

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 818 Session of 2019

INTRODUCED BY SCHWANK, SANTARSIERO, BOSCOLA, FONTANA, FARNESE, KEARNEY, COSTA, HUGHES, MUTH, YUDICHAK, HAYWOOD AND BREWSTER, AUGUST 7, 2019

REFERRED TO STATE GOVERNMENT, AUGUST 7, 2019

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 further providing for qualified absentee electors, for
 14 applications for official absentee ballots, for date of
 15 application for absentee ballot, for approval of application
 16 for absentee ballot, for absentee electors files and lists,
 17 for delivering or mailing ballots, for voting by absentee
 18 electors, for assistance in voting by certain absentee
 19 electors and for canvassing of official absentee ballots.

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

22 Section 1. Section 102(z.5)(3) of the act of June 3, 1937
 23 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
 24 amended to read:

25 Section 102. Definitions.--The following words, when used in
 26 this act, shall have the following meanings, unless otherwise

1 clearly apparent from the context:

2 * * *

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

4 * * *

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

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

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

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

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

18 (v) for the purposes of this paragraph, "driver's license"
19 shall mean either a driver's license issued by the Department of
20 Transportation, a nondriver photo identification card or a
21 document described in paragraph (1).

22 Section 2. Section 1301 of the act is amended by adding a
23 subsection to read:

24 Section 1301. Qualified Absentee Electors.--The following
25 persons shall be entitled to vote by an official absentee ballot
26 in any primary or election held in this Commonwealth in the
27 manner hereinafter provided:

28 * * *

29 (o) Any qualified elector who desires to vote by absentee
30 ballot.

1 Section 3. Section 1302(b), (c), (d), (e), (e.1) and (i) of
2 the act are amended and the section is amended by adding
3 subsections to read:

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

5 * *

6 (b) The application shall contain the following information:

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

20 (c) [The application of any qualified elector, as defined in
21 section 1301(a), (b), (c), (d), (e), (f), (g) and (h), for an
22 official absentee ballot in any primary or election may not be
23 made over the signature of any person, other than the qualified
24 elector or an adult member of his immediate family, as required
25 in the preceding subsection.] A qualified absentee military or
26 overseas elector, as defined by the Uniformed and Overseas
27 Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924),
28 may submit his application for an official absentee ballot by
29 [facsimile] electronic transmission method. [if the original
30 application is received prior to the election by the county

1 election office. The absentee ballot of the qualified military
2 or overseas elector shall not be counted unless the elector's
3 original application is received prior to the election by the
4 county election office.] The [facsimile] electronic transmission
5 method shall not be acceptable for the official absentee ballot.
6 As used in this subsection, "electronic transmission method"
7 means any technology that can transmit a document or an image of
8 a document via electronic or electro-mechanical means,
9 including, but not limited to, facsimile method. An elector
10 entitled to submit an application for an official absentee
11 ballot under a method authorized under 25 Pa.C.S. Ch. 35
12 (relating to uniform military and overseas voters) may submit an
13 application using a method authorized under the act, in addition
14 to the methods authorized in this article.

15 (d) The application of any qualified elector, as defined in
16 preceding section 1301, subsections [(b)] (a) to (h), inclusive,
17 for an official absentee ballot in any primary or election shall
18 be signed by the applicant[.], except that for electors, as
19 defined in section 1301(a), an adult member of the applicant's
20 immediate family may sign the application on the elector's
21 behalf.

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

1 The application shall contain the following information:
2 Residence at the time of becoming bedridden or hospitalized,
3 [length of time a citizen, length of residence in Pennsylvania,
4 date of birth, length of time a resident in voting district,]
5 voting district if known, party choice in case of primary, name
6 and address of present residence or hospital at which
7 hospitalized. When such application is received by the Secretary
8 of the Commonwealth, it shall be forwarded to the proper county
9 board of elections.

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

1 the Secretary of the Commonwealth of Pennsylvania.

2 (1) The application of any qualified registered elector,
3 including spouse or dependent referred to in subsection (1) of
4 section 1301, who expects to be or is absent from the
5 municipality of his residence because his duties, occupation or
6 business require him to be elsewhere on the day of any primary
7 or election, or in the case of a county employe who cannot vote
8 due to duties on election day relating to the conduct of the
9 election, or in the case of a person who will not attend a
10 polling place because of the observance of a religious holiday,
11 shall be signed by the applicant and shall include the surname
12 and given name or names of the applicant, proof of
13 identification, his occupation, date of birth, [length of time a
14 resident in voting district,] voting district if known, place of
15 residence, post office address to which ballot is to be mailed,
16 the reason for his absence, and such other information as shall
17 make clear to the county board of elections the applicant's
18 right to an official absentee ballot.

