

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1675 Session of 2013

INTRODUCED BY D. EVANS, WATERS, O'BRIEN, J. HARRIS, KIM, SAMUELSON, MUNDY, YOUNGBLOOD, THOMAS, FREEMAN, BRIGGS, BROWNLEE, KORTZ, V. BROWN, PARKER, DERMODY, VITALI, GAINNEY, BIZZARRO, HALUSKA, HANNA, BISHOP, MAHONEY, FRANKEL, CALTAGIRONE, DeLUCA, GOODMAN, CARROLL, WHEATLEY, COHEN, ROEBUCK, SIMS AND STURLA, SEPTEMBER 9, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 9, 2013

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
 2 "An act concerning elections, including general, municipal,
 3 special and primary elections, the nomination of candidates,
 4 primary and election expenses and election contests; creating
 5 and defining membership of county boards of elections;
 6 imposing duties upon the Secretary of the Commonwealth,
 7 courts, county boards of elections, county commissioners;
 8 imposing penalties for violation of the act, and codifying,
 9 revising and consolidating the laws relating thereto; and
 10 repealing certain acts and parts of acts relating to
 11 elections," in preliminary provisions, further providing for
 12 definitions; in the Secretary of the Commonwealth, repealing
 13 provisions relating to requirements relating to voter
 14 identification; in preparation for and conduct of primaries
 15 and elections, further providing for manner of applying to
 16 vote, persons entitled to vote, voter's certificates, entries
 17 to be made in district register, numbered lists of voters and
 18 challenges; in voting by qualified absentee electors, further
 19 providing for applications for absentee ballot, for
 20 delivering or mailing ballots, for canvassing of official
 21 absentee ballots and for public records; in penalties,
 22 repealing provisions relating to enforcement; and making a
 23 related repeal.

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

26 Section 1. Section 102(z.5) of the act of June 3, 1937

1 (P.L.1333, No.320), known as the Pennsylvania Election Code,
2 added March 14, 2012 (P.L.195, No.18), is amended to read:

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

6 * * *

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

8 (1) In the case of an elector who has a religious objection
9 to being photographed, a valid-without-photo driver's license or
10 a valid-without-photo identification card issued by the
11 Department of Transportation.

12 (2) For an elector who appears to vote under section 1210, a
13 document that:

14 (i) shows the name of the individual to whom the document
15 was issued and the name substantially conforms to the name of
16 the individual as it appears in the district register;

17 (ii) shows a photograph of the individual to whom the
18 document was issued;

19 (iii) includes an expiration date and is not expired,
20 except:

21 (A) for a document issued by the Department of
22 Transportation which is not more than twelve (12) months past
23 the expiration date; or

24 (B) in the case of a document from an agency of the Armed
25 forces of the United States or their reserve components,
26 including the Pennsylvania National Guard, establishing that the
27 elector is a current member of or a veteran of the United States
28 Armed Forces or National Guard which does not designate a
29 specific date on which the document expires, but includes a
30 designation that the expiration date is indefinite; and

1 (iv) was issued by one of the following:

2 (A) The United States Government.

3 (B) The Commonwealth of Pennsylvania.

4 (C) A municipality of this Commonwealth to an employe of
5 that municipality.

6 (D) An accredited Pennsylvania public or private institution
7 of higher learning.

8 (E) A Pennsylvania care facility.

9 (3) For a qualified absentee elector under section 1301:

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

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

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

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

22 Section 2. Section 206 of the act, added March 14, 2012
23 (P.L.195, No.18), is repealed:

24 [Section 206. Requirements Relating to Voter
25 Identification.--(a) The Secretary of the Commonwealth shall
26 prepare and disseminate information to the public regarding the
27 proof of identification requirements established under sections
28 1210 and 1302.

