

contains and is confined to examples of the face amount of the loan instrument, the proceeds to the borrower exclusive of the charge, and the amount, number and intervals of the required payments.

(b) The aggregate amount of unpaid principal due from any one borrower on one or more installment loans granted pursuant to the provisions of [this clause (4)] *subclause (a) hereof shall not at any time exceed [thirty-five hundred dollars] the principal amounts set forth in such subclause (a).*

* * * * *

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 13th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 379

AN ACT

Amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," authorizing and providing procedures whereby certain qualified registered electors absent from or unable to attend their regular polling places may cast their votes; authorizing and providing procedures for the absentee voting by certain personnel of the Federal Government and of this Commonwealth, including their spouses and dependents in the event they are qualified registered electors; imposing additional duties upon the Secretary of the Commonwealth, various county boards of elections and election officers, courts, various registration commissions, chairmen of political parties or committees, and officers and employees of certain political subdivisions; changing the method of marking ballots; further regulating the procedures for the voting of qualified electors serving in the armed forces of the United States and certain qualified bedridden or hospitalized veterans; authorizing and providing assistance in voting for certain absentee voters; further regulating the dates for furnishing information as to offices to be filled for filing and circulating nomination petitions and nomination papers; further regulating the time within which writs of election may issue for holding special elections to fill vacancies occurring in the offices of United States Senators, Representatives in Congress, Representatives in either House of the General Assembly, councils or legislative bodies of cities, boroughs, towns and townships, and further regulating the dates for filing nomination certificates, withdrawals of nominated candidates, vacancies for failure to pay filing fees or for failure to file loyalty oath, substituted nomination certificates and fur-

ther regulating the date for certification of nominees by the Secretary of the Commonwealth; and providing penalties.

Pennsylvania
Election Code.

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

Clauses (w), (x) and (y), section 102, act of June 3, 1937, P. L. 1333; clause (w) reenacted and amended March 6, 1951, P. L. 3; clause (x) added March 6, 1951, P. L. 3; and clause (y) added January 8, 1960, P. L. (1959) 2135, further amended.

Section 1. Clauses (w) (x) and (y) of section 102, act of June 3, 1937 (P. L. 1333), known as the "Pennsylvania Election Code;" clause (w), reenacted and amended March 6, 1951 (P. L. 3); clause (x), added March 6, 1951 (P. L. 3); and clause (y), added January 8, 1960 (P. L. (1959) 2135), are amended to read:

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

* * * * *

(w) [The term "qualified elector in actual military service" shall mean a qualified elector of this Commonwealth, who is or may be in the military or naval service of the United States or any branch or unit thereof, and regardless of whether such person is registered or enrolled in accordance with law.

(x) The term "qualified bedridden or hospitalized veteran" shall mean any qualified elector of this Commonwealth who may be unavoidably absent from the State or county of his residence because of his being bedridden or hospitalized due to illness or physical disability contracted or suffered in connection with, or as a direct result of, his military service.

(y) The term "absentee elector" shall mean any qualified elector of this Commonwealth properly registered and enrolled, who (1) on the occurrence of any election is unavoidably absent from the county of his voting residence by reason of his duties, business or occupation, or who (2) on the occurrence of any election is unable to attend at his proper polling place by reason of illness or physical disability, but shall not include a "qualified elector in actual military service" or a "qualified bedridden or hospitalized veteran," as defined in this section, or any person committed to and confined in a penal institution or a mental institution.]

The words "qualified absentee elector" shall mean:

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

(2) *Any qualified elector who is a spouse or dependent residing with or accompanying a person in the military service of the United States if at the time of voting such*

spouse or dependent is absent from the State or county of his residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

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

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

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

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

(7) Any qualified elector who is or who may be a civilian employee of the United States outside the territorial limits of the several States of the United States

and the District of Columbia, whether or not such elector is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, if at the time of voting he is absent from the State or county of his residence: Provided, however, That said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

(8) Any qualified elector who is a spouse or dependent residing with or accompanying a person who is a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia whether or not such person is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress if at the time of voting such spouse or dependent is absent from the State or county of his residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

(9) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is unavoidably absent from the Commonwealth or county of his residence and regardless of whether he is registered and enrolled; or

(10) Any qualified, registered and enrolled elector who expects to be or is unavoidably absent from the Commonwealth or county of his residence during the entire period the polls are open for voting on the day of any primary or election; or

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

(12) Any qualified, registered and enrolled elector who is a spouse or dependent accompanying a person employed in the service of this Commonwealth or in the service of the Federal Government within the territorial limits of the several States of the United States and the District of Columbia in the event the duties, profession or occupation of such person require him to be absent from the Commonwealth or county of his residence:

Provided, however, That the words "qualified absentee elector" shall in nowise be construed to include persons confined in a penal institution or a mental institution nor shall it in anywise be construed to include a person

not otherwise qualified as a qualified elector in accordance with the definition set forth in section 102 (t) of this act.

(x) The words "members of the Merchant Marine of the United States" mean persons (other than persons in military service) employed as officers or members of crews of vessels documented under the laws of the United States or of vessels owned by the United States or of vessels of foreign flag registry under charter to or control of the United States, and persons (other than persons in military service) enrolled with the United States for employment or for training for employment or maintained by the United States for emergency relief service as officers or members of crews of any such vessels, but does not include persons so employed or enrolled for such employment or for training for employment or maintained for such emergency relief on the Great Lakes or the Inland waterways.

Section 2. Section 102 of the act is amended by adding, after clause (x) thereof, four new clauses to read:

Section 102 of act, amended by adding four new clauses (y), (z), (z-1) and (z-2).

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

* * * * *

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

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

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

(z-2) The words "unavoidably absent" shall mean absence in good faith by reason of duties, occupation or business.

Section 3. Subsection (c) of section 305 of the act, reenacted and amended March 6, 1951 (P. L. 3), is amended to read:

Subsection (c), section 305 of act, reenacted and amended March 6, 1951, P. L. 3, further amended.

Section 305. Expenses of County Boards and of Primaries and Elections to Be Paid by County; Expenses of Special Elections; Boards to Be Provided with Offices.—

* * * * *

(c) The Commonwealth shall reimburse each city of the first class and county for election expenses incurred in and incidental to preparing, handling, mailing, delivering, counting and storing official [military] *absentee* ballots [and veterans' official ballots] *requested by any elector in military service, Federal employment overseas, Merchant Marine, and in any religious group or welfare agency assisting the Armed Forces, including spouses and dependents, and bedridden and hospitalized veterans* as herein provided in the sum of forty cents (40¢) for each such ballot mailed or delivered.

Each county board of elections shall file in the Department of State, not later than thirty days after every election, on a form prescribed by the Department of State, a statement of the number of ballots mailed or delivered in such manner as is now or may hereafter be provided by law to electors in actual military service, *Federal employment overseas, Merchant Marine, and in any religious group or welfare agency assisting the Armed Forces, including spouses and dependents*, and to bedridden or hospitalized veterans.

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

Sections 626 and 627 of act, amended.

Section 4. Sections 626 and 627 of the act are amended to read:

Section 626. Special Elections for United States Senator; Nominations.—Whenever a vacancy shall occur in the office of United States Senator, said vacancy shall be filled for the unexpired term by the vote of the electors of the State at a special election to be held at the time of the next general or municipal election, occurring at least [forty(40)] *ninety (90)* days after the happening of such vacancy, and it shall be the duty of the Governor to issue writs of election to the various county boards of elections and to the Secretary of the Commonwealth [accordingly] *within ten (10) days after the happening of said vacancy*. Candidates to fill vacancies in the office of United States Senator shall be nominated by political parties, in accordance with the party rules relating to the filling of vacancies, by means of nomination certificates, in the form prescribed in section 630 of this act; and by political bodies, by means of nomina-

tion papers, in accordance with the provisions of sections 951, 952 and 954 of this act. Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth at least [thirty (30)] *sixty (60)* days prior to the date of said special election. Until such time as said vacancy shall be filled by an election as herein provided, the Governor of the Commonwealth may make a temporary appointment to fill said vacancy.

