

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2839 Session of  
1994

INTRODUCED BY PERZEL, MAY 23, 1994

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 23, 1994

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," further providing for voting by qualified  
 12 absentee electors, for election returns and for appeals of  
 13 county board decisions.

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

16 Section 1. Article XIII of the act of June 3, 1937  
 17 (P.L.1333, No.320), known as the Pennsylvania Election Code, is  
 18 repealed.

19 Section 2. The act is amended by adding an article to read:

ARTICLE XIII

21 Voting by Qualified Absentee Electors

22 Section 1301. Qualified Absentee Electors.--

23 (a) The following persons shall be entitled to vote by an

1 official absentee ballot in any election held in this  
2 Commonwealth in the manner hereinafter provided:

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

8 (2) Any qualified elector who is a spouse or dependent  
9 residing with or accompanying a person in the military service  
10 of the United States if at the time of voting the spouse or  
11 dependent is absent from the county of his residence and the  
12 elector has been registered or enrolled according to law or is  
13 entitled under the act of March 30, 1937 (P.L.115, No.40), known  
14 as "The First Class City Permanent Registration Act," or the act  
15 of April 29, 1937 (P.L.487, No.115), known as "The Permanent  
16 Registration Act for Cities of the Second Class, Cities of the  
17 Second Class A, Cities of the Third Class, Boroughs, Towns, and  
18 Townships," to absentee registration prior to or concurrently  
19 with the time of voting;

20 (3) Any qualified elector who is or who may be in the  
21 service of the Merchant Marine of the United States if at the  
22 time of voting he is absent from the county of his residence if  
23 the elector has been registered or enrolled according to law or  
24 is entitled under "The First Class City Permanent Registration  
25 Act" or "The Permanent Registration Act for Cities of the Second  
26 Class, Cities of the Second Class A, Cities of the Third Class,  
27 Boroughs, Towns, and Townships" to absentee registration prior  
28 to or concurrently with the time of voting;

29 (4) Any qualified elector who is a spouse or dependent  
30 residing with or accompanying a person who is in the service of

1 the Merchant Marine of the United States if at the time of  
2 voting the spouse or dependent is absent from the county of his  
3 residence and the elector has been registered or enrolled  
4 according to law or is entitled under "The First Class City  
5 Permanent Registration Act" or "The Permanent Registration Act  
6 for Cities of the Second Class, Cities of the Second Class A,  
7 Cities of the Third Class, Boroughs, Towns, and Townships" to  
8 absentee registration prior to or concurrently with the time of  
9 voting;

10 (5) Any qualified elector who is or who may be in a  
11 religious or welfare group officially attached to and serving  
12 with the armed forces if at the time of voting he is absent from  
13 the county of his residence if the elector has been registered  
14 or enrolled according to law or is entitled under "The First  
15 Class City Permanent Registration Act" or "The Permanent  
16 Registration Act for Cities of the Second Class, Cities of the  
17 Second Class A, Cities of the Third Class, Boroughs, Towns, and  
18 Townships" to absentee registration prior to or concurrently  
19 with the time of voting;

20 (6) Any qualified elector who is a spouse or dependent  
21 residing with or accompanying a person in a religious or welfare  
22 group officially attached to and serving with the armed forces  
23 if at the time of voting the spouse or dependent is absent from  
24 the county of his residence and if the elector has been  
25 registered or enrolled according to law or is entitled under  
26 "The First Class City Permanent Registration Act" or "The  
27 Permanent Registration Act for Cities of the Second Class,  
28 Cities of the Second Class A, Cities of the Third Class,  
29 Boroughs, Towns, and Townships" to absentee registration prior  
30 to or concurrently with the time of voting;

1       (7) Any qualified elector who expects to be or is outside  
2 the territorial limits of the several states of the United  
3 States and the District of Columbia because his duties,  
4 occupation or business require him to be elsewhere during the  
5 entire period the polls are open for voting on the day of any  
6 election or who is or who may be a civilian employe of the  
7 United States outside the territorial limits of the several  
8 states of the United States and the District of Columbia,  
9 whether or not the elector is subject to civil-service laws and  
10 5 United States Code § 5101 et seq. and whether or not paid from  
11 funds appropriated by the Congress, if at the time of voting the  
12 elector is absent from the county of residence and the elector  
13 has been registered or enrolled according to law or is entitled  
14 under "The First Class City Permanent Registration Act" or "The  
15 Permanent Registration Act for Cities of the Second Class,  
16 Cities of the Second Class A, Cities of the Third Class,  
17 Boroughs, Towns, and Townships" to absentee registration prior  
18 to or concurrently with the time of voting;

19       (8) Any qualified elector who is a spouse or dependent  
20 residing with or accompanying a person who expects to be or is  
21 outside the territorial limits of the several states of the  
22 United States and the District of Columbia because his duties,  
23 occupation or business require him to be elsewhere during the  
24 entire period the polls are open for voting on the day of any  
25 election or who is a spouse or dependent residing with or  
26 accompanying a person who is a civilian employe of the United  
27 States outside the territorial limits of the several states of  
28 the United States and the District of Columbia, whether or not  
29 the person is subject to civil service laws and 5 United States  
30 Code § 5101 et seq. and whether or not paid from funds

1 appropriated by the Congress, if at the time of voting the  
2 spouse or dependent is absent from the county of his residence  
3 and the elector has been registered or enrolled according to law  
4 or is entitled under "The First Class City Permanent  
5 Registration Act" or "The Permanent Registration Act for Cities  
6 of the Second Class, Cities of the Second Class A, Cities of the  
7 Third Class, Boroughs, Towns, and Townships" to absentee  
8 registration prior to or concurrently with the time of voting;

9 (9) Any qualified war veteran elector who is bedridden or  
10 hospitalized due to illness or physical disability if he is  
11 absent from this Commonwealth or county of his residence and  
12 unable to attend his polling place because of the illness or  
13 physical disability regardless of whether he is registered and  
14 enrolled;

15 (10) Any qualified registered and enrolled elector who  
16 expects to be or is absent from the county of his residence  
17 because his duties, occupation or business require him to be  
18 elsewhere during the entire period the polls are open for voting  
19 on the day of any election;

20 (11) Any qualified registered and enrolled elector who  
21 because of illness or physical disability is unable to attend  
22 his polling place or operate a voting machine and secure  
23 assistance by distinct and audible statement as required in  
24 section 1218 of this act;

25 (12) Any qualified registered and enrolled elector who is a  
26 spouse or dependent accompanying a person employed in the  
27 service of the Commonwealth or in the service of the Federal  
28 Government within the territorial limits of the several states  
29 of the United States and the District of Columbia in the event  
30 the duties, profession or occupation of the person require him

1 to be absent from this Commonwealth or county of his residence;

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

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

7 (b) The words "qualified absentee elector" shall not be  
8 construed to include persons confined in a penal institution or  
9 a mental institution nor shall "qualified absentee elector" in  
10 any way be construed to include a person not otherwise qualified  
11 as a qualified elector in accordance with the definition set  
12 forth in section 102(t) of this act.