29 (b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)
30 (relating to issuance and content of driver's license) to the

1 contrary, the Department of Transportation shall issue an
2 identification card described in 75 Pa.C.S. § 1510(b) at no cost
3 to any registered elector who has made application therefor and
4 has included with the completed application a statement signed
5 by the elector declaring under oath or affirmation that the
6 elector does not possess proof of identification as defined in
7 section 102(z.5)(2) and requires proof of identification for
8 voting purposes.

9 (c) The Secretary of the Commonwealth shall prepare the form
10 of the statement described in subsection (b) and shall
11 distribute the form to the counties and the Department of
12 Transportation. The Secretary of the Commonwealth, the Secretary
13 of Transportation and the county boards of election shall
14 disseminate information to the public regarding the availability
15 of identification cards under subsection (b).]

16 Section 3. Sections 1210(a), (a.1), (a.2), (a.3), (a.4)(1)
17 and (5) and (f), 1302(e), (e.2) and (j), 1302.2(c), (d) and (f),
18 1305, 1308(g)(2) and (3), (h) and (i) and 1309 of the act,
19 amended or added March 14, 2012 (P.L.195, No.18), are amended to
20 read:

21 Section 1210. Manner of Applying to Vote; Persons Entitled
22 to Vote; Voter's Certificates; Entries to Be Made in District
23 Register; Numbered Lists of Voters; Challenges.--(a) At every
24 primary and election each elector who appears to vote in that
25 election district for the first time and who desires to vote
26 shall first present to an election officer [proof of
27 identification] one of the following forms of photo
28 identification:

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

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

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

5 (4) a valid United States passport;

6 (5) a valid student identification card;

7 (6) a valid employe identification card; or

8 (7) a valid armed forces of the United States identification
9 card.

10 The election officer shall examine the [proof of] identification
11 presented by the elector and sign an affidavit stating that this
12 has been done.

13 (a.1) Where the elector does not have a photo identification
14 as provided for in subsection (a), the elector shall present for
15 examination one of the following forms of identification that
16 shows the name and address of the elector:

17 (1) nonphoto identification issued by the Commonwealth, or
18 any agency thereof;

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

21 (3) a firearm permit;

22 (4) a current utility bill;

23 (5) a current bank statement;

24 (6) a paycheck;

25 (7) a government check.

26 The election officer shall examine the identification presented
27 by the elector and sign an affidavit stating that this has been
28 done.

29 (a.2) [If any of the following apply the elector shall be
30 permitted to cast a provisional ballot in accordance with

1 subsection (a.4):

2 (1) The elector is unable to produce proof of
3 identification:

4 (i) on the grounds that the elector is indigent and unable
5 to obtain proof of identification without the payment of a fee;
6 or

7 (ii) on any other grounds.

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

13 (a.3) [(1)] All electors, including any elector that shows
14 [proof of] identification pursuant to subsection (a), shall
15 subsequently sign a voter's certificate in blue, black or blue-
16 black ink with a fountain pen or ball point pen, and, unless he
17 is a State or Federal employe who has registered under any
18 registration act without declaring his residence by street and
19 number, he shall insert his address therein, and hand the same
20 to the election officer in charge of the district register.

21 [(2)] Such election officer shall thereupon announce the
22 elector's name so that it may be heard by all members of the
23 election board and by all watchers present in the polling place
24 and shall compare the elector's signature on his voter's
25 certificate with his signature in the district register. If,
26 upon such comparison, the signature upon the voter's certificate
27 appears to be genuine, the elector who has signed the
28 certificate shall, if otherwise qualified, be permitted to vote:
29 Provided, That if the signature on the voter's certificate, as
30 compared with the signature as recorded in the district

1 register, shall not be deemed authentic by any of the election
2 officers, such elector shall not be denied the right to vote for
3 that reason, but shall be considered challenged as to identity
4 and required to make the affidavit and produce the evidence as
5 provided in subsection (d) of this section.

6 [(3)] When an elector has been found entitled to vote, the
7 election officer who examined his voter's certificate and
8 compared his signature shall sign his name or initials on the
9 voter's certificate, shall, if the elector's signature is not
10 readily legible, print such elector's name over his signature,
11 and the number of the stub of the ballot issued to him or his
12 number in the order of admission to the voting machines, and at
13 primaries a letter or abbreviation designating the party in
14 whose primary he votes shall also be entered by one of the
15 election officers or clerks.

