

No. 1998-18

## AN ACT

HB 1760

Amending the act of June 3, 1937 (P.L.1333, No.320), 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," further providing for eligibility for absentee ballots, for the powers and duties of county boards of election and the Secretary of the Commonwealth, for court establishment of new election districts, for polling place layouts, for voting machines, for special elections for members of the General Assembly, for affidavits of candidates, for objections to nomination filings, for ballot number and samples and for absentee ballots; removing certain jurisdiction from the courts; further providing for late contributions and independent expenditures, for unlawful possession and counterfeiting of ballots, for forged and destroyed ballots, for perjury, for tampering with voting machines, for illegal or unlawful voting, for denial of voting, for election officer fraud, for election interference, for violence at polls, for improper party voting, for repeat voting, for removal of ballots, for election bribery, for duress and intimidation of voters and for absentee violations; and making repeals.

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

Section 1. Section 102(w) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended or added August 13, 1963 (P.L.707, No.379), December 11, 1968 (P.L.1183, No.375), May 5, 1986 (P.L.150, No.47) and December 17, 1990 (P.L.681, No.169), is amended and the section is amended by adding a clause 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:

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(w) 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] *municipality* 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] municipality** 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] municipality** 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] municipality** 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] municipality** 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 expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election or 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] municipality** 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 expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election or 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**] *municipality* 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 absent from the [**Commonwealth or county**] *municipality* of his residence and unable to attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled; or

(10) Any qualified, registered and enrolled elector who expects to be or is absent from the [**Commonwealth or county**] *municipality* of his residence because his duties, occupation or business require him to be elsewhere 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**] *municipality* of his residence; or

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

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

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.

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

Section 2. Section 302(m) of the act, amended October 13, 1965 (P.L.579, No.299), is amended to read:

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

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**(m) To prepare and submit, [not less than twenty days prior to] within twenty days after the last day to register to vote in each primary, municipal and general election, a report to the Secretary of the Commonwealth in the form prescribed by him, which shall contain a statement of the total number of electors registered in each election district, together with a breakdown [by party registration] of registration by each political party or other designation. Copies of said statement shall be furnished, upon request, to the county chairman of each political party and political body. The Secretary of the Commonwealth shall forthwith submit such information to the Legislative Data Processing Center and shall publicly report the total number of registered electors for each political party or other designation in each county not later than five days prior to the primary, municipal or general election.**

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Section 3. Sections 502, 503 and 504 of the act, amended February 19, 1986 (P.L.29, No.11), are amended to read:

Section 502. Court to Create New Election Districts.—Subject to the provisions of section 501 of this act, the court of common pleas of the county in which the same are located, may form or create new election districts by dividing or redividing any borough, township, ward or election district into two or more election districts of compact and contiguous territory, having boundaries with clearly visible physical features and wholly contained within any larger district from which any Federal, State, county, municipal or school district officers are elected, or alter the bounds of any election district, or form an election district out of two or more adjacent districts or parts of districts, or consolidate adjoining election districts or form an election district out of two or more adjacent wards, so as to suit the convenience of the electors and to promote the public interests. [Election] **Except for good cause shown, election districts so formed shall [contain between six hundred (600) and eight hundred (800)] not contain more than one thousand two hundred (1,200) registered electors [as nearly as may be]. No election**

district shall be formed that shall contain less than one hundred (100) registered electors. When a school district crosses county lines, the regions of the school district shall be composed of contiguous election districts.

Section 503. Petitions for New Election Districts; Reference to County Board of Elections; Report.—Upon the petition of twenty registered electors of any township, borough, ward or election district, to the court of the proper county, praying for the division or redivision of such township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, the said court shall refer the said petition to the county board of elections, which shall make a full investigation of the facts, and shall report to the court its findings and recommendations as to the division, redivision, alteration, formation or consolidation of election districts prayed for. If the county board shall find that a division, redivision, alteration, formation or consolidation of election districts will promote the convenience of the electors and the public interests, it shall recommend a proper division, redivision, alteration, formation or consolidation of election districts, which must have clearly visible physical boundaries, and shall accompany its report with a map and a verbal description of the boundaries[.], *as well as a certification of the number of electors registered in each of the resulting election districts for the immediately preceding general or municipal election.* Such petitions may specify the boundaries desired by the petitioners, and may be accompanied by a map setting forth such boundaries. *When petitioners request specific boundaries, their petition shall include a certification from the county board of elections of the electors registered in each proposed election district for the immediately preceding general or municipal election.*

