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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 195 Session of  
2021

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INTRODUCED BY GREGORY, METCALFE, ARMANINI, BOROWICZ, COOK,  
GLEIM, HAMM, HERSHEY, IRVIN, JAMES, JOZWIAK, KAUFFMAN,  
KEEFER, MENTZER, MERCURI, MILLARD, MOUL, OWLETT, PYLE, RAPP,  
ROAE, ROWE, RYAN, SANKEY, WARNER AND WHEELAND, APRIL 7, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 7, 2021

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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," repealing provisions relating to voting by  
12 qualified mail-in electors; and making conforming and  
13 editorial changes.

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

16 Section 1. Sections 102(q.1), (z.5)(3) and (z.6) and 302(p)  
17 of the act of June 3, 1937 (P.L.1333, No.320), known as the  
18 Pennsylvania Election Code, amended March 27, 2020 (P.L.41,  
19 No.12), are amended to read:

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

1 \* \* \*

2 (q.1) The word "pre-canvass" shall mean the inspection and  
3 opening of all envelopes containing official absentee ballots  
4 [or mail-in ballots], the removal of such ballots from the  
5 envelopes and the counting, computing and tallying of the votes  
6 reflected on the ballots. The term does not include the  
7 recording or publishing of the votes reflected on the ballots.

8 \* \* \*

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

10 \* \* \*

11 (3) For a qualified absentee elector under section 1301 [or  
12 a qualified mail-in elector under section 1301-D]:

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

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

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

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

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

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

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

4 \* \* \*

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

12 Section 2. Sections 1007(b) and 1210(a.4)(5)(ii)(F) of the  
13 act are amended to read:

14 Section 1007. Number of Ballots to Be Printed; Specimen  
15 Ballots.--\* \* \*

16 (b) The county board of each county shall also, in addition  
17 to the number of ballots required to be printed for general  
18 distribution, maintain a sufficient supply of such ballots at  
19 the office of the county board for the use of absentee electors  
20 [or mail-in electors] and for the use of any district, the  
21 ballots for which may be lost, destroyed or stolen. They shall  
22 also cause to be printed on tinted paper, and without the  
23 facsimile endorsements or permanent binding, copies of the form  
24 of ballots provided for each polling place at each primary or  
25 election therein, which shall be called specimen ballots, and  
26 which shall be of the same size and form as the official  
27 ballots, and at each election they shall deliver to the election  
28 officers, in addition to the official ballots to be used at such  
29 election, a suitable supply of specimen ballots for the use of  
30 the electors. At each primary, a suitable supply of specimen

1 ballots of each party shall be furnished.

2 Section 1210. Manner of Applying to Vote; Persons Entitled  
3 to Vote; Voter's Certificates; Entries to Be Made in District  
4 Register; Numbered Lists of Voters; Challenges.--\* \* \*

5 (a.4) \* \* \*

6 (5) \* \* \*

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

8 \* \* \*

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

11 \* \* \*

12 Section 3. Section 1302.2(c) of the act, amended March 27,  
13 2020 (P.L.41, No.12), is amended to read:

14 Section 1302.2. Approval of Application for Absentee  
15 Ballot.--

16 \* \* \*

17 (c) The county board of elections, upon receipt of any  
18 application of a qualified elector required to be registered  
19 under the provisions of preceding section 1301, shall determine  
20 the qualifications of such applicant by verifying the proof of  
21 identification and comparing the information set forth on such  
22 application with the information contained on the applicant's  
23 permanent registration card. If the board is satisfied that the  
24 applicant is qualified to receive an official absentee ballot,  
25 the application shall be marked "approved." Such approval  
26 decision shall be final and binding, except that challenges may  
27 be made only on the ground that the applicant was not a  
28 qualified elector. Such challenges must be made to the county  
29 board of elections prior to five o'clock p.m. on the Friday  
30 prior to the election[: Provided, however, That a challenge to

1 an application for an absentee ballot shall not be permitted on  
2 the grounds that the elector used an application for an absentee  
3 ballot instead of an application for a mail-in ballot or on the  
4 grounds that the elector used an application for a mail-in  
5 ballot instead of an application for an absentee ballot].

