

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1038 Session of
2024

INTRODUCED BY COLEMAN, DUSH AND HUTCHINSON, JANUARY 10, 2024

REFERRED TO STATE GOVERNMENT, JANUARY 10, 2024

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in preliminary provisions, further providing for
12 definitions; in county boards of elections, further providing
13 for powers and duties of county boards; in preparation for
14 and conduct of primaries and elections, further providing for
15 manner of applying to vote, persons entitled to vote, voter's
16 certificates, entries to be made in district register,
17 numbered lists of voters and challenges and for what ballots
18 shall be counted and manner of counting and defective
19 ballots; in voting by qualified absentee electors, further
20 providing for applications for official absentee ballots, for
21 date of application for absentee ballot, for approval of
22 application for absentee ballot, for absentee and mail-in
23 electors files and lists, for official absentee voters
24 ballots, for envelopes for official absentee ballots, for
25 voting by absentee electors and for canvassing of official
26 absentee ballots and mail-in ballots and providing for
27 violation of provisions relating to absentee voting; and, in
28 voting by qualified mail-in electors, further providing for
29 applications for official mail-in ballots, for date of
30 application for mail-in ballot and for approval of
31 application for mail-in ballot, providing for mail-in
32 electors' files and lists, further providing for official
33 mail-in elector ballots, for envelopes for official mail-in
34 ballots and for voting by mail-in electors and providing for
35 violation of provisions relating to mail-in voting.

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

3 Section 1. Sections 102(a.1), (q.1) and (z.6), 302(p),
4 1210(a.4)(5)(ii)(D), (E) and (F), 1223(a), 1302(b), (b.1), (d),
5 (i)(1) and (k), 1302.1 and 1302.2 of the act of June 3, 1937
6 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
7 amended to read:

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

11 * * *

12 (a.1) The word "canvass" shall [mean the gathering of
13 ballots after the final pre-canvass meeting and the counting,
14 computing and tallying of the votes reflected on the ballots.]
15 include gathering the ballots after the election and counting,
16 computing and tallying the votes.

17 * * *

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

24 * * *

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

29 Section 302. Powers and Duties of County Boards.--The county
30 boards of elections, within their respective counties, shall

1 exercise, in the manner provided by this act, all powers granted
2 to them by this act, and shall perform all the duties imposed
3 upon them by this act, which shall include the following:

4 * * *

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

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

15 (a.4) * * *

16 (5) * * *

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

18 * * *

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

30 (E) in the case of a provisional ballot that was cast under

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

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

12 * * *

13 Section 1223. What Ballots Shall Be Counted; Manner of
14 Counting; Defective Ballots.--(a) No ballot which is so marked
15 as to be capable of identification shall be counted. No ballot
16 which has the letter "x" drawn across the face of the ballot or
17 has the word "spoiled" written on the face of the ballot shall
18 be counted. Any ballot that is marked in blue, black or blue-
19 black ink, in fountain pen or ball point pen, or black lead
20 pencil or indelible pencil, shall be valid and counted:
21 Provided, That all markings on the ballot are made by the same
22 pen or pencil. Any ballot marked by any other mark than an (X)
23 or check (✓) in the spaces provided for that purpose shall be
24 void and not counted: Provided, however, That no vote recorded
25 thereon shall be declared void because a cross (X) or check (✓)
26 mark thereon is irregular in form. Any erasure or mutilation in
27 the vote in any office block shall render void the vote for any
28 candidates in said block, but shall not invalidate the votes
29 cast on the remainder of the ballot, if otherwise properly
30 marked. Any ballot indicating a vote for any person whose name

1 is not printed on the ballot, by writing or stamping, shall be
2 counted as a vote for such person, if placed in the proper space
3 or spaces provided for that purpose, whether or not an (X) or
4 check (✓) is placed after the name of such person: Provided,
5 however, That if such writing or stamping is placed over the
6 name of a candidate printed on the ballot, it shall render the
7 entire vote in said office block void. In districts in which
8 paper ballots or ballot cards are electronically tabulated,
9 stickers or labels may not be used to mark ballots. A vote cast
10 by means of a sticker or label affixed to a ballot or ballot
11 card shall be void and may not be counted. If an elector shall
12 mark his ballot for more persons for any office than there are
13 candidates to be voted for for such office, or if, for any
14 reason, it may be impossible to determine his choice for any
15 office, his ballot shall not be counted for such office, but the
16 ballot shall be counted for all offices for which it is properly
17 marked. Ballots not marked, or improperly or defectively marked,
18 so that the whole ballot is void, shall be set aside and shall
19 be preserved with the other ballots.

20 * * *

21 Section 1302. Applications for Official Absentee Ballots.--*

22 * *

23 (b) An application [for a qualified elector] under
24 subsection (a) shall contain the following information: Home
25 residence at the time of entrance into actual military service
26 or Federal employment, length of time a citizen, length of
27 residence in Pennsylvania, date of birth, length of time a
28 resident of voting district, voting district if known, party
29 choice in case of primary, name and, for a military elector, his
30 stateside military address, FPO or APO number and serial number.

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

8 [(b.1) An application for a qualified elector other than
9 under subsection (a) shall contain the following information:
10 Date of birth, length of time a resident of voting district,
11 voting district if known, party choice in case of primary and
12 name. The elector shall in addition specify the nature of his or
13 her employment, the address to which ballot is to be sent,
14 relationship where necessary, and other information as may be
15 determined and prescribed by the Secretary of the Commonwealth.
16 When the application is received by the Secretary of the
17 Commonwealth it shall be forwarded to the proper county board of
18 election.]

19 * * *

20 (d) [The application of any qualified elector, as defined in
21 preceding section 1301, subsections (a) to (h), inclusive, for
22 an official absentee ballot in any primary or election shall be
23 signed by the applicant, except that for electors under section
24 1301(a), an adult member of the applicant's immediate family may
25 sign the application on the elector's behalf.] The application
26 of a qualified elector, as described in section 1301(a), (b),
27 (c), (d), (e), (f), (g) and (h), for an official absentee ballot
28 in a primary or election may only be signed by the qualified
29 elector or an adult member of the qualified elector's immediate
30 family on the behalf of the qualified elector.

1 * * *

2 (i) (1) Application for official absentee ballots shall be
3 on physical and electronic forms prescribed by the Secretary of
4 the Commonwealth. The application shall state that an elector
5 who [applies for an absentee ballot pursuant to section 1301
6 shall not be eligible to vote at a polling place on election day
7 unless the elector brings the elector's absentee ballot to the
8 elector's polling place, remits the ballot and the envelope
9 containing the declaration of the elector to the judge of
10 elections to be spoiled and signs a statement subject to the
11 penalties of 18 Pa.C.S. § 4904 (relating to unsworn
12 falsification to authorities) to the same effect.] receives an
13 absentee ballot in accordance with section 1301 and who, on
14 election day, is capable of voting at the appropriate polling
15 place must void the absentee ballot and may only vote at the
16 appropriate polling place. Such physical application forms shall
17 be made freely available to the public at county board of
18 elections, municipal buildings and at such other locations
19 designated by the secretary. Such electronic application forms
20 shall be made freely available to the public through publicly
21 accessible means. No written application or personal request
22 shall be necessary to receive or access the application forms.
23 Copies and records of all completed physical and electronic
24 applications for official absentee ballots shall be retained by
25 the county board of elections.

26 * * *

27 [(k) The Secretary of the Commonwealth may develop an
28 electronic system through which all qualified electors may apply
29 for an absentee ballot and request permanent absentee voter
30 status under subsection (e.1), provided the system is able to

1 capture a digitized or electronic signature of the applicant. A
2 county board of elections shall treat any application or request
3 received through the electronic system as if the application or
4 request had been submitted on a paper form or any other format
5 used by the county.]

