

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 206 Session of 2015

INTRODUCED BY SCHWANK, BREWSTER, TEPLITZ, STACK, BAKER, FONTANA,  
BLAKE, SMITH, WILEY, BOSCOLA, COSTA, FARNESE, VANCE, LEACH  
AND RAFFERTY, JANUARY 15, 2015

REFERRED TO STATE GOVERNMENT, JANUARY 15, 2015

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," in preliminary provisions, further providing for  
12 definitions; and, in voting by qualified absentee electors,  
13 repealing qualified absentee electors; providing for absentee  
14 voting; and further providing for applications for official  
15 absentee ballots, for date of application for absentee  
16 ballot, for approval of application for absentee ballot, for  
17 official absentee voters ballots, for envelopes for official  
18 absentee ballots, for delivering or mailing ballots, for  
19 voting by absentee electors, for assistance in voting by  
20 certain absentee electors, for canvassing of official  
21 absentee ballots and for violation of provisions relating to  
22 absentee voting.

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

25 Section 1. Section 102(w) and (z.5) of the act of June 3,  
26 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
27 Code, amended or added February 13, 1998 (P.L.72, No.18) and

1 March 14, 2012 (P.L.195, No.18), are amended to read:

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

5 \* \* \*

6 [(w) The words "qualified absentee elector" shall mean:

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

12 (2) Any qualified elector who is a spouse or dependent  
13 residing with or accompanying a person in the military service  
14 of the United States if at the time of voting such spouse or  
15 dependent is absent from the municipality of his residence:  
16 Provided, however, That the said elector has been registered or  
17 enrolled according to law or is entitled, under provisions of  
18 the Permanent Registration Law as now or hereinafter enacted by  
19 the General Assembly, to absentee registration prior to or  
20 concurrently with the time of voting; or

21 (3) Any qualified elector who is or who may be in the  
22 service of the Merchant Marine of the United States if at the  
23 time of voting he is absent from the municipality of his  
24 residence: Provided, however, That the said elector has been  
25 registered or enrolled according to law or is entitled, under  
26 provisions of the Permanent Registration Law as now or  
27 hereinafter enacted by the General Assembly, to absentee  
28 registration prior to or concurrently with the time of voting;  
29 or

30 (4) Any qualified elector who is a spouse or dependent

1 residing with or accompanying a person who is in the service of  
2 the Merchant Marine of the United States if at the time of  
3 voting such spouse or dependent is absent from the municipality  
4 of his residence: Provided, however, That the said elector has  
5 been registered or enrolled according to law or is entitled,  
6 under provisions of the Permanent Registration Law as now or  
7 hereinafter enacted by the General Assembly, to absentee  
8 registration prior to or concurrently with the time of voting;  
9 or

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 municipality of his residence: Provided, however, That the  
14 said elector has been registered or enrolled according to law or  
15 is entitled, under provisions of the Permanent Registration Law  
16 as now or hereinafter enacted by the General Assembly, to  
17 absentee registration prior to or concurrently with the time of  
18 voting; or

19 (6) Any qualified elector who is a spouse or dependent  
20 residing with or accompanying a person in a religious or welfare  
21 group officially attached to and serving with the armed forces  
22 if at the time of voting such spouse or dependent is absent from  
23 the municipality of his residence: Provided, however, That the  
24 said elector has been registered or enrolled according to law or  
25 is entitled, under provisions of the Permanent Registration Law  
26 as now or hereinafter enacted by the General Assembly, to  
27 absentee registration prior to or concurrently with the time of  
28 voting; or

29 (7) Any qualified elector who expects to be or is outside  
30 the territorial limits of the several States of the United

1 States and the District of Columbia because his duties,  
2 occupation or business require him to be elsewhere during the  
3 entire period the polls are open for voting on the day of any  
4 primary or election or who is or who may be a civilian employee  
5 of the United States outside the territorial limits of the  
6 several States of the United States and the District of  
7 Columbia, whether or not such elector is subject to civil-  
8 service laws and the Classification Act of 1949 and whether or  
9 not paid from funds appropriated by the Congress, if at the time  
10 of voting he is absent from the municipality of his residence:  
11 Provided, however, That said elector has been registered or  
12 enrolled according to law or is entitled, under provisions of  
13 the Permanent Registration Law as now or hereinafter enacted by  
14 the General Assembly, to absentee registration prior to or  
15 concurrently with the time of voting; or

16 (8) Any qualified elector who is a spouse or dependent  
17 residing with or accompanying a person who expects to be or is  
18 outside the territorial limits of the several States of the  
19 United States and the District of Columbia because his duties,  
20 occupation or business require him to be elsewhere during the  
21 entire period the polls are open for voting on the day of any  
22 primary or election or who is a spouse or dependent residing  
23 with or accompanying a person who is a civilian employee of the  
24 United States outside the territorial limits of the several  
25 States of the United States and the District of Columbia whether  
26 or not such person is subject to civil-service laws and the  
27 Classification Act of 1949 and whether or not paid from funds  
28 appropriated by the Congress if at the time of voting such  
29 spouse or dependent is absent from the municipality of his  
30 residence: Provided, however, That the said elector has been

1 registered or enrolled according to law or is entitled, under  
2 provisions of the Permanent Registration Law as now or  
3 hereinafter enacted by the General Assembly, to absentee  
4 registration prior to or concurrently with the time of voting;  
5 or

6 (9) Any qualified war veteran elector who is bedridden or  
7 hospitalized due to illness or physical disability if he is  
8 absent from the municipality of his residence and unable to  
9 attend his polling place because of such illness or physical  
10 disability regardless of whether he is registered and enrolled;  
11 or