13 Section 1302. Applications for Official Absentee Ballots.--

14 (a) The following provisions shall apply to qualified  
15 electors as defined in subsection (a)(1) through (8) of section  
16 1301:

17 (1) Any qualified elector may apply at any time before an  
18 election for an official absentee ballot in person, on any form  
19 supplied by the Federal Government, or on any official county  
20 board of elections form addressed to the Secretary of the  
21 Commonwealth or the county board of elections of the county in  
22 which his voting residence is located.

23 (2) The application shall contain the following information:  
24 Home residence at the time of entrance into actual military  
25 service or Federal employment, length of time a citizen, length  
26 of residence in Pennsylvania, date of birth, length of time a  
27 resident of voting district, voting district if known, party  
28 choice in case of primary, name and, for a military elector, his  
29 stateside military address, FPO or APO number and serial number.  
30 Any elector other than a military elector shall in addition

1 specify the nature of his employment, the address to which  
2 ballot is to be sent, relationship where necessary and other  
3 information as may be determined and prescribed by the Secretary  
4 of the Commonwealth. When the application is received by the  
5 Secretary of the Commonwealth it shall be forwarded to the  
6 proper county board of elections.

7 (3) The application of any qualified military elector, as  
8 defined in subsection (a)(1) of section 1301, for an official  
9 absentee ballot in any election may not be made over the  
10 signature of any person other than the qualified elector or an  
11 adult member of his immediate family, as required in subsection  
12 (a)(2) of section 1301.

13 (4) The application of any qualified elector for an official  
14 absentee ballot in any election shall be signed by the  
15 applicant.

16 (b) The following provisions shall apply to bedridden or  
17 hospitalized veteran electors as defined in subsection (a)(9) of  
18 section 1301:

19 (1) Any qualified bedridden or hospitalized veteran absent  
20 from the county of residence and unable to reach the polling  
21 place because of such illness or physical disability, regardless  
22 of whether the veteran is registered or enrolled, may apply at  
23 any time before any election for an official absentee ballot on  
24 any official county board of elections form.

25 (2) The application shall contain the following information:  
26 Residence at the time of becoming bedridden or hospitalized,  
27 length of time a citizen, length of residence in Pennsylvania,  
28 date of birth, length of time a resident in voting district,  
29 voting district if known, party choice in case of primary, name  
30 and address of present residence or hospital at which

1 hospitalized. When the application is received by the Secretary  
2 of the Commonwealth, it shall be forwarded to the proper county  
3 board of elections.

4 (3) The application for an official absentee ballot for any  
5 election shall be made on information supplied over the  
6 signature of the bedridden or hospitalized veteran as required  
7 in subsection (a)(2) of section 1301.

8 (c) The following provisions shall apply to qualified  
9 electors defined in subsection (a)(10) through (14) of section  
10 1301:

11 (1) Any qualified registered elector may apply to the county  
12 board of elections of the county in which the elector's voting  
13 residence is located for an official absentee ballot. The  
14 application shall be made upon an official application form  
15 prepared by the county board of elections.

16 (2) The application of an elector shall be signed by the  
17 applicant and shall include the surname and given name or names  
18 of the applicant, occupation, date of birth, length of time a  
19 resident in voting district, voting district if known, place of  
20 residence, post office address to which ballot is to be mailed,  
21 the reason for the absence and other information as shall make  
22 clear to the county board of elections the applicant's right to  
23 an official absentee ballot.

24 (3) The application of any qualified registered elector who  
25 is unable to attend the polling place on the day of any election  
26 because of illness or physical disability shall be signed by the  
27 applicant and shall include surname and given name or names of  
28 the applicant, occupation, date of birth, residence at the time,  
29 length of time a resident in voting district, voting district if  
30 known, place of residence, post office address to which ballot

1 is to be mailed, date of application and other information as  
2 shall make clear to the county board of elections the  
3 applicant's right to an official ballot. In addition, the  
4 application of such electors shall include a declaration stating  
5 the nature of their disability or illness, and the name, office  
6 address and office telephone number of their attending  
7 physician. However, in the event any elector entitled to an  
8 absentee ballot under this subsection is unable to sign the  
9 application because of illness or physical disability, the  
10 elector shall be excused from signing upon making a statement  
11 which shall be witnessed by one adult person in substantially  
12 the following form: I hereby state that I am unable to sign my  
13 application for an absentee ballot without assistance because I  
14 am unable to write by reason of my illness or physical  
15 disability. I have made or have received assistance in making my  
16 mark in lieu of my signature.

17 .....(Mark)

18 \_\_\_\_\_(Date)

19 .....

20 \_\_\_\_\_(Complete Address of Witness) \_\_\_\_\_(Signature of Witness)

21 (4) Any qualified registered elector, who is unable because  
22 of illness or physical disability to attend the polling place on  
23 the day of any election or operate a voting machine and state  
24 distinctly and audibly that he is unable to do so as required by  
25 section 1218 of this act may, with the certification by an  
26 attending physician that the elector is permanently disabled and  
27 physically unable to attend the polls or operate a voting  
28 machine and make the distinct and audible statement required by  
29 section 1218 appended to the application hereinbefore required,  
30 be placed on a permanently disabled absentee ballot list file.

1 An absentee ballot application shall be mailed to every person  
2 on the permanently disabled absentee ballot list file for each  
3 election so long as the elector does not lose voting rights by  
4 failure to vote as otherwise required by this act. The person  
5 shall not be required to file a physician's certificate of  
6 disability with each application as required in clause (3) of  
7 this section but the person must submit a written statement  
8 asserting continuing disability every four years in order to  
9 maintain eligibility to vote under the provisions of this  
10 subsection. Should any person lose a disability, the person  
11 shall inform the county board of elections of the county of  
12 residence.

13 Section 1303. Absentee Ballot Applications.--

14 (a) An application for an absentee ballot shall be made on  
15 an official application form prepared by the county board of  
16 elections in a manner prescribed by the Secretary of the  
17 Commonwealth.

18 (1) Application forms shall be made freely available to the  
19 public at county boards of elections offices, municipal  
20 buildings and at other locations designated by the Secretary of  
21 the Commonwealth.

22 (2) No written application or individual request shall be  
23 necessary to receive an application form.

24 (3) The county board of elections shall number, in  
25 chronological order, the applications for an official absentee  
26 ballot. The number shall also appear on the official absentee  
27 ballot for the qualified elector. The numbers shall appear  
28 legibly and in a conspicuous place. Before the ballots are  
29 distributed, the number on the ballot shall be torn off by the  
30 county board of elections. This number information shall be made

1 a part of the Registered Absentee Voters File and the Military,  
2 Veterans and Emergency Civilian Absentee Voters File provided in  
3 section 1306.

4 (4) Copies of all completed applications for official  
5 absentee ballots shall be retained by the county board of  
6 elections.

7 (b) The application shall state, in boldface type, that a  
8 voter who receives an absentee ballot pursuant to section 1301  
9 and who, on election day, is capable of voting at the  
10 appropriate polling place must void the absentee ballot and vote  
11 in the normal manner at the appropriate polling place.

