
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1318 Session of
2005

INTRODUCED BY PRIME SPONSOR WITHDREW, BARRAR, CLYMER, ARGALL,
BALDWIN, BENNINGHOFF, CALTAGIRONE, COHEN, CORRIGAN,
CREIGHTON, DALLY, DIVEN, FRANKEL, GOOD, GOODMAN, HARHAI,
HARRIS, HUTCHINSON, LaGROTTA, MUNDY, NAILOR, O'NEILL, ROONEY,
RUFFING, SANTONI, SAYLOR, STABACK, E. Z. TAYLOR, THOMAS,
TIGUE, VEON, WANSACZ AND YUDICHAK, APRIL 11, 2005

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
FEBRUARY 1, 2006

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," providing for requirements relating to voter
12 identification; further providing for powers and duties of
13 county boards, FOR COMPENSATION OF DISTRICT ELECTION OFFICERS, for polling places selected by county boards, for
14 public buildings to be used where possible and portable
15 polling places and for prohibiting polling places in
16 buildings where malt or brewed beverages or liquors are sold;
17 providing for polling places in other buildings; further
18 providing for nominations by political bodies and for
19 affidavits of candidates; providing for restrictions on
20 voting by convicted felons; and further providing for opening
21 of polls, posting cards of instruction and notices of
22 penalties and voters' rights and examination of voting
23 machines, for voting procedures, for manner of applying to
24 vote, for date of application for absentee ballots, for
25 canvassing of official absentee ballots and for violation of
26 provisions relating to absentee voting.
27

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28 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
3 as the Pennsylvania Election Code, is amended by adding a
4 section to read:

5 Section 206. Requirements Relating to Voter
6 Identification.--(a) The Secretary of the Commonwealth shall
7 prepare and disseminate information to the public regarding the
8 identification requirements established under section 1210.

9 (b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)
10 (relating to issuance and content of driver's license) to the
11 contrary, the Department of Transportation shall issue an
12 identification card described in 75 Pa.C.S. § 1510(b) at no cost
13 to any registered elector who has made application therefor and
14 has included with the completed application a signed affidavit
15 stating that the elector is unable to obtain another form of
16 photo identification, including a driver's license, that the
17 elector is unable to pay the required fee for the identification
18 card and that the elector is a registered elector as defined in
19 25 Pa.C.S. § 1102 (relating to definitions).

20 (c) The Secretary of the Commonwealth shall prepare the form
21 of the affidavit described in subsection (b) and shall
22 distribute the form to the counties and the Department of
23 Transportation. The Secretary of the Commonwealth, the Secretary
24 of Transportation and the county boards of election shall
25 disseminate information to the public regarding the availability
26 of identification cards under subsection (b).

27 Section 2. Section 302(b) of the act, amended October 8,
28 2004 (P.L.807, No.97), is amended to read:

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

7 * * *

8 ~~Section 2.1. Section 526 of the act is amended to read:~~ <—

9 SECTION 2.1. SECTION 412.2 OF THE ACT, ADDED DECEMBER 9, <—
10 2002 (P.L.1246, NO.150), IS AMENDED TO READ:

11 SECTION 412.2. COMPENSATION OF DISTRICT ELECTION OFFICERS.--

12 (A) IN ALL COUNTIES REGARDLESS OF CLASS, THE COMPENSATION OF
13 JUDGES OF ELECTION, INSPECTORS OF ELECTION, CLERKS AND MACHINE
14 OPERATORS SHALL BE FIXED BY THE COUNTY BOARD OF ELECTIONS FOR
15 EACH ELECTION IN ACCORDANCE WITH THE FOLLOWING:

16	ELECTION OFFICERS	MINIMUM	MAXIMUM
17		COMPENSATION	COMPENSATION
18	JUDGES OF ELECTION	[\$45] <u>\$75</u>	\$200
19	INSPECTORS OF ELECTION	[\$45] <u>\$75</u>	\$195
20	CLERKS AND MACHINE OPERATORS	[\$40] <u>\$70</u>	\$195