Section 627. Special Elections for Representative in Congress.—Whenever a vacancy shall occur or exist in the office of Representative in Congress from this State during a session of Congress, or whenever such vacancy shall occur or exist at a time when the members of Congress shall be required to meet at any time previous to the next general election, the Governor shall issue, within ten days after the happening of said vacancy, or after the calling of an extraordinary session of Congress during the existence of said vacancy, a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held on a date named in said writ, which shall not be less than [thirty (30)] *sixty (60)* days after the issuance of said writ. In all other cases no such special election to fill said vacancy shall be held. The Governor may fix, in such writ of election, the date of the next ensuing primary or municipal election as the date for holding any such special election.

Section 5. Section 628 of the act, amended April 13, 1942 (P. L. 20), is amended to read:

Section 628 of act, amended April 13, 1942, P. L. 20, further amended.

Section 628. Special Elections for Senator and Representative in the General Assembly.—Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session, the presiding officer of such house shall issue a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held on a date named in the writ, which shall be not less than [thirty (30)] *sixty (60)* days after the issuance of said writ. The presiding officer may fix, in such writ of election, the date of the next ensuing primary, municipal or general election as the date for holding any such special election: Provided, however, That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election, the presiding officer may countermand the writ theretofore issued and

shall issue a new writ of election, fixing therein such earlier date therefor as is deemed expedient, but which shall not be less than [thirty (30)] *sixty (60)* days after the issuance of said writ.

Section 623.1 of act, added May 23, 1949, P. L. 1656, amended.

Section 6. Section 628.1 of the act, added May 23, 1949 (P. L. 1656), is amended to read:

Section 628.1. Special Elections for Members of Councils or Legislative Bodies of Cities, Boroughs, Towns and Townships.—In all cases where under any law now or hereafter enacted, a special election is required to fill any vacancy in the office of member of the council or legislative body of any city, borough, town or township, such election shall be held on the day fixed in the writ for the special election or on such day as may be otherwise provided by such law, which day shall [not be less than thirty (30)] *be within sixty (60)* days after the issuance of the writ or after the happening of the vacancy, as the case may be, notwithstanding any provisions in such law requiring the special election to be held on an earlier day. This section shall not be construed as requiring a special election in any case where such election is not required under any law now or hereafter enacted.

Sections 629 and 636 of act, amended May 23, 1949, P. L. 1656, further amended.

Section 7. *Sections 629 and 636 of the act, amended May 23, 1949 (P. L. 1656), are amended to read:

Section 629. Nominations for Special Election for Representative in Congress, Senator and Representative in the General Assembly and Member of Council or Legislative Body of Cities, Boroughs, Towns and Townships.—Candidates to fill vacancies in the offices of Representative in Congress, Senator and Representative in the General Assembly and member of the council or legislative body of any city, borough, town or township shall be nominated by political parties, in accordance with the party rules relating to the filling of vacancies, by means of nomination certificates, in the form prescribed in section 630 of this act; and by political bodies, by means of nomination papers, in accordance with the provisions of sections 951, 952 and 954 of this act. Said nomination certificates and nomination papers for the office of Representative in Congress shall be filed in the office of the Secretary of the Commonwealth not later than [ten (10)] *fifteen (15)* days after the issuance of the writ of election, and said nomination certificates and nomination papers for the office of Senator and Representative in the General Assembly shall be filed in the office of the Secretary of the Commonwealth, and for the office of member of the council or legislative body of a city, borough, town or township, in the office of the

* "Section" in original.

county board of elections wherein such city, borough, town or township is situate, not later than [the twentieth day before the day of the election] *fifteen (15) days after the issuance of the writ of election.*

Section 636. Certification by Secretary of the Commonwealth of Candidates for Special Elections.—The Secretary of the Commonwealth shall, not later than the [tenth (10th)] *thirtieth (30th)* day next preceding the day fixed for any special election to fill a vacancy in the offices of United States Senator, Representative in Congress, Senator and Representative in the General Assembly, certify to the proper county board or boards the names and residences of, and parties or political bodies represented by, all candidates whose nomination certificates or papers have been filed with him, as herein provided, for such election, and have not been found and declared invalid, and to be voted for in the county or any district or districts thereof, substantially in the form of the ballots to be used therein.

Section 8. Section 901 of the act is amended to read: Section 901 of
act, amended.

Section 901. Determination and Certification of State-wide and County-wide Parties.—(a) The Secretary of the Commonwealth shall determine which organizations are political parties within the State, within the meaning of section 801(a) of this act, and not later than the [tenth] *thirteenth* Tuesday preceding each primary shall transmit to each county board a list of said political parties which shall be entitled to nominate candidates at primaries.

(b) Each county board shall determine which organizations are political parties within the county, within the meaning of section 801 (b), and not later than the [tenth] *thirteenth* Tuesday preceding each primary shall transmit to the Secretary of the Commonwealth a list of said political parties which shall be entitled to nominate candidates at primaries in said county.

Section 9. Section 904 of the act, amended January 14, 1952 (P. L. 1937), is amended to read:

Section 904 of
act, amended
January 14,
1952, P. L. 1937,
further amended.

Section 904. Municipal Clerks and Party Chairmen to Furnish Information as to Offices to Be Filled.—To assist the respective county boards in ascertaining the offices to be filled, it shall be the duty of the clerks or secretaries of the various cities, boroughs, towns, townships *and* school districts [and poor districts], with the advice of their respective solicitors, on or before the [twelfth] *thirteenth* Tuesday preceding the Municipal primary, to send to the county boards of their respective counties a written notice setting forth all city, borough, town, township *and* school district [and poor district]

offices to be filled in their respective subdivisions at the ensuing municipal election, and for which candidates are to be nominated at the ensuing primary. It shall also be the duty of the chairman of the State committee of each political party to forward to the Secretary of the Commonwealth and to the respective county boards, on or before the [twelfth] *thirteenth* Tuesday preceding the General primary, a written notice setting forth the number of delegates and alternate delegates to the National convention of such party who are to be elected in the State at large at the ensuing primary, and the number of such delegates and alternate delegates who are to be elected at said primary in such county, or in any district within such county, or of which it forms a part. The said notice shall also set forth the number of members of the National committee, if any, who, under the National party rules, are to be elected at the said primary in the State at large, and the number of members of the State committee to be elected at the said primary in such county, or in any district, or part of a district within such county. It shall also be the duty of the chairman of the county committee and, in cases where a city is coextensive with a county, the chairman of the city committee of each party, on or before the [twelfth] *thirteenth* Tuesday preceding the General primary, to send to the county board of such county a written notice setting forth all party offices to be filled in the county at the ensuing primary.

Section 905 of
act, amended
March 6, 1951,
P. L. 3, further
amended.

Section 10. Section 905 of the act, amended March 6, 1951 (P. L. 3), is amended to read:

Section 905. Secretary of the Commonwealth to Notify County Board of Certain Nominations to Be Made.—On or before the [twelfth] *thirteenth* Tuesday preceding each primary, the Secretary of the Commonwealth shall send to the county board of each county a written notice designating all the offices for which candidates are to be nominated therein, or in any district of which such county forms a part, or in the State at large, at the ensuing primary, and for the nomination to which candidates are required to file nomination petitions in the office of the Secretary of the Commonwealth, including that of President of the United States; and shall also in said notice set forth the number of presidential electors, United States Senators, Representatives in Congress and State officers, including senators, representatives and judges of courts of record, to be elected at the succeeding November election by a vote of the electors of the State at large, or by a vote of the electors of the county, or of any district therein, or of any district of which such county forms a part.