12 Section 1304. Date of Application for Absentee Ballot.--

13 (a) Applications for absentee ballots unless otherwise  
14 specified shall be received in the office of the county board of  
15 elections not earlier than fifty (50) days before the election  
16 and not later than 5 o'clock P.M. of the first Tuesday prior to  
17 the day of any election.

18 (b) In the event any elector otherwise qualified who is so  
19 physically disabled or ill on or before the first Tuesday prior  
20 to any election that the elector is unable to file an  
21 application or who becomes physically disabled or ill after the  
22 first Tuesday prior to any election and is unable to appear at  
23 the polling place or any elector otherwise qualified who because  
24 of the conduct of business, duties or occupation will  
25 necessarily be absent from the county of residence on the day of  
26 the election, which fact was not and could not reasonably be  
27 known to the elector on or before the first Tuesday prior to any  
28 election, shall be entitled to an absentee ballot at any time  
29 prior to 2 o'clock P.M. on the day preceding any election upon  
30 execution of an emergency application in the form prescribed by

1 the Secretary of the Commonwealth. A challenge to an emergency  
2 application or ballot may be made at any time prior to 2 o'clock  
3 P.M. on the day preceding the election.

4 (1) In the case of an elector who is physically disabled or  
5 ill on or before the first Tuesday prior to an election or  
6 becomes physically disabled or ill after the first Tuesday prior  
7 to an election, such emergency application shall contain a  
8 supporting affidavit from the attending physician stating that  
9 due to physical disability or illness the elector was unable to  
10 apply for an absentee ballot on or before the first Tuesday  
11 prior to the election or became physically disabled or ill after  
12 that period.

13 (2) In the case of an elector who is necessarily absent  
14 because of the conduct of business, duties or occupation under  
15 the unforeseen circumstances specified in this subsection, the  
16 emergency application shall contain a supporting affidavit from  
17 the elector stating that because of the conduct of business,  
18 duties or occupation the elector will necessarily be absent from  
19 the county of residence on the day of the election which fact  
20 was not and could not reasonably be known to the elector on or  
21 before the first Tuesday prior to the election.

22 Section 1305. Approval of Application for Absentee Ballot.--

23 (a) The county board of elections, upon receipt of an  
24 application filed by a qualified elector who is entitled to an  
25 absentee ballot under section 1301, shall ascertain from the  
26 information on the application, district register or from any  
27 other source that the applicant possesses all the qualifications  
28 of a qualified elector. If the board is satisfied that the  
29 applicant is qualified to receive an official absentee ballot,  
30 the application shall be marked approved. The approval decision

1 shall be final and binding except that challenges may be made  
2 only on the ground that the applicant did not possess  
3 qualifications of an absentee elector. Challenges must be made  
4 to the county board of elections prior to 5 o'clock P.M. on the  
5 first Friday prior to the election. When so approved, the county  
6 board of elections shall cause the applicant's name and  
7 residence (and at a primary, the party enrollment) to be  
8 inserted in the Military, Veterans and Emergency Civilians  
9 Absentee Voters File as provided in subsection (b) of section  
10 1306. However, no application of any qualified elector in  
11 military service shall be rejected for failure to include on the  
12 application any information if the information may be  
13 ascertained within a reasonable time by the county board of  
14 elections.

15 (b) The duties of the county boards of elections and the  
16 registration commissions with respect to the insertion of the  
17 absentee voter's temporary registration card of any elector from  
18 the district register as set forth in this section shall include  
19 only the applications and emergency applications as are received  
20 on or before the first Tuesday prior to the election. In all  
21 cases where applications are received after the first Tuesday  
22 prior to the election and before 5 o'clock P.M. on the first  
23 Friday prior to the election, the county board of elections  
24 shall determine the qualifications of the applicant by comparing  
25 the information set forth on the application with the  
26 information contained on the applicant's duplicate registration  
27 card on file in the General Register (also referred to as the  
28 Master File) in the office of the Registration Commission and  
29 shall cause the name and residence (and at primaries, the party  
30 enrollment) to be inserted in the Military, Veterans and

1 Emergency Civilian Absentee Voters File as provided in  
2 subsection (b) of section 1306. In addition, the local district  
3 boards of elections shall, upon canvassing the official absentee  
4 ballots under section 1315, examine the voting check list of the  
5 election district of the elector's residence and satisfy itself  
6 that the elector did not cast any ballot other than the one  
7 properly issued under the absentee ballot application. In all  
8 cases where the examination of the local district board of  
9 elections discloses that an elector did vote a ballot other than  
10 the one properly issued under the absentee ballot application,  
11 the local district board of elections shall thereupon cancel the  
12 absentee ballot and the elector shall be subject to the  
13 penalties as set forth under this act.

14 (c) In the event that any application for an official  
15 absentee ballot is not approved by the county board of  
16 elections, the elector shall be notified immediately to that  
17 effect with a statement by the county board of the reasons for  
18 the disapproval. If an application is rejected because it is  
19 incomplete, a copy of the original application shall be  
20 maintained by the county board.

21 (d) The absentee voter's temporary registration card shall  
22 be in duplicate and the same size as the permanent registration  
23 card, in a different and contrasting color to the permanent  
24 registration card, and shall contain the absentee voter's name  
25 and address and shall conspicuously contain the words "Absentee  
26 Voter." The card shall also contain the affidavit required by  
27 subsection (a) of section 1313.

28 Section 1306. Absentee Electors Files and Lists.--

29 (a) The county board of elections shall maintain at its  
30 office a file containing the duplicate absentee voter's

1 temporary registration cards of every registered elector to whom  
2 an absentee ballot has been sent. These duplicate absentee  
3 voter's temporary registration cards shall be filed by election  
4 districts and within each election district in exact  
5 alphabetical order and indexed. The registration cards so filed  
6 shall constitute the Registered Absentee Voters File for the  
7 Election of (date of election) and shall be kept on file for a  
8 period commencing the Tuesday prior to the day of the election  
9 until sixty (60) days following the election. In the event of an  
10 election-related challenge or contest, the file shall be  
11 maintained for five (5) years following the election. The file  
12 shall be open to public inspection at all times subject to  
13 reasonable safeguards, rules and regulations.

14 (b) The county board of elections shall post in a  
15 conspicuous public place at its office a master list arranged in  
16 alphabetical order by election districts setting forth the name  
17 and residence, and at primaries, the party enrollment, of (1)  
18 every military elector to whom an absentee ballot is being sent,  
19 each such name to be prefixed with an "M"; (2) every bedridden  
20 or hospitalized veteran outside the county of his residence who  
21 is not registered and to whom an absentee ballot is being sent,  
22 each such name to be prefixed with a "V"; and (3) every  
23 registered elector who has filed an application for an absentee  
24 ballot too late for the extraction of the original registration  
25 card and to whom a ballot is being sent and every qualified  
26 elector who has filed the application for an absentee ballot and  
27 is entitled, under the act of March 30, 1937 (P.L.115, No.40),  
28 known as "The First Class City Permanent Registration Act," or  
29 the act of April 29, 1937 (P.L.487, No.115), known as "The  
30 Permanent Registration Act for Cities of the Second Class,

1 Cities of the Second Class A, Cities of the Third Class,  
2 Boroughs, Towns, and Townships," to absentee registration prior  
3 to or concurrently with the time of voting, each such name to be  
4 prefixed with a "C." This list shall be known as the Military,  
5 Veterans and Emergency Civilians Absentee Voters File for the  
6 Election of (date of election) and shall be posted for a period  
7 commencing the Tuesday prior to the day of the election until  
8 the day following the election or the day on which the county  
9 board of elections certifies the returns of the election,  
10 whichever date is later. The file shall be open to public  
11 inspection at all times subject to reasonable safeguards, rules  
12 and regulations. This posted list shall not contain any military  
13 address or references to any military organization. Upon written  
14 request, the county board shall furnish a copy of such list to  
15 any candidate or party county chairman.