6 \* \* \*

7 Section 4. Sections 1302.3 heading and subsection (c) and  
8 1305(b) of the act are amended to read:

9 Section 1302.3. Absentee and [Mail-in Electors] Files and  
10 Lists.--

11 \* \* \*

12 (c) Not less than five days preceding the election, the  
13 chief clerk shall prepare a list for each election district  
14 showing the names and post office addresses of all voting  
15 residents thereof to whom official absentee [or mail-in] ballots  
16 shall have been issued. Each such list shall be prepared in  
17 duplicate, shall be headed "Persons in (give identity of  
18 election district) to whom absentee [or mail-in] ballots have  
19 been issued for the election of (date of election)," and shall  
20 be signed by him not less than four days preceding the election.  
21 He shall post the original of each such list in a conspicuous  
22 place in the office of the county election board and see that it  
23 is kept so posted until the close of the polls on election day.  
24 He shall cause the duplicate of each such list to be delivered  
25 to the judge of election in the election district in the same  
26 manner and at the same time as are provided in this act for the  
27 delivery of other election supplies, and it shall be the duty of  
28 such judge of election to post such duplicate list in a  
29 conspicuous place within the polling place of his district and  
30 see that it is kept so posted throughout the time that the polls

1 are open. Upon written request, he shall furnish a copy of such  
2 list to any candidate or party county chairman.

3 Section 1305. Delivering or Mailing Ballots.--

4 \* \* \*

5 (b) (1) The county board of elections upon receipt and  
6 approval of an application filed by any elector qualified in  
7 accordance with the provisions of section 1301, subsections (i)  
8 to (l), inclusive, shall commence to deliver or mail official  
9 absentee ballots as soon as a ballot is certified and the  
10 ballots are available. While any proceeding is pending in a  
11 Federal or State court which would affect the contents of any  
12 ballot, the county board of elections may await a resolution of  
13 that proceeding but in any event, shall commence to deliver or  
14 mail official absentee ballots not later than the second Tuesday  
15 prior to the primary or election. For those applicants whose  
16 proof of identification was not provided with the application or  
17 could not be verified by the board, the board shall send the  
18 notice required under section 1302.2(d) with the absentee  
19 ballot. As additional applications are received and approved  
20 after the time that the county board of elections begins  
21 delivering or mailing official absentee [and mail-in] ballots,  
22 the board shall deliver or mail official absentee ballots to  
23 such additional electors within forty-eight hours.

24 (2) Notwithstanding any other provisions of this act and  
25 notwithstanding the inclusion of a mailing address on an  
26 absentee [or mail-in] ballot application, a voter who presents  
27 the voter's own application for an absentee [or mail-in] ballot  
28 within the office of the county board of elections during  
29 regular business hours may request to receive the voter's  
30 absentee [or mail-in] ballot while the voter is at the office.

1 This request may be made orally or in writing. Upon presentation  
2 of the application and the making of the request and upon  
3 approval under [sections] section 1302.2 [and 1302.2-D], the  
4 county board of elections shall promptly present the voter with  
5 the voter's absentee [or mail-in] ballot. If a voter presents  
6 the voter's application within the county board of elections'  
7 office in accordance with this section, a county board of  
8 elections may not deny the voter's request to have the ballot  
9 presented to the voter while the voter is at the office unless  
10 there is a bona fide objection to the absentee [or mail-in]  
11 ballot application.

12 \* \* \*

13 Section 5. Sections 1306(b)(3), 1308(a), (b), (d), (f), (g)  
14 and (h) of the act, amended March 27, 2020 (P.L.41, No.12), are  
15 amended to read:

16 Section 1306. Voting by Absentee Electors.--\* \* \*

17 (b) \* \* \*

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

27 I hereby declare that I am a qualified registered elector who  
28 has obtained an absentee ballot [or mail-in ballot]. I  
29 further declare that I have not cast my absentee ballot [or  
30 mail-in ballot], and that instead I remitted my absentee

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

5 (Date)

6 (Signature of Elector).....(Address of Elector)

7 (Local Judge of Elections)