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

17 (11) Any qualified, registered and enrolled elector who is  
18 unable to attend his polling place because of illness or  
19 physical disability; or

20 (12) Any qualified, registered and enrolled elector who is a  
21 spouse or dependent accompanying a person employed in the  
22 service of this Commonwealth or in the service of the Federal  
23 Government within the territorial limits of the several States  
24 of the United States and the District of Columbia in the event  
25 the duties, profession or occupation of such person require him  
26 to be absent from the municipality of his residence; or

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

30 (14) Any qualified elector who will not attend a polling

1 place because of the observance of a religious holiday:

2        Provided, however, That the words "qualified absentee  
3 elector" shall in nowise be construed to include persons  
4 confined in a penal institution or a mental institution nor  
5 shall it in anywise be construed to include a person not  
6 otherwise qualified as a qualified elector in accordance with  
7 the definition set forth in section 102(t) of this act.]

8        \* \* \*

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

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

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

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

19        (ii) shows a photograph of the individual to whom the  
20 document was issued;

21        (iii) includes an expiration date and is not expired,  
22 except:

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

26        (B) in the case of a document from an agency of the Armed  
27 forces of the United States or their reserve components,  
28 including the Pennsylvania National Guard, establishing that the  
29 elector is a current member of or a veteran of the United States  
30 Armed Forces or National Guard which does not designate a

specific date on which the document expires, but includes a designation that the expiration date is indefinite; and

(iv) was issued by one of the following:

(A) The United States Government.

(B) The Commonwealth of Pennsylvania.

(C) A municipality of this Commonwealth to an employee of that municipality.

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

(E) A Pennsylvania care facility.

(3) For a qualified [absentee] elector under section [1301] 1301.1:

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

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

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

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

Section 2. The heading of Article XIII of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:

#### ARTICLE XIII

#### Voting By [Qualified] Absentee

#### Electors

Section 3. Section 1301 of the act, amended February 13,

1 1998 (P.L.72, No.18), is repealed:

2 [Section 1301. Qualified Absentee Electors.--The following  
3 persons shall be entitled to vote by an official absentee ballot  
4 in any primary or election held in this Commonwealth in the  
5 manner hereinafter provided:

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

11 (b) Any qualified elector who is a spouse or dependent  
12 residing with or accompanying a person in the military service  
13 of the United States if at the time of voting such spouse or  
14 dependent is absent from the municipality of his residence:  
15 Provided, however, That the said elector has been registered or  
16 enrolled according to law or is entitled, under provisions of  
17 the Permanent Registration Law as now or hereinafter enacted by  
18 the General Assembly, to absentee registration prior to or  
19 concurrently with the time of voting; or

20 (c) 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 municipality of his  
23 residence: Provided, however, That the said elector has been  
24 registered or enrolled according to law or is entitled, under  
25 provisions of the Permanent Registration Law as now or  
26 hereinafter enacted by the General Assembly, to absentee  
27 registration prior to or concurrently with the time of voting;  
28 or

29 (d) 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 such spouse or dependent is absent from the municipality  
3 of his residence: Provided, however, That the said elector has  
4 been registered or enrolled according to law or is entitled,  
5 under provisions of the Permanent Registration Law as now or  
6 hereinafter enacted by the General Assembly, to absentee  
7 registration prior to or concurrently with the time of voting;  
8 or

9 (e) Any qualified elector who is or who may be in a  
10 religious or welfare group officially attached to and serving  
11 with the armed forces if at the time of voting he is absent from  
12 the municipality of his residence: Provided, however, That the  
13 said elector has been registered or enrolled according to law or  
14 is entitled, under provisions of the Permanent Registration Law  
15 as now or hereinafter enacted by the General Assembly, to  
16 absentee registration prior to or concurrently with the time of  
17 voting; or

18 (f) Any qualified elector who is a spouse or dependent  
19 residing with or accompanying a person in a religious or welfare  
20 group officially attached to and serving with the armed forces  
21 if at the time of voting such spouse or dependent is absent from  
22 the municipality of his residence: Provided, however, That the  
23 said elector has been registered or enrolled according to law or  
24 is entitled, under provisions of the Permanent Registration Law  
25 as now or hereinafter enacted by the General Assembly, to  
26 absentee registration prior to or concurrently with the time of  
27 voting; or

28 (g) Any qualified elector who expects to be or is outside  
29 the territorial limits of the several States of the United  
30 States and the District of Columbia because his duties,

1 occupation or business require him to be elsewhere during the  
2 entire period the polls are open for voting on the day of any  
3 primary or election or who is or who may be a civilian employee  
4 of the United States outside the territorial limits of the  
5 several States of the United States and the District of  
6 Columbia, whether or not such elector is subject to civil-  
7 service laws and the Classification Act of 1949 and whether or  
8 not paid from funds appropriated by the Congress, if at the time  
9 of voting he is absent from the municipality of his residence:  
10 Provided, however, That said elector has been registered or  
11 enrolled according to law or is entitled, under provisions of  
12 the Permanent Registration Law as now or hereinafter enacted by  
13 the General Assembly, to absentee registration prior to or  
14 concurrently with the time of voting; or

15 (h) Any qualified elector who is a spouse or dependent  
16 residing with or accompanying a person who expects to be or is  
17 outside the territorial limits of the several States of the  
18 United States and the District of Columbia because his duties,  
19 occupation or business require him to be elsewhere during the  
20 entire period the polls are open for voting on the day of any  
21 primary or election or who is a spouse or dependent residing  
22 with or accompanying a person who is a civilian employee of the  
23 United States outside the territorial limits of the several  
24 States of the United States and the District of Columbia,  
25 whether or not such person is subject to civil-service laws and  
26 the Classification Act of 1949 and whether or not paid from  
27 funds appropriated by the Congress, if at the time of voting  
28 such spouse or dependent is absent from the municipality of his  
29 residence: Provided, however, That the said elector has been  
30 registered or enrolled according to law or is entitled, under