Section 11. Section 906 of the act, amended January 14, 1952 (P. L. 1937), is amended to read:

Section 906 of act, amended January 14, 1952, P. L. 1937, further amended.

Section 906. Publication of Notice of Officers to Be Nominated and Elected.—Beginning not earlier than [eleven] *twelve* weeks, nor later than [ten] *eleven* weeks before any [regular] General or Municipal primary, the county board of each county shall publish in newspapers, as provided by section 106 of this act, a notice setting forth the number of delegates and alternate delegates to the National convention of each party who are to be elected in the State at large at the ensuing primary, and the number of delegates and alternate delegates who are to be elected at the said primary in said county, or in any district of which said county or part thereof forms a part, and also setting forth the names of all public offices for which nominations are to be made, and the names of all party offices, including that of members of the National committee, if any, and State committee, for which candidates are to be elected at said primary in said county, or in any district of which such county or part thereof forms a part, or in the State at large. Said notice shall contain the date of the primary, and shall be published once each week for two successive weeks in counties of the first and second class and once in all other counties.

Section 12. Section 908, subsection (d) of section 913 and subsections (b) and (c) of section 953 of the act, amended March 6, 1951 (P. L. 3), are amended to read:

Section 908, subsection (d), section 913, and subsections (b) and (c), section 953 of act, amended March 6, 1951, P. L. 3, further amended.

Section 908. Manner of Signing Nomination Petitions; Time of Circulating.—Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, or the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his occupation and residence, giving city, borough or township, with street and number, if any, and shall add the date of signing, expressed in words or numbers: Provided, however, That if the said political district named in the petition lies wholly within any city, borough or township, or is coextensive with

same, it shall not be necessary for any signer of a nomination petition to state therein the city, borough or township of his residence. No nomination petition shall be circulated prior to [twenty (20) days before the last day on which such petition may be filed] *the thirteenth Tuesday before the primary*, and no signature shall be counted unless it bears a date [within twenty (20) days of the last day of filing the same] *affixed not earlier than the thirteenth Tuesday nor later than the tenth Tuesday prior to the primary.*

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.—

* * * * *

(d) All nomination petitions shall be filed [at least sixty-four (64) days] *on or before the tenth Tuesday* prior to the primary.

* * * * *

Section 953. Place and Time of Filing Nomination Papers.—

* * * * *

(b) No nomination paper shall be circulated prior to [twenty (20) days before the last day on which such paper may be filed] *the tenth Wednesday prior to the primary*, and no signature shall be counted unless it bears a date [within twenty (20) days of the last day of filing the same] *affixed not earlier than the tenth Wednesday prior to the primary nor later than the seventh Wednesday prior to the primary.*

(c) All nomination papers must be filed [at least forty-four (44) days prior to the date of the primary election] *on or before the seventh Wednesday prior to the primary.*

Sections 978, 978.1 and subsection (a), section 981 of act, amended March 6, 1951, P. L. 3, further amended.

Section 13. Sections 978, 978.1 and subsection (a) of section 981 of the act, amended March 6, 1951 (P. L. 3), are amended to read:

Section 978. Withdrawal of Nominated Candidates.—Any person who has been nominated by any political party or political body, in accordance with the provisions of this act, as a candidate for the office of presidential elector, United States Senator, Representative in Congress or for any State office, including that of senator, representative and judge of court of record, may withdraw his name from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgement of deeds, and filed in the office of the Secretary of the Commonwealth. Any person who has been similarly nominated as a candidate for any other office may withdraw his name from nomination by similar request, filed with the county

board of elections of the proper county. Such written withdrawals shall be filed with the Secretary of the Commonwealth or the county board of elections, as the case may be, at least [sixty-five (65)] *eighty-five (85)* days previous to the day of the general or municipal election. Such withdrawals to be effective must be received in the office of the Secretary of the Commonwealth not later than five (5) o'clock P. M. on the last day for filing same, and in the office of any county board of elections not later than the ordinary closing hour of said office on the last day for filing same. No name so withdrawn shall be printed upon the ballot or ballot labels. No candidate may withdraw any withdrawal notice already received and filed, and thereby reinstate his nomination.

Section 978.1. Vacancy in Party Nomination by Failure to Pay Filing Fee or for Failure to File Loyalty Oath.—Every person nominated at any primary election as the candidate of any political party for any office, other than a borough, town, township, school district or poor district office, or the office of alderman, justice of the peace, or constable, who has not paid the filing fee required by section nine hundred thirteen of this act, as amended, for the filing of a nomination petition for such office, or who has not filed the loyalty oath required by section 14, act of December 22, 1951 (P. L. 1726), known as the "Pennsylvania Loyalty Act," as last amended June 19, 1961 (P. L. 446), shall pay the amount of such fee to and file such oath with the Secretary of the Commonwealth, or [to] the county board of elections, as the case may be, at least [sixty-five (65)] *eighty-five (85)* days previous to the day of the general or municipal election at which such candidate's name would appear on the ballot. Failure to pay such fee or file such oath within the time herein prescribed shall result in a vacancy in such party nomination. Such vacancy shall be filled in the manner hereinafter provided for the filling of such vacancies happening by reason of the death or withdrawal of any candidate.

Section 981. Time for Filing Substituted Nomination Certificates.—(a) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated at primaries or by nomination papers shall be filed with the Secretary of the Commonwealth or proper county board of elections, as the case may be, at least [fifty-five (55)] *seventy-five (75)* days before the day of the general or municipal election: Provided, however, That no substituted nomination certificate by a political body may be filed until after the primary election.

* * * * *

Section 984 of act, amended.

Section 14. Section 984 of the act is amended to read:

Section 984. Certification of Nominees by Secretary of the Commonwealth to County Boards.—The Secretary of the Commonwealth shall, [at least fifteen days previous to the day of] *as soon as possible after the last day fixed for the filing of substituted nomination certificates for any November election of presidential electors, United States Senator, Representative in Congress or State officers, including judges of courts of record, senators and representatives, or upon constitutional amendments or other questions to be submitted to the electors of the State at large, transmit to the county board of elections of each county, in which such election is to be held, an official list, certified by him, of all of the candidates who have been nominated in accordance with the provisions of this act, to be voted for in such county at such election, substantially in the form of the ballots to be used therein, and also a copy of the text of all constitutional amendments and other questions to be voted upon at such election, together with a statement of the form in which they are to be printed on the ballots or ballot labels.*

Subsection (b), section 993 of act, added August 26, 1953, P. L. 1479, amended.

Section 15. Subsection (b) of section 993 of the act, added August 26, 1953 (P. L. 1479), is amended to read:

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.—

* * * * *

(b) Said nomination certificates and nomination papers for State public offices and judges of courts of records shall be filed in the office of the Secretary of the Commonwealth at least [forty-five (45)] *fifty (50)* days prior to a general or municipal election, as the case may be. Nomination certificates and nomination papers for public offices in counties, cities, boroughs, towns, townships, wards and school districts and for the offices of aldermen and justices of the peace shall be filed in the office of the county board of elections at least [forty-five (45)] *fifty (50)* days prior to a municipal election.

* * * * *

Subsection (a), section 1002 of act, amended January 8, 1960, P. L. 2142, further amended.