21 (B) IF A COUNTY BOARD OF ELECTIONS AUTHORIZES THAT THE
22 DUTIES OF A CLERK OF ELECTIONS OR MACHINE OPERATOR MAY BE
23 PERFORMED BY TWO INDIVIDUALS WHO EACH PERFORM SUCH DUTIES FOR
24 ONE-HALF OF AN ELECTION DAY, SUCH INDIVIDUALS SHALL EACH BE
25 COMPENSATED AT ONE-HALF OF THE RATE AUTHORIZED FOR A SINGLE
26 INDIVIDUAL WHO PERFORMS THE DUTIES FOR THE ENTIRE ELECTION DAY.

27 (C) THE COUNTY BOARD OF ELECTIONS MAY, IN ITS DISCRETION,
28 ESTABLISH DIFFERENT PER DIEM RATES WITHIN THE MINIMA AND MAXIMA
29 PROVIDED FOR IN SUBSECTION (A) BASED ON THE NUMBER OF VOTES CAST
30 FOR THE FOLLOWING GROUPS:

1 (1) 150 VOTES OR FEWER.

2 (2) 151 TO 300 VOTES.

3 (3) 301 TO 500 VOTES.

4 (4) 501 TO 750 VOTES.

5 (5) 751 VOTES AND OVER.

6 (D) FOR TRANSMITTING RETURNS OF ELECTIONS AND THE BALLOT BOX
7 OR BOXES, ALL JUDGES OF ELECTION SHALL BE ENTITLED TO RECEIVE
8 THE ADDITIONAL SUM OF TWENTY DOLLARS (\$20).

9 (E) THE COUNTY BOARD OF ELECTIONS MAY, IN ITS DISCRETION,
10 REQUIRE THE MINORITY INSPECTOR OF ELECTION TO ACCOMPANY THE
11 JUDGE OF ELECTION IN TRANSMITTING THE RETURNS OF ELECTIONS, IN
12 WHICH CASE THE MINORITY INSPECTOR OF ELECTION SHALL BE ENTITLED
13 TO RECEIVE THE ADDITIONAL SUM OF TWENTY DOLLARS (\$20).

14 (F) THE PERSON FURNISHING TRANSPORTATION TO THE JUDGE OF
15 ELECTION AND THE MINORITY INSPECTOR IN TRANSMITTING RETURNS AND
16 BALLOT BOXES SHALL BE ENTITLED TO A MINIMUM OF THIRTY-FIVE CENTS
17 (35¢) PER CIRCULAR MILE FROM THE POLLING PLACE TO THE COUNTY
18 COURT HOUSE. THE NAME OF SUCH PERSON SHALL APPEAR ON THE VOUCHER
19 OF THE JUDGE OF ELECTION, AND ONLY ONE PERSON SHALL RECEIVE
20 MILEAGE COMPENSATION.

21 (G) A CONSTABLE OR DEPUTY CONSTABLE PERFORMING DUTIES UNDER
22 SECTION 1207 OF THIS ACT SHALL RECEIVE COMPENSATION AT THE SAME
23 RATE PAYABLE TO AN INSPECTOR.

24 (H) WHEN A PRIMARY AND SPECIAL ELECTION OR A SPECIAL
25 ELECTION AND A GENERAL OR MUNICIPAL ELECTION TAKE PLACE ON THE
26 SAME DATE, THEY SHALL BE CONSTRUED AS ONE ELECTION FOR THE
27 PURPOSE OF RECEIVING COMPENSATION.

28 (I) COMPENSATION AND OTHER PAYMENTS RECEIVED BY ELECTION
29 OFFICIALS PURSUANT TO THIS SECTION SHALL NOT BE DEEMED INCOME
30 CLASSIFIED AND CATEGORIZED UNDER SECTION 303 OF THE ACT OF MARCH

1 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX REFORM CODE OF 1971."