6 Section 1302.1. Date of Application for Absentee Ballot.--

7 (a) Except as provided in subsection (a.3), applications for
8 absentee ballots shall be received in the office of the county
9 board of elections not earlier than fifty (50) days before the
10 primary or election[, except that if a county board of elections
11 determines that it would be appropriate to its operational
12 needs, any applications for absentee ballots received more than
13 fifty (50) days before the primary or election may be processed
14 before that time. Applications for absentee ballots shall be
15 processed if received] and not later than five o'clock P.M. of
16 the first Tuesday prior to the day of any primary or election.

17 (a.3) (1) The following categories of electors [may apply
18 for an absentee ballot under this subsection] shall be entitled
19 to an absentee ballot at any time prior to five o'clock P.M. of
20 the first Friday preceding a primary or election upon execution
21 of an emergency application in the form prescribed by the
22 Secretary of the Commonwealth, if otherwise qualified:

23 (i) An elector whose physical disability or illness
24 prevented the elector from applying for an absentee ballot
25 before five o'clock P.M. on the first Tuesday prior to the day
26 of the primary or election and who is unable to appear at the
27 appropriate polling place on the day of the primary or election.

28 (ii) An elector who, because of the elector's business,
29 duties or occupation, was unable to apply for an absentee ballot
30 before five o'clock P.M. on the first Tuesday prior to the day

1 of the primary or election and who is unable to appear at the
2 appropriate polling place on the day of the primary or election.

3 (iii) An elector who becomes so physically disabled or ill
4 after five o'clock P.M. on the first Tuesday prior to the day of
5 the primary or election that the elector is unable to appear at
6 the appropriate polling place on the day of the primary or
7 election.

8 (iv) An elector who, because of the conduct of the elector's
9 business, duties or occupation, will necessarily be absent from
10 the elector's municipality of residence on the day of the
11 primary or election, which fact was not and could not reasonably
12 be known to the elector on or before five o'clock P.M. [on] of
13 the first Tuesday prior to the day of the primary or election.

14 [(2) An elector described in paragraph (1) may submit an
15 application for an absentee ballot at any time up until the time
16 of the closing of the polls on the day of the primary or
17 election. The application shall include a declaration describing
18 the circumstances that prevented the elector from applying for
19 an absentee ballot before five o'clock P.M. on the first Tuesday
20 prior to the day of the primary or election or that prevent the
21 elector from appearing at the polling place on the day of the
22 primary or election, and the elector's qualifications under
23 paragraph (1). The declaration shall be made subject to the
24 provisions of 18 Pa.C.S. § 4904 (relating to unsworn
25 falsification to authorities).

26 (3) If the county board of elections determines that the
27 elector meets the requirements of this section, the board shall
28 issue an absentee ballot to the elector.

29 (4) If the elector is unable to appear at the office of the
30 county board of elections to receive the ballot, the board shall

1 give the elector's absentee ballot to an authorized
2 representative of the elector who is designated in writing by
3 the elector. The authorized representative shall deliver the
4 absentee ballot to the elector and return the completed absentee
5 ballot, sealed in the official absentee ballot envelopes, to the
6 office of the county board of elections, which shall retain the
7 ballot, unopened, until the canvassing of all absentee ballots.

8 (5) Multiple people qualified under this subsection may
9 designate the same person, and a single person may serve as the
10 authorized representative for multiple qualified electors.

11 (6) If the elector is unable to appear at the office of the
12 county board of elections or unable to obtain assistance from an
13 authorized representative, the county board may provide an
14 authorized representative or ask the judge of the court of
15 common pleas in the county in which the elector is qualified to
16 vote to direct a deputy sheriff of the county to deliver the
17 absentee ballot to the elector if the elector is at a physical
18 location within the county and return the completed absentee
19 ballot, sealed in the official absentee ballot envelopes, to the
20 county board of elections. If there is no authorized
21 representative and a deputy sheriff is unavailable to deliver an
22 absentee ballot under this section, the judge may direct a
23 constable to make such delivery in accordance with the
24 provisions of this section.

25 (7) In the case of an elector who requires assistance in
26 marking the elector's ballot, the elector shall designate in
27 writing the person who will assist in marking the ballot. Such
28 person shall be otherwise eligible to provide assistance to
29 electors eligible for assistance, and such person shall declare
30 in writing that assistance was rendered. Any person other than

1 the designee who shall render assistance in marking a ballot or
2 any person rendering assistance who shall fail to execute a
3 declaration shall be guilty of a violation of this act.

4 (8) No absentee ballot under this subsection shall be
5 counted which is received in the office of the county board of
6 elections later than the deadline for its receipt as provided in
7 section 1308(g).]

8 (9) The following apply to an emergency application for an
9 absentee ballot:

10 (i) The following categories of electors shall be entitled
11 to an absentee ballot if the elector completes and files with
12 the court of common pleas in the county in which the elector is
13 qualified to vote an emergency application, or a letter or other
14 signed document, which includes the same information as is
15 provided on the emergency application, if otherwise qualified:

16 (A) An elector who becomes so physically disabled or ill
17 between five o'clock P.M. of the first Friday preceding a
18 primary or election and eight o'clock P.M. of the day of the
19 primary or election that the elector is unable to appear at the
20 appropriate polling place on the day of the primary or election.

21 (B) An elector who, because of the conduct of the elector's
22 business, duties or occupation, will necessarily be absent from
23 the elector's municipality of residence on the day of the
24 primary or election, which fact was not and could not reasonably
25 be known to the elector on or before five o'clock P.M. of the
26 first Friday preceding the primary or election.

27 (ii) Upon a determination that the elector described in
28 subparagraph (i) is a qualified absentee elector under section
29 1301, the judge shall issue an absentee ballot to the elector.

30 (iii) If the elector described in subparagraph (i) is unable

1 to appear in court to receive the ballot, the judge shall give
2 the elector's absentee ballot to an authorized representative of
3 the elector who is designated in writing by the elector. The
4 authorized representative shall deliver the absentee ballot to
5 the elector and return the completed absentee ballot, sealed in
6 the official absentee ballot envelopes, to the county board of
7 elections, which shall distribute the ballot, unopened, to the
8 absentee voter's election district.

9 (iv) If the elector described in subparagraph (i) is unable
10 to appear in court or unable to obtain assistance from an
11 authorized representative, the judge shall direct a deputy
12 sheriff of the county to deliver the absentee ballot to the
13 elector if the elector is at a physical location within the
14 county and return the completed absentee ballot, sealed in the
15 official absentee ballot envelopes, to the county board of
16 elections, which shall distribute the ballots, unopened, to the
17 absentee voter's respective election district. If there is no
18 authorized representative and a deputy sheriff is unavailable to
19 deliver an absentee ballot under this subparagraph, the judge
20 may direct a constable to make the delivery in accordance with
21 the provisions of this paragraph.

22 (v) An emergency application, or a letter or other signed
23 document, for an elector under subparagraph (i)(A) must contain
24 a supporting affidavit from the elector's attending physician
25 stating that due to physical disability or illness, the elector
26 was unable to apply for an absentee ballot on or before five
27 o'clock P.M. of the first Tuesday prior to the day of the
28 primary or election or became physically disabled or ill after
29 that period.

30 (vi) An emergency application, or a letter or other signed

1 document, for an elector under subparagraph (i) (B) must contain
2 a supporting affidavit from the elector stating that because of
3 the conduct of the elector's business, duties or occupation, the
4 elector will necessarily be absent from the elector's
5 municipality of residence on the day of the primary or election,
6 which fact was not and could not reasonably be known to the
7 elector on or before five o'clock P.M. of the first Tuesday
8 prior to the day of the primary or election.

