INTRODUCED BY DIGIROLAMO, MURT, DONATUCCI, CALTAGIRONE, DERMODY, ZABEL, NEILSON, SCHLOSSBERG, WILLIAMS, HOWARD, HARKINS AND DeLUCA, AUGUST 30, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 30, 2019

AN ACT

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," providing for voting systems bonds; establishing the County Voting System Reimbursement Account; and, in voting by qualified absentee electors, further providing for date of application for absentee ballot, for approval of application for absentee ballot, for voting by absentee electors and for canvassing of official absentee ballots.

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

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

ARTICLE XI-B

(RESERVED)

ARTICLE XI-C
VOTING SYSTEMS BONDS

Section 1101-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Account." The County Voting System Reimbursement Account established under section 1106-C.


"Bond." Any type of revenue obligation, including a bond or series of bonds, note, certificate or other instrument, issued by the authority for the benefit of the department under this article.

"Bond administrative expenses." Expenses incurred to administer bonds as provided under the Financing Law, or as otherwise necessary to ensure compliance with applicable Federal or State law.

"Bond obligations." The principal of a bond and any premium and interest payable on a bond, together with any amount owed under a related credit agreement or a related resolution of the authority authorizing a bond.

"Credit agreement." A loan agreement, a revolving credit agreement, an agreement establishing a line of credit, a letter of credit or another agreement that enhances the marketability, security or creditworthiness of a bond.

"Department." The Department of State of the Commonwealth.

"Electronic voting system." As defined in section 1101-A.


"Voting apparatus." A kind or type of electronic voting apparatus.
system that received the approval of the Secretary of the Commonwealth under section 1105-A.

Section 1102-C. Bond issuance.

(a) Declaration of policy.--The General Assembly finds and declares that funding the replacement of voting apparatuses, including interest, through the authority, is in the best interest of this Commonwealth.

(b) Authority.--Notwithstanding any other law, the following shall apply:

(1) The department may be a project applicant under the Financing Law and may apply to the authority for the funding of the replacement of voting apparatuses.

(2) The authority may issue bonds under the Financing Law, consistent with this article, to finance a project to fund the replacement of county voting apparatuses or to reimburse counties for their cost to purchase voting apparatuses.

(3) Participation of an industrial and commercial development authority shall not be required to finance the replacement of voting apparatuses.

(c) Debt or liability.--

(1) Bonds issued under this article shall not be a debt or liability of the Commonwealth and shall not create or constitute any indebtedness, liability or obligation of the Commonwealth.

(2) Bond obligations and bond administrative expenses shall be payable solely from revenues or money pledged or available for repayment as authorized under this article. This paragraph shall include the proceeds of any issuance of bonds.
Each bond shall contain on its face a statement that:

(i) the authority is obligated to pay the principal or interest on the bonds only from the revenues or money pledged or available for repayment as authorized under this article;

(ii) neither the Commonwealth nor a county is obligated to pay the principal or interest; and

(iii) the full faith and credit of the Commonwealth or any county is not pledged to the payment of the principal of or the interest on the bonds.

Section 1103-C. Criteria for bond issuance.

(a) Determination.--If the department decertifies a voting apparatus in this Commonwealth that is in use in a county, the department shall apply to the authority to issue bonds for reimbursements to the county for the cost of procuring a new voting apparatus.

(b) Terms.--

(1) The department, with the approval of the Office of the Budget, shall specify in its application to the authority:

(i) the maximum principal amount of the bonds for each separate bond issue; and

(ii) the maximum term of the bonds consistent with applicable law.

(2) The total principal amount of bonds outstanding under this article for all bond issues may not exceed $90,000,000.

(3) The term of the bonds issued under this article may not exceed 10 years.
Section 1104-C. Issuance of bonds and security.

(a) Issuance.--The authority shall consider issuance of bonds upon application by the department. Bonds issued under this article shall be subject to the provisions of the Financing Law, unless otherwise specified under this article.

(b) Service agreement authorized.--The authority and the department may enter into an agreement or service agreement to effectuate this article, including an agreement to secure bonds issued for the purposes under section 1102-C(b), pursuant to which the department shall agree to pay the bond obligations and bond administrative expenses to the authority in each fiscal year that the bonds or refunding bonds are outstanding in amounts sufficient to timely pay in full the debt service and any other financing costs due on the bonds issued for the purposes under section 1102-C(b). The department's payment of the service charges shall be subject to and dependent upon the appropriation of funds by the General Assembly to the department for payment of the service charges. The service agreement may be amended or supplemented by the authority and the department in connection with the issuance of any series of bonds or refunding bonds authorized under this section.