Section 504. Petitions by County Board; Action by Court on Petition or Report.—The county board of elections may also petition the court for the division or redivision of any township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, accompanying its petition with a map and a verbal description of the boundaries of the proposed new election districts which must have clearly visible physical features. *The petition must also include a certification of the number of electors registered in each of the resulting election districts for the immediately preceding general or municipal election.* Upon the presentation of any such petition by the county board, or upon the filing by the board of its report and recommendations as to any petition presented by qualified electors under the provisions of section 503 of this act, the court may make such order for the division, redivision, alteration, formation or consolidation of election districts, as will, in its opinion, promote the convenience of electors and the public

interests: Provided, however, That the court shall not make any final order for the division, redivision, alteration, formation or consolidation of election districts until at least ten days after notice shall have been posted in at least five public and conspicuous places in the district or districts to be affected thereby, one of which notices shall be posted on or in the immediate vicinity of the polling place in each such district. Such notice shall state in brief form the division, redivision, alteration, formation or consolidation of election districts recommended by the county board, *the number of electors registered in each district at the immediately preceding general or municipal election*, and the date upon which the same will be considered by the court, and shall contain a warning that any person objecting thereto must file his objections with the clerk of the court prior to such date. Upon the making of any such final order by the court, a copy thereof shall be certified by the clerk to the county board of elections.

Section 4. Section 530(b) of the act is amended to read:

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

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(b) The number of voting compartments to be furnished to each polling place shall not be less than one for every [100 voters] *two hundred (200) registered qualified electors*, or fraction thereof, [and in no case less than three] *in the election district*. The number of voting machines to be furnished [in districts] *to polling places* in which voting machines are used shall be not more than one machine for each three hundred and fifty (350) registered [voters] *electors*, or fraction thereof, nor less than one machine for each six hundred (600) registered [voters] *electors*, or fraction thereof, in such election district: *Provided, however, That the court of common pleas having jurisdiction, upon petition presented by either the county election board or by ten (10) or more registered qualified electors of an election district, may order that additional voting machines or voting compartments be provided for any such election district if the court shall be of the opinion that such additional voting machines or voting compartments shall be necessary in such district for the convenience of the electors and the public interests. The county shall provide equal distribution of voting machines or voting compartments in election districts containing a similar number of electors.*

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Section 5. Section 628 of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:

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, *within ten (10) days after the happening of the vacancy*, 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 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] *at the next ensuing primary, municipal or general election scheduled at least sixty (60) days after the issuance of the writ or such other earlier date which is at least sixty (60) days following the issuance of the writ as the presiding officer may deem appropriate*: 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 sixty (60) days after the issuance of said writ[.]: *Provided further, That if the vacancy shall occur less than seven (7) months prior to the expiration of the term, a special election shall be held only if in the opinion of the presiding officer the election is in the public interest.*

Section 6. Section 630.1 of the act, amended February 19, 1986 (P.L.29, No.11), is amended to read:

Section 630.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. **[In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case of a candidate for the office of Representative in the General Assembly,**

the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.]

Section 7. Section 632 of the act, amended April 18, 1985 (P.L.5, No.4), is amended to read:

Section 632. Objections to Certificates of Nomination and Nomination Papers Filed for a Special Election; Hearing; Determination.—All certificates of nomination and nomination papers to fill a vacancy as herein provided, which have been accepted and filed shall be deemed to be valid, unless objections thereto are duly made in writing and filed in the court and with the officer or board with whom said nomination certificates or papers were filed, and within three (3) days next succeeding the last day for filing such certificates or papers. [For purposes of this section, a certificate shall include all affidavits required to be filed with such certificate under this act.] Any objections shall set forth specifically the matters objected to. Upon the filing of the objections, the court shall make an order fixing a time for hearing, which shall not be later than seven (7) days after the last day for filing nomination certificates or papers, and specifying the time and manner of notice that shall be given to the candidate named in the nomination certificate or paper objected to. On the day fixed for said hearing, the court shall proceed without delay to hear said objections, and shall give such hearing precedence over any other business before it, and shall finally determine said matter not later than twelve (12) days after the last day for filing said nomination certificates or papers. In determining such matter, the court shall be governed in its order or decree by the provisions of section 977 of this act.