1 provisions of the Permanent Registration Law as now or  
2 hereinafter enacted by the General Assembly, to absentee  
3 registration prior to or concurrently with the time of voting;  
4 or

5 (i) Any qualified war veteran elector who is bedridden or  
6 hospitalized due to illness or physical disability if he is  
7 absent from the municipality of his residence and unable to  
8 attend his polling place because of such illness or physical  
9 disability regardless of whether he is registered and enrolled;  
10 or

11 (j) Any qualified registered and enrolled elector who  
12 expects to be or is absent from the municipality of his  
13 residence because his duties, occupation or business require him  
14 to be elsewhere during the entire period the polls are open for  
15 voting on the day of any primary or election; or

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

21 (l) Any qualified registered and enrolled elector who is a  
22 spouse or dependent accompanying a person employed in the  
23 service of this Commonwealth or in the service of the Federal  
24 Government within the territorial limits of the several States  
25 of the United States and the District of Columbia in the event  
26 the duties, profession or occupation of such person require him  
27 to be absent from the municipality of his residence; or

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

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

Provided, however, That the words "qualified absentee elector" shall in nowise be construed to include persons confined in a penal institution or a mental institution nor shall it in anywise be construed to include a person not otherwise qualified as a qualified elector in accordance with the definition set forth in section 102(t) of this act.]

Section 4. The act is amended by adding a section to read:

Section 1301.1. Absentee Voting.--(a) Notwithstanding any other provision of law, commencing with the 2016 primary election, all qualified electors not serving a term of imprisonment who request an absentee ballot application not later than five o'clock P.M. on the first Tuesday prior to an election shall be granted an absentee ballot and shall be entitled to vote in the election by absentee ballot.

(b) Qualified electors who request an absentee ballot later than five o'clock P.M. of the first Tuesday prior to the election shall be entitled to cast their votes in the election by absentee ballot in accordance with the provisions of this article relating to emergency application.

(c) Notwithstanding any other provision of law, absentee ballot application forms shall require only information reasonably needed to determine an elector's qualification to vote and polling location.

(d) Absentee ballot application requests may be submitted in writing, electronically or in person to the county board of elections.

Section 5. Section 1302 of the act, amended February 13, 1998 (P.L.72, No.18), December 9, 2002 (P.L.1246, No.150) and

1 March 14, 2012 (P.L.195, No.18), is amended to read:

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

3 (a) Any qualified elector [defined in preceding section 1301,  
4 subsections (a) to (h), inclusive,] may apply at any time before  
5 any primary or election for any official absentee ballot in  
6 person, on any form supplied by the Federal Government, or on  
7 any official county board of election form addressed to the  
8 Secretary of the Commonwealth of Pennsylvania or the county  
9 board of election of the county in which his voting residence is  
10 located.

11 [(b) The application shall contain the following  
12 information: Home residence at the time of entrance into actual  
13 military service or Federal employment, length of time a  
14 citizen, length of residence in Pennsylvania, date of birth,  
15 length of time a resident of voting district, voting district if  
16 known, party choice in case of primary, name and, for a military  
17 elector, his stateside military address, FPO or APO number and  
18 serial number. Any elector other than a military elector shall  
19 in addition specify the nature of his employment, the address to  
20 which ballot is to be sent, relationship where necessary, and  
21 such other information as may be determined and prescribed by  
22 the Secretary of the Commonwealth. When such application is  
23 received by the Secretary of the Commonwealth it shall be  
24 forwarded to the proper county board of election.]

25 (c) The application of any qualified elector[, as defined in  
26 section 1301(a), (b), (c), (d), (e), (f), (g) and (h),] for an  
27 official absentee ballot in any primary or election may not be  
28 made over the signature of any person, other than the qualified  
29 elector or an adult member of his immediate family, as required  
30 in the preceding subsection. [A qualified absentee military or

1 overseas elector, as defined by the Uniformed and Overseas  
2 Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924),  
3 may submit his application for an official absentee ballot by  
4 facsimile method if the original application is received prior  
5 to the election by the county election office.] The absentee  
6 ballot of the [qualified military or] overseas elector, as  
7 defined by the Uniformed and Overseas Citizens Absentee Voting  
8 Act (Public Law 99-410, 100 Stat. 924), shall not be counted  
9 unless the elector's original application is received prior to  
10 the election by the county election office. [The facsimile  
11 method shall not be acceptable for the official absentee  
12 ballot.]

13 (d) The application of any qualified elector[, as defined in  
14 preceding section 1301, subsections (b) to (h), inclusive,] for  
15 an official absentee ballot in any primary or election shall be  
16 signed by the applicant.

17 (e) Any qualified bedridden or hospitalized veteran absent  
18 from the municipality of his residence and unable to attend his  
19 polling place because of such illness or physical disability,  
20 regardless of whether he is registered or enrolled, may apply at  
21 any time before any primary or election for an official absentee  
22 ballot on any official county board of election form addressed  
23 to the Secretary of the Commonwealth of Pennsylvania or the  
24 county board of elections of the county in which his voting  
25 residence is located.

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

1 and address of present residence or hospital at which  
2 hospitalized. When such application is received by the Secretary  
3 of the Commonwealth, it shall be forwarded to the proper county  
4 board of elections.