(c) Security.--Bond obligations and bond administrative expenses are secured, for the benefit of the holders of the bonds and the obligees under credit agreements or the agreements under subsection (b), by pledge of a security interest in and first lien on the following:

(1) Money deposited into the account, including investment income on money in the account.

(2) Money relating to the bonds held on deposit in any other fund or account under an instrument or agreement.
pertaining to the bonds, including bond reserves and interest income on the money.

(3) The security provided under this subsection shall not apply to money in any fund relating to arbitrage rebate obligations.

Section 1105-C. Sale of bonds.

The authority shall offer the bonds for sale by means of a public, competitive sale or by means of a negotiated sale based on the authority's determination of which method will produce the most benefit to counties and the Commonwealth.

Section 1106-C. Deposit of bond proceeds.

The net proceeds of bonds, other than refunding bonds, exclusive of costs of issuance, reserves and any other financing charges, shall be transferred by the authority to the State Treasurer for deposit into a restricted account established in the State Treasury and held solely for the purposes under section 1102-C(b) to be known as the County Voting System Reimbursement Account. The department shall pay out the bond proceeds to the counties from the account in accordance with this article.

Section 1107-C. Payment of bond-related obligations.

For each fiscal year in which bond obligations and bond administrative expenses will be due, the authority shall notify the department of the amount of bond obligations and the estimated amount of bond administrative expenses in sufficient time, as determined by the department, to permit the department to request an appropriation sufficient to pay bond obligations and bond administrative expenses that will be due and payable in the following fiscal year. The authority's calculation of the amount of bond obligations and bond administrative expenses that
will be due shall be subject to verification by the department.

Section 1108-C. Commonwealth not to impair bond-related obligations.

The Commonwealth pledges that it shall not do any of the following:

(1) Limit or alter the rights and responsibilities of the authority or the department under this article, including the responsibility to:

(i) pay bond obligations and bond administrative expenses; and

(ii) comply with any other instrument or agreement pertaining to bonds.

(2) Alter or limit the service agreement under section 1104-C(b).

(3) Impair the rights and remedies of the holders of bonds, until each bond issued at any time and the interest on the bond, are fully met and discharged.

Section 1109-C. (Reserved).

Section 1110-C. Personal liability.

The members, directors, officers and employees of the department and the authority shall not be personally liable as a result of good faith exercise of the rights and responsibilities granted under this article.

Section 1111-C. Annual report.

No later than March 1 of the year following the first full year in which bonds have been issued under this article and for each year thereafter in which bond obligations existed in the prior year, the department shall submit an annual report to the chair and minority chair of the State Government Committee of the Senate and to the chair and minority chair of the State.
Government Committee of the House of Representatives providing all data available on bonds issued or existing in the prior year. The report shall include existing and anticipated bond principal, interest and administrative costs, revenue, repayments, refinancing, overall benefits to counties and any other relevant data, facts and statistics that the department believes necessary in the content of the report.

Section 1112-C. Reimbursement of county voting apparatus expenses.

(a) Application.--A county may apply to the department to receive funding to replace the county's voting apparatuses or to reimburse the county's cost to purchase voting apparatuses. Each county shall submit an application for funding on a form containing information and documentation prescribed by the department no later than December 31, 2019.

(b) Documentation for prior purchase.--If a county seeks reimbursement of the county's cost to purchase a voting apparatus that the county purchased before the date that the county submits its application to the department, the county's application shall include documentation prescribed by the department to substantiate the county's cost to purchase the voting apparatus, including copies of fully executed voting apparatus contracts, invoices and proof of payment to the vendor of the voting apparatus.

(c) Documentation for subsequent purchase.--If a county seeks funding to purchase a voting apparatus that the county will purchase after the date that the county submits its application to the department, the county's application shall include documentation prescribed by the department to substantiate the county's estimate to purchase the voting apparatus.
apparatus including copies of fully executed voting apparatus contracts, bids or price quotes submitted to the county by voting apparatus vendors and other price estimates or cost proposals.

(d) Review.--The department shall review each county application on a rolling basis and shall either approve or deny each county's application within 90 days of the date the application is received by the department. A county may supplement or amend submitted applications during the 90-day review period in consultation with the department.