2 SECTION 2.2. SECTION 526 OF THE ACT IS AMENDED TO READ:

3 Section 526. Polling Places to Be Selected by County

4 Board.--

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

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

28 (c) The county board of elections shall publicly announce,
29 not less than twenty days prior to the primary election, special
30 election, municipal election or general election, by posting at

1 its office in a conspicuous place, a list of the places at which
2 the election is to be held in the various election districts of
3 the county. The list shall be available for public inspection at
4 the office of the county board of elections.

5 Section 3. Section 527(a) of the act, amended July 1, 1987
6 (P.L.178, No.20), is amended to read:

7 Section 527. Public Buildings to Be Used Where Possible;
8 Portable Polling Places.--(a) In selecting polling places, the
9 county board of elections shall, wherever possible and
10 practicable, select schoolhouses, municipal buildings or rooms,
11 or other public buildings for that purpose. Any board of public
12 education or school directors, or county or the municipal
13 authorities shall, upon request of the county board, make
14 arrangements for the use of school property, or of county or
15 municipal property for polling places. In selecting polling
16 places, the county board of elections shall make every effort to
17 select polling places that provide all electors with an
18 environment that is free from intimidation and violence.

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

1 more polling places may be located in the same public building
2 under this section. A polling place may be selected and
3 designated hereunder less than ten days prior to any election,
4 with the approval of a court of competent jurisdiction.

5 * * *

6 Section 4. Section 529 of the act is amended to read:

7 Section 529. Polling Places in Buildings or Rooms Where Malt
8 or Brewed Beverages or Liquors [Sold] Dispensed Prohibited.--
9 [No] (a) Except as provided in subsection (c), no election
10 shall be held in any room [or building, any part of which is
11 used for the sale or serving of] where malt or brewed beverages
12 or liquors[.] are dispensed. No malt or brewed beverages or
13 liquors may be served in a building where a polling place is
14 located during the hours that the polling place is open.

15 (b) The polling place must be accessible from an outside
16 entrance that does not require passageway through the room where
17 malt or brewed beverages or liquors are dispensed.

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

24 (d) No election may be held in a building where malt or
25 brewed beverages or liquors are dispensed, unless the county
26 board of elections certifies that no public building is
27 available under section 527.

28 Section 5. The act is amended by adding a section to read:

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

1 (1) A private residence unless the county board of elections
2 certifies that no public building is available under section <—
3 527. CERTIFIES THAT: <—

4 (I) ACCESS TO THE POLLING PLACE LOCATED WITHIN THE PRIVATE
5 RESIDENCE IS ACCESSIBLE IN A MANNER SUCH THAT ACCESS TO THE
6 LOCATION QUALIFIES AS A PLACE OF PUBLIC ACCOMMODATION UNDER THE
7 AMERICANS WITH DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336, 104
8 STAT. 327); AND

9 (II) THE PRIVATE RESIDENCE IS A LOCATION FREE OF
10 INTIMIDATION AND HARASSMENT.

11 (2) An abandoned building.

12 (3) A vacant lot.

13 (4) An office or private residence of a candidate for
14 political office.

15 (5) An office or private residence of an elected official.

16 (6) A building utilized by a ward or political party as
17 headquarters.

18 Section 6. Section 630.1 of the act, amended February 13,
19 1998 (P.L.72, No.18), is amended to read:

20 Section 630.1. Affidavits of Candidates.--Each candidate for
21 any State, county, city, borough, incorporated town, township,
22 school district or poor district office, or for the office of
23 United States Senator or Representative in Congress, selected as
24 provided in section 630 of this act, shall file with the
25 nomination certificate an affidavit stating--(a) his residence,
26 with street and number, if any, and his post-office address; (b)
27 his election district, giving city, borough, town or township;
28 (c) the name of the office for which he consents to be a
29 candidate; (d) that he is eligible for such office; (e) that he
30 will not knowingly violate any provision of this act, or of any