16 [(4)] As each voter is found to be qualified and votes, the
17 election officer in charge of the district register shall write
18 or stamp the date of the election or primary, the number of the
19 stub of the ballot issued to him or his number in the order of
20 admission to the voting machines, and at primaries a letter or
21 abbreviation designating the party in whose primary he votes,
22 and shall sign his name or initials in the proper space on the
23 registration card of such voter contained in the district
24 register.

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

29 (a.4) (1) At all elections an individual who claims to be
30 properly registered and eligible to vote at the election

1 district but whose name does not appear on the district register
2 and whose registration cannot be determined by the inspectors of
3 election or the county election board shall be permitted to cast
4 a provisional ballot. Individuals who [appear to vote] are
5 voting for the first time at the election district shall be
6 required to produce [proof of] identification pursuant to
7 subsection (a) or (a.1) and if unable to do so shall be
8 permitted to cast a provisional ballot. An individual presenting
9 a judicial order to vote shall be permitted to cast a
10 provisional ballot.

11 * * *

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

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

22 (A) either the provisional ballot envelope under clause (3)
23 or the affidavit under clause (2) is not signed by the
24 individual;

25 (B) the signature required under clause (3) and the
26 signature required under clause (2) are either not genuine or
27 are not executed by the same individual; or

28 (C) a provisional ballot envelope does not contain a secrecy
29 envelope[;

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

1 subsection (a.2)(1)(i), within six calendar days following the
2 election the elector fails to appear before the county board of
3 elections to execute an affirmation or the county board of
4 elections does not receive an electronic, facsimile or paper
5 copy of an affirmation affirming, under penalty of perjury, that
6 the elector is the same individual who personally appeared
7 before the district election board on the day of the election
8 and cast a provisional ballot and that the elector is indigent
9 and unable to obtain proof of identification without the payment
10 of a fee; or

11 (E) in the case of a provisional ballot that was cast under
12 subsection (a.2)(1)(ii), within six calendar days following the
13 election, the elector fails to appear before the county board of
14 elections to present proof of identification and execute an
15 affirmation or the county board of elections does not receive an
16 electronic, facsimile or paper copy of the proof of
17 identification and an affirmation affirming, under penalty of
18 perjury, that the elector is the same individual who personally
19 appeared before the district election board on the day of the
20 election and cast a provisional ballot].

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

25 * * *

26 [(f) As used in this section, "care facility" means any of
27 the following:

28 (1) A long-term care nursing facility as defined in section
29 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the
30 "Health Care Facilities Act."

1 (2) An assisted living residence or a personal care home as
2 defined in section 1001 of the act of June 13, 1967 (P.L.31,
3 No.21), known as the "Public Welfare Code."]

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

5 * *

6 (e) Any qualified bedridden or hospitalized veteran absent
7 from the municipality of his residence and unable to attend his
8 polling place because of such illness or physical disability,
9 regardless of whether he is registered or enrolled, may apply at
10 any time before any primary or election for an official absentee
11 ballot on any official county board of election form addressed
12 to the Secretary of the Commonwealth of Pennsylvania or the
13 county board of elections of the county in which his voting
14 residence is located.

15 The application shall contain the following information:

16 Residence at the time of becoming bedridden or hospitalized,
17 length of time a citizen, length of residence in Pennsylvania,
18 date of birth, length of time a resident in voting district,
19 voting district if known, party choice in case of primary, name
20 and address of present residence or hospital at which
21 hospitalized. When such application is received by the Secretary
22 of the Commonwealth, it shall be forwarded to the proper county
23 board of elections.