(e) Approval for prior purchase.--If the department approves a county's application submitted under subsection (b), the department and the county shall enter into a written grant agreement through which the department shall reimburse the county at the amount approved by the department.

(f) Approval for subsequent purchase.--If the department approves a county's application under subsection (c), the department and the county shall enter into a written grant agreement through which the department will provide funding to reimburse the county's cost to purchase a voting apparatus at the amount approved by the department. The county shall hold the grant money in an account of the county that is separate from each other county account. The county shall deliver quarterly reports to the department of the voting apparatus costs paid from the grant money in a form prescribed by the department. The county shall return any unspent grant money to the department within 30 days of the expiration of the grant agreement.

(g) Payments.--

(1) A county shall only receive grant payments under this section to the extent that the department has bond

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proceeds available in the account from which to make payments.

(2) A county may not receive amounts greater than 60% of the total cost to purchase a voting apparatus.

(3) If the total amount of costs incurred to purchase voting apparatuses under subsections (b) and (c) exceeds the total amount available, then each county shall receive a pro rata amount of the total amount available.

(h) Certification.--For each year in which a county is eligible to receive reimbursement or funding under this article, a county shall only receive the reimbursement or funding after making a certification to the department, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the chair and minority chair of the Appropriations Committee of the Senate, the chair and minority chair of the Appropriations Committee of the House of Representatives, the chair and minority chair of the State Government Committee of the Senate and the chair and minority chair of the State Government Committee of the House of Representatives that the county has completed a program under 25 Pa.C.S. § 1901(b)(1) (relating to removal of electors) and mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the prior 12 months. The certification shall include information on whether the county has undertaken a canvass under 25 Pa.C.S. § 1901(b)(2).

(i) Department application.--The department shall apply to the authority for funding under section 1102-C only if the department has approved county applications under this article which total at least $50,000,000.
Section 2. Sections 1302.1 and 1302.2 of the act are amended to read:

Section 1302.1. Date of Application for Absentee Ballot.--
(a) Except as provided in subsections (a.1) and (a.2), applications for absentee ballots shall be received in the office of the county board of elections not earlier than fifty (50) days before the primary or election, except that if a county board of elections determines that it would be desirable and consistent with its operational needs, any applications for absentee ballots received more than fifty (50) days before the primary or election may be processed before that time.

Applications for absentee ballots may be processed if received not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election.

[(a.1) Except as provided in subsection (a.2), 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 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, the elector 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.]
(a.2) In the event any elector otherwise qualified who becomes so physically disabled or ill between five o'clock P.M. on the first Friday preceding any primary or election and eight o'clock P.M. on the day of any primary or election that he 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 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 prior to five o'clock P.M. on the first Friday preceding any primary or election, the elector shall be entitled to an absentee ballot if the elector completes and files with the court of common pleas in the county in which the elector is qualified to vote an Emergency Application or a letter or other signed document, which includes the same information as is provided on the Emergency Application. Upon a determination that the elector is a qualified absentee elector under section 1301, the judge shall issue an absentee ballot to the elector.]

(a.3) (1) The following categories of electors may apply for an absentee ballot under this subsection, if otherwise qualified:

(i) An elector whose physical disability or illness prevented the elector from applying for an absentee ballot before five o'clock P.M. on the first Tuesday prior to the day of the primary or election.

(ii) An elector who, because of the elector's business, duties or occupation, was unable to apply for an absentee ballot before five o'clock P.M. on the first Tuesday prior to the day of the primary or election.

(iii) An elector who becomes so physically disabled or ill
after five o'clock P.M. on the first Tuesday prior to the day of
the primary or election that the elector is unable to appear at
the polling place on the day of the primary or election.

(iv) An elector who, because of the conduct of the elector's
business, duties or occupation, will necessarily be absent from
the elector's municipality of residence on the day of the
primary or election, which fact was not and could not reasonably
be known to the elector on or before five o'clock P.M. on the
first Tuesday prior to the day of the primary or election.

(2) An elector described in paragraph (1) may submit an
application for an absentee ballot at any time up until the time
of the closing of the polls on the day of the primary or
election. The application shall include a declaration describing
the circumstances that prevented the elector from applying for
an absentee ballot before five o'clock P.M. on the first Tuesday
prior to the day of the primary or election or that prevent the
elector from appearing at the polling place on the day of the
primary or election, and the elector's qualifications under
paragraph (1). The declaration shall be made subject to the
provisions of 18 Pa.C.S. § 4904 (relating to unsworn
falsification to authorities).