8 \* \* \*

9 Section 1308. Canvassing of Official Absentee Ballots [and  
10 Mail-in Ballots].--(a) The county boards of election, upon  
11 receipt of official absentee ballots in sealed official absentee  
12 ballot envelopes as provided under this article [and mail-in  
13 ballots as in sealed official mail-in ballot envelopes as  
14 provided under Article XIII-D], shall safely keep the ballots in  
15 sealed or locked containers until they are to be canvassed by  
16 the county board of elections. An absentee ballot, whether  
17 issued to a civilian, military or other voter during the regular  
18 or emergency application period, shall be canvassed in  
19 accordance with subsection (g). [A mail-in ballot shall be  
20 canvassed in accordance with subsection (g).]

21 (b) Watchers shall be permitted to be present when the  
22 envelopes containing official absentee ballots [and mail-in  
23 ballots] are opened and when such ballots are counted and  
24 recorded.

25 \* \* \*

26 (d) Whenever it shall appear by due proof that any absentee  
27 elector [or mail-in elector] who has returned his ballot in  
28 accordance with the provisions of this act has died prior to the  
29 opening of the polls on the day of the primary or election, the  
30 ballot of such deceased elector shall be rejected by the



1 canvassers but the counting of the ballot of an absentee elector  
2 [or a mail-in elector] thus deceased shall not of itself  
3 invalidate any nomination or election.

4 (f) Any person challenging an application for an absentee  
5 ballot[, ] or an absentee ballot[, an application for a mail-in  
6 ballot or a mail-in ballot] for any of the reasons provided in  
7 this act shall deposit the sum of ten dollars (\$10.00) in cash  
8 with the county board, which sum shall only be refunded if the  
9 challenge is sustained or if the challenge is withdrawn within  
10 five (5) days after the primary or election. If the challenge is  
11 dismissed by any lawful order then the deposit shall be  
12 forfeited. The county board shall deposit all deposit money in  
13 the general fund of the county.

14 Notice of the requirements of subsection (b) of section 1306  
15 shall be printed on the envelope for the absentee ballot [or  
16 mail-in ballot].

17 (g) (1) (i) An absentee ballot cast by any absentee  
18 elector as defined in section 1301(a), (b), (c), (d), (e), (f),  
19 (g) and (h) shall be canvassed in accordance with this  
20 subsection if the ballot is cast, submitted and received in  
21 accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to  
22 uniform military and overseas voters).

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

30 (1.1) The county board of elections shall meet no earlier

1 than seven o'clock A.M. on election day to pre-canvass all  
2 ballots received prior to the meeting. A county board of  
3 elections shall provide at least forty-eight hours' notice of a  
4 pre-canvass meeting by publicly posting a notice of a pre-  
5 canvass meeting on its publicly accessible Internet website. One  
6 authorized representative of each candidate in an election and  
7 one representative from each political party shall be permitted  
8 to remain in the room in which the absentee ballots [and mail-in  
9 ballots] are pre-canvassed. No person observing, attending or  
10 participating in a pre-canvass meeting may disclose the results  
11 of any portion of any pre-canvass meeting prior to the close of  
12 the polls.

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

1 (3) When the county board meets to pre-canvass or canvass  
2 absentee ballots [and mail-in ballots] under paragraphs (1),  
3 (1.1) and (2), the board shall examine the declaration on the  
4 envelope of each ballot not set aside under subsection (d) and  
5 shall compare the information thereon with that contained in the  
6 "Registered Absentee [and Mail-in] Voters File," the absentee  
7 voters' list and/or the "Military Veterans and Emergency  
8 Civilians Absentee Voters File," whichever is applicable. If the  
9 county board has verified the proof of identification as  
10 required under this act and is satisfied that the declaration is  
11 sufficient and the information contained in the "Registered  
12 Absentee [and Mail-in] Voters File," the absentee voters' list  
13 and/or the "Military Veterans and Emergency Civilians Absentee  
14 Voters File" verifies his right to vote, the county board shall  
15 provide a list of the names of electors whose absentee ballots  
16 [or mail-in ballots] are to be pre-canvassed or canvassed.