5 The application for an official absentee ballot for any  
6 primary or election shall be made on information supplied over  
7 the signature of the bedridden or hospitalized veteran as  
8 required in the preceding subsection. Any qualified registered  
9 elector[, including a spouse or dependent referred to in  
10 subsection (1) of section 1301,] who expects to be or is absent  
11 from the municipality of his residence because his duties,  
12 occupation or business require him to be elsewhere on the day of  
13 any primary or election and any qualified registered elector who  
14 is unable to attend his polling place on the day of any primary  
15 or election because of illness or physical disability and any  
16 qualified registered bedridden or hospitalized veteran in the  
17 county of residence, or in the case of a county employe who  
18 cannot vote due to duties on election day relating to the  
19 conduct of the election, or in the case of a person who will not  
20 attend a polling place because of the observance of a religious  
21 holiday, may apply to the county board of elections of the  
22 county in which his voting residence is located for an Official  
23 Absentee Ballot. Such application shall be made upon an official  
24 application form supplied by the county board of elections. Such  
25 official application form shall be determined and prescribed by  
26 the Secretary of the Commonwealth of Pennsylvania.

27 (1) [The application of any qualified registered elector,  
28 including spouse or dependent referred to in subsection (1) of  
29 section 1301, who expects to be or is absent from the  
30 municipality of his residence because his duties, occupation or

1 business require him to be elsewhere on the day of any primary  
2 or election, or in the case of a county employe who cannot vote  
3 due to duties on election day relating to the conduct of the  
4 election, or in the case of a person who will not attend a  
5 polling place because of the observance of a religious holiday,  
6 shall be signed by the applicant and shall include the surname  
7 and given name or names of the applicant, proof of  
8 identification, his occupation, date of birth, length of time a  
9 resident in voting district, voting district if known, place of  
10 residence, post office address to which ballot is to be mailed,  
11 the reason for his absence, and such other information as shall  
12 make clear to the county board of elections the applicant's  
13 right to an official absentee ballot.] (Reserved).

14 (2) The application of any qualified registered elector who  
15 is unable to attend his polling place on the day of any primary  
16 or election because of illness or physical disability and the  
17 application of any qualified registered bedridden or  
18 hospitalized veteran in the county of residence shall be signed  
19 by the applicant and shall include surname and given name or  
20 names of the applicant, proof of identification, his occupation,  
21 date of birth, residence at the time of becoming bedridden or  
22 hospitalized, length of time a resident in voting district,  
23 voting district if known, place of residence, post office  
24 address to which ballot is to be mailed, and such other  
25 information as shall make clear to the county board of elections  
26 the applicant's right to an official ballot. In addition, the  
27 application of such electors shall include a declaration stating  
28 the nature of their disability or illness, and the name, office  
29 address and office telephone number of their attending  
30 physician: Provided, however, That in the event any elector



entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

(Mark)

(Date)

(Complete Address of Witness)

(Signature of Witness)

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

1 but such person must submit a written statement asserting  
2 continuing disability every four years in order to maintain his  
3 eligibility to vote under the provisions of this subsection.  
4 Should any such person lose his disability he shall inform the  
5 county board of elections of the county of his residence.

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

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

1 political party or body fails to appoint a representative within  
2 fifteen days from written notice from the county board of  
3 election, the county board of election shall appoint a  
4 representative from the political party or body.

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

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

27 (i) Application for official absentee ballots shall be on  
28 forms prescribed by the Secretary of the Commonwealth. [The  
29 application shall state that a voter who receives an absentee  
30 ballot pursuant to section 1301 and who, on election day, is

1 capable of voting at the appropriate polling place must void the  
2 absentee ballot and vote in the normal manner at the appropriate  
3 voting place.] Such forms shall be made freely available to the  
4 public at county board of elections, municipal buildings and at  
5 such other locations designated by the secretary. No written  
6 application or personal request shall be necessary to receive  
7 the application forms. Copies of all completed applications for  
8 official absentee ballots shall be retained by the county board  
9 of elections.

10 (j) Notwithstanding the provisions of this section requiring  
11 proof of identification, a qualified [absentee] elector shall  
12 not be required to provide proof of identification if the  
13 elector is entitled to vote by absentee ballot under the  
14 Uniformed and Overseas Citizens Absentee Voting Act (Public Law  
15 99-410, 100 Stat. 924) or by an alternative ballot under the  
16 Voting Accessibility for the Elderly and Handicapped Act (Public  
17 Law 98-435, 98 Stat. 1678).

18 Section 6. Section 1302.1(a.2) of the act, amended November  
19 9, 2006 (P.L.1330, No.137), is amended to read:

20 Section 1302.1. Date of Application for Absentee Ballot.--\*

21 \* \*

22 (a.2) In the event any elector otherwise qualified who  
23 becomes so physically disabled or ill between five o'clock P.M.  
24 on the first Friday preceding any primary or election and eight  
25 o'clock P.M. on the day of any primary or election that he is  
26 unable to appear at his polling place or any elector otherwise  
27 qualified who because of the conduct of his business, duties or  
28 occupation will necessarily be absent from the municipality of  
29 his residence on the day of the primary or election, which fact  
30 was not and could not reasonably be known to said elector prior