(3) If the county board of elections determines that the
elector meets the requirements of this section, the board shall
issue an absentee ballot to the elector.

(4) If the elector is unable to appear [in court] at the
office of the county board of elections to receive the ballot,
the [judge] board shall give the elector's absentee ballot to an
authorized representative of the elector who is designated in
writing by the elector. The authorized representative shall
deliver the absentee ballot to the elector and return the
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completed absentee ballot, sealed in the official absentee ballot envelopes, to the office of the county board of elections, [who] which shall [distribute] retain the ballot, unopened, [to the absentee voter's election district] until the canvassing of all absentee ballots.

(5) If the elector is unable to appear [in court] at the office of the county board of elections or unable to obtain assistance from an authorized representative, the county board may provide an authorized representative or ask the judge [shall] of the court of common pleas in the county in which the elector is qualified to vote to direct a deputy sheriff of the county to deliver the absentee ballot to the elector if the elector is at a physical location within the county and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections[, who shall distribute the ballots, unopened, to the absentee voter's respective election district]. If there is no authorized representative and a deputy sheriff is unavailable to deliver an absentee ballot under this section, the judge may direct a constable to make such delivery in accordance with the provisions of this section.

(6) In the case of an elector who requires assistance in marking the elector's ballot, the elector shall designate in writing the person who will assist in marking the ballot. Such person shall be otherwise eligible to provide assistance to electors eligible for assistance, and such person shall declare in writing that assistance was rendered. Any person other than the designee who shall render assistance in marking a ballot or any person rendering assistance who shall fail to execute a declaration shall be guilty of a violation of this act.
(7) No absentee ballot under this subsection shall be counted which is received in the office of the county board of elections later than [eight o'clock P.M. on the day of the primary or election] the deadline for its receipt as provided in section 1308(g).

(b) In the case of an elector whose application for an absentee ballot is received by the office of the county board of elections earlier than fifty (50) days before the primary or election, the application shall be held and processed upon commencement of the fifty-day period or at such earlier time as the county board of elections determines may be appropriate.

(c) 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, letter or other signed document 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.

(d) 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 subsections (a.1) and (a.2), such Emergency Application, letter or other signed document 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 municipality of his residence on the day of the primary or election which fact was not and could not reasonably be known
Section 1302.2. Approval of Application for Absentee Ballot.--

(a) The county board of elections, upon receipt of any application filed by a qualified elector not required to be registered under preceding section 1301, shall ascertain from the information on such application, district register or from any other source that such applicant possesses all the qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked approved such approval decision shall be final and binding except that challenges may be made only on the ground that the applicant did not possess qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to [5:00 o'clock P.M. on the first Friday prior to the election] the applicable deadline for the absentee ballots to be received, as provided in section 1308(g). When so approved, the county board of elections shall cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilians Absentee Voters File as provided in section 1302.3, subsection (b): Providing, however, That no application of any qualified elector in military service shall be rejected for failure to include on [his] the elector's application any information if such information may be ascertained within a reasonable time by the county board of elections.

(b) The county board of elections, upon receipt of any
application filed by a qualified elector who is entitled, under
the provisions of the Permanent Registration Law as now or
hereinafter enacted by the General Assembly, to absentee
registration prior to or concurrently with the time of voting as
provided under preceding section 1301, shall ascertain from the
information on such application or from any other source that
such applicant possesses all the qualifications of a qualified
elector. If the board is satisfied that the applicant is
entitled, under the provisions of the Permanent Registration Law
as now or hereinafter enacted by the General Assembly, to
absentee registration prior to or concurrently with the time of
voting and that the applicant is qualified to receive an
official absentee ballot, the application shall be marked
"approved." Such approval decision shall be final and binding
except that challenges may be made only on the ground that the
applicant did not possess the qualifications of an absentee
elector prior to or concurrently with the time of voting. Such
challenges must be made to the county board of elections prior
to [5:00 o'clock P.M. on the first Friday prior to the election]
the applicable deadline for the absentee ballots to be received,
as provided in section 1308(g). When so approved, the county
board of elections shall cause the applicant's name and
residence (and at a primary, the party enrollment) to be
inserted in the Military, Veterans and Emergency Civilian
Absentee Voters File as provided in section 1302.3 subsection
(b).