Section 8. Section 910 of the act, amended February 19, 1986 (P.L.29, No.11), is amended to read:

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



Traffic Court of Philadelphia, or for the office of school director in a district where that office is elective or for the office of justice of the peace that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term "uncommitted"; and (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures. **[In cases of petitions for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that in the case of a candidate for the office of Senator in the General Assembly that the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that in the case of a candidate for the office of Representative in the General Assembly that the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.]** In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

Section 9. Sections 951(e) and 977 of the act, amended April 18, 1985 (P.L.5, No.4), are amended to read:

Section 951. Nominations by Political Bodies.—\* \* \*

(e) There shall be appended to each nomination paper offered for filing an affidavit of each candidate nominated therein, stating—(1) the election district in which he resides; (2) the name of the office for which he consents to be a candidate; (3) that he is eligible for such office; (4) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses, and prohibiting corrupt practices in connection therewith; (5) that his name has not been presented as a candidate by nomination petitions for any public office to be voted for at the ensuing primary election, nor has he been nominated by any other nomination papers

filed for any such office; (6) that in the case where he is a candidate for election at a general or municipal election, he was not a registered and enrolled member of a party thirty (30) days before the primary held prior to the general or municipal election in that same year; (7) that, in the case where he is a candidate for election at a special election, he is not a registered and enrolled member of a party. **[In cases of papers for candidates for the General Assembly, the candidate's affidavit shall state (i) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (ii) (a) that in the case of a candidate for the office of Senator in the General Assembly that the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (b) that in the case of a candidate for the office of Representative in the General Assembly that the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (iii) that the candidate shall have been a citizen and inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (iv) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.]**

Section 977. Objections to Nomination Petitions and Papers.—All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to be valid, unless, within seven days after the last day for filing said nomination petition or paper, a petition is presented to the court specifically setting forth the objections thereto, and praying that the said petition or paper be set aside. A copy of said petition shall, within said period, be served on the officer or board with whom said nomination petition or paper was filed. Upon the presentation of such a petition, the court shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing said nomination petition or paper, and specifying the time and manner of notice that shall be given to the candidate or candidates named in the nomination petition or paper sought to be set aside. On the day fixed for said hearing, the court shall proceed without delay to hear said objections, and shall give such hearing precedence over other business before it, and shall finally determine said matter not later than fifteen (15) days after the last day for filing said nomination petitions or papers. If the court shall find that said nomination petition or paper is defective under the provisions of section 976, or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this act, or was not filed by persons entitled to file the same, [or if any accompanying or appended affidavit contains a material defect or error,] it shall be set aside. [For purposes of this section, a nomination petition or paper shall include all affidavits required to be filed with such nomination petition or paper under this act.] If the objections relate

to material errors or defects apparent on the face of the nomination petition or paper, **[or on the face of the accompanying or appended affidavits,]** the court, after hearing, may, in its discretion, permit amendments within such time and upon such terms as to payment of costs, as the said court may specify. In case any such petition is dismissed, the court shall make such order as to the payment of the costs of the proceedings, including witness fees, as it shall deem just. If a person shall sign any nomination petitions or papers for a greater number of candidates than he is permitted under the provisions of this act, if said signatures bear the same date, they shall, upon objections filed thereto, not be counted on any petition or paper and if they bear different dates, they shall be counted in the order of their priority of date, for only so many persons as there are candidates to be nominated or elected. The office of the Prothonotary of the Commonwealth Court and the office of the Secretary of the Commonwealth and the various offices of prothonotary of the court of common pleas shall be open between the hours of eight-thirty o'clock A.M. and five o'clock P.M. on the last day to withdraw after filing nomination petitions and on the last day to file objections to nomination petitions.

Section 10. Section 981.1 of the act, amended February 19, 1986 (P.L.29, No.11), is amended to read:

Section 981.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. **[In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case**

of a candidate for the office of Representative in the General Assembly, the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.]

Section 11. Section 982 of the act, amended April 18, 1985 (P.L.5, No.4), is amended to read:

Section 982. Objections to Substituted Nomination Certificates.—All substituted nomination certificates may be objected to, as provided in section 977 of this act, except objections to substituted nomination certificates must, in any case, be filed within three (3) days after the filing of the substituted nomination certificate: Provided, however, That no objections as to form and conformity to law, shall be received after the day on which the printing of ballots is started. [For purposes of this section, a certificate shall include all affidavits required to be filed with such certificate under this act.]

Section 12. Section 1007 of the act, amended August 13, 1963 (P.L.707, No.379), 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] *electors* 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 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] *maintain a sufficient supply of such ballots* at the office of the county board *for the use of absentee electors and* 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] *polling* 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, *a suitable supply of 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, *a suitable supply of 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 13. Section 1104(a) of the act, amended July 21, 1979 (P.L.189, No.63), is amended to read:

Section 1104. Installation of Voting Machines.—(a) (1) If a majority of the qualified electors voting on the question shall vote in the affirmative, the county election board of the said county shall purchase for each election district of such county, city, borough or township, one or more voting machines, of a kind or kinds approved by the Secretary of the Commonwealth, as hereinafter provided, and of sufficient capacity to accommodate the names of a reasonable number of candidates for all public and party offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future election, and shall notify the Secretary of the Commonwealth, in writing, that they have done so. The county election board shall provide machines in good working order, and shall preserve and keep them in repair. Voting machines of different kinds may be used for different *election* districts in the same county, city, borough or township. In each election district in which voting machines are used, the county election board [may provide one voting machine for each three hundred and fifty registered voters, or fraction thereof, therein, and shall provide one voting machine for each six hundred registered voters, or fraction thereof, therein: Provided, however, That the courts of quarter sessions, upon petition presented by either the county election board or by ten or more qualified electors of any such election district, may order that one additional voting machine be provided for any such election district, if the court shall be of the opinion that such additional voting machine shall be necessary in such district for the convenience of the voters and the public interests] *shall provide an adequate number of voting machines for the electors of the election district in accordance with section 530.*

(2) [In any city of the first class, whenever] *Whenever* there shall be a number of candidates in a primary election so great as to require voting machines limited to the candidates of one political party, there shall be two voting machines of the same kind in any district for any party which has more than three hundred and fifty (350) registered [voters] *qualified electors* in that district.

\* \* \*

Section 14. Section 1301 of the act, amended December 11, 1968 (P.L.1183, No.375) and December 17, 1990 (P.L.681, No.169), is amended to read:

Section 1301. 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] municipality** 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] municipality** 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] municipality** 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] municipality** 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] municipality** 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 expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election or 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] municipality** 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 expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election or 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] municipality** 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 absent from the **[Commonwealth or county] municipality** of his residence and unable to attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled; or

(j) Any qualified registered and enrolled elector who expects to be or is absent from the **[Commonwealth or county] municipality** of his residence because his duties, occupation or business require him to be elsewhere 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 because of illness or physical disability is unable to attend his polling place or operate a voting

machine and secure assistance by distinct and audible statement as required in section 1218 of this act;

(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 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] *municipality* of his residence; or

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

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

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 15. Section 1302 of the act, amended December 11, 1968 (P.L.1183, No.375), July 12, 1980 (P.L.649, No.134) and May 5, 1986 (P.L.150, No.47), is amended to read:

Section 1302. Applications for Official Absentee Ballots.—(a) Any qualified elector defined in preceding section 1301, subsections (a) to (h), inclusive, may apply at any time before any primary or election for any official absentee ballot in person, on any form supplied by the Federal Government, or on any official county board of election form 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: 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 stateside military address, FPO or APO number 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 an official absentee ballot in any primary or election may not be made over the signature of any person, other than the qualified elector or an adult member of his immediate family, as required in the preceding subsection.



(d) 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 absent from the **[State or county] municipality** of his residence and unable to attend his polling place because of such illness or physical disability, regardless of whether he is registered or enrolled, may apply at any time before any primary or election for an official absentee ballot on any official county board of election form 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 shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the **[Commonwealth or county] municipality** of his residence because his duties, occupation or business require him to be elsewhere 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, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, 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 shall be made upon an official application form supplied by the county board of elections. Such official 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) of section 1301, who expects to be or is absent from the **[Commonwealth or county] municipality** of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, shall be signed by the applicant and shall include the surname and given 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 given 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, office address and office telephone number of their attending physician: 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)

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may, with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section but such person must submit a written statement asserting continuing disability every four years in order to maintain his eligibility to vote under the provisions of this subsection. Should

any such person lose his disability he shall inform the county board of elections of the county of his residence.

(e.2) Notwithstanding the other provisions of this act any qualified elector who expects to be or is absent from the **[Commonwealth or county] municipality** of his residence because his duties, occupation or business require him to be elsewhere on the day of any election or a county employe who cannot vote due to duties on election day relating to the conduct of the election or a person who will not attend a polling place because of the observance of a religious holiday may make an application for an absentee ballot by mail by sending a letter to the county board of elections in the county in which his voting residence is located. The letter shall be signed by the applicant and contain his name and place of residence.

(f) The county chairman of each political party or the head of each political body shall designate one representative from his respective political party or body for each public institution. The representatives so appointed shall, at the same time on a date fixed by the county board of election visit every public institution situate in the county for the purpose of obtaining the names and addresses of public institution residents who desire to receive applications for absentee ballots and to act as an election board as provided in subsection (g) of this section. The list of names and addresses thus obtained shall then be submitted by said representatives to the board which shall furnish applications individually to those appearing in the written request. If the chairman or head of a political party or body fails to appoint a representative within fifteen days from written notice from the county board of election, the county board of election shall appoint a representative from the political party or body.

(g) The county board of election shall appoint teams of three members for each public institution that shall go to the public institutions and hold the election on the first Friday prior to election day. Each member of the board shall appoint one member on every team. After the votes are cast, the teams shall collect the ballots and return them to the county board of election where they shall be placed unopened in a secure, safe and sealed container in the custody of the board until they shall be distributed to the respective absentee voters' election district as provided in section 1308 of this act where they shall be counted with the other absentee ballots, if any.