24 The application for an official absentee ballot for any
25 primary or election shall be made on information supplied over
26 the signature of the bedridden or hospitalized veteran as
27 required in the preceding subsection. Any qualified registered
28 elector, including a spouse or dependent referred to in
29 subsection (1) of section 1301, who expects to be or is absent
30 from the municipality of his residence because his duties,

1 occupation or business require him to be elsewhere on the day of
2 any primary or election and any qualified registered elector who
3 is unable to attend his polling place on the day of any primary
4 or election because of illness or physical disability and any
5 qualified registered bedridden or hospitalized veteran in the
6 county of residence, or in the case of a county employe who
7 cannot vote due to duties on election day relating to the
8 conduct of the election, or in the case of a person who will not
9 attend a polling place because of the observance of a religious
10 holiday, may apply to the county board of elections of the
11 county in which his voting residence is located for an Official
12 Absentee Ballot. Such application shall be made upon an official
13 application form supplied by the county board of elections. Such
14 official application form shall be determined and prescribed by
15 the Secretary of the Commonwealth of Pennsylvania.

16 (1) The application of any qualified registered elector,
17 including spouse or dependent referred to in subsection (1) of
18 section 1301, who expects to be or is absent from the
19 municipality of his residence because his duties, occupation or
20 business require him to be elsewhere on the day of any primary
21 or election, or in the case of a county employe who cannot vote
22 due to duties on election day relating to the conduct of the
23 election, or in the case of a person who will not attend a
24 polling place because of the observance of a religious holiday,
25 shall be signed by the applicant and shall include the surname
26 and given name or names of the applicant, [proof of
27 identification,] his occupation, date of birth, length of time a
28 resident in voting district, voting district if known, place of
29 residence, post office address to which ballot is to be mailed,
30 the reason for his absence, and such other information as shall

1 make clear to the county board of elections the applicant's
2 right to an official absentee ballot.

3 (2) The application of any qualified registered elector who
4 is unable to attend his polling place on the day of any primary
5 or election because of illness or physical disability and the
6 application of any qualified registered bedridden or
7 hospitalized veteran in the county of residence shall be signed
8 by the applicant and shall include surname and given name or
9 names of the applicant, [proof of identification,] his
10 occupation, date of birth, residence at the time of becoming
11 bedridden or hospitalized, length of time a resident in voting
12 district, voting district if known, place of residence, post
13 office address to which ballot is to be mailed, and such other
14 information as shall make clear to the county board of elections
15 the applicant's right to an official ballot. In addition, the
16 application of such electors shall include a declaration stating
17 the nature of their disability or illness, and the name, office
18 address and office telephone number of their attending
19 physician: Provided, however, That in the event any elector
20 entitled to an absentee ballot under this subsection be unable
21 to sign his application because of illness or physical
22 disability, he shall be excused from signing upon making a
23 statement which shall be witnessed by one adult person in
24 substantially the following form: I hereby state that I am
25 unable to sign my application for an absentee ballot without
26 assistance because I am unable to write by reason of my illness
27 or physical disability. I have made or have received assistance
28 in making my mark in lieu of my signature.

29 (Mark)
30 (Date)

1 the qualifications of such applicant by [verifying the proof of
2 identification and] comparing the information set forth on such
3 application with the information contained on the applicant's
4 permanent registration card. If the board is satisfied that the
5 applicant is qualified to receive an official absentee ballot,
6 the application shall be marked "approved." Such approval
7 decision shall be final and binding, except that challenges may
8 be made only on the ground that the applicant did not possess
9 the qualifications of an absentee elector. Such challenges must
10 be made to the county board of elections prior to 5:00 o'clock
11 P. M. on the first Friday prior to the election. When so
12 approved, the registration commission shall cause an absentee
13 voter's temporary registration card to be inserted in the
14 district register on top of and along with the permanent
15 registration card. The absentee voter's temporary registration
16 card shall be in the color and form prescribed in subsection (e)
17 of this section:

18 Provided, however, That the duties of the county boards of
19 elections and the registration commissions with respect to the
20 insertion of the absentee voter's temporary registration card of
21 any elector from the district register as set forth in section
22 1302.2 shall include only such applications and emergency
23 applications as are received on or before the first Tuesday
24 prior to the primary or election. In all cases where
25 applications are received after the first Tuesday prior to the
26 primary or election and before five o'clock P. M. on the first
27 Friday prior to the primary or election, the county board of
28 elections shall determine the qualifications of such applicant
29 by [verifying the proof of identification and] comparing the
30 information set forth on such application with the information

1 contained on the applicant's duplicate registration card on file
2 in the General Register (also referred to as the Master File) in
3 the office of the Registration Commission and shall cause the
4 name and residence (and at primaries, the party enrollment) to
5 be inserted in the Military, Veterans and Emergency Civilian
6 Absentee Voters File as provided in section 1302.3, subsection
7 (b). In addition, the local district boards of elections shall,
8 upon canvassing the official absentee ballots under section
9 1308, examine the voting check list of the election district of
10 said elector's residence and satisfy itself that such elector
11 did not cast any ballot other than the one properly issued to
12 him under his absentee ballot application. In all cases where
13 the examination of the local district board of elections
14 discloses that an elector did vote a ballot other than the one
15 properly issued to him under the absentee ballot application,
16 the local district board of elections shall thereupon cancel
17 said absentee ballot and said elector shall be subject to the
18 penalties as hereinafter set forth.

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

29 * * *

30 [(f) Notwithstanding the provisions of this section, a

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

7 Section 1305. Delivering or Mailing Ballots.--

8 (a) The county board of elections upon receipt and approval
9 of an application filed by any elector qualified in accordance
10 with the provisions of section 1301, subsections (a) to (h),
11 inclusive, shall not later than fifty days prior to the day of
12 the primary or not later than seventy days prior to the day of
13 the election commence to deliver or mail to such elector who has
14 included with said application a statement that he or she is
15 unable to vote during the regular absentee balloting period by
16 reason of living or performing military service in an extremely
17 remote or isolated area of the world, and not later than forty-
18 five days prior to the day of the primary or election commence
19 to deliver or mail to all other such electors as provided for in
20 section 1301, subsections (a) to (h), inclusive, official
21 absentee ballots or special write-in absentee ballots as
22 prescribed by subsection (d) of section 1303 when official
23 absentee ballots are not yet printed; as additional applications
24 of such electors are received, the board shall deliver or mail
25 official absentee ballots or special write-in absentee ballots
26 when official absentee ballots are not yet printed to such
27 additional electors within forty-eight hours after approval of
28 their application. If the calling of a special election would
29 make it impossible to comply with the forty-five day delivery or
30 mailing requirement of this section, then the county board of

1 elections shall mail absentee ballots or special write-in
2 absentee ballots within five days of the county board's receipt
3 of the information necessary to prepare said ballots.

4 (b) The county board of elections upon receipt and approval
5 of an application filed by any elector qualified in accordance
6 with the provisions of section 1301, subsections (i) to (l),
7 inclusive, shall commence to deliver or mail official absentee
8 ballots on the second Tuesday prior to the primary or election.
9 [For those applicants whose proof of identification was not
10 provided with the application or could not be verified by the
11 board, the board shall send the notice required under section
12 1302.2(d) with the absentee ballot.] As additional applications
13 are received and approved, the board shall deliver or mail
14 official absentee ballots to such additional electors within
15 forty-eight hours.

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

23 Section 1308. Canvassing of Official Absentee Ballots.--* *
24 *

25 (g) * * *

26 (2) The county board of elections shall meet on the eighth
27 day following the election to canvass the absentee ballots
28 received under this subsection [and subsection (h)(2)]. One
29 authorized representative of each candidate in an election and
30 one representative from each political party shall be permitted

1 to remain in the room in which the absentee ballots are
2 canvassed. Representatives shall be permitted to challenge any
3 absentee elector in accordance with the provisions of paragraph
4 (3).