9 (10) In the case of an elector who requires assistance in
10 marking the elector's ballot, the elector shall designate in
11 writing the person who will assist in marking the ballot. The
12 following apply:

13 (i) The person shall be otherwise eligible to provide
14 assistance to electors eligible for assistance.

15 (ii) The person shall declare in writing that assistance was
16 rendered.

17 (iii) A person violates this act if the person:

18 (A) is not a designee of the elector but renders assistance
19 in marking the elector's ballot; or

20 (B) is a designee of the elector and renders assistance in
21 marking the elector's ballot but fails to execute a declaration
22 that assistance was rendered.

23 (11) An absentee ballot under this subsection shall not be
24 counted if it is received in the office of the county board of
25 elections later than eight o'clock P.M. of the day of the
26 primary or election.

27 (b) In the case of an elector whose application for an
28 absentee ballot is received by the office of the county board of
29 elections earlier than fifty (50) days before the primary or
30 election, the application shall be held and processed upon

1 commencement of the fifty-day period [or at such earlier time as
2 the county board of elections determines may be appropriate].

3 Section 1302.2. Approval of Application for Absentee
4 [Ballot.--

5 (a) The] Ballot.--(a) The county board of elections, upon
6 receipt of any application filed by a qualified elector not
7 required to be registered under preceding section 1301, shall
8 ascertain from the information on such application, district
9 register or from any other source that such applicant possesses
10 all the qualifications of a qualified elector other than being
11 registered or enrolled. If the board is satisfied that the
12 applicant is qualified to receive an official absentee ballot,
13 the application shall be marked approved [such]. Such approval
14 decision shall be final and binding except that challenges may
15 be made only on the ground that the applicant did not possess
16 qualifications of an absentee elector. Such challenges must be
17 made to the county board of elections prior to [the applicable
18 deadline for the absentee ballots to be received, as provided in
19 section 1308(g).] five o'clock P.M. of the first Friday prior to
20 the election. When so approved, the county board of elections
21 shall cause the applicant's name and residence (and at a
22 primary, the party enrollment) to be inserted in the Military,
23 Veterans and Emergency Civilians Absentee Voters File as
24 provided in section 1302.3, subsection (b): Providing, however,
25 That no application of any qualified elector in military service
26 shall be rejected for failure to include on the elector's
27 application any information if such information may be within a
28 reasonable time by the county board of elections.

29 (b) The county board of elections, upon receipt of any
30 application filed by a qualified elector who is entitled, under

1 the provisions of the Permanent Registration Law as now or
2 hereinafter enacted by the General Assembly, to absentee
3 registration prior to or concurrently with the time of voting as
4 provided under preceding section 1301, shall ascertain from the
5 information on such application or from any other source that
6 such applicant possesses all the qualifications of a qualified
7 elector. If the board is satisfied that the applicant is
8 entitled, under the provisions of the Permanent Registration Law
9 as now or hereinafter enacted by the General Assembly, to
10 absentee registration prior to or concurrently with the time of
11 voting and that the applicant is qualified to receive an
12 official absentee ballot, the application shall be marked
13 "approved." Such approval decision shall be final and binding
14 except that challenges may be made only on the ground that the
15 applicant did not possess the qualifications of an absentee
16 elector prior to or concurrently with the time of voting. Such
17 challenges must be made to the county board of elections prior
18 to [the applicable deadline for the absentee ballots to be
19 received, as provided in section 1308(g).] five o'clock P.M. of
20 the first Friday prior to the election. When so approved, the
21 county board of elections shall cause the applicant's name and
22 residence (and at a primary, the party enrollment) to be
23 inserted in the Military, Veterans and Emergency Civilian
24 Absentee Voters File as provided in section 1302.3 subsection
25 (b).

26 (c) The county board of elections, upon receipt of [any] an
27 application of a qualified elector required to be registered
28 under [the provisions of preceding] section 1301, shall
29 determine the qualifications of [such] the applicant by
30 verifying the proof of identification and comparing the

1 information [set forth on such] specified on the application
2 with the information contained on the applicant's permanent
3 registration card. The following apply:

4 (1) If the board is satisfied that the applicant is
5 qualified to receive an official absentee ballot, the
6 application shall be marked "approved." [Such]

7 (2) The approval decision shall be final and binding, except
8 that challenges may be made only on the ground that the
9 applicant [was not a qualified elector. Such] did not possess
10 the qualifications of an absentee elector.

11 (3) The challenges must be made to the county board of
12 elections prior to five o'clock [p.m. on the] P.M. of the first
13 Friday prior to the election.[: Provided, however, That a
14 challenge to an application for an absentee ballot shall not be
15 permitted on the grounds that the elector used an application
16 for an absentee ballot instead of an application for a mail-in
17 ballot or on the grounds that the elector used an application
18 for a mail-in ballot instead of an application for an absentee
19 ballot.]

20 (4) Subject to paragraph (5), when an application is
21 approved under this subsection, the registration commission
22 shall cause the absentee voter's temporary registration card to
23 be inserted in the district register on top of and along with
24 the permanent registration card. The absentee voter's temporary
25 registration card shall be in the color and form prescribed in
26 subsection (e.1).

27 (5) The following apply:

28 (i) The duties of the county boards of elections and the
29 registration commissions with respect to the insertion of the
30 absentee voter's temporary registration card of an elector from

1 the district register as specified in paragraph (4) shall
2 include only the applications and emergency applications that
3 are received on or before the first Tuesday prior to the primary
4 or election.

5 (ii) In all cases in which applications are received after
6 the first Tuesday prior to the primary or election and before
7 five o'clock P.M. on the first Friday prior to the primary or
8 election, the county board of elections shall:

9 (A) determine the qualifications of the applicant by
10 verifying the proof of identification and comparing the
11 information specified on the application with the information
12 contained on the applicant's duplicate registration card on file
13 in the general register, which is also referred to as the master
14 file, in the office of the registration commission; and

15 (B) cause the name and residence of the applicant, along
16 with the applicant's party enrollment in the case of a primary,
17 to be inserted in the Military, Veterans and Emergency Civilians
18 Absentee Voters File as provided in section 1302.3(b).

19 (iii) The local district boards of elections shall, upon
20 canvassing the official absentee ballots under section 1308,
21 examine the voting check list of the election district of the
22 elector's residence and satisfy itself that the elector did not
23 cast any ballot other than the one properly issued to the
24 elector under the elector's absentee ballot application.

25 (iv) In all cases in which the examination of the local
26 district board of elections discloses that an elector did vote a
27 ballot other than the one properly issued to the elector under
28 the absentee ballot application, the local district board of
29 elections shall thereupon cancel the absentee ballot, and the
30 elector shall be subject to the penalties under this act.

1 (d) [In the event that any] If an application for an
2 official absentee ballot is not approved by the county board of
3 elections, the elector shall be notified immediately to that
4 effect with a statement by the county board of the reasons for
5 the disapproval. For those applicants whose proof of
6 identification was not provided with the application or could
7 not be verified by the board, the board shall send notice to the
8 elector with the absentee ballot requiring the elector to
9 provide proof of identification with the absentee ballot or the
10 ballot will not be counted.

11 (e.1) An absentee voter's temporary registration card shall:

12 (1) be in duplicate;

13 (2) be the same size as the permanent registration card;

14 (3) be in a different and contrasting color to the permanent
15 registration card;

16 (4) contain the absentee voter's name and address;

17 (5) conspicuously contain the words "Absentee Voter"; and

18 (6) contain the affidavit required by section 1306(d)(2).

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

26 Section 2. Section 1302.3 of the act is amended by adding a
27 subsection to read:

28 Section 1302.3. Absentee and Mail-in Electors Files and
29 Lists.--(a.1) The county board of elections shall maintain at
30 its office a file containing the duplicate absentee voter's

1 temporary registration cards of every registered elector to whom
2 an absentee ballot or mail-in ballot has been sent. The
3 following apply:

4 (1) The duplicate absentee voter's temporary registration
5 cards shall be filed by election districts and within each
6 election district in exact alphabetical order and indexed.