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

15 Section 6.1. The act is amended by adding a section to read:

16 Section 705. Restriction on Voting by Convicted Felons.--(a)
17 Any person who is convicted of a felony offense in any court of
18 this Commonwealth, or for a crime in any other state or Federal
19 court that would constitute a felony offense under the laws of
20 this Commonwealth, shall be ineligible to vote in any election
21 conducted in this Commonwealth and shall be ineligible to
22 register or maintain registration as a registered elector for a
23 period beginning with the date of conviction and ending with the
24 expiration of the maximum sentence imposed in that criminal
25 proceeding.

26 (b) Within thirty days after sentencing for a felony
27 offense, the district attorney of the county where the
28 conviction occurred, in the case of a prosecution within the
29 jurisdiction of the district attorney, and the Attorney General,
30 in the case of a prosecution within the jurisdiction of the

1 Attorney General, shall notify the Secretary of the Commonwealth
2 of the conviction. The Secretary of the Commonwealth shall
3 maintain a list of persons who are ineligible to vote or to
4 register to vote pursuant to subsection (a) which shall be
5 available for public inspection. It shall be the duty of each
6 registration commission to review this list in connection with
7 each application to register and to review this list during a
8 sixty-day period ending before each election in order to remove
9 the name of each person who has become ineligible to vote or
10 maintain registration status pursuant to this section.

11 (c) Any person who votes or attempts to vote with the
12 knowledge or with reason to know that the person is ineligible
13 to vote pursuant to this section commits a misdemeanor of the
14 second degree.

15 (d) The Secretary of the Commonwealth shall include a
16 conspicuous notice on each registration form advising each
17 applicant of the requirements and the penalty prescribed by this
18 section.

19 (e) Each correctional institution in this Commonwealth shall
20 provide each convicted felon upon release from incarceration a
21 written notice regarding the requirements and the penalty
22 prescribed in this section.

23 (f) As used in this section, the following words and phrases
24 shall have the meanings given to them in this subsection:

25 The word "convicted" includes:

26 (1) Convicted, found guilty or entered a plea of guilty or
27 nolo contendere in a court or court martial.

28 (2) Sentenced by a court or court martial.

29 The word "felony" shall mean an offense graded a felony under
30 the laws of this Commonwealth, another state, the United States

1 or one of its territories, the District of Columbia, the
2 Commonwealth of Puerto Rico or a foreign nation which is
3 punishable by imprisonment of seven years or more.

4 The words "maximum sentence imposed in that criminal
5 proceeding" shall mean the maximum prison sentence imposed upon
6 the defendant for all offenses in a single criminal proceeding
7 involving at least one felony conviction.

8 (g) This section shall apply to any felony conviction:

9 (1) that occurs on or after the effective date of this
10 section; or

11 (2) that occurs prior to the effective date of this section,
12 as long as the maximum sentence imposed in that criminal
13 proceeding has not expired.

14 Section 6.2. Sections 910, 951(e) and 981.1 of the act,
15 amended February 13, 1998 (P.L.72, No.18), are amended to read:

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

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

27 Section 951. Nominations by Political Bodies.--* * *

28 (e) There shall be appended to each nomination paper offered
29 for filing an affidavit of each candidate nominated therein,
30 stating--(1) the election district in which he resides; (2) the

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

19 Section 981.1. Affidavits of Candidates.--Each candidate for
20 any State, county, city, borough, incorporated town, township,
21 ward, school district, poor district or election district
22 office, or for the office of United States Senator or
23 Representative in Congress, selected as provided in sections 979
24 and 980 of this act, shall file with the substituted nomination
25 certificate an affidavit stating--(a) his residence, with street
26 and number, if any, and his post-office address; (b) his
27 election district, giving city, borough, town or township; (c)
28 the name of the office for which he consents to be a candidate;
29 (d) that he is eligible for such office; (e) that he will not
30 knowingly violate any provision of this act, or of any law