(h) The county board of election shall number, in chronological order, the applications for an official absentee ballot, which number shall likewise appear on the official absentee ballot for the qualified elector. The numbers shall appear legibly and in a conspicuous place but before the ballots are distributed the number on the ballot shall be torn off by the county board of election. This number information shall be appropriately inserted and become a part of the Registered Absentee Voters File and the Military, Veterans and Emergency Civilian Absentee Voters File provided in section 1302.3 of this act.

(i) Application for official absentee ballots shall be on forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who receives an absentee ballot pursuant to section 1301 and who, on election day, is capable of voting at the appropriate polling place must void the absentee ballot and vote in the normal manner at the appropriate voting place. Such forms shall be made freely available to the public at county board of elections, municipal buildings and at such other locations designated by the secretary. No written application or personal request shall be necessary to receive the application forms. Copies of all completed applications for official absentee ballots shall be retained by the county board of elections.

Section 16. Sections 1302.1, 1306 and 1308(e) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

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] municipality** 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 first Friday 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] municipality** 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 1306. Voting by Absentee Electors.—(a) At any time after receiving an official absentee ballot, but on or before five o'clock P. M. on the Friday prior to the primary or election, the elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official Absentee Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. 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 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 (e) (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] *municipality* 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 ballot cast by such elector shall, be declared void.

Any such elector referred to in this subsection, who is within the [county] *municipality* of his residence, must present himself at his polling place and[,] 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 to the judge of elections in his local election district and shall have signed the affidavit on the absentee voter's temporary registration card, which affidavit shall be in substantially the following form:

I hereby swear that I am a qualified registered elector who has obtained an absentee ballot, however, I am present in the [county] *municipality* of my residence and physically able to present myself at my polling place and therefore request that my absentee ballot be voided.

(Date)

.....  
(Signature of Elector)

.....  
(Local Judge of Elections)

An elector who has received an absentee ballot under the emergency application provisions of section 1302.1, and for whom, therefore, no temporary absentee voter's registration card is in the district register, shall sign the aforementioned affidavit in any case, which the local judge of elections shall then cause to be inserted in the district register with the elector's permanent registration card.

Section 1308. Canvassing of Official Absentee Ballots.—

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(e) At such time the local election board shall then further examine the declaration on each envelope not so set aside and shall compare the information thereon with that contained in the "Registered Absentee Voters File," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File." If the local election board is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee Voters File," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the local election board shall announce the name of the elector and shall give any watcher present an opportunity to challenge any absentee elector upon the ground or grounds (1) that the absentee elector is not a qualified elector; or (2) that the absentee elector was within the [county] *municipality* 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, as set forth herein the local election board

shall mark "challenged" on the envelope together with the reason or reasons therefor, and the same shall be set aside for return to the county board unopened pending decision by the county board and shall not be counted. All absentee ballots not challenged for any of the reasons provided herein shall be counted and included with the general return of paper ballots or voting machines, as the case may be as follows. Thereupon, the local election board shall open the envelope of every unchallenged absentee elector in such manner as not to destroy the declaration executed thereon. All of such envelopes on which are printed, stamped or endorsed the words "Official 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. If any of these envelopes shall contain any extraneous marks or identifying symbols other than the words "Official Absentee Ballot," the envelopes and the ballots contained therein shall be set aside and declared void. The local election 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, they shall be returned to the county board with the returns of the local election district where they shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it 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 seven (7) days after the date of said challenge. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges and, in hearing the testimony, the county 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 county 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 county board's decision and praying for an order reversing same. Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots irrespective of whether or not appeal was taken from the county board's decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots shall be added to the other votes cast within the county.

\* \* \*

Section 17. Section 1628 of the act, amended July 11, 1980 (P.L.600, No.128), is amended to read:

Section 1628. Late Contributions and Independent Expenditures.—

Any candidate or political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, which receives any contribution or pledge of five hundred dollars (\$500) or more, and any person making an independent expenditure, as defined by this act, of five hundred dollars (\$500) or more after the final pre-election report has been deemed completed shall report such contribution, pledge or expenditure to the appropriate supervisor **[by telegram or mailgram]**. Such **[telegram or mailgram] report** shall be sent by the candidate, chairman or treasurer of the political committee within twenty-four (24) hours of receipt of the contribution. It shall be the duty of the supervisor to confirm the substance of such **[telegram or mailgram.] report. The report shall be made by telegram, mailgram, overnight mail or facsimile transmission.** Any candidate in his own behalf, or chairman, treasurer or candidate in behalf of the political committee may also comply with this section by appearing personally before such supervisor and reporting such late contributions or pledges.