Section 16. Subsection (a) of section 1002 of the act, amended January 8, 1960 (P. L. 2142), is amended to read:

Section 1002. Form of Official Primary Ballot.—

(a) At primaries separate official ballots shall be prepared for each party which shall be in substantially the following form:

Official Primary Ballot.

(Name of Party)

..... District, Ward, City of

County of, State of Pennsylvania

..... Primary election held on the day of

19.....

Make a cross (X) or check (✓) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write, print or paste his name in the blank space provided for that purpose. [If you spoil your ballot do not erase but ask for a new ballot.] Mark ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink in fountain pen or ball point pen. Use the same pencil or pen for all markings you place on the ballot [; use the same mark either a cross (X) or check (✓) for all markings].

President of the United States.

(Vote for one)

John Doe
Richard Roe
John Stiles

United States Senator.

(Vote for one)

John Doe
Richard Roe
John Stiles

Governor.

(Vote for one)

John Doe
Richard Roe
John Stiles

Representative in Congress District.

(Vote for one)

John Doe
Richard Roe
John Stiles

Delegates at Large to National Convention.

(Vote for

John Doe
(Promises to support popular choice of party in the State for President.)

John Stiles
(Does not promise to support popular choice of party in the State for President.)

Delegate to National Convention District.

(Vote for

John Doe
(Promises to support popular choice of party in District for President.)

John Stiles
 (Does not promise to support popular choice of party
 in District for President.)
 Senator in the General Assembly District.
 (Vote for one)

John Doe
 Richard Roe
 John Stiles
 Member of State Committee.
 (Vote for one)

John Doe
 Richard Roe
 John Stiles
 Party Committeemen.
 (Vote for)

John Doe
 Richard Roe
 John Stiles

* * * * *

Section 1003, subsection (a) of act last amended January 8, 1960 (1959) P. L. 2142, and subsections (b) and (d) of act last amended April 24, 1947, P. L. 68, further amended.

Section 17. Section 1003, subsection (a) of the act as last amended January 8, 1960 (1959) (P. L. 2142) and subsections (b) and (d) of the act as last amended April 24, 1947 (P. L. 68), are amended to read:

Section 1003. Form of Official Ballot.—
 (a) The official ballots for general, municipal and special elections shall be in substantially the following form:

OFFICIAL BALLOT

. District, Ward,
 City of, County of,
 State of Pennsylvania
 Election held on the day of, 19. . . .

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

To vote a straight party ticket, mark a cross (X) or check (✓) in the square, in the Party Column, opposite the name of the party of your choice. To vote for an individual candidate of another party after making a mark in the party square, mark a cross (X) or check (✓) opposite his name. For an office where more than one candidate is to be voted for, the voter, after marking in the party square, may divide his vote by marking a cross (X) or check (✓) to the right of each candidate for whom he or she desires to vote. For such office votes shall not be counted for candidates not individually marked.

To vote for a person whose name is not on the ballot, write, print or paste his name in the blank space provided for that purpose. A cross (X) or check (✓) mark

in the square opposite the names of the candidates of any party for President and Vice-President of the United States indicates a vote for all the candidates of that party for presidential elector. To vote for individual candidates for presidential elector, write, print or paste their names in the blank spaces provided for that purpose under the title "Presidential Electors." Mark ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen; use the same pencil or pen for all markings you place on the ballot [; use the same mark either a cross (X) or check (✓) for all markings].

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

Democratic For
 John Stiles
 and
 Richard Doe,
 Democratic

Republican For
 John Doe
 and
 Richard Roe,
 Republican

Socialist For
 John Smith
 and
 William Jones,
 Socialist

Citizens

United States Senator.
(Vote for one)

Richard RoeDemocratic
John DoeRepublican
Richard StilesSocialist

Governor.
(Vote for one)

Richard RoeDemocratic
John DoeRepublican
Richard StilesSocialist

Representatives in Congress,
..... District.
(Vote for one)

Richard RoeDemocratic
John DoeRepublican
Richard StilesSocialist

Senator in the General Assembly,
..... District.
(Vote for one)

John DoeDemocratic
Richard RoeRepublican

(b) On the back of each ballot shall be printed in prominent type the words "Official Ballot," followed by the designation of the election district for which it is prepared, the date of the election and the facsimile signatures of the members of the county board of elections. The names of candidates shall be arranged under the title of the office for which they are candidates, and shall be printed thereunder in the order of the votes obtained by the parties or bodies at the last gubernatorial election, beginning with the party obtaining the highest number of votes: Provided, however, That in the case of parties or bodies not represented on the ballot at the last gubernatorial election, the names of the candidates of such parties shall be arranged alphabetically, according to the party name or political appellation. In the case of offices for which two or more candidates are to be voted for, the candidates of each party shall be arranged together in the order of the number of votes obtained by them at the primary, beginning with the candidates obtaining the highest number of votes, and the candidates of each political body shall be arranged in the order in which their names were placed in their nomination paper. Opposite or under the name of each candidate shall be printed the name or appellation of the political party or political body nominating him, and at the right of such name or appellation there shall be a square of sufficient size for the convenient insertion of a cross (X) or check (✓) mark.

* * * * *

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

* * * * *

Section 1007 of act, amended.

Section 18. Section 1007 of the act is amended to read:

Section 1007. Number of Ballots to Be Printed; Specimen Ballots.—The county board of each county shall provide for each election district in which a primary is to be held, one book of fifty official ballots of each

party for every forty-five registered and enrolled voters of such party and fraction thereof, appearing upon the district register, and shall provide for each election district in which an election is to be held one book of fifty official ballots for every forty-five registered electors and fraction thereof appearing upon the district register. They [shall] *may* also, in addition to the number of ballots required to be printed for general distribution, have printed *for each election district in which a primary is to be held not less than one book of fifty official ballots of each party for the use of the absentee electors and for each election district in which an election is to be held not less than one book of official ballots for the use of the absentee electors.* They shall also, in addition to the number of ballots required to be printed for general distribution, have printed ten (10) per centum of such number, to be known as reserve official ballots, and, on tinted paper, two (2) per centum of such number to be known as reserve specimen ballots, which ballots shall be kept at the office of the county board for the use of any district, the ballots for which may be lost, destroyed or stolen. They shall also cause to be printed on tinted paper, and without the facsimile endorsements, permanent binding or stubs, copies of the form of ballots provided for each voting place at each primary or election therein, which shall be called specimen ballots, and which shall be of the same size and form as the official ballots, and at each election they shall deliver to the election officers, in addition to the official ballots to be used at such election, specimen ballots for the use of the electors equal in number to one-fifth of the number of official ballots delivered to such election officers. At each primary, specimen ballots of each party shall be furnished, equal in number to one-fifth of the number of official ballots of such party furnished to the election officers as above provided.