16 (c) Not less than five (5) days preceding the election, the  
17 county board of elections shall prepare a list for each election  
18 district showing the names and post office addresses of all  
19 voting residents thereof to whom official absentee ballots shall  
20 have been issued. This list shall be known as the Absentee  
21 Ballot Application List. Each list shall be prepared in  
22 duplicate, shall be headed "Persons in (give identity of  
23 election district) to whom absentee ballots have been issued for  
24 the election of (date of election)," and shall be signed by him  
25 not less than four days preceding the election. The county board  
26 of elections shall post the original of each list in a  
27 conspicuous place in the office of the county board of elections  
28 and see that it is kept so posted until the close of the polls  
29 on election day. The duplicate of each list shall be delivered  
30 to the judge of election in the election district in the same

1 manner and at the same time as are provided in this act for the  
2 delivery of other election supplies, and it shall be the duty of  
3 the judge of election to post the duplicate list in a  
4 conspicuous place within the polling place of his district and  
5 see that it is kept so posted throughout the time that the polls  
6 are open. Upon written request, the county board of elections  
7 shall furnish a copy of such list to any candidate or party  
8 county chairman.

9 Section 1307. Official Absentee Voters Ballots.--

10 (a) In districts in which ballots are used, the ballots for  
11 use by absentee electors under the provisions of this act shall  
12 be the official ballots printed in accordance with sections 1002  
13 and 1003. However, the county board of elections when detaching  
14 the official ballots for absentee electors shall be required to  
15 indicate on the stub of each ballot so detached the name of the  
16 applicant to which that precise ballot is being sent. The county  
17 board of elections shall also be required to remove the numbered  
18 stub from each ballot and shall thereupon print, stamp or  
19 endorse in red color upon the official ballots the words,  
20 Official Absentee Ballot. The ballots shall be distributed by  
21 the boards as provided under this act.

22 (b) In districts in which voting machines are used and in  
23 those districts in which paper ballots are used and the county  
24 board of elections therein do not print official absentee  
25 ballots in accordance with sections 1002 and 1003, the ballots  
26 for use by such absentee electors under the provisions of this  
27 act shall be prepared sufficiently in advance by the county  
28 board of elections and shall be distributed by the boards as  
29 provided under this act. Ballots shall be marked Official  
30 Absentee Ballot but shall not be numbered and shall otherwise be

1 in substantially the form for ballots required by article ten of  
2 this act which form shall be determined and prescribed by the  
3 Secretary of the Commonwealth.

4 (c) In districts in which electronic voting systems are  
5 utilized, the absentee ballot may be in the form of a ballot  
6 card which shall be clearly stamped on its face "Absentee  
7 Ballot."

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

22 (e) The official absentee voter ballot shall state that a  
23 voter who receives an absentee ballot pursuant to section 1301  
24 and who, on election day, is capable of voting at the  
25 appropriate polling place must void the absentee ballot and vote  
26 in the normal manner at the appropriate voting place.

27 Section 1308. Envelopes for Official Absentee Ballots.--

28 (a) The county board of elections shall provide two  
29 additional envelopes for each official absentee ballot, of such  
30 size and shape as shall be prescribed by the Secretary of the

1 Commonwealth, in order to permit the placing of one within the  
2 other and both within the mailing envelope. On the smaller of  
3 the two envelopes to be enclosed in the mailing envelope shall  
4 be printed, stamped or endorsed the words "Official Absentee  
5 Ballot," and nothing else. On the larger of the two envelopes,  
6 to be enclosed within the mailing envelope, shall be printed the  
7 form of the declaration of the elector, and the name and address  
8 of the county board of elections of the proper county. The  
9 larger envelope shall also contain information indicating the  
10 local election district of the absentee voter. The form of  
11 declaration and envelope shall be as prescribed by the Secretary  
12 of the Commonwealth and shall contain among other things a  
13 statement of the electors qualifications, together with a  
14 statement that the elector has not already voted in the  
15 election. The mailing envelope addressed to the elector shall  
16 contain the two envelopes, the official absentee ballot, lists  
17 of candidates, when authorized by subsection (b) of section  
18 1307, the uniform instructions in form and substance as  
19 prescribed by the Secretary of the Commonwealth and nothing  
20 else.

21 (b) (1) Envelopes for electors qualified under subsection  
22 (a)(1) to (8) of section 1301, inclusive, shall have printed  
23 across the face of each transmittal or return envelope two  
24 parallel horizontal red bars, each one-quarter inch wide,  
25 extending from one side of the envelope to the other side, with  
26 an intervening space of one-quarter inch, the top bar to be one  
27 and one-quarter inches from the top of the envelope and with the  
28 words "Official Election Balloting Material via Air Mail"  
29 between the bars. There shall be printed, in the upper right  
30 corner of each envelope in a box, the words "Free of U. S.

1 Postage, Including Air Mail." All printing on the face of each  
2 envelope shall be in red, and there shall be printed in red, in  
3 the upper left corner of each such envelope, the name and  
4 address of the county board of elections of the proper county or  
5 blank lines for return address of the sender.

6 (2) The envelope addressed to the elector may contain  
7 absentee registration forms where required and shall contain  
8 detailed instructions on the procedures to be observed in  
9 casting an absentee ballot as prescribed by the Secretary of the  
10 Commonwealth, together with a return envelope upon which is  
11 printed the name and address of the registration commission of  
12 the proper county, which envelope shall have printed across the  
13 face two parallel horizontal red bars, each one-quarter inch  
14 wide, extending from one side of the envelope to the other side,  
15 with an intervening space of one-quarter inch, the top bar to be  
16 one and one-quarter inches from the top of the envelope and with  
17 the words "Official Election Balloting Material via Air Mail"  
18 between the bars. There shall be printed in the upper right  
19 corner of each such envelope in a box the words "Free of U. S.  
20 Postage, Including Air Mail," and, in the upper left corner of  
21 each such envelope, blank lines for return address of the  
22 sender. All printing on the face of each envelope shall be in  
23 red.

24 Section 1309. Delivering or Mailing Ballots.--

25 (a) An absentee ballot shall only be delivered to an elector  
26 by mail or obtained directly by an elector who appears at the  
27 office of the county board of elections. An elector who obtains  
28 an absentee ballot at the office of the board shall be required  
29 to sign an acknowledgment of receipt of the ballot which shall  
30 be retained by the board pursuant to subsection (a) of section

1 1306. Delivery by any other means is prohibited and shall result  
2 in the ballot being declared void.