17 (4) All absentee ballots which have not been challenged  
18 under section 1302.2(c) [and all mail-in ballots which have not  
19 been challenged under section 1302.2-D(a)(2)] and that have been  
20 verified under paragraph (3) shall be counted and included with  
21 the returns of the applicable election district as follows:

22 (i) The county board shall open the envelope of every  
23 unchallenged absentee elector [and mail-in elector] in such  
24 manner as not to destroy the declaration executed thereon.

25 (ii) If any of the envelopes on which are printed, stamped  
26 or endorsed the words "Official Election Ballot" contain any  
27 text, mark or symbol which reveals the identity of the elector,  
28 the elector's political affiliation or the elector's candidate  
29 preference, the envelopes and the ballots contained therein  
30 shall be set aside and declared void.

1 (iii) The county board shall then break the seals of such  
2 envelopes, remove the ballots and count, compute and tally the  
3 votes.

4 (iv) Following the close of the polls, the county board  
5 shall record and publish the votes reflected on the ballots.

6 (5) Ballots received whose applications have been challenged  
7 and ballots which have been challenged shall be placed unopened  
8 in a secure, safe and sealed container in the custody of the  
9 county board until it shall fix a time and place for a formal  
10 hearing of all such challenges, and notice shall be given where  
11 possible to all absentee electors [and mail-in electors] thus  
12 challenged and to every individual who made a challenge. The  
13 time for the hearing shall not be later than seven (7) days  
14 after the deadline for all challenges to be filed. On the day  
15 fixed for said hearing, the county board shall proceed without  
16 delay to hear said challenges, and, in hearing the testimony,  
17 the county board shall not be bound by the Pennsylvania Rules of  
18 Evidence. The testimony presented shall be stenographically  
19 recorded and made part of the record of the hearing.

20 (6) The decision of the county board in upholding or  
21 dismissing any challenge may be reviewed by the court of common  
22 pleas of the county upon a petition filed by any person  
23 aggrieved by the decision of the county board. The appeal shall  
24 be taken, within two (2) days after the decision was made,  
25 whether the decision was reduced to writing or not, to the court  
26 of common pleas setting forth the objections to the county  
27 board's decision and praying for an order reversing the  
28 decision.

29 (7) Pending the final determination of all appeals, the  
30 county board shall suspend any action in canvassing and

1 computing all challenged ballots received under this subsection  
2 irrespective of whether or not appeal was taken from the county  
3 board's decision. Upon completion of the computation of the  
4 returns of the county, the votes cast upon the challenged  
5 official absentee ballots that have been finally determined to  
6 be valid shall be added to the other votes cast within the  
7 county.

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

11 (2) If the proof of identification is received and verified  
12 prior to the sixth calendar day following the election, then the  
13 county board of elections shall canvass the absentee ballots  
14 [and mail-in ballots] under this subsection in accordance with  
15 subsection (g) (2).

16 (3) If an elector fails to provide proof of identification  
17 that can be verified by the county board of elections by the  
18 sixth calendar day following the election, then the absentee  
19 ballot [or mail-in ballot] shall not be counted.

20 \* \* \*

21 Section 6. Article XIII-D of the act, added October 31, 2019  
22 (P.L.552, No.77), is repealed:

23 [ARTICLE XIII-D

24 VOTING BY QUALIFIED MAIL-IN ELECTORS

25 Section 1301-D. Qualified mail-in electors.

26 (a) General rule.--A qualified mail-in elector shall be  
27 entitled to vote by an official mail-in ballot in any primary or  
28 election held in this Commonwealth in the manner provided under  
29 this article.

30 (b) Construction.--The term "qualified mail-in elector"

1 shall not be construed to include a person not otherwise  
2 qualified as a qualified elector in accordance with the  
3 definition in section 102(t).

4 Section 1302-D. Applications for official mail-in ballots.

5 (a) General rule.--A qualified elector under section 1301-D  
6 may apply at any time before any primary or election for an  
7 official mail-in ballot in person or on any official county  
8 board of election form addressed to the Secretary of the  
9 Commonwealth or the county board of election of the county in  
10 which the qualified elector's voting residence is located.