(c) The county board of elections, upon receipt of any
application of a qualified elector required to be registered
under the provisions of preceding section 1301, shall determine
the qualifications of such applicant by verifying the proof of
identification and comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding, except that challenges may be made only on the ground that the applicant did not possess the qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to 5:00 o'clock P.M. on the first Friday prior to the election the applicable deadline for the absentee ballots to be received, as provided in section 1308(g). When so approved, the registration commission shall cause an absentee voter's temporary registration card to be inserted in the district register on top of and along with the permanent registration card. The absentee voter's temporary registration card shall be in the color and form prescribed in subsection (e) of this section:

Provided, however, That the duties of the county boards of elections and the registration commissions with respect to the insertion of the absentee voter's temporary registration card of any elector from the district register as set forth in section 1302.2 shall include only such applications and emergency applications as are received on or before the first Tuesday prior to the primary or election. In all cases where applications are received after the first Tuesday prior to the primary or election and before five o'clock P. M. on the first Friday prior to eight o'clock P.M. on the day of the primary or election, the county board of elections shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such
application with the information contained on the applicant's
duplicate registration card on file in the General Register
(also referred to as the Master File) in the office of the
Registration Commission and shall cause the name and residence
(and at primaries, the party enrollment) to be inserted in the
Military, Veterans and Emergency Civilian Absentee Voters File
as provided in section 1302.3, subsection (b). [In addition, the
local district boards of elections shall, upon canvassing the
official absentee ballots under section 1308, examine the voting
check list of the election district of said elector's residence
and satisfy itself that such elector did not cast any ballot
other than the one properly issued to him under his absentee
ballot application. In all cases where the examination of the
local district board of elections discloses that an elector did
vote a ballot other than the one properly issued to him under
the absentee ballot application, the local district board of
elections shall thereupon cancel said absentee ballot and said
elector shall be subject to the penalties as hereinafter set
forth.]

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

(e) The absentee voter's temporary registration card shall
be in duplicate and the same size as the permanent registration card, in a different and contrasting color to the permanent registration card and shall contain the absentee voter's name and address and shall conspicuously contain the words "Absentee Voter." Such card shall also contain the affidavit required by subsection (b) of section 1306.] The voter's record in the district register shall contain the words "absentee voter."

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

Section 3. Section 1306(a)(1) of the act is amended and the section is amended by adding a subsection to read:

Section 1306. Voting by Absentee Electors.--(a) Except as provided in paragraphs [(1),] (2) and (3), at any time after receiving an official absentee ballot, but on or before [five o'clock P.M. on the Friday prior to] eight o'clock p.m. the day of 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."

(1) [Any elector who submits an Emergency Application and receives an absentee ballot in accordance with section 1302.1(a.2) or (c) shall mark the ballot on or before eight o'clock P.M. on the day of the primary or election. 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. [Reserved].

* * *

(c) The following shall apply to an elector voting by
absentee ballot:

(1) an authorized representative designated by the elector
or any other individual authorized to deliver an absentee ballot
to the county board on behalf of the elector under section
1302.1(a.3)(4) or (5) shall deliver the elector's ballot to the
office no later than eight o'clock P.M. on the day of the
primary or election;

(2) an elector who delivers an absentee ballot in person to
the county board of elections shall do so no later than five
o'clock P.M. on the day immediately preceding the primary or
election; and

(3) an elector who mails an absentee ballot shall do so such
that it is postmarked no later than the friday immediately
preceding the primary or election.

(4) When a ballot is presented to a county board of
elections with a postmark that is missing or illegible, the
board may determine that the ballot was timely cast and
submitted if there are other reliable indicia of the date it was
sent. In that case, a board may rely on the date given on the
voter's affidavit or on additional information obtained from the
United States Postal Service, the foreign postal agency or the private carrier or courier service through which the ballot was delivered.

As used in this subsection, "postmark" means the official cancellation of postage or other indicia, as stamped, printed or written on the delivery envelope to indicate the date it was submitted for delivery by the United States Postal Service, a foreign postal agency or a recognized private common carrier or courier service.

Section 4. Section 1308(a), (b.1), (e), (f) and (g)(1), (2) and (4) of the act are amended to read:

Section 1308. Canvassing of Official Absentee Ballots.--(a) The county boards of election, upon receipt of official absentee ballots in [such] sealed official absentee ballot envelopes, shall safely keep the same in sealed or locked containers until they [distribute same to the appropriate local election districts in a manner prescribed by the Secretary of the Commonwealth.