Section 19. Subsection (a) of section 1223 of the act, amended January 8, 1960 (P. L. 2142), is amended to read:

Section 1223. What Ballots Shall Be Counted; Manner of Counting; Defective Ballots.—(a) No ballot which is so marked as to be capable of identification shall be counted. Any ballot that is marked in blue, black or blue-black ink, in fountain pen or ball point pen, or black lead pencil or indelible pencil, shall be valid and counted: Provided, That all markings on the ballot are made by the same pen or pencil [and that all markings on the ballot are the same type of marking either a cross (X) or check (✓)]. Any ballot marked by any other mark than an (X) or check (✓) in the spaces provided for that purpose shall be void and not counted: Provided,

Subsection (a), section 1223 of act, amended January 8, 1960, P. L. 2142, further amended.

however, That no vote recorded thereon shall be declared void because a cross (X) or check (✓) mark thereon is irregular in form. Any erasure, mutilation or defective marking of the straight party column at November elections shall render the entire ballot void, unless the voter has properly indicated his choice for candidates in any office block, in which case the vote or votes for such candidates only shall be counted. Any erasure or mutilation in the vote in any office block shall render void the vote for any candidates in said block, but shall not invalidate the votes cast on the remainder of the ballot, if otherwise properly marked. Any ballot indicating a vote for any person whose name is not printed on the ballot, by writing, stamping or sticker, shall be counted as a vote for such person, if placed in the proper space or spaces provided for that purpose, whether or not an (X) or check (✓) is placed after the name of such person: Provided, however, That if such writing, stamping or sticker is placed over the name of a candidate printed on the ballot, it shall render the entire vote in said office block void. If an elector shall mark his ballot for more persons for any office than there are candidates to be voted for for such office, or if, for any reason, it may be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the ballot shall be counted for all offices for which it is properly marked. Ballots not marked, or improperly or defectively marked, so that the whole ballot is void, shall be set aside and shall be preserved with the other ballots.

* * * * *

Article heading and sections 1301 and 1302 of act, added March 6, 1951. P. L. 3, amended.

Section 20. The article heading and sections 1301 and 1302 of the act, added March 6, 1951 (P. L. 3), are amended to read:

Article XIII

Voting By [Persons in Actual Military Service] *Qualified Absentee Electors*

Section 1301. [Qualified Electors in Actual Military Service.—Any qualified elector in actual military service may vote under the provisions of this act in any election held in this Commonwealth, regardless of whether at the time of voting he is present in the election district of his residence, or is within or without this Commonwealth, and regardless of whether he is registered or enrolled.] *Qualified Absentee Electors.*—*The following persons shall be entitled to vote by an official absentee ballot in any primary or election held in this Commonwealth in the manner hereinafter provided:*

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

(b) Any qualified elector who is a spouse or dependent residing with or accompanying a person in the military service of the United States if at the time of voting such spouse or dependent is absent from the State or county of his residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

(c) Any qualified elector who is or who may be in the service of the Merchant Marine of the United States if at the time of voting he is absent from the State or county of his residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

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

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

(f) Any qualified elector who is a spouse or dependent residing with or accompanying a person in a religious or welfare group officially attached to and serving with the armed forces if at the time of voting such spouse or dependent is absent from the State or county of his

residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

(g) Any qualified elector who is or who may be a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia, whether or not such elector is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, if at the time of voting he is absent from the State or county of his residence: Provided, however, That said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

(h) Any qualified elector who is a spouse or dependent residing with or accompanying a person who is a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia, whether or not such person is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, if at the time of voting such spouse or dependent is absent from the State or county of his residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

(i) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is unavoidably absent from the Commonwealth or county of his residence and regardless of whether he is registered and enrolled; or

(j) Any qualified registered and enrolled elector who expects to be or is unavoidably absent from the Commonwealth or county of his residence during the entire period the polls are open for voting on the day of any primary or election; or

(k) Any qualified registered and enrolled elector who is unable to attend his polling place because of illness or physical disability;

(l) Any qualified registered and enrolled elector who is a spouse or dependent accompanying a person employed in the service of this Commonwealth or in the service of the Federal Government within the territorial limits

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of the several States of the United States and the District of Columbia in the event the duties, profession or occupation of such person require him to be absent from the Commonwealth or county of his residence:

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

Section 1302. Applications for Official [Military] Absentee Ballots.—(a) Any qualified elector [in actual military service] *defined in preceding section 1301, subsections (a) to (h), inclusive*, may apply at any time before any *primary* or election for any official [military] absentee ballot on [Form USWBC Form No. 1] *post card application* or any other form supplied by the Federal Government, or by post card, letter or other writing, addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of election of the county in which his voting residence is located.

(b) The application shall contain the following information: [Residence] *Home residence* at the time of entrance into actual military service or *Federal employment*, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident of voting district, voting district *if known*, party choice in case of primary, name *and, for a military elector, his rank or grade, military address, branch of service and serial number. Any elector other than a military elector shall in addition specify the nature of his employment, the address to which ballot is to be sent, relationship where necessary, and such other information as may be determined and prescribed by the Secretary of the Commonwealth.* When such application is received by the Secretary of the Commonwealth it shall be forwarded to the proper county board of election.

(c) The application of any *qualified military elector, as defined in preceding section 1301 subsection (a)*, for [a military] *an official absentee* ballot in any *primary* or election may be made or information supplied over the signature of any person who is familiar with the voting qualifications of the [military] elector, as required in the preceding subsection.

(d) [The various county boards of election, upon receipt of any application, shall ascertain from the information on such application, district register or from any other source that such applicant possessed all the qualifications of a qualified elector other than being registered or enrolled.]

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

(e) Any qualified bedridden or hospitalized veteran unavoidably absent from the State or county of his residence, regardless of whether he is registered or enrolled, may apply at any time before any primary or election for an official absentee ballot by post card, letter or other writing, addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of elections of the county in which his voting residence is located.

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

The application for an official absentee ballot for any primary or election may be made or information supplied over the signature of any person who is familiar with the voting qualifications of the bedridden or hospitalized veteran as required in the preceding subsection (f). Any qualified registered elector, including a spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is unavoidably absent from the Commonwealth or county of his residence on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application or request may be made upon an application form supplied by the county board of elections. Such application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

(1) The application of any qualified registered elector, including spouse or dependent referred to in subsection (l), who expects to be or is unavoidably absent from the Commonwealth or county of his residence on the day of any primary or election, shall be signed by the applicant and shall include the surname and christian name or names of the applicant, his occupation, date

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

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and christian name or names of the applicant, his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness and the name of their attending physician, if any, together with a supporting declaration signed by such attending physician, or, if none, by a registered elector unrelated by blood or marriage of the election district of the residence of the applicant: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

..... (Mark)
(Date)
.....
(Complete Address of Witness) (Signature of Witness)

Section 21. The act is amended by adding, after section 1302, three new sections to read:

Act amended by adding three new sections 1302.1, 1302.2, and 1302.3.

Section 1302.1. Date of Application for Absentee Ballot.—

Applications for absentee ballots unless otherwise specified shall be received in the office of the county board of elections not earlier than fifty (50) days before the primary or election and not later than five o'clock

P. M. of the first Tuesday prior to the day of any primary or election: Provided, however, That in the event any elector otherwise qualified who is so physically disabled or ill on or before the first Tuesday prior to any primary or election that he is unable to file his application or who becomes physically disabled or ill after the first Tuesday prior to any primary or election and is unable to appear at his polling place or any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the State or county of his residence on the day of the primary or election, which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to any primary or election, shall be entitled to an absentee ballot at any time prior to five o'clock P. M. on the day preceding any primary or election upon execution of an Emergency Application in such form prescribed by the Secretary of the Commonwealth.

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

In the case of an elector who is necessarily absent because of the conduct of his business, duties or occupation under the unforeseen circumstances specified in this subsection, such Emergency Application shall contain a supporting affidavit from such elector stating that because of the conduct of his business, duties or occupation said elector will necessarily be absent from the State or county of his residence on the day of the primary or election which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to the primary or election.

Section 1302.2. Approval of Application for Absentee Ballot.—

(a) The county board of elections, upon receipt of any application filed by a qualified elector not required to be registered under preceding section 1301, shall ascertain from the information on such application, district register or from any other source that such applicant possesses all the qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked approved. When so approved, the county board of elections shall

cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilians Absentee Voters File as provided in section 1302.3, subsection (b): Providing, however, That no application of any qualified elector in military service shall be rejected for failure to include on his application any information if such information may be ascertained within a reasonable time by the county board of elections.