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

15 Section 6.3. Section 1209 heading and (a) of the act,
16 amended May 16, 1945 (P.L.596, No.250), are amended and the
17 section is amended by adding a subsection to read:

18 Section 1209. Opening of Polls; Posting Cards of Instruction
19 and Notices of Penalties and Voters' Rights; Examination of
20 Voting Machines.--(a) In districts in which ballots are used,
21 the election officers shall, after taking the oath, open the
22 ballot boxes which have been furnished to them, and burn and
23 totally destroy all the ballots and other papers which they may
24 find therein, before the opening of the polls.

25 Whenever during any emergency, it becomes necessary to save
26 waste paper on account of a shortage thereof, the Governor of
27 the Commonwealth may, by proclamation, suspend the foregoing
28 provisions relating to the destruction of ballots and papers,
29 and in that case, the election board shall set the ballots and
30 other papers aside and they shall be collected and disposed of

1 by such means and in such manner as may be determined by the
2 county election board. When the polling place is opened, the
3 ballot box shall be securely locked, and shall not be opened
4 until the close of the polls, as provided in section 1221. At
5 the opening of the polls the seals of the packages furnished by
6 the county board shall be publicly broken, and the said packages
7 shall be opened by the judge of election. The cards of
8 instruction and notices of penalties shall be immediately posted
9 in each voting compartment, and not less than three such cards
10 and notices of penalties and voters' rights, and not less than
11 five specimen ballots (at primaries five of each party), shall
12 be immediately posted in or about the voting room outside the
13 enclosed space, and such cards of instruction, notices of
14 penalties and specimen ballots shall be given to any elector at
15 his request, so long as there are any on hand.

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

18 An elector shall have the right to cast his or her vote:
19 without the use or threat of force, violence or restraint;
20 without the infliction or threat of infliction of injury;
21 without any intimidation or coercion upon or against his or
22 her person; or
23 without any other action intended to deny any individual's
24 right to vote.

25 * * *

26 Section 7. Section 1210(a), (a.1), (a.2), (a.3) and (a.4) of
27 the act, amended October 8, 2004 (P.L.807, No.97), are amended
28 to read:

29 Section 1210. Manner of Applying to Vote; Persons Entitled
30 to Vote; Voter's Certificates; Entries to Be Made in District

1 Register; Numbered Lists of Voters; Challenges.--(a) At every
2 primary and election each elector who appears to vote [in that
3 election district for the first time] and who desires to vote
4 shall first present to an election officer the original of one
5 of the following forms of photo identification:

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

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

10 (3) a valid identification card issued by the United States
11 Government;

12 (4) a valid United States passport;

13 (5) a valid student identification card;

14 (6) a valid employe identification card; or

15 (7) a valid armed forces of the United States identification
16 card.

17 The election officer shall examine the identification presented
18 by the elector and sign an affidavit stating that this has been
19 done.

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

24 (1) nonphoto identification issued by the Commonwealth, or
25 any agency thereof;

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

28 [(3) a firearm permit;

29 (4) a current utility bill;

30 (5) a current bank statement;

1 (6) a paycheck;

2 (7) a government check.]

3 (2.1) a voter registration card issued by the county board
4 of elections.

5 The election officer shall examine the identification presented
6 by the elector and sign an affidavit stating that this has been
7 done.

8 (a.2) If the elector is unable to produce identification
9 pursuant to subsection (a) or (a.1) or the elector's
10 identification is challenged by the judge of elections, the
11 elector shall be permitted to cast a provisional ballot in
12 accordance with subsection (a.4).