7 (2) The registration cards and the registration cards under
8 section 1302.4-D so filed shall:

9 (i) constitute the Registered Absentee and Mail-in Voters
10 File for the Primary or Election of (date of primary or
11 election), which shall be open to public inspection at all times
12 subject to reasonable safeguards, rules and regulations; and

13 (ii) be kept on file for a period commencing the Tuesday
14 prior to the day of the primary or election until the day
15 following the primary or election or the day that the county
16 board of elections certifies the returns of the primary or
17 election, whichever date is later.

18 * * *

19 Section 3. Sections 1303(e), 1304, 1306 and 1308 of the act
20 are amended to read:

21 Section 1303. Official Absentee Voters Ballots.--* * *

22 (e) The official absentee voter ballot shall state that an
23 elector who receives an absentee ballot [pursuant to section
24 1301 and whose voted ballot is not timely received] in
25 accordance with section 1301 by the commission and who, on
26 election day, is capable of voting at the appropriate polling
27 place [may only vote on election day by provisional ballot
28 unless the elector brings the elector's absentee ballot to the
29 elector's polling place, remits the ballot and the envelope
30 containing the declaration of the elector to the judge of

1 elections to be spoiled and signs a statement subject to the
2 penalties under 18 Pa.C.S. § 4904 (relating to unsworn
3 falsification to authorities) to the same effect.] must void the
4 absentee ballot and may only vote at the appropriate polling
5 place.

6 Section 1304. Envelopes for Official Absentee Ballots.--

7 [The] (a) Except as provided in subsection (b), the county
8 boards of election shall provide two additional envelopes for
9 each official absentee ballot of such size and shape as shall be
10 prescribed by the Secretary of the Commonwealth, in order to
11 permit the placing of one within the other and both within the
12 mailing envelope. The following apply:

13 (1) On the smaller of the two envelopes to be enclosed in
14 the mailing envelope shall be printed, stamped or endorsed the
15 words "Official [Election] Absentee Ballot," and nothing else.

16 (2) On the larger of the two envelopes, to be enclosed
17 within the mailing envelope, shall be printed the form of the
18 declaration of the elector, and the name and address of the
19 county board of election of the proper county. The larger
20 envelope shall also contain information indicating the local
21 election district of the absentee voter. [Said]

22 (3) The form of declaration and envelope shall be as
23 prescribed by the Secretary of the Commonwealth and shall
24 contain among other things a statement of the [electors]
25 elector's qualifications, together with a statement that [such]
26 the elector has not already voted in [such] the primary or
27 election.

28 (4) The mailing envelope addressed to the elector shall
29 contain the two envelopes, the official absentee ballot, lists
30 of candidates, when authorized by section [1303 subsection (b)]

1 of this act] 1303(b), the uniform instructions in form and
2 substance as prescribed by the Secretary of the Commonwealth and
3 nothing else.

4 (b) Notwithstanding subsection (a):

5 (1) The envelopes for electors qualified under section
6 1301(a), (b), (c), (d), (e), (f), (g) and (h) must contain the
7 following:

8 (i) Printed across the face of each transmittal or return
9 envelope two parallel horizontal red bars, each one-quarter inch
10 wide, extending from one side of the envelope to the other side,
11 with an intervening space of one-quarter inch, the top bar to be
12 one and one-quarter inches from the top of the envelope and with
13 the words "Official Election Balloting Material via Air Mail"
14 between the bars.

15 (ii) Printed in the upper right corner of each envelope, in
16 a box, the words "Free of U.S. Postage, Including Air Mail."

17 (iii) All printing on the face of each envelope in red.

18 (iv) Printed in red in the upper left corner of each
19 envelope, the name and address of the county board of elections
20 of the proper county or blank lines for return address of the
21 sender.

22 (2) The envelope addressed to the elector may contain
23 absentee registration forms if required and shall contain:

24 (i) Detailed instructions on the procedures to be observed
25 in casting an absentee ballot as prescribed by the Secretary of
26 the Commonwealth.

27 (ii) A return envelope upon which is printed the name and
28 address of the registration commission of the proper county. The
29 return envelope must contain the following:

30 (A) Printed across the face two parallel horizontal red

1 bars, each one-quarter inch wide, extending from one side of the
2 envelope to the other side, with an intervening space of one-
3 quarter inch, the top bar to be one and one-quarter inches from
4 the top of the envelope and with the words "Official Election
5 Balloting Material via Air Mail" between the bars.

6 (B) Printed in the upper right corner of each return
7 envelope, in a box, the words "Free of U.S. Postage, Including
8 Air Mail."

9 (C) All printing on the face of each return envelope in red.

10 (D) In the upper left corner of each return envelope, blank
11 lines for the return address of the sender.

12 Section 1306. Voting by Absentee Electors.--(a) Except as
13 provided in paragraphs (1.1), (2) and (3), at any time after
14 receiving an official absentee ballot, but on or before [eight]
15 five o'clock P.M. the [day of] Friday prior to the primary or
16 election, the elector shall, in secret, proceed to mark the
17 ballot only in black lead pencil, indelible pencil or blue,
18 black or blue-black ink, in fountain pen or ball point pen, and
19 then fold the ballot, enclose and securely seal the same in the
20 envelope on which is printed, stamped or endorsed "Official
21 [Election] Absentee Ballot." [This envelope shall then be placed
22 in the second one, on which is printed the form of declaration
23 of the elector, and the address of the elector's county board of
24 election and the local election district of the elector. The
25 elector shall then fill out, date and sign the declaration
26 printed on such envelope. Such envelope shall then be securely
27 sealed and the elector shall send same by mail, postage prepaid,
28 except where franked, or deliver it in person to said county
29 board of election.]

30 (1.1) An elector who submits an emergency application and

1 receives an absentee ballot in accordance with section
2 1302.1(a.3) (9) shall mark the ballot on or before eight o'clock
3 P.M. on the day of the primary or election. The following apply:

4 (i) The envelope shall then be placed in the second one, on
5 which is printed the form of declaration of the elector and the
6 address of the elector's county board of elections and the local
7 election district of the elector.

8 (ii) The elector shall then fill out, date and sign the
9 declaration printed on the envelope.

10 (iii) The envelope shall then be securely sealed.

11 (iv) The elector shall then send the envelope by mail,
12 postage prepaid, except where franked, or deliver the envelope
13 in person to the appropriate county board of elections.

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

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

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

3

4 (Mark)

5 (Date)

6

7

8 (Complete Address of Witness) (Signature of Witness)

9

10 [(b) (1) Any elector who receives and votes an absentee
11 ballot pursuant to section 1301 shall not be eligible to vote at
12 a polling place on election day. The district register at each
13 polling place shall clearly identify electors who have received
14 and voted absentee ballots as ineligible to vote at the polling
15 place, and district election officers shall not permit electors
16 who voted an absentee ballot to vote at the polling place.

17 (2) An elector who requests an absentee ballot and who is
18 not shown on the district register as having voted the ballot
19 may vote by provisional ballot under section 1210(a.4)(1).

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

29 I hereby declare that I am a qualified registered elector who
30 has obtained an absentee ballot or mail-in ballot. I further
declare that I have not cast my absentee ballot or mail-in

1 ballot, and that instead I remitted my absentee ballot or
2 mail-in ballot and the envelope containing the declaration of
3 the elector to the judge of elections at my polling place to
4 be spoiled and therefore request that my absentee ballot or
5 mail-in ballot be voided.