(b) The county board of elections, upon receipt of any application filed by a qualified elector who is entitled, under the provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting as provided under preceding section 1301, shall ascertain from the information on such application or from any other source that such applicant possesses all the qualifications of a qualified elector. If the board is satisfied that the applicant is entitled, under the provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting and that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." When so approved, the county board of elections shall cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3 subsection (b).

(c) The county board of elections, upon receipt of any application of a qualified elector required to be registered under the provisions of preceding section 1301, shall determine the qualifications of such applicant by comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." When so approved, the registration commission shall cause the applicant's permanent registration card to be removed from the district register and the county board of elections shall cause same to be inserted in the Registered Absentee Voters File as provided in section 1302.3 subsection (a):

Provided, however, That the duties of the county boards of elections and the registration commissions with respect to the removal of the original registration card of any elector from the district register as set forth in section 1305 shall include only such applications as are received on or before the first Tuesday prior to the

primary or election. In all cases where applications are received after the first Tuesday prior to the primary or election and before five o'clock P. M. on the day prior to the primary or election, the county board of elections shall determine the qualifications of such applicant by comparing the information set forth on such application with the information contained on the applicant's duplicate registration card on file in the General Register (also referred to as the Master File) in the office of the Registration Commission and shall cause the name and residence (and at primaries, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3, subsection (b). In addition, the county boards of elections shall, upon canvassing the official absentee ballots under section 1308, examine the voting check list of the election district of said elector's residence and satisfy itself that such elector did not cast any ballot other than the one properly issued to him under his absentee ballot application. In all cases where the examination of the county board of elections discloses that an elector did vote a ballot other than the one properly issued to him under the absentee ballot application, the county board of elections shall thereupon cancel said absentee ballot and said elector shall be subject to the penalties as hereinafter set forth.

(d) In the event that any application for an official absentee ballot is not approved by the county board of elections, the elector shall be notified immediately to that effect with a statement by the county board of the reasons for the disapproval.

Section 1302.3. Absentee Electors Files and Lists.—

(a) The county board of elections shall maintain at its office a file containing the original registration cards of every registered elector to whom an absentee ballot has been sent. Such original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards so filed shall constitute the Registered Absentee Voters File for the Primary or Election of (date of primary or election) and shall be kept on file for a period commencing the Thursday prior to the day of the primary or election until the third Monday following the primary or election or the day the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations.

(b) The county board of elections shall post in a conspicuous public place at its office a master list arranged in alphabetical order by election districts setting forth

*the name and residence, and at primaries, the party enrollment, of (1) every military elector to whom an absentee ballot is being sent, each such name to be prefixed with an "M"; (2) every bedridden or hospitalized veteran outside the county of his residence who is not registered and to whom an absentee ballot is being sent, each such name to be prefixed with a "V"; and (3) every registered elector who has filed his application for an absentee ballot *too late for the extraction of his original registration card and to whom a ballot is being sent and every qualified elector who has filed his application for an absentee ballot and is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting, each such name to be prefixed with a "C." This list shall be known as the Military, Veterans and Emergency Civilians Absentee Voters File for the Primary or Election of (date of primary or election) and shall be posted for a period commencing the day of the primary or election until the third Monday following the primary or election or the day on which the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations. This posted list shall not contain any military address or reference to any military organization.*

Section 22. Sections 1303, 1304, 1305 and 1306 of the act, added March 6, 1951 (P. L. 3), are amended to read:

Section 1303. Official [Military] Absentee Voters Ballots.—(a) [Ballots] *In districts in which ballots are used, the ballots for use by such [military] absentee electors under the provisions of this act shall be [prepared sufficiently in advance by the county boards of election and] the official ballots printed in accordance with sections 1002 and 1003: Provided, however, That the county board of elections when detaching the official ballots for absentee electors shall be required to indicate on the stub of each ballot so detached the name of the applicant to which that precise ballot is being sent. The county board of elections shall also be required to remove the numbered stub from each such ballot and shall thereupon print, stamp or endorse in red color upon such official ballots the words, Official Absentee Ballot. Such ballots shall be distributed by such boards as hereinafter provided. [Such ballots shall be marked "Official Military Ballot" but shall not be numbered and shall otherwise be in substantially the form for ballots required by*

Sections 1303, 1304, 1305 and 1306 of act, added March 6, 1951, P. L. 3, amended.

* "to" in original.

article ten of this act, which form shall be determined and prescribed by the Secretary of the Commonwealth.]

(b) *In districts in which voting machines are used and in those districts in which paper ballots are used and the county board of elections therein do not print official absentee ballots in accordance with sections 1002 and 1003, the ballots for use by such absentee electors under the provisions of this act shall be prepared sufficiently in advance by the county board of elections and shall be distributed by such boards as hereinafter provided. Such ballots shall be marked Official Absentee Ballot but shall not be numbered and shall otherwise be in substantially the form for ballots required by article ten of this act, which form shall be determined and prescribed by the Secretary of the Commonwealth.*

In cases where there is not time, in the opinion of the county boards of election, to print on said ballots the names of the various candidates for district, county, and local offices, the ballots shall contain blank spaces only under the titles of such offices in which electors may insert the names of the candidates for whom they desire to vote, and in such cases the county boards of election shall furnish to electors lists containing the names of all the candidates *named in nomination petitions or who have been regularly nominated under the provisions of this act*, for the use of such electors in preparing their ballots.

Section 1304. Envelopes for Official [Military] *Absentee* Ballots.—

The county boards of election shall provide two additional envelopes for each official [military] *absentee* ballot of such size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official [Military] *Absentee* Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the [affidavit] *form of the declaration* of the elector, [together with the jurat of the person in whose presence, the ballot is marked and before whom the affidavit is made,] and the name and address of the county board of election of the proper county. Said [affidavit, jurat] *form of declaration* and envelope shall be [in the form] *as* prescribed by the Secretary of the Commonwealth and shall contain among other things a statement of the elector's qualifications, *together with a statement that such elector has not already voted in such primary or election.* The mailing envelope addressed to the elector shall contain the two

envelopes, the official [military] *absentee* ballot, lists of candidates when authorized by section 1303 *subsection (b)* of this act, the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else: *Provided, however, That envelopes for electors qualified under preceding section 1301, *subsections (a) to (h), inclusive, shall have printed across the face of each transmittal or return envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed, in the upper right corner of each such envelope in a box, the words "Free of U. S. Postage, Including Air Mail;" that all printing on the face of each such envelope be in **red, and that there be printed in red, in the upper left corner of each such envelope, the name and address of the county board of elections of the proper county or blank lines for return address of the sender:*

Provided further, That the aforesaid envelope addressed to the elector may contain absentee registration forms and instructions where required, together with return envelope upon which is printed the name and address of the registration commission of the proper county, which envelope shall have printed across the face two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed in the upper right corner of each such envelope in a box the words "Free of U. S. Postage, Including Air Mail," and, in the upper left corner of each such envelope, blank lines for return address of the sender; that all printing on the face of each such envelope be in red.

Section 1305. [Duties of County Boards] *Delivering or Mailing Ballots.*—

(a) The county boards of election upon receipt of an application filed by any elector qualified in accordance with the provisions of section 1301, *subsections (a) to (h), inclusive*, shall [at least twenty-five days prior to the election] as soon as possible after the respective district ballots are printed and in no event later than the second Tuesday prior to the day of the primary or elec-

* "subsection" in original.

** "read" in original.

tion commence to deliver or mail official [military] absentee ballots to all such electors whose [names and addresses] applications have been [ascertained] approved; as additional [names and addresses] applications of such electors are [ascertained] received, the board shall deliver or mail official [military] absentee ballots to such additional electors within forty-eight hours after [ascertaining] approval of their [names and addresses] application.