13 (a.3) All electors, including any elector that shows
14 identification pursuant to subsection (a), shall subsequently
15 sign a voter's certificate in blue, black or blue-black ink with
16 a fountain pen or ball point pen, and, unless he is a State or
17 Federal employe who has registered under any registration act
18 without declaring his residence by street and number, he shall
19 insert his address therein, and hand the same to the election
20 officer in charge of the district register. Such election
21 officer shall thereupon announce the elector's name so that it
22 may be heard by all members of the election board and by all
23 watchers present in the polling place and shall compare the
24 elector's signature on his voter's certificate with his
25 signature in the district register. If, upon such comparison,
26 the signature upon the voter's certificate appears to be
27 genuine, the elector who has signed the certificate shall, if
28 otherwise qualified, be permitted to vote: Provided, That if the
29 signature on the voter's certificate, as compared with the
30 signature as recorded in the district register, shall not be

1 deemed authentic by any of the election officers, such elector
2 shall not be denied the right to vote for that reason, but shall
3 be considered challenged as to identity and required to make the
4 affidavit and produce the evidence as provided in subsection (d)
5 of this section. When an elector has been found entitled to
6 vote, the election officer who examined his voter's certificate
7 and compared his signature shall sign his name or initials on
8 the voter's certificate, shall, if the elector's signature is
9 not readily legible, print such elector's name over his
10 signature, and the number of the stub of the ballot issued to
11 him or his number in the order of admission to the voting
12 machines, and at primaries a letter or abbreviation designating
13 the party in whose primary he votes shall also be entered by one
14 of the election officers or clerks. As each voter is found to be
15 qualified and votes, the election officer in charge of the
16 district register shall write or stamp the date of the election
17 or primary, the number of the stub of the ballot issued to him
18 or his number in the order of admission to the voting machines,
19 and at primaries a letter or abbreviation designating the party
20 in whose primary he votes, and shall sign his name or initials
21 in the proper space on the registration card of such voter
22 contained in the district register.

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

27 (a.4) (1) At all elections an individual who claims to be
28 properly registered and eligible to vote at the election
29 district but whose name does not appear on the district register
30 and whose registration cannot be determined by the inspectors of

1 election or the county election board shall be permitted to cast
2 a provisional ballot. [Individuals who are voting for the first
3 time at the election district] Individuals who appear to vote
4 shall be required to produce identification pursuant to
5 subsection (a) or (a.1) and if unable to do so shall be
6 permitted to cast a provisional ballot. An individual presenting
7 a judicial order to vote shall be permitted to cast a
8 provisional ballot.

9 (2) Prior to voting the provisional ballot, the elector
10 shall be required to sign an affidavit stating the following:

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

17 Signature of Voter/Elector

18 Current Address

19 Check the Reason for Casting the Provisional Ballot.

20 Signed by Judge of Elections and minority inspector

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

28 (4) Within seven calendar days of the election, the county
29 board of elections shall examine each provisional ballot
30 envelope that is received to determine if the individual voting

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

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

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

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

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

30 (v) The decision of the county board in upholding or

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

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

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

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

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

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

30 (B) the signature required under clause (3) and the

1 signature required under clause (2) are either not genuine or
2 are not executed by the same individual; [or]

3 (C) a provisional ballot envelope does not contain a secrecy
4 envelope[.]; or

5 (D) in the case of a provisional ballot that was cast under
6 subsection (a.2)(1) because the individual was unable to produce
7 identification, the individual is challenged under clause (4)
8 and fails to present to the county board of elections, at the
9 challenge hearing or prior thereto, a form of identification
10 described in subsection (a) or (a.1).

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

15 (6) If it is determined that the individual voting the
16 provisional ballot was not registered, the provisional ballot
17 shall not be counted and the ballot shall remain in the
18 provisional ballot envelope and shall be marked "Rejected as
19 Ineligible."

20 (7) The following shall apply:

21 (i) Except as provided in subclause (ii), if it is
22 determined that the individual voting the provisional ballot was
23 eligible to vote in the county in which the ballot was cast but
24 not at the election district where the ballot was cast, the
25 county board of elections shall open the envelope and only count
26 that portion of the ballot that the individual would have been
27 eligible to vote in his proper election district and at the
28 election district where the vote was cast if:

29 (A) the county board of elections confirms that the
30 individual did not cast any other ballot, including an absentee

1 ballot, in the election; and

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

4 (ii) In the event that the individual casting the
5 provisional ballot is not found to be a resident of the county
6 in which the provisional ballot was cast, the ballot shall not
7 be counted.