Except as provided in section 1302.1(a.2), the county board of elections shall then distribute the absentee ballots, unopened, to the absentee voter's respective election district concurrently with the distribution of the other election supplies. Absentee ballots shall be canvassed immediately and continuously without interruption until completed after the close of the polls on the day of the election in each election district. The results of the canvass of the absentee ballots shall then be included in and returned to the county board with the returns of that district. Except as provided in section 1302.1(a.2) and subsection (g), no absentee ballot shall be counted which is received in the office of the county board of
election later than five o'clock P.M. on the Friday immediately
preceding the primary or November election.] are to be canvassed
by the county board of elections. An absentee ballot, whether
issued to a civilian, military or other voter during the regular
or emergency application period, shall be canvassed in
accordance with subsection (g).

* * *

(b.1) In all election districts in which electronic voting
systems are used, absentee ballots shall be opened at the
election district, checked for write-in votes in accordance with
section 1113-A and then either hand-counted or counted by means
of the automatic tabulation equipment, whatever the case may
be.] (Reserved).

* * *

(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 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.  

(f) Any person challenging an application for an absentee...
ballot or an absentee ballot for any of the reasons provided in this act shall deposit the sum of ten dollars ($10.00) in cash with the local election board, in cases of challenges made to the local election board and with the county board in cases of challenges made to the county board for which he shall be issued a receipt for each challenge made, which sum shall only be refunded if the challenge is sustained or if the challenge is withdrawn within five (5) days after the primary or election. If the challenge is dismissed by any lawful order then the deposit shall be forfeited. All deposit money received by the local election board shall be turned over to the county board simultaneously with the return of the challenged ballots. The county board shall deposit all deposit money in the general fund of the county.

Notice of the requirements of subsection (b) of section 1306 shall be printed on the envelope for the absentee ballot.

(g) (1) (i) An absentee ballot cast by any absentee elector as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h) which is received in the office of the county board of elections after five o'clock P.M. on the Friday immediately preceding the election and no later than five o'clock P.M. on the seventh day following an election shall be canvassed in accordance with this subsection if the absentee ballot is postmarked no later than the day immediately preceding the election. The ballot is cast, submitted and received in accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters).

(ii) An absentee ballot cast by any absentee elector as defined in section 1301(i), (j), (k), (l), (m) and (n) shall be canvassed in accordance with this subsection if the absentee
ballot is received in the office of the county board of
elections:

(A) by hand delivery by an authorized representative
designated by the elector or any other individual authorized to
deliver an absentee ballot on behalf of the elector under
section 1302.1(a.3)(4) or (5) no later than eight o'clock P.M.
on the day of the primary or election;

(B) by hand delivery by the elector no later than five
o'clock P.M. on the day immediately preceding the primary or
election; and

(C) by mail no later than five o'clock P.M. on the seventh
day following the primary or election if the absentee ballot is
postmarked no later than the friday immediately preceding the
primary or election.

(2) The county board of elections shall meet [on the eighth
day following the election to canvass] no earlier than the close
of polls on the day of the election and no later than the third
day following the election to begin canvassing the absentee
ballots received under this subsection and subsection (h)(2).
The canvass shall continue through the eighth day following the
election. One authorized representative of each candidate in an
election and one representative from each political party shall
be permitted to remain in the room in which the absentee ballots
are canvassed. Representatives shall be permitted to challenge
any absentee elector in accordance with the provisions of
paragraph (3).

* * *

(4) All absentee ballots [not], except for ballots
challenged for any of the reasons provided in paragraph (3) and
ballots cast by electors who appear at the polling place on
election day and vote in person pursuant to section 1306(b),
shall be counted and included with the returns of the applicable
election district as follows:

(i) The county board shall open the envelope of every
unchallenged absentee elector in such manner as not to destroy
the declaration executed thereon.

(ii) If any of the envelopes on which are printed, stamped
or endorsed the words "Official Absentee Ballot" contain any
extraneous marks or identifying symbols, the envelopes and the
ballots contained therein shall be set aside and declared void.

(iii) The county board shall then break the seals of such
envelopes, remove the ballots and record the votes.

* * *

Section 5. The amendment or addition of the following
provisions of the act shall apply to general and municipal
elections occurring after the effective date of this section:

(1) Section 1302.1.

(2) Section 1302.2.

(3) Section 1306(a)(1) and (c).

(4) Section 1308(a), (b.1), (e), (f) and (g)(1),(2) and

(4).

Section 6. This act shall take effect immediately.