Section 18. Sections 1802, 1816, 1817, 1818, 1823, 1824, 1825, 1827, 1828, 1829, 1833 and 1834 of the act are amended to read:

Section 1802. Perjury.—Any wilful false statement made under oath or affirmation or in writing, stating that it is so made, although such oath or affirmation may not have actually been made, by any person regarding any material matter or thing relating to any subject being investigated, heard, determined or acted upon by any county board of elections, or member thereof, or by any court or judge thereof, judge of election, inspector of election, or overseer, in accordance with the terms of this act, shall be perjury, **a misdemeanor of the first degree**, and any person, upon conviction thereof, shall be sentenced to pay a fine not exceeding **[five hundred (\$500) dollars] ten thousand (\$10,000) dollars**, or to undergo an imprisonment of not **[less than three (3) months nor more than two (2) years] more than five (5) years**, or both, in the discretion of the court.

Section 1816. Unlawful Possession of Ballots; Counterfeiting Ballots.—Any person other than an officer charged by law with the care of ballots, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the polling place any official ballot, or any person who shall make or have in his possession any counterfeit of an official ballot, shall be guilty of a misdemeanor **of the second degree**, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding **[one thousand (\$1,000)] five thousand (\$5,000) dollars**, or to undergo an imprisonment of not **[less than three (3) months nor] more than [one (1) year] two (2) years**, or both, in the discretion of the court.

Section 1817. Forging and Destroying Ballots.—Any person who shall forge or falsely make the official endorsement on any ballot or wilfully destroy or deface any ballot or wilfully delay the delivery of any ballots[, ] shall be guilty of a misdemeanor **of the second degree**, and, upon conviction



thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *five thousand (\$5,000)* dollars, or to undergo an imprisonment of not [less than three (3) months nor] more than two (2) years, or both, in the discretion of the court.

Section 1818. Tampering with Voting Machines.—Any election officer or other person who shall unlawfully open or who shall tamper with or injure or attempt to injure any voting machine to be used or being used at any primary or election, or who shall prevent or attempt to prevent the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in any primary or election, shall be guilty of a misdemeanor *of the second degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *five thousand (\$5,000)* dollars, or to undergo an imprisonment of not [less than six (6) months nor] more than [one year] *two (2) years*, or both, in the discretion of the court.

Section 1823. Election Officers Permitting Unregistered Electors to Vote; Challenges; Refusing to Permit Qualified Electors to Vote.—Any judge or inspector of election who permits any person to vote at any primary or election who is not registered in accordance with law, except a person in actual military service or a person as to whom a court of competent jurisdiction has ordered that he shall be permitted to vote, or who permits any registered elector to vote knowing that such registered elector is not qualified to vote, whether or not such person has been challenged, or who permits any person who has been lawfully challenged to vote at any primary or election without requiring the proof of the right of such person to vote which is required by law, or who refuses to permit any duly registered and qualified elector to vote at any primary or election, with the knowledge that such elector is entitled to vote, shall be guilty of a [misdemeanor] *felony of the third degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *fifteen thousand (\$15,000)* dollars, and to undergo an imprisonment of not [less than three (3) months nor] more than [five (5)] *seven (7)* years, or both.

Section 1824. Election Officers Refusing to Permit Elector to Vote in Proper Party at Primaries.—Any judge, inspector or clerk of election who refuses to permit an elector at any primary at which ballots are used to receive the ballot of the party with which he is enrolled, or who gives to any such elector the ballot of any party in which he is not enrolled, or any judge, or inspector of election, or machine inspector who, at any primary at which voting machines are used, adjusts any voting machine about to be used by an elector so as not to permit him to vote for the candidates of the party in which he is enrolled, or so as to permit him to vote for the candidates of any party in which he is not enrolled, shall be guilty of a misdemeanor *of the first degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *ten thousand (\$10,000)* dollars, or

to undergo an imprisonment of not [**less than one (1) month nor**] more than [**two (2)] five (5) years**, or both, in the discretion of the court.