8 (iii) In the event that the board of elections determines,
9 based on an evidentiary record, that the individual
10 intentionally and wilfully cast a provisional ballot in an
11 election district in which the individual was not eligible to
12 vote, the ballot shall not be counted.

13 (8) On election night, immediately upon completion of the
14 count and tabulation of the votes cast, the judge of election
15 shall prepare and certify under oath a tally displaying the
16 number of provisional ballots received from the election board
17 and the number of provisional ballots cast and transmitted to
18 the county board of elections. The judge of election shall
19 record on the tabulation the name of the individual into whose
20 possession the provisional ballots were passed for transmission
21 to the county board of elections.

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

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

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

6 (12) For purposes of this subsection, "provisional ballot"
7 means a ballot issued to an individual who claims to be a
8 registered elector by the judge of elections on election day
9 when the individual's name does not appear on the general
10 register and the individual's registration cannot be verified.

11 * * *

12 Section 8. Section 1302.1 of the act, amended February 13,
13 1998 (P.L.72, No.18), is amended to read:

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

15 (a) Applications for absentee ballots unless otherwise
16 specified shall be received in the office of the county board of
17 elections not earlier than fifty (50) days before the primary or
18 election and not later than five o'clock P.M. of the first
19 Tuesday prior to the day of any primary or election: Provided,
20 however, That in the event any elector otherwise qualified who
21 is so physically disabled or ill on or before the first Tuesday
22 prior to any primary or election that he is unable to file his
23 application or who becomes physically disabled or ill after the
24 first Tuesday prior to any primary or election and is unable to
25 appear at his polling place or any elector otherwise qualified
26 who because of the conduct of his business, duties or occupation
27 will necessarily be absent from the municipality of his
28 residence on the day of the primary or election, which fact was
29 not and could not reasonably be known to said elector on or
30 before the first Tuesday prior to any primary or election, shall

1 be entitled to an absentee ballot at any time prior to five
2 o'clock P.M. on the first Friday preceding any primary or
3 election upon execution of an Emergency Application in such form
4 prescribed by the Secretary of the Commonwealth.

5 (b) In the case of an elector whose application for an
6 absentee ballot is received by the office of the county board of
7 elections earlier than fifty (50) days before the primary or
8 election, the application shall be held and processed upon
9 commencement of the fifty (50) day period.

10 (c) In the case of an elector who is physically disabled or
11 ill on or before the first Tuesday prior to a primary or
12 election or becomes physically disabled or ill after the first
13 Tuesday prior to a primary or election, such Emergency
14 Application shall contain a supporting affidavit from his
15 attending physician stating that due to physical disability or
16 illness said elector was unable to apply for an absentee ballot
17 on or before the first Tuesday prior to the primary or election
18 or became physically disabled or ill after that period.

19 (d) In the case of an elector who is necessarily absent
20 because of the conduct of his business, duties or occupation
21 under the unforeseen circumstances specified in this subsection,
22 such Emergency Application shall contain a supporting affidavit
23 from such elector stating that because of the conduct of his
24 business, duties or occupation said elector will necessarily be
25 absent from the municipality of his residence on the day of the
26 primary or election which fact was not and could not reasonably
27 be known to said elector on or before the first Tuesday prior to
28 the primary or election.

29 Section 9. Section 1308(a) of the act, amended December 11,
30 1968 (P.L.1183, No.375), is amended and the section is amended

1 by adding a subsection to read:

2 Section 1308. Canvassing of Official Absentee Ballots.--

3 (a) The county boards of election, upon receipt of official
4 absentee ballots in such envelopes, shall safely keep the same
5 in sealed or locked containers until they distribute same to the
6 appropriate local election districts in a manner prescribed by
7 the Secretary of the Commonwealth.