(b) [Each county board of election shall post in a conspicuous public place at its office a master list, arranged alphabetically by election districts, setting forth the name, residence and local voting district or ward of every elector to whom an official military ballot has been sent. This posted list shall not contain the elector's military address or military organization. This list shall be known as the "Military File" and shall be posted at least five days before the election day involved, and shall also set forth the total number of such ballots prepared for use in such election. Copies of such military files shall be furnished upon request to the county chairman of each political party and political body, and shall also be furnished to registration commissions.]

The county board of elections upon receipt and approval of an application filed by any elector qualified in accordance with the provisions of section 1301, subsections (i) to (l), inclusive, shall commence to deliver or mail official absentee ballots on the second Tuesday prior to the primary or election. As additional applications are received and approved, the board shall deliver or mail official absentee ballots to such additional electors within forty-eight hours.

Section 1306. Voting by *Absentee* Electors [in Actual Military Service].—(a) At any time after receiving an official [military] *absentee* ballot, but on or before the day of the *primary* or election, the elector [, for the purpose of voting, may appear before any person of this or any other state or territory of the United States authorized to administer oaths by Federal, State or military laws. The elector shall first display the ballot to such person as evidence that the same is unmarked, and then] shall, *in secret*, proceed to mark the ballot [with] *only in black lead pencil, [crayon,] indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen,* [in the presence of such person, but in such manner that the person administering the oath is unable to see how the same is marked,] and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official [Military] *Absentee* Ballot." This envelope shall then be placed in the second one, on which is printed

the [affidavit] *form of declaration* of the elector, [the jurat of the person before whom the elector appears,] and the address of the elector's county board of election. The elector shall then fill out, [subscribe] *date* and [swear to] *sign* the [affidavit] *declaration* printed on such envelope [, and the jurat shall be subscribed and dated by the person before whom the affidavit was taken]. Such envelope shall then be securely sealed and the elector shall send same by mail *postage prepaid, except where franked, or deliver it in person or by representative* to said county board of election :

Provided, however, That any elector, spouse of the elector or dependent of the elector, qualified in accordance with the provisions of section 1301, subsections (e), (f), (g) and (h) to vote by absentee ballot as herein provided, shall be required to include on the form of declaration a supporting declaration in form prescribed by the Secretary of the Commonwealth, to be signed by the head of the department or chief of division or bureau in which the elector is employed, setting forth the identity of the elector, spouse of the elector or dependent of the elector:

*Provided further, That any elector who has filed his application in accordance with section 1302, subsection *(f) (2), and is unable to sign his declaration because of illness or physical disability, shall be excused from signing upon making a declaration which shall be witnessed by one adult person in substantially the following form: I hereby declare that I am unable to sign my declaration for voting my absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.*

..... (Mark)

.....

(Date)

.....

(Signature of Witness)

.....

(Complete Address of Witness)

(b) In the event that any such elector, excepting an elector in military service or any elector unable to go to his polling place because of illness or physical disability, entitled to vote an official absentee ballot shall be in the county of his residence on the day for holding the primary or election for which the ballot was issued, or in the event any such elector shall have recovered from his illness or physical disability sufficiently to permit him to present himself at the proper polling place for the purpose of casting his ballot, such absentee bal-

* "(g)" in original.

lot cast by such elector shall, upon challenge properly sustained, be declared void.

However, any such elector referred to in this subsection, who is within the county of his residence, shall be permitted to vote upon presenting himself at his regular polling place in the same manner as he could have voted had he not received an absentee ballot: Provided, That such elector has first presented himself before the court of common pleas of his county between the hours of seven o'clock A. M. and five o'clock P. M. on the day of any primary or election and has procured an "Emergency Voting Form" signed by the court, which form entitles the elector to vote at his regular polling place upon the signing of a voter's certificate: Provided, however, That the court may require the surrender of said elector's absentee ballot where he has not already voted, which shall thereupon be marked "cancelled" by said court and transmitted to the county board of elections. In the event such elector has already voted, then the court shall direct the county board of elections to set such ballot aside unopened.

Act amended by adding a new section 1306.1.

Section 23. The act is amended by adding, after section 1306, one new section to read:

Section 1306.1. Assistance in Voting by Certain Absentee Electors.—

Any elector qualified to vote an official absentee ballot in accordance with the provisions of section 1301, subsection (k), may receive assistance in voting (1) if there is recorded on his registration card his declaration that he has a physical disability which renders him unable to see or mark the official absentee ballot, the exact nature of such disability being recorded on such registration card; (2) if such elector requiring assistance submits with his application for an official absentee ballot, a statement setting forth the precise nature of the disability which renders him unable to see or mark the official absentee ballot and that to the best of his knowledge and belief he will still suffer from the said physical disability at the time of voting his official absentee ballot. He shall acknowledge the same before an officer qualified to take acknowledgement of deeds. Such statement shall be in substantially the following form:

Statement of Absentee Elector Requiring Assistance
I,, hereby state
(Name of voter requiring assistance)
that I require assistance in marking the official absentee ballot for the primary or election held,
(Date)

19... , that will be issued to me for the following reason:

.....
(Insert nature of disability)

.....
(Signature or mark of elector)

.....
(Date of signature or mark)

Commonwealth of Pennsylvania: }
County of: } ss

On this day of, 19..., before me,, the undersigned officer personally appeared, known to me (or satisfactorily proven) to be the person whose signature or mark appears on the within instrument and acknowledged the same for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal

.....
(Title of Officer)

Upon receipt of the official absentee ballot, such elector requiring assistance may select an adult person to assist him in voting such assistance to be rendered in secret. The adult person rendering the assistance in voting should be required to fill out, date and sign the declaration in such form approved by the Secretary of the Commonwealth, or substantially in the form as set forth below, as he has caused the elector's ballot to be marked in accordance with such elector's desires and instruction. Such declaration form shall be returned to the county board of elections in the mailing envelope addressed to the county board of elections within which the small "official absentee ballot" is returned.

Declaration of Person Rendering Assistance

I,, an adult person (Name of Person rendering assistance)

hereby declare that I have witnessed the aforesaid elector's signature or mark and that I have caused the aforesaid elector's ballot to be marked in accordance with the desires and instructions of the aforesaid elector.

.....
(Signature of Person Rendering Assistance)

.....
(Address)

Section 24. Sections 1307, 1308 and 1309 of the act, added March 6, 1951 (P. L. 3), are amended to read:

Sections 1307, 1308 and 1309 of act, added March 6, 1951, P. L. 3, amended.

Section 1307. [Military] Certain Electors Voting in Districts of Residence.—

(a) Whenever any qualified elector in actual military service is present in his voting district of residence on any primary, *special*, municipal or general election day and has not already voted in such election, he may apply [to his district election board] *in person at the office of the county board of election of the county of his residence and he shall then and there execute his application* for an official *absentee* ballot [and vote it in such election].

(b) Each such application shall be in the form and shall contain the information required by this act together with a statement by the applicant that he has not already voted in the election. [All such applications shall be transmitted to the county board of election immediately upon the closing of the polls.]

The county board of elections shall ascertain from the information on such application or from any other source that such applicant possesses all the qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "Approved." When so approved, the county board of elections shall cause the applicant's name and residence (and at primaries, the party enrollment) to be inserted in the "Military, Veterans and Emergency Civilian Absentee Voters File" as provided in section 1302.3 subsection (b).