6 (Date)

7 (Signature of Elector).....(Address of Elector)

8 (Local Judge of Elections)

9 (c) Except as provided under 25 Pa.C.S. § 3511 (relating to
10 receipt of voted ballot), a completed absentee ballot must be
11 received in the office of the county board of elections no later
12 than eight o'clock P.M. on the day of the primary or election.]

13 (d) The following apply:

14 (1) Except in the case of an elector in military service or
15 unable to go to the appropriate polling place because of illness
16 or physical disability, an absentee ballot that is cast by an
17 elector who was entitled to vote an official absentee ballot in
18 a primary or election shall be declared void if the elector:

19 (i) is in the municipality of the elector's residence on the
20 day of the primary or election for which the absentee ballot was
21 issued; or

22 (ii) has recovered from the illness or physical disability
23 sufficiently to permit the elector to be present at the
24 appropriate polling place to cast a ballot.

25 (2) An elector described in paragraph (1)(i) who is in the
26 municipality of the elector's residence and wishes to cast a
27 valid ballot must be present at the appropriate polling place
28 and shall be permitted to vote in the same manner as though the
29 elector did not receive an absentee ballot if the elector has
30 first signed an affidavit, in the presence of the local judge of

1 elections in the appropriate local election district, on the
2 absentee voter's temporary registration card. The affidavit
3 shall be in substantially the following form:

4 I hereby swear that I am a qualified registered elector who
5 has obtained an absentee ballot. However, I am present in the
6 municipality of my residence and physically able to present
7 myself at my polling place and therefore request that my
8 absentee ballot be voided.

9 (Date)

10 (Signature of Elector)

11 (Name and Address of Elector)

12 (Local Judge of Elections)

13 (3) An absentee ballot cast by an elector who signs the
14 affidavit under paragraph (2) shall be declared void.

15 (4) Upon signing the affidavit under paragraph (2), the
16 elector may request to examine the absentee ballot. Upon that
17 request and if the ballot has been delivered to the appropriate
18 polling place, the local judge of elections shall retrieve the
19 elector's sealed absentee ballot and present it to the elector.

20 (5) An elector who has received an absentee ballot under the
21 emergency application provisions of section 1302.1(a.3)(9), and
22 for whom no temporary absentee voter's registration card is in
23 the district register, shall sign the affidavit under paragraph
24 (2) in any case, which the local judge of elections shall then
25 cause to be inserted in the district register with the elector's
26 permanent registration card.

27 Section 1308. Canvassing of Official Absentee Ballots and
28 Mail-in Ballots.--(a) The following apply:

29 (1) The county boards of election, upon receipt of official
30 absentee ballots in sealed official absentee ballot envelopes as

1 provided under this article and mail-in ballots as in sealed
2 official mail-in ballot envelopes as provided under Article
3 XIII-D, shall safely keep the ballots in sealed or locked
4 containers until they [are to be canvassed by the county board
5 of elections. An absentee ballot, whether issued to a civilian,
6 military or other voter during the regular or emergency
7 application period, shall be canvassed in accordance with
8 subsection (g). A mail-in ballot shall be canvassed in
9 accordance with subsection (g).] distribute the ballots to the
10 appropriate local election districts in a manner prescribed by
11 the Secretary of the Commonwealth.

12 (2) Except as provided in subsection (g) and 1302.1(a.3),
13 following the procedures under paragraph (1), the county board
14 of elections shall distribute the absentee ballots and mail-in
15 ballots, unopened, to the absentee or mail-in voter's respective
16 election district concurrently with the distribution of other
17 election supplies. The following apply:

18 (i) Absentee ballots and mail-in ballots shall be canvassed
19 immediately and continuously without interruption until
20 completed after the close of the polls on the day of the
21 election in each election district.

22 (ii) The results of the canvass of the absentee ballots and
23 mail-in ballots shall be included in and returned to the county
24 board with the returns of that district.

25 (iii) Except as provided in subsection (g) and 1302.1(a.3),
26 an absentee ballot shall not be counted if received in the
27 office of the county board of election later than five o'clock
28 P.M. on the Friday immediately preceding the primary or
29 election.

30 (iv) A mail-in ballot shall not be counted if received in

1 the office of the county board of election later than five
2 o'clock P.M. on the Friday immediately preceding the primary or
3 election.

4 (b) Watchers shall be permitted to be present when the
5 envelopes containing official absentee ballots and mail-in
6 ballots are opened and when such ballots are counted and
7 recorded.

8 (c.1) In all election districts in which electronic voting
9 systems are used, absentee ballots and mail-in ballots shall be
10 opened at the election district, checked for write-in votes in
11 accordance with section 1113-A and then either hand-counted or
12 counted by means of the automatic tabulation equipment, whatever
13 the case may be.

14 (d) Whenever it shall appear by due proof that any absentee
15 elector or mail-in elector who has returned his ballot in
16 accordance with the provisions of this act has died prior to the
17 opening of the polls on the day of the primary or election, the
18 ballot of such deceased elector shall be rejected by the
19 canvassers but the counting of the ballot of an absentee elector
20 or a mail-in elector thus deceased shall not of itself
21 invalidate any nomination or election.

22 (e.1) The local election board shall further examine the
23 declaration on each envelope labeled "Official Absentee Ballot"
24 that is not set aside and shall compare the information thereon
25 with that contained in the "Registered Absentee Voters File,"
26 the absentee voters' list and the "Military Veterans and
27 Emergency Civilians Absentee Voters File." The following apply:

28 (1) If the local election board is satisfied that the
29 declaration is sufficient and the information contained in the
30 "Registered Absentee Voters File," the absentee voters' list and

1 the "Military Veterans and Emergency Civilians Absentee Voters
2 File" verifies the elector's right to vote, the local election
3 board shall announce the name of the elector and shall give a
4 watcher present an opportunity to challenge the absentee elector
5 upon the grounds that the absentee elector:

6 (i) is not a qualified elector;

7 (ii) was within the municipality of the elector's residence
8 on the day of the primary or election during the period the
9 polls were open, except if the elector is in military service or
10 unable to appear personally at the polling place because of
11 illness or physical disability; or

12 (iii) was able to appear personally at the polling place on
13 the day of the primary or election during the period the polls
14 were open in the case a ballot was obtained for the reason that
15 the elector was unable to appear personally at the polling place
16 because of illness or physical disability.

17 (2) Upon challenge of an absentee elector in accordance with
18 this subsection, the local election board shall mark
19 "challenged" on the envelope together with the reason or reasons
20 for the challenge. The envelope and the reason or reasons for
21 the challenge shall be set aside for return to the county board
22 unopened pending decision by the county board and shall not be
23 counted.

24 (e.2) The local election board shall further examine the
25 declaration on each envelope labeled "Official Mail-in Ballot"
26 that is not set aside and shall compare the information thereon
27 with that contained in the "Registered Mail-in Voters File," the
28 mail-in voters' list, the voting check list and the numbered
29 lists of voters. The following apply:

30 (1) If the local election board is satisfied that the

1 declaration is sufficient and the information contained in the
2 "Registered Mail-in Voters File," the mail-in voters' list, the
3 voting check list and the numbered lists of voters verifies the
4 elector's right to vote and does not show the voter as having
5 voted in person at the polls, the local election board shall
6 announce the name of the elector and shall give a watcher
7 present an opportunity to challenge the mail-in elector upon the
8 grounds that the mail-in voter:

9 (i) is not a qualified elector; or

10 (ii) was within the municipality of the elector's residence
11 on the day of the primary or election during the period the
12 polls were open and appeared at the polling location and cast a
13 ballot in person.

14 (2) Upon challenge of a mail-in elector in accordance with
15 this subsection, the local election board shall mark
16 "challenged" on the envelope together with the reason or reasons
17 for the challenge. The envelope and the reason or reasons for
18 the challenge shall be set aside for return to the county board
19 unopened pending decision by the county board and shall not be
20 counted.