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

12 (1) The qualified elector's application shall contain  
13 the following information:

14 (i) Date of birth.

15 (ii) Length of time a resident of voting district.

16 (iii) Voting district, if known.

17 (iv) Party choice in case of primary.

18 (v) Name.

19 (2) A qualified elector shall, in addition, specify the  
20 address to which the ballot is to be sent, the relationship  
21 where necessary and other information as may be determined by  
22 the Secretary of the Commonwealth.

23 (3) When an application is received by the Secretary of  
24 the Commonwealth it shall be forwarded to the proper county  
25 board of election.

26 (c) Signature required.--Except as provided in subsection

27 (d), the application of a qualified elector under section 1301-D  
28 for an official mail-in ballot in any primary or election shall  
29 be signed by the applicant.

30 (d) Signature not required.--If any elector entitled to a

1 mail-in ballot under this section is unable to sign the  
2 application because of illness or physical disability, the  
3 elector shall be excused from signing upon making a statement  
4 which shall be witnessed by one adult person in substantially  
5 the following form:

6 I hereby state that I am unable to sign my application  
7 for a mail-in ballot without assistance because I am  
8 unable to write by reason of my illness or physical  
9 disability. I have made or have received assistance in  
10 making my mark in lieu of my signature.

11 (Mark)

12 (Date)

13 (Complete Address of Witness)

14 (Signature of Witness)

15 (e) Numbering.--The county board of elections shall number,  
16 in chronological order, the applications for an official mail-in  
17 ballot, which number shall likewise appear on the official mail-  
18 in ballot for the qualified elector. The numbers shall appear  
19 legibly and in a conspicuous place but, before the ballots are  
20 distributed, the number on the ballot shall be torn off by the  
21 county board of election. The number information shall be  
22 appropriately inserted and become a part of the Registered  
23 Absentee and Mail-in Voters File provided under section 1302.3.

24 (f) Form.--Application for an official mail-in ballot shall  
25 be on physical and electronic forms prescribed by the Secretary  
26 of the Commonwealth. The application shall state that a voter  
27 who applies for a mail-in ballot under section 1301-D shall not  
28 be eligible to vote at a polling place on election day unless  
29 the elector brings the elector's mail-in ballot to the elector's  
30 polling place, remits the ballot and the envelope containing the

1 declaration of the elector to the judge of elections to be  
2 spoiled and signs a statement subject to the penalties under 18  
3 Pa.C.S. § 4904 (relating to unsworn falsification to  
4 authorities) to the same effect. The physical application forms  
5 shall be made freely available to the public at county board of  
6 elections, municipal buildings and at other locations designated  
7 by the Secretary of the Commonwealth. The electronic application  
8 forms shall be made freely available to the public through  
9 publicly accessible means. No written application or personal  
10 request shall be necessary to receive or access the application  
11 forms. Copies and records of all completed physical and  
12 electronic applications for official mail-in ballots shall be  
13 retained by the county board of elections.

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

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

30 (2) The Secretary of the Commonwealth may develop an



1 electronic system through which all qualified electors may  
2 apply for a mail-in ballot and request permanent mail-in  
3 voter status under this section, provided the system is able  
4 to capture a digitized or electronic signature of the  
5 applicant. A county board of elections shall treat an  
6 application or request received through the electronic system  
7 as if the application or request had been submitted on a  
8 paper form or any other format used by the county.

9 (3) The transfer of a qualified registered elector on a  
10 permanent mail-in voting list from one county to another  
11 county shall only be permitted upon the request of the  
12 qualified registered elector.

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

14 (a) General rule.--Applications for mail-in ballots shall be  
15 received in the office of the county board of elections not  
16 earlier than 50 days before the primary or election, except that  
17 if a county board of elections determines that it would be  
18 appropriate to the county board of elections' operational needs,  
19 any applications for mail-in ballots received more than 50 days  
20 before the primary or election may be processed before that  
21 time. Applications for mail-in ballots shall be processed if  
22 received not later than five o'clock P.M. of the first Tuesday  
23 prior to the day of any primary or election.