Section 1825. **Frauds by Election Officers.**—Any judge, inspector or clerk of election or machine inspector who shall be guilty of any wilful fraud in the conduct of his duties at a primary or election, and any person who shall make a false return of the votes cast at any primary or election, or who shall deposit fraudulent ballots in the ballot box or certify as correct a return of ballots in the ballot box which he knows to be fraudulent, or who shall register fraudulent votes upon any voting machine or certify as correct a return of votes cast upon any voting machine which he knows to be fraudulently registered thereon, or who shall make any false entries in the district register, or who shall fail to insert in the voting check list the voter's certificate of any elector actually voting at any primary or election, or who shall fail to record voting information as required herein, or who shall fail to insert in the numbered lists of voters the name of any person actually voting, or who shall wilfully destroy or alter any ballot, voter's certificate, or registration card contained in any district register, or who shall wilfully tamper with any voting machine, or who shall prepare or insert in the voting check list any false voter's certificates not prepared by or for an elector actually voting at such primary or election, for the purpose of concealing the destruction or removal of any voter's certificate, or for the purpose of concealing the deposit of fraudulent ballots in the ballot box, or the registering of fraudulent votes upon any voting machine or of aiding in the perpetration of any such fraud, or who shall fail to return to the county board of election following any primary or election any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of election officers, affidavits of electors and others, record of assisted voters, numbered list of voters, district register, voting check list, unused, spoiled and cancelled ballots, ballots deposited, written or affixed in or upon a voting machine, or any certificate, or any other paper or record required to be returned under the provisions of this act; or who shall conspire with others to commit any of the offenses herein mentioned, or in any manner to prevent a free and fair primary or election, shall be guilty of a [**misdemeanor**] ***felony of the third degree***, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [**one thousand (\$1,000)] fifteen thousand (\$15,000)** dollars, or to undergo an imprisonment of not [**less than six (6) months nor**] more than [**five (5)] seven (7) years**, or both, in the discretion of the court.

Section 1827. **Interference with Primaries and Elections; Frauds; Conspiracy.**—If any person shall prevent or attempt to prevent any election officers from holding any primary or election, under the provisions of this act, or shall use or threaten any violence to any such officer; or shall interrupt or improperly interfere with him in the execution of his duty; or shall block up or attempt to block up the avenue to the door of any polling place; or shall use or practice any intimidation, threats, force or violence with design to influence unduly or overawe any elector, or to prevent him from voting or

restrain his freedom of choice; or shall prepare or present to any election officer a fraudulent voter's certificate not signed in the polling place by the elector whose certificate it purports to be; or shall deposit fraudulent ballots in the ballot box; or shall register fraudulent votes upon any voting machine; or shall tamper with any district register, voting check list, numbered lists of voters, ballot box or voting machine; or shall conspire with others to commit any of the offenses herein mentioned, or in any manner to prevent a free and fair primary or election, he shall be guilty of a [misdemeanor] *felony of the third degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *fifteen thousand (\$15,000)* dollars, or to undergo an imprisonment of not [less than six (6) months nor] more than [five (5)] *seven (7)* years, or both, in the discretion of the court.

Section 1828. Persons Interfering in Other Districts.—Any person who shall on the day of any primary or election visit any polling place at which he is not entitled to vote and at which he is not entitled to be present under any provision of this act, and shall use any intimidation or violence for the purpose of preventing any election officer from performing the duties required of him by this act, or for the purpose of preventing any qualified elector from exercising his right to vote or from exercising his right to challenge any person offering to vote, or for the purpose of influencing the vote of any elector, he shall be guilty of a [misdemeanor] *felony of the third degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *fifteen thousand (\$15,000)* dollars, or to undergo an imprisonment of not more than [five (5)] *seven (7)* years, or both, in the discretion of the court.

Section 1829. Assault and Battery at Polls.—Any person who shall unlawfully strike, wound or commit an assault and battery upon the person of any elector at or near the polling place during the time of any primary or election[,], shall be guilty of a misdemeanor *of the first degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *ten thousand (\$10,000)* dollars, or to undergo an imprisonment of not [less than three (3) months nor] more than [two (2)] *five (5)* years, or both, in the discretion of the court.

Section 1833. Unlawful Voting.—Any person who votes or attempts to vote at any primary or election, knowing that he does not possess all the qualifications of an elector at such primary or election, as set forth in this act, shall be guilty of a misdemeanor *of the first degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *ten thousand (\$10,000)* dollars, or to undergo an imprisonment of not more than [one (1) year] *five (5) years*, or both, in the discretion of the court.

Section 1834. Elector Voting Ballot of Wrong Party at Primary.—Any elector who shall wilfully vote at any primary the ballot of a party in which he is not enrolled, in violation of the provisions of this act, shall be guilty of a misdemeanor *of the second degree*, and, upon conviction thereof, shall be

sentenced to pay a fine not exceeding [**one thousand (\$1,000)**] *five thousand (\$5,000)* dollars, or to undergo an imprisonment of not more than [**one (1) year**] *two (2) years*, or both, in the discretion of the court.