19 (2) The application of any qualified registered elector who
20 is unable to attend his polling place on the day of any primary
21 or election because of illness or physical disability and the
22 application of any qualified registered bedridden or
23 hospitalized veteran in the county of residence shall be signed
24 by the applicant and shall include surname and given name or
25 names of the applicant, proof of identification, his occupation,
26 date of birth, residence at the time of becoming bedridden or
27 hospitalized, [length of time a resident in voting district,]
28 voting district if known, place of residence, post office
29 address to which ballot is to be mailed, and such other
30 information as shall make clear to the county board of elections

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

15 (Mark)
16 (Date)
17 (Complete Address of Witness) (Signature of Witness)

18 (e.1) Any qualified registered elector[, including any
19 qualified bedridden or hospitalized veteran,] who is unable
20 because of illness or physical disability to attend his polling
21 place on the day of any primary or election or operate a voting
22 machine and state distinctly and audibly that he is unable to do
23 so as required by section 1218 of this act may, with the
24 certification by his attending physician that he is permanently
25 disabled, and physically unable to attend the polls or operate a
26 voting machine and make the distinct and audible statement
27 required by section 1218 appended to the application
28 hereinbefore required, be placed on a permanently disabled
29 absentee ballot list file. An absentee ballot application shall
30 be mailed to every such person [for each primary or election]

1 otherwise eligible to receive one, by the first Monday in
2 February each year, so long as he does not lose his voting
3 rights by failure to vote as otherwise required by this act.
4 Such person shall not be required to file a physician's
5 certificate of disability with each application as required in
6 subsection (e) of this section [but such person must submit a
7 written statement asserting continuing disability every four
8 years in order to maintain his eligibility to vote under the
9 provisions of this subsection]. Should any such person lose his
10 disability he shall inform the county board of elections of the
11 county of his residence. An absentee ballot application mailed
12 to a voter under this section, which is completed and timely
13 returned by the voter, shall serve as an application for any and
14 all primary, general or special elections to be held in the
15 remainder of that calendar year, and for all special elections
16 to be held before the third Monday in February of the succeeding
17 year.

18 * * *

19 (e.3) (1) Any qualified elector applying under section
20 1301(o) who desires to vote by absentee ballot may apply to the
21 county board of elections located in the applicant's county of
22 residence for an official absentee ballot. The application shall
23 be made upon an official application form determined and
24 prescribed by the Secretary of the Commonwealth which shall be
25 supplied by the county board of elections.

26 (2) The application form prescribed by the Secretary of the
27 Commonwealth shall include the surname and given name or names
28 of the applicant, proof of identification, date of birth, voting
29 district if known, place of residence, post office address to
30 which ballots are to be mailed, applicant's signature and other

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

3 (3) As an alternative to the official application form
4 described in subsections (a) and (b) above, a qualified elector
5 applying to vote by absentee ballot under section 1301(o) may
6 make an application for an absentee ballot by mail by sending a
7 letter to the county board of elections in the county of the
8 applicant's residence. The letter shall contain the applicant's
9 full legal name, place of residence, proof of identification and
10 signature.

11 (4) In the event an elector is unable to write due to a
12 disability or an illness, or in the case of a uniformed-service
13 voter, the elector need not sign the application or letter
14 personally, but may have an adult member of the applicant's
15 immediate family sign the application or letter at the
16 applicant's direction. For the purposes of this paragraph, the
17 term "uniformed-service voter" shall have the same meaning as in
18 25 Pa.C.S. § 3502 (relating to definitions).

19 * * *

20 (i) (1) Application for official absentee ballots shall be
21 on forms prescribed by the Secretary of the Commonwealth. The
22 application shall state that a voter who receives and votes an
23 absentee ballot pursuant to section 1301 [and who, on election
24 day, is capable of voting at the appropriate] shall not be
25 eligible to vote at a polling place [must void the absentee
26 ballot and vote in the normal manner at the appropriate voting
27 place] on election day. Such forms shall be made freely
28 available to the public at county board of elections, municipal
29 buildings and at such other locations designated by the
30 secretary. No written application or personal request shall be

1 necessary to receive the application forms. Copies of all
2 completed applications for official absentee ballots shall be
3 retained by the county board of elections.