3 (b) The county board of elections upon receipt and approval  
4 of an application filed by any elector qualified in accordance  
5 with the provisions of subsection (a)(1) to (8) of section 1301,  
6 inclusive, shall not later than fifty (50) days prior to the day  
7 of the primary or not later than seventy (70) days prior to the  
8 day of the election mail to such elector who has included with  
9 said application a statement that he or she is unable to vote  
10 during the regular absentee balloting period by reason of living  
11 or performing military service in an extremely remote or  
12 isolated area of the world, and not later than forty-five (45)  
13 days prior to the day of the primary or election commence to  
14 mail to all other such electors as provided for in subsection  
15 (a)(1) to (8) of section 1301, inclusive, official absentee  
16 ballots or special write-in absentee ballots as prescribed by  
17 subsection (d) of section 1307 when official absentee ballots  
18 are not yet printed. As additional applications of electors are  
19 received, the board shall mail official absentee ballots or  
20 special write-in absentee ballots when official absentee ballots  
21 are not yet printed to the additional electors within forty-  
22 eight (48) hours after approval of their application. If the  
23 calling of a special election would make it impossible to comply  
24 with the forty-five (45) day mailing requirement of this  
25 section, then the county board of elections shall mail absentee  
26 ballots or special write-in absentee ballots within five (5)  
27 days of the county board's receipt of the information necessary  
28 to prepare the ballots.

29 (c) The county board of elections upon receipt and approval  
30 of an application filed by any elector qualified in accordance

1 with the provisions of subsection (a)(9) to (14) of section  
2 1301, inclusive, shall mail or provide pursuant to subsection  
3 (a) official absentee ballots on the second Tuesday prior to the  
4 election. As additional applications are received and approved,  
5 the board shall mail or provide pursuant to subsection (a)  
6 official absentee ballots to the additional electors within  
7 forty-eight (48) hours.

8 Section 1310. Notice to County Board of Elections.--

9 (a) At least fifty (50) days prior to a primary, the  
10 Secretary of the Commonwealth shall transmit to the county board  
11 of elections a list of candidates who have filed a nominating  
12 petition with him and who are not known to have withdrawn or  
13 been disqualified, conforming, to the extent possible, with the  
14 requirements of section 916.

15 (b) At least seventy (70) days prior to an election, the  
16 Secretary of the Commonwealth shall transmit to the county board  
17 of elections a list, as he knows it to exist at that time, of  
18 candidates to be voted on in the county at the election, as well  
19 as a copy of all constitutional amendments and other questions  
20 to be voted on at the election, together with a statement of the  
21 form in which they are to be placed on the ballot, conforming to  
22 the extent possible with the requirements of section 984.

23 Section 1311. Voting by Absentee Electors.--

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

1 Absentee Ballot." This envelope shall then be placed in the  
2 second one, on which is printed the form of declaration of the  
3 elector, and the address of the elector's county board of  
4 elections and the local election district of the elector. The  
5 elector shall then fill out, date and sign the declaration  
6 printed on the envelope. The envelope shall then be securely  
7 sealed and the elector shall send same by mail, postage prepaid,  
8 except where franked, or deliver it in person to the county  
9 board of elections at which time the elector shall sign an  
10 acknowledgment of personal delivery of the ballot. Return of an  
11 absentee ballot to the county board of elections by any other  
12 means is prohibited and shall result in the ballot being  
13 declared void.

14 (b) Any elector, spouse of the elector or dependent of the  
15 elector, qualified in accordance with the provisions of  
16 subsection (a)(5), (6), (7) or (8) of section 1301 to vote by  
17 absentee ballot as provided, shall be required to include on the  
18 form of declaration a supporting declaration in form prescribed  
19 by the Secretary of the Commonwealth, to be signed by the head  
20 of the department or chief of division or bureau in which the  
21 elector is employed, setting forth the identity of the elector,  
22 spouse of the elector or dependent of the elector.

23 (c) Any elector who has filed his application in accordance  
24 with subsection (c)(3) of section 1302, and is unable to sign  
25 his declaration because of illness or physical disability, shall  
26 be excused from signing upon making a declaration which shall be  
27 witnessed by one adult person in substantially the following  
28 form: I hereby declare that I am unable to sign my declaration  
29 for voting my absentee ballot without assistance because I am  
30 unable to write by reason of my illness or physical disability.

1 I have made or received assistance in making my mark in lieu of  
2 my signature.

3 \_\_\_\_\_ (Mark)

4 .....

5 \_\_\_\_\_ (Date)

6 .....

7 \_\_\_\_\_ (Signature of Witness)

8 .....

9 \_\_\_\_\_ (Complete Address of Witness)

10 Section 1312. Procedure to Void Absentee Ballot Status.--

11 (a) In the event that any such elector, excepting an elector  
12 in military service or any elector unable to go to his polling  
13 place because of illness or physical disability, entitled to  
14 vote an official absentee ballot shall be in the county of his  
15 residence on the day for holding the election for which the  
16 ballot was issued, or in the event any elector shall have  
17 recovered from his illness or physical disability sufficiently  
18 to permit him to present himself at the proper polling place for  
19 the purpose of casting his ballot, the absentee ballot cast by  
20 the elector shall be declared void.

21 (b) Any elector referred to in this section who is within  
22 the county of his residence must present himself at his polling  
23 place and shall be permitted to vote upon presenting himself at  
24 his regular polling place in the same manner as he could have  
25 voted had he not received an absentee ballot if the elector has  
26 first presented himself to the judge of election in his local  
27 election district and shall have signed the affidavit on the  
28 absentee voter's temporary registration card, which affidavit  
29 shall be in substantially the following form:

30 I hereby swear that I am a qualified registered elector who

1 has obtained an absentee ballot, however, I am present in the  
2 county of my residence and physically able to present myself at  
3 my polling place and therefore request that my absentee ballot  
4 be voided.

5 \_\_\_\_\_  
6 (Date) (Signature of Elector)  
7 \_\_\_\_\_  
8 (Local Judge of Elections)

9 (c) An elector who has received an absentee ballot under the  
10 emergency application provisions of section 1304, and for whom,  
11 therefore, no temporary absentee voter's registration card is in  
12 the district register, shall sign the aforementioned affidavit  
13 in any case, which the local judge of elections shall then cause  
14 to be inserted in the district register with the elector's  
15 permanent registration card.

16 (d) Notice of the requirements of subsections (a) and (b)  
17 shall be printed on the envelope for the absentee ballot.