21 (e.3) All absentee ballots and mail-in ballots not
22 challenged for any of the reasons provided in subsection (e.1)
23 or (e.2) shall be counted and included with the general return
24 of paper ballots or voting machines, as the case may be in
25 accordance with the following:

26 (1) The local election board shall open the envelope of
27 every unchallenged absentee elector or mail-in elector in a
28 manner as not to destroy the declaration executed thereon.

29 (2) All of the envelopes on which are printed, stamped or
30 endorsed the words "Official Absentee Ballot" or "Official Mail-

1 in Ballot" shall be placed in one or more depositories at one
2 time. The following apply:

3 (i) Each depository shall be well shaken so that the
4 envelopes are mixed before any envelope is taken from the
5 depository.

6 (ii) If any of the envelopes contain any extraneous marks or
7 identifying symbols other than the words "Official Absentee
8 Ballot" or "Official Mail-in Ballot," the envelopes and the
9 ballots contained therein shall be set aside and declared void.

10 (iii) The local election board shall then break the seals of
11 the envelopes, remove the ballots and record the votes in the
12 same manner as district election officers are required to record
13 votes.

14 (iv) Challenged ballots shall be returned to the county
15 board with the returns of the local election district where they
16 shall be placed unopened in a secure, safe and sealed container
17 in the custody of the county board until the county board
18 schedules a time and place for a formal hearing of all the
19 challenges. The following apply:

20 (A) Notice of the hearing shall be given where possible to
21 all absentee electors challenged and to each attorney, watcher
22 or candidate who made any challenge.

23 (B) The time for the hearing shall not be later than seven
24 (7) days after the date of the challenge.

25 (C) On the day of the hearing, the county board shall
26 proceed without delay to hear the challenges.

27 (D) The county board shall not be bound by technical rules
28 of evidence in considering the testimony during the hearing.

29 (E) The testimony presented at the hearing shall be
30 stenographically recorded and made part of the record of the

1 hearing.

2 (F) The decision of the county board in upholding or
3 dismissing any challenge may be reviewed by the court of common
4 pleas of the county upon a petition filed by any person
5 aggrieved by the decision of the county board.

6 (G) An appeal must be taken within two (2) days after the
7 decision of the county board, whether or not the decision is
8 reduced to writing, to the court of common pleas specifying the
9 objections to the county board's decision and requesting an
10 order reversing the decision.

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

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

19 (f) Any person challenging an application for an absentee
20 ballot, an absentee ballot, an application for a mail-in ballot
21 or a mail-in ballot for any of the reasons provided in this act
22 shall deposit the sum of ten dollars (\$10.00) in cash with the
23 county board, in the case of a challenge made to the county
24 board, or with the local election board, in the case of a
25 challenge made to the local election board, for which the person
26 shall be issued a receipt for each challenge made, which sum
27 shall only be refunded if the challenge is sustained or if the
28 challenge is withdrawn within five (5) days after the primary or
29 election. If the challenge is dismissed by any lawful order then
30 the deposit shall be forfeited. All deposit money received by

1 the local election board shall be turned over to the county
2 board simultaneously with the return of the challenged ballots.

3 The county board shall deposit all deposit money in the general
4 fund of the county.

5 Notice of the requirements of subsection (b) of section 1306
6 shall be printed on the envelope for the absentee ballot or
7 mail-in ballot.

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

14 [(ii) An absentee ballot cast by any absentee elector as
15 defined in section 1301(i), (j), (k), (l), (m) and (n), an
16 absentee ballot under section 1302(a.3) or a mail-in ballot cast
17 by a mail-in elector shall be canvassed in accordance with this
18 subsection if the absentee ballot or mail-in ballot is received
19 in the office of the county board of elections no later than
20 eight o'clock P.M. on the day of the primary or election.

21 (1.1) The county board of elections shall meet no earlier
22 than seven o'clock A.M. on election day to pre-canvass all
23 ballots received prior to the meeting. A county board of
24 elections shall provide at least forty-eight hours' notice of a
25 pre-canvass meeting by publicly posting a notice of a pre-
26 canvass meeting on its publicly accessible Internet website. One
27 authorized representative of each candidate in an election and
28 one representative from each political party shall be permitted
29 to remain in the room in which the absentee ballots and mail-in
30 ballots are pre-canvassed. No person observing, attending or

1 participating in a pre-canvass meeting may disclose the results
2 of any portion of any pre-canvass meeting prior to the close of
3 the polls.]

4 (2) The county board of elections shall meet [no earlier
5 than the close of polls on the day of the election and no later
6 than the third day following the election to begin canvassing
7 absentee ballots and mail-in ballots not included in the pre-
8 canvass meeting. The meeting under this paragraph shall continue
9 until all absentee ballots and mail-in ballots received prior to
10 the close of the polls have been canvassed. The county board of
11 elections shall not record or publish any votes reflected on the
12 ballots prior to the close of the polls. The canvass process
13 shall continue through the eighth day following the election for
14 valid military-overseas ballots timely received under 25 Pa.C.S.
15 § 3511 (relating to receipt of voted ballot). A county board of
16 elections shall provide at least forty-eight hours' notice of a
17 canvass meeting by publicly posting a notice on its publicly
18 accessible Internet website.] on the eighth day following the
19 election to canvass the absentee ballots and mail-in ballots
20 received under this subsection and subsection (h) (2). One
21 authorized representative of each candidate in an election and
22 one representative from each political party shall be permitted
23 to remain in the room in which the absentee ballots and mail-in
24 ballots are canvassed.

25 (3) When the county board meets to [pre-canvass or] canvass
26 absentee ballots and mail-in ballots under [paragraphs (1),
27 (1.1) and] paragraph (2), the board shall examine the
28 declaration on the envelope of each ballot not set aside under
29 subsection (d) and shall compare the information thereon with
30 that contained in the "Registered Absentee and Mail-in Voters

1 File," the absentee voters' list and/or the "Military Veterans
2 and Emergency Civilians Absentee Voters File," whichever is
3 applicable. The following apply:

4 (i) If the county board has verified the proof of
5 identification as required under this act and is satisfied that
6 the declaration is sufficient and the information contained in
7 the "Registered Absentee and Mail-in Voters File," the absentee
8 voters' list and/or the "Military Veterans and Emergency
9 Civilians Absentee Voters File" verifies [his] the elector's
10 right to vote, the county board shall [provide a list of the
11 names of electors whose absentee ballots or mail-in ballots are
12 to be pre-canvassed or canvassed.] announce the name of the
13 elector and shall give any candidate representative or party
14 representative present an opportunity to challenge any absentee
15 elector or mail-in elector upon the grounds that:

16 (A) the absentee elector or mail-in elector is not a
17 qualified elector; or

18 (B) the absentee elector was able to appear personally at
19 the polling place on the day of the primary or election during
20 the period the polls were open in the case the elector's ballot
21 was obtained for the reason that the elector was unable to
22 appear personally at the polling place because of illness or
23 physical disability.

24 (ii) Upon challenge of any absentee elector or mail-in
25 elector, in accordance with this section, the board shall mark
26 "challenged" on the envelope together with the reasons for the
27 challenge, and the ballot shall be set aside unopened pending
28 final determination of the challenge according to the procedure
29 described in paragraph (5).

30 (4) All absentee ballots [which have not been challenged

1 under section 1302.2(c) and all mail-in ballots which have not
2 been challenged under section 1302.2-D(a)(2) and that have been
3 verified under] and mail-in ballots not challenged for any of
4 the reasons provided in paragraph (3) shall be counted and
5 included with the returns of the applicable election district as
6 follows:

7 (i) The county board shall open the envelope of every
8 unchallenged absentee elector and mail-in elector in such manner
9 as not to destroy the declaration executed thereon.