8 The county board of elections shall then distribute the
9 absentee ballots, unopened, to the absentee voter's respective
10 election district concurrently with the distribution of the
11 other election supplies. Absentee ballots shall be canvassed
12 immediately and continuously without interruption until
13 completed after the close of the polls on the day of the
14 election in each election district. The results of the canvass
15 of the absentee ballots shall then be included in and returned
16 to the county board with the returns of that district. [No]
17 Except as provided in subsection (g), no absentee ballot shall
18 be counted which is received in the office of the county board
19 of election later than five o'clock P. M. on the Friday
20 immediately preceding the primary or November election.

21 * * *

22 (g) (1) An absentee ballot cast by any absentee elector as
23 defined in section 1301(a), (b), (c), (d), (e), (f), (g) and
24 (h), who is outside of the territorial limits of the several
25 states of the United States and the District of Columbia, which
26 is received in the office of the county board of elections after
27 five o'clock P. M. on the Friday immediately preceding the
28 election and no later than five o'clock P. M. on the seventh day
29 following an election shall be canvassed in accordance with this
30 subsection if the absentee ballot is postmarked no later than

1 the day immediately preceding the election.

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

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

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

11 (4) All absentee ballots not challenged for any of the
12 reasons provided in paragraph (3) shall be counted and included
13 with the returns of the applicable election district, as
14 follows. The county board shall open the envelope of every
15 unchallenged absentee elector in such manner as not to destroy
16 the declaration executed thereon. If any of the envelopes on
17 which are printed, stamped or endorsed the words "Official
18 Absentee Ballot" contain any extraneous marks or identifying
19 symbols the envelopes and the ballots contained therein shall be
20 set aside and declared void. The county board shall then break
21 the seals of such envelopes, remove the ballots and record the
22 votes.

23 (5) With respect to the challenged ballots, they shall be
24 placed unopened in a secure, safe and sealed container in the
25 custody of the county board until it shall fix a time and place
26 for a formal hearing of all such challenges and notice shall be
27 given where possible to all absentee electors thus challenged
28 and to every individual who made a challenge. The time for the
29 hearing shall not be later than five (5) days after the date of
30 the challenge. On the day fixed for said hearing, the county

1 board shall proceed without delay to hear said challenges and,
2 in hearing the testimony, the county board shall not be bound by
3 the Pennsylvania Rules of Evidence. The testimony presented
4 shall be stenographically recorded and made part of the record
5 of the hearing.

6 (6) The decision of the county board in upholding or
7 dismissing any challenge may be reviewed by the court of common
8 pleas of the county upon a petition filed by any person
9 aggrieved by the decision of the county board. The appeal shall
10 be taken, within two (2) days after the decision was made,
11 whether the decision was reduced to writing or not, to the court
12 of common pleas setting forth the objections to the county
13 board's decision and praying for an order reversing the
14 decision.

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

24 Section 10. Section 1331 of the act, added December 11, 1968
25 (P.L.1183, No.375), is amended to read:

26 Section 1331. Violation of Provisions Relating to Absentee
27 Voting.--[Any] (a) Except as provided in subsection (b), any
28 person who shall violate any of the provisions of this act
29 relating to absentee voting shall, unless otherwise provided, be
30 subject to the penalties provided for in section 1850 of this

1 act.

2 (b) Any person who knowingly assists another person who is
3 not a qualified absentee elector in filling out an absentee
4 ballot application or absentee ballot commits a misdemeanor of
5 the third degree.

6 Section 11. This act shall take effect as follows:

7 (1) The addition of section 705 of the act shall take
8 effect January 31, 2007.

9 (2) The amendment of sections 1302.1, 1308(a) and 1331
10 of the act shall take effect in 30 days.

11 (3) This section shall take effect immediately.

12 (4) The remainder of this act shall take effect July 1,
13 2006.