18 Section 1313. Assistance in Voting by Certain Absentee  
19 Electors.--

20 Any elector qualified to vote an official absentee ballot in  
21 accordance with the provisions of subsection (a)(11) of section  
22 1301 may receive assistance in voting (1) if there is recorded  
23 on the elector's registration card a declaration that the  
24 elector has a physical disability which renders the elector  
25 unable to see or mark the official absentee ballot, the exact  
26 nature of the disability being recorded on the registration  
27 card; (2) if the elector requiring assistance submits with the  
28 application for an official absentee ballot a statement setting  
29 forth the precise nature of the disability which renders the  
30 elector unable to see or mark the official absentee ballot and

1 that to the best of the elector's knowledge and belief the  
2 elector will still suffer from the physical disability at the  
3 time of voting the official absentee ballot. The elector shall  
4 acknowledge the same before an officer qualified to take  
5 acknowledgment of deeds. Such statement shall be in  
6 substantially the following form:

7 Statement of Absentee Elector Requiring Assistance

8 I, ....., hereby state

9 (Name of voter requiring assistance)

10 that I require assistance in marking the official absentee  
11 ballot for the election held .....

12 (Date)

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

14 .....  
15 (Insert nature of disability)

16 .....  
17 (Signature or mark of elector)

18 .....  
19 (Date of signature or mark)

20 Commonwealth of Pennsylvania:

21 ss

22 County of .....

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

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

1 \_\_\_\_\_

2 \_\_\_\_\_ (Title of Officer)

3 Upon receipt of the official absentee ballot, the elector  
4 requiring assistance may select an adult person to assist him in  
5 voting. The assistance shall be rendered in secret. The adult  
6 person rendering the assistance in voting should be required to  
7 fill out, date and sign the declaration in a form approved by  
8 the Secretary of the Commonwealth, which shall include the  
9 reason assistance is required, or substantially in the form as  
10 set forth below, as he has caused the elector's ballot to be  
11 marked in accordance with the elector's desires and instruction.  
12 The declaration form shall be returned to the county board of  
13 elections in the mailing envelope addressed to the county board  
14 of elections within which the small "official absentee ballot"  
15 is returned.

16 Declaration of Person Rendering Assistance

17 I, \_\_\_\_\_, an adult person

18 (Name of Person rendering assistance)

19 hereby declare that I have witnessed the aforesaid elector's  
20 signature or mark and that I have caused the aforesaid  
21 elector's ballot to be marked in accordance with the desires  
22 and instructions of the aforesaid elector for the following  
23 reasons:

24 \_\_\_\_\_

25 (Nature of Disability)

26 \_\_\_\_\_

27 (Signature of Person Rendering Assistance)

28 \_\_\_\_\_

29 (Address)

30 If the elector requires assistance due to blindness, the

1 declaration shall include a statement as follows: I have read  
2 the absentee ballot to the aforesaid elector.

3 Section 1314. Certain Electors Voting in Districts of  
4 Residence.--

5 (a) Whenever any qualified elector in actual military  
6 service is present in the voting district of residence on any  
7 primary, special, municipal or general election day and has not  
8 already voted in the election, the elector may apply in person  
9 at the office of the county board of election of the county of  
10 residence and shall then and there execute the application for  
11 an official absentee ballot.

12 (b) Each application shall be in the form and shall contain  
13 the information required by this act together with a statement  
14 by the applicant that he has not already voted in the election.

15 The county board of elections shall ascertain from the  
16 information on the application or from any other source that  
17 such applicant possesses all the qualifications of a qualified  
18 elector other than being registered or enrolled. If the board is  
19 satisfied that the applicant is qualified to receive an official  
20 absentee ballot, the application shall be marked "Approved,"  
21 subject to the limitations set out in section 1305 of this act.  
22 When so approved, the county board of elections shall cause the  
23 applicant's name and residence (and at primaries, the party  
24 enrollment) to be inserted in the Military, Veterans and  
25 Emergency Civilian Absentee Voters File as provided in  
26 subsection (b) of section 1306.

27 (c) Upon receiving an official absentee ballot and envelopes  
28 therefor, the elector shall, in secret, in the office of the  
29 county board of elections vote the ballot and execute the  
30 declaration as prescribed by this act. The elector shall then

1 securely seal the second envelope and hand it to the chief clerk  
2 of the county board of elections who shall securely keep same in  
3 accordance with the provisions of section 1315.

4 Section 1315. Canvassing of Official Absentee Ballots.--

5 (a) The county boards of elections, upon receipt of official  
6 absentee ballots in the envelopes as prescribed, shall safely  
7 keep the same in sealed or locked containers. No absentee ballot  
8 which is received by the county board of elections later than  
9 two o'clock P.M. on the Monday immediately preceding the  
10 election may be counted.

11 (b) No later than four o'clock P.M. on Monday prior to any  
12 election the county board of elections shall prepare an  
13 alphabetical list containing the names and addresses of all  
14 electors who have submitted an absentee ballot in each election  
15 district. The list shall be known as the Absentee Ballot Return  
16 List. The Absentee Ballot Return List shall be made available  
17 for public inspection and copying. Ballots returned by electors  
18 defined in subsection (a)(1) of section 1301 and in the  
19 emergency provisions contained in subsection (b) of section 1304  
20 shall be added to the list as practicable.

21 (c) The Absentee Ballot Return List shall be distributed to  
22 each election district prior to the opening of the polls on  
23 election day. The list shall be posted in a conspicuous place in  
24 each election district.

25 (d) The county board of elections may distribute the  
26 unopened absentee ballots to the local election district  
27 concurrently with the distribution of other election supplies.  
28 However, the absentee ballots shall remain in a separate sealed  
29 container bearing the following notice printed in boldface type:

30 ABSENTEE BALLOT

1       The law prohibits the opening of any absentee ballot  
2       prior to the closing of the polls. Any challenged ballot  
3       shall not be opened but shall be returned to the county  
4       board of elections. Any person violating this provision  
5       of law shall be guilty of a criminal offense subject to a  
6       minimum mandatory fine of two hundred fifty (\$250)  
7       dollars per ballot.

8       The notice required by this subsection shall be in both  
9       English and Spanish where deemed appropriate by the secretary.

10       In no case shall the absentee ballots be distributed later  
11       than six o'clock P.M. on election day. The absentee ballot  
12       container shall be signed for by the judge of election in the  
13       manner prescribed for ballots and other supplies in section  
14       1204.

15       (e) Absentee ballots shall be opened and canvassed in each  
16       election district without interruption immediately upon the  
17       closing of the polls and prior to the canvassing of other  
18       ballots.

19       (f) Poll watchers, each candidate, each candidate's attorney  
20       and each candidate's authorized representative shall be  
21       permitted to be present when the envelopes containing official  
22       absentee ballots are opened and canvassed. The results of the  
23       canvassing of the absentee ballots shall be included in the  
24       tally of all votes and returned to the county board of elections  
25       with the returns of that district.

26       (g) (1) In the event that an electronic voting system  
27       provides for central tabulations of ballots, absentee ballots  
28       shall be opened and deposited in the ballot box without being  
29       counted except as to the number of absentee ballots cast. The  
30       absentee ballots shall be counted along with the other ballots

1 from the election district at the location and in the manner  
2 specified by the county board of elections and provided for by  
3 the electronic voting system utilized.