1 to five o'clock P.M. on the first Friday preceding any primary  
2 or election, the elector shall be entitled to an absentee ballot  
3 if the elector completes and files with the court of common  
4 pleas in the county in which the elector is qualified to vote an  
5 Emergency Application or a letter or other signed document,  
6 which includes the same information as is provided on the  
7 Emergency Application. Upon a determination that the [elector is  
8 a qualified absentee elector under section 1301] information  
9 submitted is valid, the judge shall issue an absentee ballot to  
10 the elector. If the elector is unable to appear in court to  
11 receive the ballot, the judge shall give the elector's absentee  
12 ballot to an authorized representative of the elector who is  
13 designated in writing by the elector. The authorized  
14 representative shall deliver the absentee ballot to the elector  
15 and return the completed absentee ballot, sealed in the official  
16 absentee ballot envelopes, to the county board of elections, who  
17 shall distribute the ballot, unopened, to the absentee voter's  
18 election district. If the elector is unable to appear in court  
19 or unable to obtain assistance from an authorized  
20 representative, the judge shall direct a deputy sheriff of the  
21 county to deliver the absentee ballot to the elector if the  
22 elector is at a physical location within the county and return  
23 the completed absentee ballot, sealed in the official absentee  
24 ballot envelopes, to the county board of elections, who shall  
25 distribute the ballots, unopened, to the absentee voter's  
26 respective election district. If there is no authorized  
27 representative and a deputy sheriff is unavailable to deliver an  
28 absentee ballot under this section, the judge may direct a  
29 constable to make such delivery in accordance with the  
30 provisions of this section. In the case of an elector who

1 requires assistance in marking the elector's ballot, the elector  
2 shall designate in writing the person who will assist in marking  
3 the ballot. Such person shall be otherwise eligible to provide  
4 assistance to electors eligible for assistance, and such person  
5 shall declare in writing that assistance was rendered. Any  
6 person other than the designee who shall render assistance in  
7 marking a ballot or any person rendering assistance who shall  
8 fail to execute a declaration shall be guilty of a violation of  
9 this act. No absentee ballot under this subsection shall be  
10 counted which is received in the office of the county board of  
11 elections later than eight o'clock P.M. on the day of the  
12 primary or election.

13 \* \* \*

14 Section 7. Section 1302.2 of the act, amended December 11,  
15 1968 (P.L.1183, No.375) and March 14, 2012 (P.L.195, No.18), is  
16 amended to read:

17 Section 1302.2. Approval of Application for Absentee  
18 Ballot.--

19 (a) The county board of elections, upon receipt of any  
20 application filed by a qualified elector [not required to be  
21 registered under preceding section 1301,] shall ascertain from  
22 the information on such application, district register or from  
23 any other source that such applicant possesses all the  
24 qualifications of a qualified elector [other than being  
25 registered or enrolled]. If the board is satisfied that the  
26 applicant is qualified to receive an official absentee ballot,  
27 the application shall be marked approved such approval decision  
28 shall be final and binding [except that challenges may be made  
29 only on the ground that the applicant did not possess  
30 qualifications of an absentee elector. Such challenges must be

1 made to the county board of elections prior to 5:00 o'clock P.  
2 M. on the first Friday prior to the election]. When so approved,  
3 the county board of elections shall cause the applicant's name  
4 and residence (and at a primary, the party enrollment) to be  
5 inserted in the Military, Veterans and Emergency Civilians  
6 Absentee Voters File as provided in section 1302.3, subsection  
7 (b): Providing, however, That no application of any qualified  
8 elector in military service shall be rejected for failure to  
9 include on his application any information if such information  
10 may be ascertained within a reasonable time by the county board  
11 of elections.

12 (b) The county board of elections, upon receipt of any  
13 application filed by a qualified elector who is entitled, under  
14 the provisions of the Permanent Registration Law as now or  
15 hereinafter enacted by the General Assembly, to absentee  
16 registration prior to or concurrently with the time of voting as  
17 provided under preceding section [1301] 1301.1, shall ascertain  
18 from the information on such application or from any other  
19 source that such applicant possesses all the qualifications of a  
20 qualified elector. If the board is satisfied that the applicant  
21 is entitled, under the provisions of the Permanent Registration  
22 Law as now or hereinafter enacted by the General Assembly, to  
23 absentee registration prior to or concurrently with the time of  
24 voting and that the applicant is qualified to receive an  
25 official absentee ballot, the application shall be marked  
26 "approved." Such approval decision shall be final and binding  
27 [except that challenges may be made only on the ground that the  
28 applicant did not possess the qualifications of an absentee  
29 elector prior to or concurrently with the time of voting. Such  
30 challenges must be made to the county board of elections prior

1 to 5:00 o'clock P. M. on the first Friday prior to the  
2 election]. When so approved, the county board of elections shall  
3 cause the applicant's name and residence (and at a primary, the  
4 party enrollment) to be inserted in the Military, Veterans and  
5 Emergency Civilian Absentee Voters File as provided in section  
6 1302.3 subsection (b).

7 (c) The county board of elections, upon receipt of any  
8 application of a qualified elector required to be registered  
9 under the provisions of preceding section [1301] 1301.1, shall  
10 determine the qualifications of such applicant by verifying the  
11 proof of identification and comparing the information set forth  
12 on such application with the information contained on the  
13 applicant's permanent registration card. If the board is  
14 satisfied that the applicant is qualified to receive an official  
15 absentee ballot, the application shall be marked "approved."  
16 Such approval decision shall be final and binding[, except that  
17 challenges may be made only on the ground that the applicant did  
18 not possess the qualifications of an absentee elector. Such  
19 challenges must be made to the county board of elections prior  
20 to 5:00 o'clock P. M. on the first Friday prior to the  
21 election]. When so approved, the registration commission shall  
22 cause an absentee voter's temporary registration card to be  
23 inserted in the district register on top of and along with the  
24 permanent registration card. The absentee voter's temporary  
25 registration card shall be in the color and form prescribed in  
26 subsection (e) of this section:

27 Provided, however, That the duties of the county boards of  
28 elections and the registration commissions with respect to the  
29 insertion of the absentee voter's temporary registration card of  
30 any elector from the district register as set forth in section