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

1 that he was unable to appear personally at the polling place
2 because of illness or physical disability. Upon challenge of any
3 absentee elector, as set forth herein, the board shall mark
4 "challenged" on the envelope together with the reasons therefor,
5 and the same shall be set aside unopened pending final
6 determination of the challenge according to the procedure
7 described in paragraph (5).

8 * * *

9 [(h) For those absentee ballots for which proof of
10 identification has not been received or could not be verified:

11 (1) If the proof of identification is received and verified
12 by the county board of elections prior to the distribution of
13 the absentee ballots to the local election districts, then the
14 county shall distribute the absentee ballots for which proof of
15 identification is received and verified, along with the other
16 absentee ballots, to the absentee voter's respective election
17 district. If the county board of elections does not receive or
18 is not able to verify the proof of identification for an elector
19 prior to the absentee ballots' being sent to the appropriate
20 local election districts, the county board shall keep the
21 absentee ballot and follow the procedures set forth in paragraph
22 (2) or (3), whichever is applicable.

23 (2) If the proof of identification is received and verified
24 after the absentee ballots have been distributed to the
25 appropriate local election districts, but prior to the sixth
26 calendar day following the election, then the county board of
27 elections shall canvass the absentee ballots under this
28 subsection in accordance with subsection (g)(2), unless the
29 elector appeared to vote at the proper polling place for the
30 purpose of casting a ballot, then the absentee ballot cast by

1 that elector shall be declared void.

2 (3) If an elector fails to provide proof of identification
3 that can be verified by the county board of elections by the
4 sixth calendar day following the election, then the absentee
5 ballot shall not be counted.

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

13 Section 1309. Public Records.--All official absentee
14 ballots, files, applications for such ballots and envelopes on
15 which the executed declarations appear, and all information and
16 lists are hereby designated and declared to be public records
17 and shall be safely kept for a period of two years, except that
18 no [proof of identification shall be made public, nor shall]
19 information concerning a military elector shall be made public
20 which is expressly forbidden by the Department of Defense
21 because of military security.

22 Section 4. Section 1854 of the act, added March 14, 2012
23 (P.L.195, No.18), is repealed:

24 [Section 1854. Enforcement.--(a) The Attorney General shall
25 have prosecutorial jurisdiction over all violations committed
26 under this act.

27 (b) The district attorney of any county in which a violation
28 has occurred shall have concurrent powers and responsibilities
29 with the Attorney General over violations committed under this
30 act.]

1 Section 5. Repeals are as follows:

2 (1) The General Assembly declares that the repeal under
3 paragraph (2) is necessary to effectuate the amendment or
4 repeal of sections 102, 1210, 1302, 1302.2, 1305, 1308, 1309
5 and 1854 of the act.

6 (2) Section 10 of the act of March 14, 2012 (P.L.195,
7 No.18), entitled "An act amending the act of June 3, 1937
8 (P.L.1333, No.320), entitled 'An act concerning elections,
9 including general, municipal, special and primary elections,
10 the nomination of candidates, primary and election expenses
11 and election contests; creating and defining membership of
12 county boards of elections; imposing duties upon the
13 Secretary of the Commonwealth, courts, county boards of
14 elections, county commissioners; imposing penalties for
15 violation of the act, and codifying, revising and
16 consolidating the laws relating thereto; and repealing
17 certain acts and parts of acts relating to elections,' in
18 preliminary provisions, defining "proof of identification";
19 in the Secretary of the Commonwealth, providing for
20 requirements relating to voter identification; in preparation
21 for and conduct of primaries and elections, further providing
22 for manner of applying to vote, persons entitled to vote,
23 voter's certificates, entries to be made in district
24 register, numbered lists of voters and challenges; in voting
25 by qualified absentee electors, further providing for
26 applications for official absentee ballots, for approval of
27 application for absentee ballot, for delivering or mailing
28 ballots, for canvassing of official absentee ballots and for
29 public records; and providing for enforcement and for a
30 special procedure at certain elections," is repealed.

1 Section 6. This act shall take effect immediately.