4 (2) In the event that an electronic voting system provides  
5 for tabulation of votes at the election district, the absentee  
6 ballots shall be opened, checked for write-in votes in  
7 accordance with section 1113-A and then either hand-counted or  
8 counted by means of the automatic tabulation equipment, whatever  
9 the case may be.

10 (h) Whenever it shall appear by due proof that any absentee  
11 elector who has returned a ballot in accordance with the  
12 provisions of this act has died prior to the opening of the  
13 polls on the day of the election, the ballot of the deceased  
14 elector shall be rejected by the canvassers but the counting of  
15 the ballot of an elector thus deceased shall not of itself  
16 invalidate any nomination or election.

17 (i) The local election board shall then further examine the  
18 declaration on each envelope not so set aside and shall compare  
19 the information thereon with that contained in the Registered  
20 Absentee Voters File, the Absentee Voter Application List, the  
21 Absentee Ballot Return List, the absentee voters' list and the  
22 Military Veterans and Emergency Civilians Absentee Voters File.  
23 The local election board shall determine that the declaration is  
24 sufficient and shall verify the elector's right to vote.

25 Section 1316. Absentee Ballot Challenges.--

26 (a) At any time on election day, a poll watcher, candidate,  
27 candidate's attorney or candidate's authorized representative  
28 may challenge the ballot of any absentee elector for any of the  
29 following reasons:

30 (1) The absentee elector is not a qualified elector;

1       (2) The absentee elector was within the county of his  
2 residence on the day of the election during the period the polls  
3 were open, except where he was in military service or was unable  
4 to appear personally at the polling place because of illness or  
5 physical disability; or

6       (3) The absentee elector was able to appear personally at  
7 the polling place on the day of the election during the period  
8 the polls were open and the ballot was obtained for the reason  
9 that he was unable to appear personally at the polling place  
10 because of illness or physical disability.

11       (b) Any challenge made pursuant to subsection (a) shall be  
12 made to and recorded by the judge of election on the Absentee  
13 Ballot Return List together with the reason or reasons therefor.  
14 Upon the close of the polls, the judge of election shall unseal  
15 the absentee ballot container and mark "Challenged" on the  
16 envelope of each challenged ballot with the reason or reasons  
17 therefor and the same shall be set aside for return to the  
18 county board of elections unopened. Challenged ballots shall not  
19 be counted nor included in the tally of votes returned to the  
20 county board of elections with the returns of the election  
21 district.

22       (c) The local election board shall announce the names of the  
23 electors on all remaining unchallenged ballots and shall give  
24 any watcher, candidate, candidate's attorney and candidate's  
25 authorized representative present an opportunity to challenge  
26 any absentee elector for any of the reasons set forth in  
27 subsection (a).

28       (d) Any person challenging an application for an absentee  
29 ballot or an absentee ballot shall deposit the sum of ten (\$10)  
30 dollars with the local election board in challenges made to the

1 local board and with the county board of elections in challenges  
2 made to the county for which the person shall be issued a  
3 receipt for each challenge made, not to exceed a total of two  
4 thousand five hundred (\$2,500) dollars for all challenges. All  
5 deposits received pursuant to this subsection shall be refunded  
6 if the challenge is sustained or if the challenge is withdrawn  
7 within five (5) days after the election. If the challenge is  
8 dismissed by any lawful order, then the deposit shall be  
9 forfeited. All deposit money received by the local election  
10 board shall be turned over to the county board of elections  
11 simultaneously with the return of the challenged ballots. The  
12 county board shall deposit all deposit money in the general fund  
13 of the county.

14 (e) All absentee ballots not challenged for any of the  
15 reasons under subsection (a) shall be counted and included with  
16 the general return of paper ballots or voting machines.

17 (f) Challenged ballots shall be returned to the county board  
18 of elections with the returns of the local election district and  
19 placed unopened in a secure, safe and sealed container in the  
20 custody of the county board until a hearing on the challenge is  
21 held.

22 (g) For purposes of this section, authorization to act as a  
23 candidate's representative shall be in writing, signed by the  
24 candidate and filed with the judge of elections for  
25 recordkeeping purposes.

26 Section 1317. Impoundment.--

27 (a) At any time prior to four o'clock P.M. on election day,  
28 the candidate or the candidate's attorney may petition the court  
29 of common pleas of the county to impound all completed absentee  
30 ballots received by the county board of elections from specified

1 districts.

2 (b) In order to file a petition to impound, a fee of ten  
3 (\$10) dollars per ballot, with a minimum of one thousand  
4 (\$1,000) dollars and a maximum of five thousand (\$5,000) dollars  
5 in cash, as determined by the court, shall be deposited with the  
6 court. The fee shall be refunded if the court determines,  
7 following review of the absentee ballots by the county board of  
8 elections, that the action was not frivolous.

9 (c) The court shall not be bound by technical rules of  
10 evidence, including rules regarding hearsay. The court shall  
11 advise all witnesses of the provisions of section 8 of Article  
12 VII of the Constitution of Pennsylvania.

13 (d) If the court determines that the evidence presented  
14 indicates a pattern of unlawful absentee voting, the court shall  
15 temporarily impound all absentee ballots received by the county  
16 board of elections from specified districts pending an order to  
17 the county board of elections to conduct a full review of all  
18 ballots in accordance with section 1319. The court shall have  
19 the discretion to determine if a pattern of unlawful absentee  
20 voting exists; however, twenty-five (25) or more illegally cast  
21 absentee ballots shall constitute a pattern of unlawful absentee  
22 voting for purposes of impoundment.

23 Section 1318. Canvassing Unchallenged Absentee Ballots.--

24 (a) The local election board shall open the envelope of  
25 every unchallenged absentee elector in a manner as not to  
26 destroy the declaration executed thereon. All of the envelopes  
27 on which are printed, stamped or endorsed the words "Official  
28 Absentee Ballot" shall be placed in one or more depositories at  
29 one time and the depository or depositories well shaken and the  
30 envelopes mixed before any envelope is taken therefrom.

1       (b) If any of these envelopes shall contain any extraneous  
2 marks or identifying symbols other than the words "Official  
3 Absentee Ballot," the envelopes and the ballots contained  
4 therein shall be set aside and declared void.

5       (c) The local election board shall then break the seals of  
6 the envelopes, remove the ballots and record the votes in the  
7 same manner as district election officers are required to record  
8 votes.

9       Section 1319. County Board of Elections Challenge  
10 Procedures.--

11       (a) The county board of elections shall fix a time and place  
12 for a formal hearing of all challenges and notice shall be given  
13 where possible to all absentee electors thus challenged and to  
14 every watcher, candidate, candidate's attorney or candidate's  
15 authorized representative who made a challenge.

16       (b) The time for the hearing shall be no sooner than two (2)  
17 days, but shall not be later than seven (7) days after the date  
18 of the challenge. On the day fixed for the hearing, the county  
19 board shall proceed without delay to hear challenges.

20       (c) The county board of elections shall not be bound by  
21 technical rules of evidence, including rules regarding hearsay.  
22 The county board of elections shall advise all witnesses and  
23 participants of the provisions of Article VII, section 8 of the  
24 Constitution of Pennsylvania. The board shall hear witnesses  
25 presented for each individual challenged ballot and evidence of  
26 fraud or illegal activity, whether discovered before or after  
27 the election.

