to be spoiled and therefore request that my
26 absentee ballot or mail-in ballot be voided.

27 (Date)

28 (Signature of Elector).....(Address of Elector)

29 (Local Judge of Elections)

30 (c) Deadline.--Except as provided under 25 Pa.C.S. § 3511

1 (relating to receipt of voted ballot), a completed mail-in
2 ballot must be received in the office of the county board of
3 elections no later than eight o'clock P.M. on the day of the
4 primary or election.

5 Section 1307-D. Public records.

6 (a) General rule.--All official mail-in ballots, files,
7 applications for ballots and envelopes on which the executed
8 declarations appear and all information and lists are designated
9 and declared to be public records and shall be safely kept for a
10 period of two years, except that no proof of identification
11 shall be made public, nor shall information concerning a
12 military elector be made public which is expressly forbidden by
13 the Department of Defense because of military security.

14 (b) Record.--For each election, the county board shall
15 maintain a record of the following information, if applicable,
16 for each elector who makes application for a mail-in ballot:

17 (1) The elector's name and voter registration address.

18 (2) The date on which the elector's application is
19 received by the county board.

20 (3) The date on which the elector's application is
21 approved or rejected by the county board.

22 (4) The date on which the county board mails or delivers
23 the mail-in ballot to the elector.

24 (5) The date on which the elector's completed mail-in
25 ballot is received by the county board.

26 (c) Compilation.--The county board shall compile the records
27 listed under subsection (b) and make the records publicly
28 available upon request within 48 hours of the request.]

29 Section 10. Section 1853 of the act, amended March 27, 2020
30 (P.L.41, No.12), is amended to read:

1 Section 1853. Violations of Provisions Relating to Absentee
2 [and Mail-in] Ballots.--If any person shall sign an application
3 for absentee ballot[, mail-in ballot] or declaration of elector
4 on the forms prescribed knowing any matter declared therein to
5 be false, or shall vote any ballot other than one properly
6 issued to the person, or vote or attempt to vote more than once
7 in any election for which an absentee ballot [or mail-in ballot]
8 shall have been issued to the person, or shall violate any other
9 provisions of Article XIII [or Article XIII-D] of this act, the
10 person shall be guilty of a misdemeanor of the third degree,
11 and, upon conviction, shall be sentenced to pay a fine not
12 exceeding two thousand five hundred dollars (\$2,500), or be
13 imprisoned for a term not exceeding two (2) years, or both, at
14 the discretion of the court.

15 If any chief clerk or member of a board of elections, member
16 of a return board or member of a board of registration
17 commissioners, shall neglect or refuse to perform any of the
18 duties prescribed by Article XIII [or Article XIII-D] of this
19 act, or shall reveal or divulge any of the details of any ballot
20 cast in accordance with the provisions of Article XIII [or
21 Article XIII-D] of this act, or shall count an absentee ballot
22 [or mail-in ballot] knowing the same to be contrary to Article
23 XIII [or Article XIII-D], or shall reject an absentee ballot [or
24 mail-in ballot] without reason to believe that the same is
25 contrary to Article XIII [or Article XIII-D], or shall permit an
26 elector to cast the elector's ballot at a polling place knowing
27 that there has been issued to the elector an absentee ballot,
28 the elector shall be guilty of a felony of the third degree,
29 and, upon conviction, shall be punished by a fine not exceeding
30 fifteen thousand dollars (\$15,000), or be imprisoned for a term

1 not exceeding seven (7) years, or both, at the discretion of the
2 court.

3 Section 11. This act shall apply to elections held on or
4 after the effective date of this section, notwithstanding if
5 mail-in ballots have been issued for the election. Mail-in
6 ballots issued prior to the effective date of this section for
7 an election held on or after the effective date of this section
8 shall be void.

9 Section 12. This act shall take effect immediately.