(c) Upon receiving an official *absentee* ballot and envelopes therefor, he shall, in secret, in the [polling place] *office of the county board of elections* vote the ballot and [prepare it for execution of the affidavit and jurat] *execute the declaration* as prescribed by this act. [The affidavit shall be executed before the judge or either inspector of election, and the jurat subscribed by the person before whom the affidavit is taken.] The [military] elector shall then securely seal the second envelope and hand it to the [judge] *chief clerk of the county board of election who shall securely keep same in accordance with the provisions of section 1308.* [The judge of election shall place all such envelopes in a container marked "Official Military Ballots" which shall be sealed immediately upon the closing of the polls and transmitted to the county board of election.

(d) Each district election board shall prepare a separate list of the names of all such voters, which shall be attached to the lists of voters required by the act to which this is an amendment.

(e) Each county board of election shall prepare and deliver to each district election board on such election days an adequate supply of official ballots, envelopes and other supplies as required by this act.

(f) Each county board of election, before the day fixed by this act for the canvassing of official ballots, shall post, attached to the "Military File," an alphabetically arranged list setting forth the name, residence, the local voting district and ward of every military elector voting under the provisions of this section. The list shall not contain the elector's military address or military organization. Copies of such lists may be furnished as in the case of copies of the military file.]

Section 1308. Canvassing of Official [Military] *Absentee* Ballots.—

(a) The county boards of election, upon receipt of official [military] *absentee* ballots in such envelopes, shall safely keep the same *in sealed or locked containers* until they meet to canvass official [military] *absentee* ballots, which canvass shall begin immediately following the official civilian canvass for [all] *the primary or [elections] November election or the second Friday following the primary or November election, whichever date is later.* [After the November election, the canvass of official military ballots shall begin at ten o'clock A. M., Eastern Standard Time, on the second Friday following the election.] *Said canvass to commence at ten o'clock A. M., Eastern Standard Time.* No such ballots shall be counted which are received in their offices later than ten o'clock A. M., Eastern Standard Time, of the second Friday following the primary election or the November election. At such time the members of the return boards or the county boards of election shall in person dispose of official [military] *absentee* ballots in the manner hereinafter set forth. The county boards of election may designate a sufficient number of clerks to perform such duties. When it is determined that clerks shall be appointed, the total number shall in every case be in multiples of three, and each member of a county board of elections shall appoint an equal number thereof.

(b) Each candidate for nomination or election shall be entitled to appoint one watcher and each political party or body which has nominated candidates shall be entitled to appoint three watchers. Watchers shall be permitted to be present when the envelopes containing official [military] *absentee* ballots are opened and when such ballots are counted and recorded.

(c) In disposing of an official [military] *absentee* ballot the county return board or the county board of election shall examine the [affidavit and jurat] *declaration* and if the [jurat] *same* bears a date later than the date of [the] *such primary or election*, the envelope shall be set aside unopened.

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

(e) The board shall then further examine the [affidavit and jurat of] *declaration* on each envelope not so set aside and shall compare the information thereon with that contained in the "*Registered Absentee Voters File*" and the "*Military, Veterans and Emergency Civilians Absentee Voters File*" [military file]. If the board is satisfied that the [affidavit and jurat are] *declaration* is sufficient and that the elector has qualified, and the board has utilized the information contained in the [military] "*Registered Absentee Voters File*" and the "*Military, Veterans and Emergency Civilians Absentee Voters File*" [file] to verify his right to vote, the board shall announce the name of the elector and shall give any [person] *watcher* present an opportunity to challenge in like manner and for the same cause, except the failure of *qualified electors set forth in preceding section 1301, *subsections (a) to (i), inclusive*, to register or enroll, as the elector could have been challenged had he presented himself in his own district to vote other than by official [military] *absentee ballot: Provided further, That any watcher may challenge any absentee elector upon the ground or grounds (1) that the absentee elector is not a qualified absentee elector as defined in this act; or (2) that the absentee elector was within the county of his residence on the day of the primary or election during the period the polls were open, except where he was in military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (3) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, the board shall mark "challenged" on the envelope together with the reason or reasons therefor, and the same shall be set aside unopened pending decision. [If no challenges are sustained] Thereupon, the board shall open the envelope of every unchallenged absentee elector in such manner as not to destroy the [affidavit and jurat*

* "subsection" in original.

printed] *declaration executed* thereon. All of such envelopes on which are printed, stamped or endorsed the words "Official [Military] *Absentee Ballot*" shall be placed in one or more depositories at one time and said depository or depositories well shaken and the envelopes mixed before any envelope is taken therefrom. The board shall then break the seals of such envelopes, remove the ballots and record the votes in the same manner as district election officers are required to record votes. *With respect to the challenged ballots, the board shall fix a time and place for a formal hearing of all such challenges and notice shall be given where possible to all absentee electors thus challenged and to every attorney, watcher or candidate who made such challenge. The time for the hearing shall not be later than ten (10) days after the date of challenge. On the day fixed for said hearing, the board shall proceed without delay to hear said challenges and, in hearing the testimony, the board shall not be bound by technical rules of evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing. The decision of the board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. Such appeal shall be taken, within two (2) days after such decision shall have been made, whether reduced to writing or not, to the court of common pleas setting forth the objections to the board's decision and praying for an order reversing same. Pending the final determination of all appeals, the board shall suspend any action in canvassing and computing all challenged ballots irrespective of whether or not appeal was taken from the board's decision.* Upon completion of the computation of the returns of the county, the votes cast upon the official [military] *absentee* ballots shall be added to the other votes cast within the county.

Section 1309. Public Records.—

All official [military] *absentee* ballots, [military] files, applications for such ballots and envelopes on which the *executed* [jurats and affidavits] *declarations* appear, and all information and lists are hereby designated and declared to be public records and shall be safely kept for a period of two years, except that no information *concerning a military elector* shall be made public which is expressly forbidden by the War Department because of military security.

Section 25. Section 1853 of the act, amended January 8, 1960 (P. L. 2135), is amended to read:

Section 1853. Violations of Provisions Relating to Absentee Electors Ballots.—If any person shall sign an

Section 1853 of
act, amended
January 8, 1960.
P. L. 2135,
further amended.

application for absentee ballot or declaration of elector on the [form] *forms* prescribed [by section 1302-B] knowing any matter declared therein to be false, or shall vote any ballot other than one properly issued to him, or vote or attempt to vote more than once in any election for which an absentee ballot shall have been issued to him, or shall violate any other provisions of Article XIII [-B] of this act, he shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000), or be imprisoned for a term not exceeding one year, or both, at the discretion of the court.

If any chief clerk or member of a board of elections, member of a return board or member of a board of registration commissioners, shall neglect or refuse to perform any of the duties prescribed by Article XIII [-B] of this act, or shall reveal or divulge any of the details of any ballot cast in accordance with the provisions of Article XIII [-B] of this act, or shall count an absentee ballot knowing the same to be contrary to Article XIII [-B], or shall reject an absentee ballot without reason to believe that the same is contrary to Article XIII [-B], or shall permit an elector to cast his ballot at a polling place knowing that there has been issued to the elector an absentee ballot, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1000), or be imprisoned for a term of one year, or both, at the discretion of the court.

Articles XIII-A and XIII-B of act repealed.

Section 26. Articles XIII-A and XIII-B of the act and its amendments are repealed.

All other acts or parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Cities of first class.

Section 27. Cities of the first class and counties are hereby authorized and empowered to appropriate the moneys necessary to carry out the provisions of this amendment.

Effective date.

Section 28. This act shall take effect January 1, 1964.

APPROVED—The 13th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 380

AN ACT

Amending the act of April 29, 1937 (P. L. 487), entitled, as amended, "An act to provide for the permanent personal registration of electors in cities of the second class, cities of the sec-