10 (ii) If any of the envelopes on which are printed, stamped
11 or endorsed the words "Official [Election] Absentee Ballot" or
12 "Official Mail-in Ballot" contain any text, mark or symbol which
13 reveals the identity of the elector, the elector's political
14 affiliation or the elector's candidate preference, the envelopes
15 and the ballots contained therein shall be set aside and
16 declared void.

17 (iii) The county board shall then break the seals of such
18 envelopes, remove the ballots and count, compute and tally the
19 votes.

20 [(iv) Following the close of the polls, the county board
21 shall record and publish the votes reflected on the ballots.]

22 (5) Ballots received whose applications have been challenged
23 and ballots which have been challenged shall be placed unopened
24 in a secure, safe and sealed container in the custody of the
25 county board until [it shall fix] the county board schedules a
26 time and place for a formal hearing of all [such] the
27 challenges[, and notice]. The following apply:

28 (i) Notice of the hearing shall be given where possible to
29 all absentee electors and mail-in electors thus challenged and
30 to every individual who made a challenge.

1 (ii) The time for the hearing shall not be later than seven
2 (7) days after the deadline for all challenges to be filed.

3 (iii) On the day [~~fixed for said~~] of the hearing, the county
4 board shall proceed without delay to hear [~~said challenges, and,~~
5 ~~in hearing the testimony, the~~] the challenges.

6 (iv) The county board shall not be bound by the Pennsylvania
7 Rules of Evidence[.] in considering the testimony during the
8 hearing.

9 (v) The testimony presented at the hearing shall be
10 stenographically recorded and made part of the record of the
11 hearing.

12 (6) The decision of the county board in upholding or
13 dismissing any challenge may be reviewed by the court of common
14 pleas of the county upon a petition filed by any person
15 aggrieved by the decision of the county board. [~~The~~] An appeal
16 [~~shall~~] must be taken[,] within two (2) days after the decision
17 was made, whether or not the decision was reduced to writing [~~or~~
18 ~~not~~], to the court of common pleas [~~setting forth~~] specifying
19 the objections to the county board's decision and [~~praying for~~]
20 requesting an order reversing the decision.

21 (7) Pending the final determination of all appeals, the
22 county board shall suspend any action in canvassing and
23 computing all challenged ballots received under this subsection
24 irrespective of whether or not appeal was taken from the county
25 board's decision. Upon completion of the computation of the
26 returns of the county, the votes cast upon the challenged
27 official absentee ballots that have been finally determined to
28 be valid shall be added to the other votes cast within the
29 county.

30 (h) For those absentee ballots or mail-in ballots for which

1 proof of identification has not been received or could not be
2 verified:

3 (1.1) If the proof of identification is received and
4 verified by the county board of elections prior to the
5 distribution of the absentee ballots and mail-in ballots to the
6 local election districts, the county board shall distribute the
7 absentee ballots and mail-in ballots for which proof of
8 identification is received and verified, along with the other
9 absentee ballots and mail-in ballots, to the absentee voter's or
10 mail-in voter's respective election district. If the county
11 board of elections does not receive or is not able to verify the
12 proof of identification for an elector prior to the absentee
13 ballots and mail-in ballots being sent to the appropriate local
14 election districts, the county board shall keep the absentee
15 ballot or mail-in ballot and follow the procedures specified in
16 paragraph (2) or (3), whichever is applicable.

17 (2) If the proof of identification is received and verified
18 after the absentee ballots and mail-in ballots have been
19 distributed to the appropriate local election districts but
20 prior to the sixth calendar day following the election, then the
21 county board of elections shall canvass the absentee ballots and
22 mail-in ballots under this subsection in accordance with
23 subsection (g) (2) [.] , unless the elector appeared to vote at the
24 appropriate polling place for the purposes of casting a ballot,
25 in which case the absentee ballot cast by that elector shall be
26 declared void.

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

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

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

9 Section 1309.1. Violation of Provisions Relating to Absentee
10 Voting.--(a) Except as provided in subsection (b), a person who
11 violates any of the provisions of this act relating to absentee
12 voting shall, unless otherwise provided, be subject to the
13 penalties specified under section 1850.

14 (b) A person who knowingly assists another person who is not
15 a qualified absentee elector in filling out an absentee ballot
16 application or absentee ballot commits a misdemeanor of the
17 third degree.

18 Section 5. Sections 1302-D(a), (b) (1) and (2), (c), (f) and
19 (g) (1), 1302.1-D and 1302.2-D of the act are amended to read:
20 Section 1302-D. Applications for official mail-in ballots.

21 (a) General rule.--A qualified mail-in elector [under
22 section 1301-D] may apply at any time before any primary or
23 election for an official mail-in ballot in person or on any
24 official county board of election form addressed to the
25 Secretary of the Commonwealth or the county board of election of
26 the county in which the qualified mail-in elector's voting
27 residence is located.

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

29 (1) The qualified mail-in elector's application shall
30 contain the following information:

- 1 (i) Date of birth.
- 2 (ii) Length of time a resident of voting district.
- 3 (iii) Voting district, if known.
- 4 (iv) Party choice in case of primary.
- 5 (v) Name.

6 (2) A qualified mail-in elector shall, in addition,
7 specify the address to which the ballot is to be sent, the
8 relationship where necessary and other information as may be
9 determined by the Secretary of the Commonwealth.

10 * * *

11 (c) Signature required.--Except as provided in subsection
12 (d), the application of a qualified mail-in elector [under
13 section 1301-D] for an official mail-in ballot in any primary or
14 election shall be signed by the applicant.

15 * * *

16 (f) Form.--Application for an official mail-in ballot shall
17 be on physical and electronic forms prescribed by the Secretary
18 of the Commonwealth. [The application shall state that a voter
19 who applies for a mail-in ballot under section 1301-D shall not
20 be eligible to vote at a polling place on election day unless
21 the elector brings the elector's mail-in ballot to the elector's
22 polling place, remits the ballot and the envelope containing the
23 declaration of the elector to the judge of elections to be
24 spoiled and signs a statement subject to the penalties under 18
25 Pa.C.S. § 4904 (relating to unsworn falsification to
26 authorities) to the same effect.] The physical application forms
27 shall be made freely available to the public at county board of
28 elections, municipal buildings and at other locations designated
29 by the Secretary of the Commonwealth. The electronic application
30 forms shall be made freely available to the public through

1 publicly accessible means. No written application or personal
2 request shall be necessary to receive or access the application
3 forms. Copies and records of all completed physical and
4 electronic applications for official mail-in ballots shall be
5 retained by the county board of elections.

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

7 (1) Any qualified registered elector may request to be
8 placed on a permanent mail-in ballot list file at any time
9 during the calendar year. A mail-in ballot application shall
10 be mailed to every person otherwise eligible to receive a
11 mail-in ballot application by the first Monday in February
12 each year or within 48 hours of receipt of the request,
13 whichever is later, so long as the person does not lose the
14 person's voting rights [by failure to vote as otherwise
15 required by this act]. A mail-in ballot application mailed to
16 an elector under this section, which is completed and timely
17 returned by the elector, shall serve as an application for
18 any and all primary, general or special elections to be held
19 in the remainder of that calendar year and for all special
20 elections to be held before the third Monday in February of
21 the succeeding year.

22 * * *

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

24 (a) General rule.--Applications for mail-in ballots shall be
25 received in the office of the county board of elections not
26 earlier than 50 days before the primary or election[, except
27 that if a county board of elections determines that it would be
28 appropriate to the county board of elections' operational needs,
29 any applications for mail-in ballots received more than 50 days
30 before the primary or election may be processed before that

1 time. Applications for mail-in ballots shall be processed if
2 received] and not later than five o'clock P.M. of the first
3 Tuesday prior to the day of any primary or election.