1 1302.2 shall include only such applications and emergency  
2 applications as are received on or before the first Tuesday  
3 prior to the primary or election. In all cases where  
4 applications are received after the first Tuesday prior to the  
5 primary or election and before five o'clock P. M. on the first  
6 Friday prior to the primary or election, the county board of  
7 elections shall determine the qualifications of such applicant  
8 by verifying the proof of identification and comparing the  
9 information set forth on such application with the information  
10 contained on the applicant's duplicate registration card on file  
11 in the General Register (also referred to as the Master File) in  
12 the office of the Registration Commission and shall cause the  
13 name and residence (and at primaries, the party enrollment) to  
14 be inserted in the Military, Veterans and Emergency Civilian  
15 Absentee Voters File as provided in section 1302.3, subsection  
16 (b). In addition, the local district boards of elections shall,  
17 upon canvassing the official absentee ballots under section  
18 1308, examine the voting check list of the election district of  
19 said elector's residence and satisfy itself that such elector  
20 did not cast any ballot other than the one properly issued to  
21 him under his absentee ballot application. In all cases where  
22 the examination of the local district board of elections  
23 discloses that an elector did vote a ballot other than the one  
24 properly issued to him under the absentee ballot application,  
25 the local district board of elections shall thereupon cancel  
26 said absentee ballot and said elector shall be subject to the  
27 penalties as hereinafter set forth.

28 (d) In the event that any application for an official  
29 absentee ballot is not approved by the county board of  
30 elections, the elector shall be notified immediately to that

1 effect with a statement by the county board of the reasons for  
2 the disapproval. For those applicants whose proof of  
3 identification was not provided with the application or could  
4 not be verified by the board, the board shall send notice to the  
5 elector with the absentee ballot requiring the elector to  
6 provide proof of identification with the absentee ballot or the  
7 ballot will not be counted.

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

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

22 Section 8. Section 1303(e) of the act, amended May 5, 1986  
23 (P.L.150, No.47), is amended to read:

24 Section 1303. Official Absentee Voters Ballots.--\* \* \*

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

30 Section 9. Section 1304 of the act, amended December 11,

1 1968 (P.L.1183, No.375), is amended to read:

2 Section 1304. Envelopes for Official Absentee Ballots.--

3 The county boards of election shall provide two additional  
4 envelopes for each official absentee ballot of such size and  
5 shape as shall be prescribed by the Secretary of the  
6 Commonwealth, in order to permit the placing of one within the  
7 other and both within the mailing envelope. On the smaller of  
8 the two envelopes to be enclosed in the mailing envelope shall  
9 be printed, stamped or endorsed the words "Official Absentee  
10 Ballot," and nothing else. On the larger of the two envelopes,  
11 to be enclosed within the mailing envelope, shall be printed the  
12 form of the declaration of the elector, and the name and address  
13 of the county board of election of the proper county. The larger  
14 envelope shall also contain information indicating the local  
15 election district of the absentee voter. Said form of  
16 declaration and envelope shall be as prescribed by the Secretary  
17 of the Commonwealth and shall contain among other things a  
18 statement of the electors qualifications, together with a  
19 statement that such elector has not already voted in such  
20 primary or election. The mailing envelope addressed to the  
21 elector shall contain the two envelopes, the official absentee  
22 ballot, lists of candidates, when authorized by section 1303  
23 subsection (b) of this act, the uniform instructions in form and  
24 substance as prescribed by the Secretary of the Commonwealth and  
25 nothing else: Provided, however, That envelopes for electors  
26 [qualified] voting under preceding section [1301, subsections  
27 (a) to (h), inclusive,] 1301.1 shall have printed across the  
28 face of each transmittal or return envelope two parallel  
29 horizontal red bars, each one-quarter inch wide, extending from  
30 one side of the envelope to the other side, with an intervening

1 space of one-quarter inch, the top bar to be one and one-quarter  
2 inches from the top of the envelope and with the words "Official  
3 Election Balloting Material via Air Mail" between the bars; that  
4 there be printed, in the upper right corner of each such  
5 envelope in a box, the words "Free of U. S. Postage, Including  
6 Air Mail;" that all printing on the face of each such envelope  
7 be in red, and that there be printed in red, in the upper left  
8 corner of each such envelope, the name and address of the county  
9 board of elections of the proper county or blank lines for  
10 return address of the sender:

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

29        Section 10. Section 1305 of the act, amended March 14, 2012  
30 (P.L.195, No.18), is amended to read:

1 Section 1305. Delivering or Mailing Ballots.--

2 (a) The county board of elections upon receipt and approval  
3 of an application filed by any elector [qualified] in accordance  
4 with the provisions of section [1301, subsections (a) to (h),  
5 inclusive,] 1301.1 shall not later than fifty days prior to the  
6 day of the primary or not later than seventy days prior to the  
7 day of the election commence to deliver or mail to such elector  
8 who has included with said application a statement that he or  
9 she is unable to vote during the regular absentee balloting  
10 period by reason of living or performing military service in an  
11 extremely remote or isolated area of the world, and not later  
12 than forty-five days prior to the day of the primary or election  
13 commence to deliver or mail to all other such electors as  
14 provided for in section [1301, subsections (a) to (h),  
15 inclusive,] 1301.1 official absentee ballots or special write-in  
16 absentee ballots as prescribed by subsection (d) of section 1303  
17 when official absentee ballots are not yet printed; as  
18 additional applications of such electors are received, the board  
19 shall deliver or mail official absentee ballots or special  
20 write-in absentee ballots when official absentee ballots are not  
21 yet printed to such additional electors within forty-eight hours  
22 after approval of their application. If the calling of a special  
23 election would make it impossible to comply with the forty-five  
24 day delivery or mailing requirement of this section, then the  
25 county board of elections shall mail absentee ballots or special  
26 write-in absentee ballots within five days of the county board's  
27 receipt of the information necessary to prepare said ballots.