4 (2) Nothing in this act shall prohibit a private
5 organization or individual from printing blank voter
6 applications for absentee ballots, or shall prohibit the use of
7 such applications by another individual, provided the form,
8 content and paper quality have been approved by the Secretary of
9 the Commonwealth.

10 * * *

11 (k) The Secretary of the Commonwealth may develop an
12 electronic system through which all qualified electors may apply
13 for an absentee ballot and request permanent absentee voter
14 status under this section, provided the system is able to
15 capture a digitized or electronic signature of the applicant. A
16 county board of elections shall treat any application or request
17 received through the electronic system as if it had been
18 submitted on a paper form or any other format used by the
19 county.

20 Section 4. Sections 1302.1, 1302.2(a), (b), (c) and (e),
21 1302.3(b) and (c), 1305, 1306, 1306.1 and 1308(a), (b.1), (e),
22 (f) and (g) of the act are amended to read:

23 Section 1302.1. Date of Application for Absentee Ballot.--

24 (a) Except as provided in [subsections (a.1) and] subsection
25 (a.2), applications for absentee ballots shall be received and
26 processed in the office of the county board of elections not
27 earlier than fifty (50) days before the primary or election [and
28 not], except that if a county board of elections determines that
29 it would be desirable and consistent with operation needs, any
30 applications for absentee ballots received more than fifty (50)

1 days before the primary or election may be processed.
2 Applications for absentee ballots may be processed if received
3 no later than five o'clock P.M. of the first Tuesday prior to
4 the day of any primary or election.

5 (a.1) [Except as provided in subsection (a.2), in the event
6 any elector otherwise qualified who is so physically disabled or
7 ill on or before the first Tuesday prior to any primary or
8 election that he is unable to file his application or who
9 becomes physically disabled or ill after the first Tuesday prior
10 to any primary or election and is unable to appear at his
11 polling place or any elector otherwise qualified who because of
12 the conduct of his business, duties or occupation will
13 necessarily be absent from the municipality of his residence on
14 the day of the primary or election, which fact was not and could
15 not reasonably be known to said elector on or before the first
16 Tuesday prior to any primary or election, the elector shall be
17 entitled to an absentee ballot at any time prior to five o'clock
18 P.M. on the first Friday preceding any primary or election upon
19 execution of an Emergency Application in such form prescribed by
20 the Secretary of the Commonwealth.] (1) The following
21 categories of electors may apply for an absentee ballot under
22 this subsection, if otherwise qualified:

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

27 (ii) Any elector whose business, duties or occupation
28 prevented the elector from applying for an absentee ballot
29 before five o'clock P.M. on the first Tuesday prior to the day
30 of the primary or election.

1 (iii) Any elector who, for good cause, was unable to apply
2 for an absentee ballot before five o'clock P.M. on the first
3 Tuesday prior to the day of the primary or election. For the
4 purposes of this subparagraph, "good cause" means a circumstance
5 or event causing a similar level of disruption as the
6 circumstances described in subparagraphs (i) and (ii).

7 (2) Any elector described in paragraph (1) may submit an
8 application for an absentee ballot at any time until the closing
9 of the polls on the day of the primary or election. The
10 application shall be accompanied by a statement from the elector
11 describing the circumstances that prevented an earlier
12 application and which provision of paragraph (1) the elector
13 qualifies. This statement shall be made subject to the penalties
14 of 18 Pa.C.S. § 4904 (relating to unsworn falsification to
15 authorities).

16 (3) If the county board of elections determines that the
17 elector meets the requirements of this section, the elector
18 shall be issued an absentee ballot without delay.