4 (b) Early applications.--In the case of an elector whose
5 application for a mail-in ballot is received by the office of
6 the county board of elections earlier than 50 days before the
7 primary or election, the application shall be held and processed
8 upon commencement of the 50-day period [or at such earlier time
9 as the county board of elections determines may be appropriate].

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

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

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

21 (2) The approval decision shall be final and binding,
22 except that challenges may be made only on the grounds that
23 the applicant [was not a qualified elector] did not possess
24 the qualifications of a mail-in elector.

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

1 on the grounds that the elector used an application for an
2 absentee ballot instead of an application for a mail-in
3 ballot.]

4 (4) When approved, the registration commission shall
5 cause a mail-in voter's [record] temporary registration card
6 to be inserted in the district register [as prescribed by the
7 Secretary of the Commonwealth.] on top of and along with the
8 permanent registration card.

9 (6) The mail-in voter's temporary registration card
10 shall be in the color and form prescribed under subsection
11 (e).

12 (b) Duties of county boards of elections and registration
13 commissions.--The duties of the county boards of elections and
14 the registration commissions with respect to the insertion of
15 the mail-in voter's [record] temporary registration card shall
16 include only the applications as are received on or before the
17 first Tuesday prior to the primary or election.

18 (c) Notice.--In the event that an application for an
19 official mail-in ballot is not approved by the county board of
20 elections, the elector shall be notified immediately with a
21 statement by the county board of the reasons for the
22 disapproval. For applicants whose proof of identification was
23 not provided with the application or could not be verified by
24 the board, the board shall send notice to the elector with the
25 mail-in ballot requiring the elector to provide proof of
26 identification with the mail-in ballot or the ballot will not be
27 counted.

28 (e) Temporary registration card.--The mail-in voter's
29 temporary registration card shall:

30 (1) Be in duplicate.

1 (2) Be the same size as the permanent registration card.

2 (3) Be in a different and contrasting color to the
3 permanent registration card.

4 (4) Contain the mail-in voter's name and address.

5 (5) Conspicuously contain the words "Mail-in Voter."

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

7 Section 1302.4-D. Mail-in electors' files and lists.

8 (a) Maintenance of records.--The county board of elections
9 shall maintain at its office a file containing the duplicate
10 mail-in voter's temporary registration cards of every registered
11 elector to whom a mail-in ballot has been sent.

12 (b) Filing.--The duplicate mail-in voter's temporary
13 registration cards shall be filed by election districts and
14 within each election district in exact alphabetical order and
15 indexed.

16 (c) Inclusion in files.--The registration cards filed shall
17 be included in the Registered Absentee and Mail-in Voters File
18 for the Primary or Election of (date of primary or election) in
19 accordance with this act.

20 Section 7. Sections 1303-D(e), 1304-D(a) and 1306-D(a) and
21 (b) of the act are amended to read:

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

23 * * *

24 (e) Notice.--The official mail-in voter ballot shall state
25 that [a voter] an elector who receives and votes a mail-in
26 ballot under section 1301-D and whose voted [mail-in ballot is
27 not timely received may only vote on election day by provisional
28 ballot unless the elector brings the elector's mail-in ballot to
29 the elector's polling place, remits the ballot and the envelope
30 containing the declaration of the elector to the judge of

1 elections to be spoiled and signs] ballot is timely received by
2 the commission may only vote on election day by appearing at the
3 appropriate polling place, spoiling the mail-in ballot and
4 signing a statement subject to the penalties of 18 Pa.C.S. §
5 4904 (relating to unsworn falsification to authorities) to the
6 same effect.

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

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

22 * * *

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

24 (a) General rule.--At any time after receiving an official
25 mail-in ballot, but on or before [eight] five o'clock P.M. the
26 [day of] Friday prior to the primary or election, the mail-in
27 elector shall, in secret, proceed to mark the ballot only in
28 black lead pencil, indelible pencil or blue, black or blue-black
29 ink, in fountain pen or ball point pen, and then fold the
30 ballot, enclose and securely seal the same in the envelope on

1 which is printed, stamped or endorsed "Official [Election] Mail-
2 in Ballot." This envelope shall then be placed in the second
3 one, on which is printed the form of declaration of the elector,
4 and the address of the elector's county board of election and
5 the local election district of the elector. The elector shall
6 then fill out, date and sign the declaration printed on such
7 envelope. Such envelope shall then be securely sealed and the
8 elector shall send same by mail, postage prepaid, except where
9 franked, or deliver it in person to said county board of
10 election.

11 * * *

12 (b) Eligibility.--

13 [(1) Any elector who receives and votes a mail-in ballot
14 under section 1301-D shall not be eligible to vote at a
15 polling place on election day. The district register at each
16 polling place shall clearly identify electors who have
17 received and voted mail-in ballots as ineligible to vote at
18 the polling place, and district election officers shall not
19 permit electors who voted a mail-in ballot to vote at the
20 polling place.]

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

24 (3) Notwithstanding paragraph (2), an elector who
25 requests a mail-in ballot and who is not shown on the
26 district register as having voted the ballot may vote at the
27 polling place if the elector remits the ballot and the
28 envelope containing the declaration of the elector to the
29 judge of elections to be spoiled and the elector signs a
30 statement subject to the penalties of 18 Pa.C.S. § 4904

1 (relating to unsworn falsification to authorities) which
2 shall be in substantially the following form:

3 I hereby declare that I am a qualified registered elector
4 who has obtained an absentee ballot or mail-in ballot. I
5 further declare that I have not cast my absentee ballot or
6 mail-in ballot, and that instead I remitted my absentee
7 ballot or mail-in ballot to the judge of elections at my
8 polling place to be spoiled and therefore request that my
9 absentee ballot or mail-in ballot be voided.

10 (Date)

11 (Signature of Elector).....(Address of Elector)

12 (Local Judge of Elections)]

13 (4) An elector who receives and votes a mail-in ballot
14 under section 1301-D may be present at the appropriate
15 polling place and shall be permitted to vote in the same
16 manner as the elector could have voted had the elector not
17 received a mail-in ballot, if the elector has first signed an
18 affidavit in the presence of the judge of elections in the
19 appropriate local election district, on the elector's
20 temporary registration card. The affidavit shall be in
21 substantially the following form:

22 I hereby swear that I am a qualified registered elector
23 who has obtained a mail-in ballot. However, I am present
24 in the municipality of my residence and physically able
25 to present myself at my polling place and therefore
26 request that my mail-in ballot be voided.

27 (Date)

28 (Signature of Elector)

29 (Name and Address of Elector)

30 (Local Judge of Elections)

1 (5) A mail-in ballot cast by an elector who signs the
2 affidavit under paragraph (4) shall be declared void.

3 (6) Upon signing the affidavit under paragraph (4), the
4 elector may request to examine the mail-in ballot. Upon that
5 request and if the ballot has been delivered to the
6 appropriate polling place, the judge of elections shall
7 retrieve the sealed envelope containing the elector's ballot,
8 open the sealed envelope containing the ballot, draw the
9 letter "x" across the face of the ballot, write the word
10 "spoiled" on the face of the ballot in permanent marker and
11 present the ballot to the elector.

12 * * *

13 Section 8. The act is amended by adding a section to read:
14 Section 1309-D. Violation of provisions relating to mail-in
15 voting.

16 (a) General rule.--Except as provided under subsection (b),
17 a person who violates any of the provisions of this act relating
18 to mail-in voting shall, unless otherwise provided, be subject
19 to the penalties specified under section 1850.

20 (b) Exception.--A person who knowingly assists another
21 person who is not a qualified mail-in voter in filling out a
22 mail-in ballot application or mail-in ballot commits a
23 misdemeanor of the third degree.

24 Section 9. This act shall take effect in 60 days.