24 (b) Early applications.--In the case of an elector whose  
25 application for a mail-in ballot is received by the office of  
26 the county board of elections earlier than 50 days before the  
27 primary or election, the application shall be held and processed  
28 upon commencement of the 50-day period or at such earlier time  
29 as the county board of elections determines may be appropriate.

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

1 (a) Approval process.--The county board of elections, upon  
2 receipt of any application of a qualified elector under section  
3 1301-D, shall determine the qualifications of the applicant by  
4 verifying the proof of identification and comparing the  
5 information provided on the application with the information  
6 contained on the applicant's permanent registration card. The  
7 following shall apply:

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

11 (2) The approval decision shall be final and binding,  
12 except that challenges may be made only on the grounds that  
13 the applicant was not a qualified elector.

14 (3) Challenges must be made to the county board of  
15 elections prior to five o'clock p.m. on the Friday prior to  
16 the election: Provided, however, That a challenge to an  
17 application for a mail-in ballot shall not be permitted on  
18 the grounds that the elector used an application for a mail-  
19 in ballot instead of an application for an absentee ballot or  
20 on the grounds that the elector used an application for an  
21 absentee ballot instead of an application for a mail-in  
22 ballot.

23 (4) When approved, the registration commission shall  
24 cause a mail-in voter's record to be inserted in the district  
25 register as prescribed by the Secretary of the Commonwealth.

26 (b) Duties of county boards of elections and registration  
27 commissions.--The duties of the county boards of elections and  
28 the registration commissions with respect to the insertion of  
29 the mail-in voter's record shall include only the applications  
30 as are received on or before the first Tuesday prior to the

1 primary or election.

2 (c) Notice.--In the event that an application for an  
3 official mail-in ballot is not approved by the county board of  
4 elections, the elector shall be notified immediately with a  
5 statement by the county board of the reasons for the  
6 disapproval. For applicants whose proof of identification was  
7 not provided with the application or could not be verified by  
8 the board, the board shall send notice to the elector with the  
9 mail-in ballot requiring the elector to provide proof of  
10 identification with the mail-in ballot or the ballot will not be  
11 counted.

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

13 (a) General rule.--In election districts in which ballots  
14 are used, the ballots for use by mail-in voters under this act  
15 shall be the official ballots printed in accordance with  
16 sections 1002 and 1003.

17 (a.1) Duties of county boards of elections.--The county  
18 board of elections, when preparing the official ballots for  
19 mail-in voters, shall be required to indicate on the voter's  
20 record the identification number of specific ballot envelope  
21 into which the voter's ballot is inserted. The county board of  
22 elections shall also print, stamp or endorse on the official  
23 ballots the words, "Official Mail-in Ballot." The ballots shall  
24 be distributed by a board as provided under this section.

25 (b) Preparation of ballots.--In election districts in which  
26 voting machines are used and in election districts in which  
27 paper ballots are used, the county board of elections in that  
28 election district will not print official mail-in ballots in  
29 accordance with sections 1002 and 1003. The ballots for use by  
30 mail-in voters under this section shall be prepared sufficiently

1 in advance by the county board of elections and shall be  
2 distributed by the boards as provided under this act. The  
3 ballots shall be marked "Official Mail-in Ballot" but shall not  
4 be numbered and shall otherwise be in substantially the form for  
5 ballots required by Article X, which form shall be prescribed by  
6 the Secretary of the Commonwealth.

7 (c) Use of ballot cards.--In election districts in which  
8 electronic voting systems are utilized, the mail-in ballot may  
9 be in the form of a ballot card which shall be clearly stamped  
10 on the ballot card's face "Mail-in Ballot."

11 (d) Special write-in mail-in ballots.--In cases where there  
12 is not time to print on the ballots the names of the various  
13 candidates, the county board of elections shall print special  
14 write-in mail-in ballots which shall be in substantially the  
15 form of other official mail-in ballots, except that the special  
16 write-in mail-in ballots shall contain blank spaces only under  
17 the titles of the offices in which electors may insert by  
18 writing or stamping the names of the candidates for whom they  
19 desire to vote, and in those cases, the county board of  
20 elections shall furnish to electors lists containing the names  
21 of all the candidates named in nomination petitions or who have  
22 been regularly nominated under the provisions of this act, for  
23 the use of the electors in preparing their ballots. Special  
24 write-in mail-in ballots shall include all constitutional  
25 amendments and other questions to be voted on by the electors.