28 [(b) The county board of elections upon receipt and approval  
29 of an application filed by any elector qualified in accordance  
30 with the provisions of section 1301, subsections (i) to (l),

1 inclusive, shall commence to deliver or mail official absentee  
2 ballots on the second Tuesday prior to the primary or election.  
3 For those applicants whose proof of identification was not  
4 provided with the application or could not be verified by the  
5 board, the board shall send the notice required under section  
6 1302.2(d) with the absentee ballot. As additional applications  
7 are received and approved, the board shall deliver or mail  
8 official absentee ballots to such additional electors within  
9 forty-eight hours.

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

17 Section 11. Section 1306(a) of the act, amended November 9,  
18 2006 (P.L.1330, No.137), is amended to read:

19 Section 1306. Voting by Absentee Electors.--(a) Except as  
20 provided in paragraphs (1)[, (2)] and (3), at any time after  
21 receiving an official absentee ballot, but on or before five  
22 o'clock P.M. on the Friday prior to the primary or election, the  
23 elector shall, in secret, proceed to mark the ballot only in  
24 black lead pencil, indelible pencil or blue, black or blue-black  
25 ink, in fountain pen or ball point pen, and then fold the  
26 ballot, enclose and securely seal the same in the envelope on  
27 which is printed, stamped or endorsed "Official Absentee  
28 Ballot."

29 (1) Any elector who submits an Emergency Application and  
30 receives an absentee ballot in accordance with section

1 1302.1(a.2) or (c) shall mark the ballot on or before eight  
2 o'clock P.M. on the day of the primary or election. This  
3 envelope shall then be placed in the second one, on which is  
4 printed the form of declaration of the elector, and the address  
5 of the elector's county board of election and the local election  
6 district of the elector. The elector shall then fill out, date  
7 and sign the declaration printed on such envelope. Such envelope  
8 shall then be securely sealed and the elector shall send same by  
9 mail, postage prepaid, except where franked, or deliver it in  
10 person to said county board of election.

11 [(2) Any elector, spouse of the elector or dependent of the  
12 elector, qualified in accordance with the provisions of section  
13 1301, subsections (e), (f), (g) and (h) to vote by absentee  
14 ballot as herein provided, shall be required to include on the  
15 form of declaration a supporting declaration in form prescribed  
16 by the Secretary of the Commonwealth, to be signed by the head  
17 of the department or chief of division or bureau in which the  
18 elector is employed, setting forth the identity of the elector,  
19 spouse of the elector or dependent of the elector.]

20 (3) Any elector who has filed his application in accordance  
21 with section 1302 subsection (e)(2), and is unable to sign his  
22 declaration because of illness or physical disability, shall be  
23 excused from signing upon making a declaration which shall be  
24 witnessed by one adult person in substantially the following  
25 form: I hereby declare that I am unable to sign my declaration  
26 for voting my absentee ballot without assistance because I am  
27 unable to write by reason of my illness or physical disability.  
28 I have made or received assistance in making my mark in lieu of  
29 my signature.

30 (Mark)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

(Date)

(Signature of Witness)

(Complete Address of Witness)

\* \* \*

Section 12. Section 1306.1 of the act, amended December 9, 2002 (P.L.1246, No.150), is amended to read:

Section 1306.1. Assistance in Voting by Certain Absentee Electors.--

Any elector [qualified to vote] voting with an official absentee ballot in accordance with the provisions of section [1301, subsection (k)] 1301.1, may receive assistance in voting (1) if there is recorded on his registration card his declaration that he has a physical disability which renders him unable to see or mark the official absentee ballot, the exact nature of such disability being recorded on such registration card; (2) if such elector requiring assistance submits with his application for an official absentee ballot, a statement setting forth the precise nature of the disability which renders him unable to see or mark the official absentee ballot and that to the best of his knowledge and belief he will still suffer from the said physical disability at the time of voting his official absentee ballot. He shall acknowledge the same before an officer qualified to take acknowledgement of deeds. Such statement shall be in substantially the following form:

Statement of Absentee Elector Requiring Assistance

I, \_\_\_\_\_, hereby state

(Name of voter requiring assistance)

that I require assistance in marking the official absentee



1 ballot for the primary or election held ,  
2 (Date)  
3 19..., that will be issued to me for the following reason:  
4  
5 (Insert nature of disability)  
6  
7 (Signature or mark of elector)  
8  
9 (Date of signature or mark)  
10 Commonwealth of Pennsylvania:  
11 ss  
12 County of :  
13 On this day of , 19 , before me,  
14 , the undersigned officer personally  
15 appeared, , known to me (or satisfactorily  
16 proven) to be the person whose signature or mark appears on the  
17 within instrument and acknowledged the same for the purposes  
18 therein contained.  
19 In witness whereof, I have hereunto set my hand and official  
20 seal  
21  
22 (Title of Officer)  
23 Upon receipt of the official absentee ballot, such elector  
24 requiring assistance may select a person to assist him in  
25 voting, such assistance to be rendered in secret: Provided,  
26 however, That the person rendering assistance may not be the  
27 elector's employer or an agent of the employer or an officer or  
28 agent of the elector's union. The person rendering the  
29 assistance in voting shall complete, date and sign the  
30 declaration in such form approved by the Secretary of the

1 Commonwealth, or substantially in the form as set forth below,  
2 that the person has caused the elector's ballot to be marked in  
3 accordance with such elector's desires and instruction. Such  
4 declaration form shall be returned to the county board of  
5 elections in the mailing envelope addressed to the county board  
6 of elections within which the small "official absentee ballot"  
7 is returned.