28       (d) The testimony presented shall be stenographically  
29 recorded and made part of the record of the hearing.

30       (e) The decision of the county board of elections in

1 upholding or dismissing any challenge shall be in writing and  
2 may be reviewed by the court of common pleas of the county upon  
3 a petition filed by any person aggrieved by the decision of the  
4 county board. The appeal must be taken to the court of common  
5 pleas no later than two (2) business days after the decision of  
6 the board, with the petition setting forth the objections to the  
7 county board's decision.

8 (f) No certification of the results of the election by the  
9 county board may occur during the two-day appeal period. If an  
10 appeal is taken, no certification of the results of the  
11 challenged election may occur until the resolution of all  
12 appeals or six (6) months from the date of the election,  
13 whichever is sooner. However, a court having jurisdiction over  
14 an appeal of the decision of the county board may order the  
15 certification of the election if it determines that the fraud or  
16 other improper conduct or procedure alleged could not have  
17 altered the outcome of the election. Following such  
18 certification, the appeal may continue as to the fraud or other  
19 improper conduct or procedure.

20 (g) Upon the resolution of all appeals or six (6) months  
21 from the date of the election, the county board of elections  
22 shall complete the computation of the returns for the challenged  
23 election. The votes cast upon the challenged official absentee  
24 ballots which are upheld shall be added to the other votes cast  
25 within the county.

26 (h) In hearing an appeal under this article, the court shall  
27 not be bound by the technical rules of evidence, including rules  
28 regarding hearsay. The court shall advise all witnesses of the  
29 provisions of section 8 of Article VII of the Constitution of  
30 Pennsylvania. The court shall admit evidence of fraud or illegal

1 activity, whether discovered before or after the election.

2 (i) The courts of the Commonwealth shall expedite all  
3 appeals which come before them under this article.

4 Section 1320. Public Records.--All official absentee  
5 ballots, files, applications for absentee ballots and envelopes  
6 on which the executed declarations appear, and all information  
7 and lists are hereby designated and declared to be public  
8 records. All such public records shall be maintained for a  
9 period of five (5) years. No candidate or other elector shall be  
10 denied access to any public record within the meaning of this  
11 section. No information concerning a military elector shall be  
12 made public which is expressly forbidden by the Department of  
13 Defense.

14 Section 3. Section 1404(f) of the act is amended and the  
15 section is amended by adding a subsection to read:

16 Section 1404. Computation of Returns by County Board;  
17 Certification; Issuance of Certificates of Election.--

18 \* \* \*

19 (f) As the returns from each election district are read,  
20 computed and found to be correct or corrected as aforesaid, they  
21 shall be recorded on the blanks prepared for the purpose until  
22 all the returns from the various election districts which are  
23 entitled to be counted shall have been duly recorded, when they  
24 shall be added together, announced and attested by the clerks  
25 who made and computed the entries respectively and signed by the  
26 members of the county board. At the expiration of five days  
27 after the completion of the computation of votes, in case no  
28 petition for a recount or recanvass has been filed in accordance  
29 with the provisions of this act, [or upon the completion of the  
30 recount or recanvass if a petition therefor has been filed

1 within five days after the completion of the computation of  
2 votes,] the county board shall certify the returns so computed  
3 in said county in the manner required by this act, unless upon  
4 appeals taken from any decision, the court of common pleas shall  
5 have directed any returns to be revised, or unless in case of a  
6 recount, errors in the said returns shall have been found, in  
7 which case said returns shall be revised, corrected and  
8 certified accordingly. The county board shall thereupon, in the  
9 case of elections, issue certificates of election to the  
10 successful candidates for all county, city, borough, township,  
11 ward, school district, poor district and election offices, and  
12 local party offices to be filled by the votes of the electors of  
13 said county, or of any part thereof.

14 (g) In the event of any recount, recanvass or other  
15 challenge based on fraud or any other violation of this act, the  
16 board shall not certify the election for a period of two (2)  
17 business days following its determination or ruling on the  
18 matter. A decision of the county board of elections may be taken  
19 to the court of common pleas of the county within two (2)  
20 business days after the decision of the board. If an appeal is  
21 taken, no certification of the results of the challenged  
22 election may occur until the resolution of all appeals or until  
23 the expiration of six (6) months from the date of the election,  
24 whichever is sooner. The courts of this Commonwealth shall  
25 expedite all appeals and other matters which come before them  
26 pursuant to this act.

27 Section 4. Section 1407 of the act, repealed in part April  
28 28, 1978 (P.L.202, No.53), is amended to read:

29 Section 1407. Appeals to Court from Decisions of the County  
30 Board.--

1 (a) Any person aggrieved by any order or decision of any  
2 county board regarding the computation or canvassing of the  
3 returns of any primary or election, or regarding any recount or  
4 recanvass thereof under sections 1701, 1702 and 1703 of this  
5 act, may appeal therefrom within two days after such order or  
6 decision shall have been made, whether then reduced to writing  
7 or not, to the court of common pleas of the proper county,  
8 setting forth why he feels that an injustice has been done, and  
9 praying for such order as will give him relief. Upon the payment  
10 to the prothonotary of a fee for filing such appeal, a judge of  
11 the court shall fix a time and place for hearing the matter in  
12 dispute within three days thereafter, of which due notice shall  
13 be served, with a copy of such appeal, by the appellant upon a  
14 member of the county board whose action is complained of and  
15 upon every attorney, watcher or candidate who opposed the  
16 contention of the appellant before the county board, and upon  
17 any other person that the judge shall direct, at least two days  
18 before the matter shall be reviewed by the court. Proof of such  
19 notice or the waiver thereof must be filed therein before any  
20 appeal is sustained.

21 (b) [The] A court [on an] hearing any action or appeal  
22 regarding any election shall have full and broad power and  
23 authority to hear and determine all matters pertaining to any  
24 fraud [or], error or other act which violates the election laws  
25 of this Commonwealth committed in any election district [to  
26 which such appeal relates,] and to make such order or decree [as  
27 right and justice may require] to create a fair and just  
28 resolution. An order under this subsection may include, but  
29 shall not be limited to, a recount, the voiding of improperly  
30 cast ballots, an award of damages or a new election. Pending

1 [such] an appeal[, the] of the decision of a county board, the  
2 board shall suspend any official certification of the votes cast  
3 in such election district, in accordance with section 1319(f)  
4 and (g). None of the orders or decisions of either the county  
5 board or [the] any court [of common pleas] on appeal shall be  
6 deemed a final adjudication regarding the results of any  
7 [primary or] election, so as to preclude any contest thereof.  
8 [No appeal shall be allowed or granted from any order or decree  
9 of the court of common pleas made in pursuance of this section.]  
10 The court of common pleas, upon any appeal under this section,  
11 may compel the appellant or any opposing party, other than the  
12 county board, to pay all the witness fees, if any, or other  
13 legal costs of the hearing, which costs may be taxed by the  
14 prothonotary in the usual manner.

15 Section 5. This act shall take effect in 60 days.