26 (e) Notice.--The official mail-in voter ballot shall state  
27 that a voter who receives a mail-in ballot under section 1301-D  
28 and whose voted mail-in ballot is not timely received may only  
29 vote on election day by provisional ballot unless the elector  
30 brings the elector's mail-in ballot to the elector's polling

1 place, remits the ballot and the envelope containing the  
2 declaration of the elector to the judge of elections to be  
3 spoiled and signs a statement subject to the penalties of 18  
4 Pa.C.S. § 4904 (relating to unsworn falsification to  
5 authorities) to the same effect.

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

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

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

27 (c) Mailing envelope.--The mailing envelope addressed to the  
28 elector shall contain the two envelopes, the official mail-in  
29 ballot, lists of candidates, when authorized by section 1303-  
30 D(b), the uniform instructions in form and substance as

1 prescribed by the Secretary of the Commonwealth and nothing  
2 else.

3 (d) Notice.--Notice of the requirements under section 1306-D  
4 shall be printed on the envelope for the mail-in ballot.

5 Section 1305-D. Delivering or mailing ballots.

6 The county board of elections, upon receipt and approval of  
7 an application filed by a qualified elector under section 1301-  
8 D, shall commence to deliver or mail official mail-in ballots  
9 as soon as a ballot is certified and the ballots are available.  
10 While any proceeding is pending in a Federal or State court  
11 which would affect the contents of any ballot, the county board  
12 of elections may await a resolution of that proceeding but in  
13 any event, shall commence to deliver or mail official mail-in  
14 ballots not later than the second Tuesday prior to the primary  
15 or election. For applicants whose proof of identification was  
16 not provided with the application or could not be verified by  
17 the board, the board shall send the notice required under  
18 section 1302.2-D(c) with the mail-in ballot. As additional  
19 applications are received and approved, the board shall deliver  
20 or mail official mail-in ballots to the additional electors  
21 within 48 hours.

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

23 (a) General rule.--At any time after receiving an official  
24 mail-in ballot, but on or before eight o'clock P.M. the day of  
25 the primary or election, the mail-in elector shall, in secret,  
26 proceed to mark the ballot only in black lead pencil, indelible  
27 pencil or blue, black or blue-black ink, in fountain pen or ball  
28 point pen, and then fold the ballot, enclose and securely seal  
29 the same in the envelope on which is printed, stamped or  
30 endorsed "Official Election Ballot." This envelope shall then be

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

9 (a.1) Signature.--Any elector who is unable to sign the  
10 declaration because of illness or physical disability, shall be  
11 excused from signing upon making a declaration which shall be  
12 witnessed by one adult person in substantially the following  
13 form:

14 I hereby declare that I am unable to sign my declaration  
15 for voting my mail-in ballot without assistance because I  
16 am unable to write by reason of my illness or physical  
17 disability. I have made or received assistance in making  
18 my mark in lieu of my signature.

19 (Mark)

20 (Date)

21 (Complete Address of Witness)

22 (Signature of Witness)

23 (b) Eligibility.--

24 (1) Any elector who receives and votes a mail-in ballot  
25 under section 1301-D shall not be eligible to vote at a  
26 polling place on election day. The district register at each  
27 polling place shall clearly identify electors who have  
28 received and voted mail-in ballots as ineligible to vote at  
29 the polling place, and district election officers shall not  
30 permit electors who voted a mail-in ballot to vote at the

1 polling place.