8 Declaration of Person Rendering Assistance

9 I, \_\_\_\_\_,

10 (Name of Person rendering assistance)

11 hereby declare that I have witnessed the aforesaid elector's  
12 signature or mark and that I have caused the aforesaid elector's  
13 ballot to be marked in accordance with the desires and  
14 instructions of the aforesaid elector.

15

16 (Signature of Person Rendering Assistance)

17

18 (Address)

19 Section 13. Section 1308(g) and (i) of the act, amended or  
20 added May 12, 2006 (P.L.178, No.45) and March 14, 2012 (P.L.195,  
21 No.18), are amended to read:

22 Section 1308. Canvassing of Official Absentee Ballots.--

23 \* \* \*

24 (g) (1) An absentee ballot cast by any absentee elector as  
25 defined in section [1301(a), (b), (c), (d), (e), (f), (g) and  
26 (h)] 1301.1 which is received in the office of the county board  
27 of elections after five o'clock P.M. on the Friday immediately  
28 preceding the election and no later than five o'clock P.M. on  
29 the seventh day following an election shall be canvassed in  
30 accordance with this subsection if the absentee ballot is

1 postmarked no later than the day immediately preceding the  
2 election.

3 (2) The county board of elections shall meet on the eighth  
4 day following the election to canvass the absentee ballots  
5 received under this subsection and subsection (h) (2). One  
6 authorized representative of each candidate in an election and  
7 one representative from each political party shall be permitted  
8 to remain in the room in which the absentee ballots are  
9 canvassed. Representatives shall be permitted to challenge any  
10 absentee elector in accordance with the provisions of paragraph  
11 (3).

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

1 open, except where he was in the military service or except in  
2 the case where his ballot was obtained for the reason that he  
3 was unable to appear personally at the polling place because of  
4 illness or physical disability; or (iii) that the absentee  
5 elector was able to appear personally at the polling place on  
6 the day of the primary or election during the period the polls  
7 were open in the case his ballot was obtained for the reason  
8 that he was unable to appear personally at the polling place  
9 because of illness or physical disability]. Upon challenge of  
10 any absentee elector, as set forth herein, the board shall mark  
11 "challenged" on the envelope together with the reasons therefor,  
12 and the same shall be set aside unopened pending final  
13 determination of the challenge according to the procedure  
14 described in paragraph (5).

15 (4) All absentee ballots not challenged for [any of the  
16 reasons] the reason provided in paragraph (3) shall be counted  
17 and included with the returns of the applicable election  
18 district as follows. The county board shall open the envelope of  
19 every unchallenged absentee elector in such manner as not to  
20 destroy the declaration executed thereon. If any of the  
21 envelopes on which are printed, stamped or endorsed the words  
22 "Official Absentee Ballot" contain any extraneous marks or  
23 identifying symbols, the envelopes and the ballots contained  
24 therein shall be set aside and declared void. The county board  
25 shall then break the seals of such envelopes, remove the ballots  
26 and record the votes.

27 (5) With respect to the challenged ballots, they shall be  
28 placed unopened in a secure, safe and sealed container in the  
29 custody of the county board until it shall fix a time and place  
30 for a formal hearing of all such challenges, and notice shall be

1 given where possible to all absentee electors thus challenged  
2 and to every individual who made a challenge. The time for the  
3 hearing shall not be later than five (5) days after the date of  
4 the challenge. On the day fixed for said hearing, the county  
5 board shall proceed without delay to hear said challenges, and,  
6 in hearing the testimony, the county board shall not be bound by  
7 the Pennsylvania Rules of Evidence. The testimony presented  
8 shall be stenographically recorded and made part of the record  
9 of the hearing.

10 (6) The decision of the county board in upholding or  
11 dismissing any challenge may be reviewed by the court of common  
12 pleas of the county upon a petition filed by any person  
13 aggrieved by the decision of the county board. The appeal shall  
14 be taken, within two (2) days after the decision was made,  
15 whether the decision was reduced to writing or not, to the court  
16 of common pleas setting forth the objections to the county  
17 board's decision and praying for an order reversing the  
18 decision.

19 (7) Pending the final determination of all appeals, the  
20 county board shall suspend any action in canvassing and  
21 computing all challenged ballots received under this subsection  
22 irrespective of whether or not appeal was taken from the county  
23 board's decision. Upon completion of the computation of the  
24 returns of the county, the votes cast upon the challenged  
25 official absentee ballots that have been finally determined to  
26 be valid shall be added to the other votes cast within the  
27 county.

28 \* \* \*

29 (i) Notwithstanding the provisions of this section, a  
30 qualified [absentee] elector shall not be required to provide

1 proof of identification if the elector is entitled to vote by  
2 absentee ballot under the Uniformed and Overseas Citizens  
3 Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an  
4 alternative ballot under the Voting Accessibility for the  
5 Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).

6 Section 14. Section 1331 of the act, amended May 12, 2006  
7 (P.L.178, No.45), is amended to read:

8 Section 1331. Violation of Provisions Relating to Absentee  
9 Voting.--(a) Except as provided in subsection (b), any person  
10 who shall violate any of the provisions of this act relating to  
11 absentee voting shall, unless otherwise provided, be subject to  
12 the penalties provided for in section 1850 of this act.

13 (b) Any person who knowingly assists another person who is  
14 not [a qualified] an absentee elector in filling out an absentee  
15 ballot application or absentee ballot commits a misdemeanor of  
16 the third degree.

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