Section 19. Section 1835 of the act, reenacted September 9, 1959 (P.L.851, No.339), is amended to read:

Section 1835. Repeat Voting at Elections.—If any person shall vote in more than one election district, or otherwise fraudulently vote more than once at the same primary or election, or shall vote a ballot other than the ballot issued to him by the election officers, or shall advise or procure another so to do, he shall be guilty of a [**misdemeanor**] *felony of the third degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [**one thousand (\$1000)**] *fifteen thousand (\$15,000)* dollars, or to undergo an imprisonment of not [**less than three (3) months nor**] more than [**five (5) seven (7) years**], or both, in the discretion of the court.

Section 20. Sections 1836, 1839 and 1847 of the act are amended to read:

Section 1836. Removing Ballots.—Any person removing any ballot from any book of official ballots, except in the manner provided by this act, shall be guilty of a misdemeanor *of the second degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [**one thousand (\$1,000)**] *five thousand (\$5,000)* dollars, or to undergo an imprisonment of not more than [**one (1) year**] *two (2) years*, or both, in the discretion of the court.

Section 1839. Bribery at Elections.—Any person who shall, directly or indirectly, give or promise or offer to give any gift or reward in money, goods or other valuable thing to any person, with intent to induce him to vote or refrain from voting for any particular candidate or candidates or for or against any constitutional amendment or other question at any primary or election; or who shall, directly or indirectly, procure for or offer or promise to procure for such person any such gift or reward with the intent aforesaid; or, who with the intent to influence or intimidate such person to give his vote or to refrain from giving his vote for any particular candidate or candidates or for or against any constitutional amendment or other question at any primary or election, shall give to or obtain for or assist in obtaining for or offer or promise to give to or obtain for or assist in obtaining for such person any office, place, appointment or employment, public or private, or threaten such person with dismissal or discharge from any office, place, appointment or employment, public or private, then held by him, shall be guilty of a [**misdemeanor**] *felony of the third degree*, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding [**five hundred (\$500)**] *fifteen thousand (\$15,000)* dollars, or to undergo an imprisonment of not more than [**three (3) seven (7) years**], or both, in the discretion of the court.

Section 1847. Prohibiting Duress and Intimidation of Voters and Interference with the Free Exercise of the Elective Franchise.—Any person or corporation who, directly or indirectly—(a) uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury,

damage, harm or loss, or in any other manner practices intimidation or coercion upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for or against any particular person, or for or against any question submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a register of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons or for or against any question submitted to voters at such election, or having registered or refrained from registering as a voter; or (b) by abduction, duress or coercion, or any forcible or fraudulent device or contrivance, whatever, impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces, or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or (c) being an employer, pays his employes the salary or wages due in "pay envelopes" upon which or in which there is written or printed any political motto, device, statement or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of any election or primary puts or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employes, shall be guilty of a misdemeanor *of the second degree*. Any person or corporation, convicted of a violation of any of the provisions of this section, shall be sentenced to pay a fine not exceeding [one thousand (\$1,000)] *five thousand (\$5,000)* dollars, or such person or the officers, directors or agents of such corporation responsible for the violation of this section, shall be sentenced to undergo an imprisonment of not more than [one (1) year] *two (2) years*, or both, in the discretion of the court.

Section 21. Section 1853 of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 1853. Violations of Provisions Relating to Absentee Electors Ballots.—If any person shall sign an application for absentee ballot or declaration of elector on the forms prescribed 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 of this act, he shall be guilty of a misdemeanor *of the first degree*, and, upon conviction, shall be sentenced to pay a fine not exceeding [one thousand dollars (\$1000)] *ten thousand dollars (\$10,000)*,

or be imprisoned for a term not exceeding **[one year] five (5) years**, 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 of this act, or shall reveal or divulge any of the details of any ballot cast in accordance with the provisions of Article XIII of this act, or shall count an absentee ballot knowing the same to be contrary to Article XIII, or shall reject an absentee ballot without reason to believe that the same is contrary to Article XIII, 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] felony of the third degree**, and, upon conviction, shall be punished by a fine not exceeding **[one thousand dollars (\$1000)] fifteen thousand dollars (\$15,000)**, or be imprisoned for a term **[of one year] not exceeding seven (7) years**, or both, at the discretion of the court.

Section 22. Article XVIII-A of the act is repealed.

Section 23. The following acts and parts of acts are repealed:

Act of May 13, 1925 (P.L.663, No.355), entitled "An act providing for the enumeration of registered persons in the Commonwealth, and the publication of a tabulation thereof by the Secretary of the Commonwealth; and imposing certain duties upon registrars, assessors, registry assessors, and county commissioners."

Section 6(b) of the act of December 22, 1989 (P.L.732, No.101), known as the Election District Alteration and Data Reporting Act.

Section 24. This act shall take effect immediately.

APPROVED—The 13th day of February, A.D. 1998.

THOMAS J. RIDGE