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

5 (3) Notwithstanding paragraph (2), an elector who  
6 requests a mail-in ballot and who is not shown on the  
7 district register as having voted the ballot may vote at the  
8 polling place if the elector remits the ballot and the  
9 envelope containing the declaration of the elector to the  
10 judge of elections to be spoiled and the elector signs a  
11 statement subject to the penalties of 18 Pa.C.S. § 4904  
12 (relating to unsworn falsification to authorities) which  
13 shall be in substantially the following form:

14 I hereby declare that I am a qualified registered elector  
15 who has obtained an absentee ballot or mail-in ballot. I  
16 further declare that I have not cast my absentee ballot or  
17 mail-in ballot, and that instead I remitted my absentee  
18 ballot or mail-in ballot to the judge of elections at my  
19 polling place to be spoiled and therefore request that my  
20 absentee ballot or mail-in ballot be voided.

21 (Date)

22 (Signature of Elector).....(Address of Elector)

23 (Local Judge of Elections)

24 (c) Deadline.--Except as provided under 25 Pa.C.S. § 3511  
25 (relating to receipt of voted ballot), a completed mail-in  
26 ballot must be received in the office of the county board of  
27 elections no later than eight o'clock P.M. on the day of the  
28 primary or election.

29 Section 1307-D. Public records.

30 (a) General rule.--All official mail-in ballots, files,



1 applications for ballots and envelopes on which the executed  
2 declarations appear and all information and lists are designated  
3 and declared to be public records and shall be safely kept for a  
4 period of two years, except that no proof of identification  
5 shall be made public, nor shall information concerning a  
6 military elector be made public which is expressly forbidden by  
7 the Department of Defense because of military security.

8 (b) Record.--For each election, the county board shall  
9 maintain a record of the following information, if applicable,  
10 for each elector who makes application for a mail-in ballot:

11 (1) The elector's name and voter registration address.

12 (2) The date on which the elector's application is  
13 received by the county board.

14 (3) The date on which the elector's application is  
15 approved or rejected by the county board.

16 (4) The date on which the county board mails or delivers  
17 the mail-in ballot to the elector.

18 (5) The date on which the elector's completed mail-in  
19 ballot is received by the county board.

20 (c) Compilation.--The county board shall compile the records  
21 listed under subsection (b) and make the records publicly  
22 available upon request within 48 hours of the request.]

23 Section 7. Section 1853 of the act, amended March 27, 2020  
24 (P.L.41, No.12), is amended to read:

25 Section 1853. Violations of Provisions Relating to Absentee  
26 [and Mail-in] Ballots.--If any person shall sign an application  
27 for absentee ballot[, mail-in ballot] or declaration of elector  
28 on the forms prescribed knowing any matter declared therein to  
29 be false, or shall vote any ballot other than one properly  
30 issued to the person, or vote or attempt to vote more than once

1 in any election for which an absentee ballot [or mail-in ballot]  
2 shall have been issued to the person, or shall violate any other  
3 provisions of Article XIII [or Article XIII-D] of this act, the  
4 person shall be guilty of a misdemeanor of the third degree,  
5 and, upon conviction, shall be sentenced to pay a fine not  
6 exceeding two thousand five hundred dollars (\$2,500), or be  
7 imprisoned for a term not exceeding two (2) years, or both, at  
8 the discretion of the court.

9 If any chief clerk or member of a board of elections, member  
10 of a return board or member of a board of registration  
11 commissioners, shall neglect or refuse to perform any of the  
12 duties prescribed by Article XIII [or Article XIII-D] of this  
13 act, or shall reveal or divulge any of the details of any ballot  
14 cast in accordance with the provisions of Article XIII [or  
15 Article XIII-D] of this act, or shall count an absentee ballot  
16 [or mail-in ballot] knowing the same to be contrary to Article  
17 XIII [or Article XIII-D], or shall reject an absentee ballot [or  
18 mail-in ballot] without reason to believe that the same is  
19 contrary to Article XIII [or Article XIII-D], or shall permit an  
20 elector to cast the elector's ballot at a polling place knowing  
21 that there has been issued to the elector an absentee ballot,  
22 the elector shall be guilty of a felony of the third degree,  
23 and, upon conviction, shall be punished by a fine not exceeding  
24 fifteen thousand dollars (\$15,000), or be imprisoned for a term  
25 not exceeding seven (7) years, or both, at the discretion of the  
26 court.

27 Section 8. This act shall apply to elections held 90 days or  
28 later after the effective date of this section.

29 Section 9. This act shall take effect immediately.