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

1 pleas in the county in which the elector is qualified to vote an
2 Emergency Application or a letter or other signed document,
3 which includes the same information as is provided on the
4 Emergency Application. Upon a determination that the elector is
5 a qualified absentee elector under section 1301, the judge shall
6 issue an absentee ballot to the elector.] If the elector is
7 unable to appear [in court] at the office of the county board of
8 elections to receive the ballot, the [judge] board shall give
9 the elector's absentee ballot to an authorized representative of
10 the elector who is designated in writing by the elector. The
11 authorized representative shall deliver the absentee ballot to
12 the elector and return the completed absentee ballot, sealed in
13 the official absentee ballot envelopes, to the office of the
14 county board of elections, who shall [distribute] retain the
15 ballot, unopened, [to the absentee voter's election district]
16 until the canvassing of all absentee ballots. If the elector is
17 unable to appear [in court] at the office of the county board of
18 elections or unable to obtain assistance from an authorized
19 representative, [the] a judge of the court of common pleas, in
20 which the elector is qualified to vote, shall direct a deputy
21 sheriff of the county to deliver the absentee ballot to the
22 elector if the elector is at a physical location within the
23 county and return the completed absentee ballot, sealed in the
24 official absentee ballot envelopes, to the county board of
25 elections, who shall distribute the ballots, unopened, to the
26 absentee voter's respective election district. If there is no
27 authorized representative and a deputy sheriff is unavailable to
28 deliver an absentee ballot under this section, the judge may
29 direct a 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] Any absentee ballot received under this
10 subsection shall be counted [which is received in the office of
11 the county board of elections later than eight o'clock P.M. on
12 the day of the primary or election] as provided under section
13 1308(g).

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

20 [(c) In the case of an elector who is physically disabled or
21 ill on or before the first Tuesday prior to a primary or
22 election or becomes physically disabled or ill after the first
23 Tuesday prior to a primary or election, such Emergency
24 Application, letter or other signed document shall contain a
25 supporting affidavit from his attending physician stating that
26 due to physical disability or illness said elector was unable to
27 apply for an absentee ballot on or before the first Tuesday
28 prior to the primary or election or became physically disabled
29 or ill after that period.

30 (d) In the case of an elector who is necessarily absent

1 because of the conduct of his business, duties or occupation
2 under the unforeseen circumstances specified in subsections
3 (a.1) and (a.2), such Emergency Application, letter or other
4 signed document shall contain a supporting affidavit from such
5 elector stating that because of the conduct of his business,
6 duties or occupation said elector will necessarily be absent
7 from the municipality of his residence on the day of the primary
8 or election which fact was not and could not reasonably be known
9 to said elector on or before the first Tuesday prior to the
10 primary or election.]

11 Section 1302.2. Approval of Application for Absentee
12 Ballot.--

13 (a) The county board of elections, upon receipt of any
14 application filed by a qualified elector not required to be
15 registered under preceding section 1301, shall ascertain from
16 the information on such application, district register or from
17 any other source that such applicant possesses all the
18 qualifications of a qualified elector other than being
19 registered or enrolled. If the board is satisfied that the
20 applicant is qualified to receive an official absentee ballot,
21 the application shall be marked approved such approval decision
22 shall be final and binding except that challenges may be made
23 only on the ground that the applicant did not possess
24 qualifications of an absentee elector. Such challenges must be
25 made to the county board of elections prior to [5:00 o'clock
26 P.M. on the first Friday prior to the election] the applicable
27 deadline for the absentee ballots to be received, as provided in
28 section 1308(g). When so approved, the county board of elections
29 shall cause the applicant's name and residence (and at a
30 primary, the party enrollment) to be inserted in the Military,

1 Veterans and Emergency Civilians Absentee Voters File as
2 provided in section 1302.3, subsection (b): Providing, however,
3 That no application of any qualified elector in military service
4 shall be rejected for failure to include on his application any
5 information if such information may be ascertained within a
6 reasonable time by the county board of elections.

7 (b) The county board of elections, upon receipt of any
8 application filed by a qualified elector who is entitled, under
9 the provisions of the Permanent Registration Law as now or
10 hereinafter enacted by the General Assembly, to absentee
11 registration prior to or concurrently with the time of voting as
12 provided under preceding section 1301, shall ascertain from the
13 information on such application or from any other source that
14 such applicant possesses all the qualifications of a qualified
15 elector. If the board is satisfied that the applicant is
16 entitled, under the provisions of the Permanent Registration Law
17 as now or hereinafter enacted by the General Assembly, to
18 absentee registration prior to or concurrently with the time of
19 voting and that the applicant is qualified to receive an
20 official absentee ballot, the application shall be marked
21 "approved." Such approval decision shall be final and binding
22 except that challenges may be made only on the ground that the
23 applicant did not possess the qualifications of an absentee
24 elector prior to or concurrently with the time of voting. Such
25 challenges must be made to the county board of elections prior
26 to [5:00 o'clock P.M. on the first Friday prior to the election]
27 the applicable deadline for the absentee ballots to be received,
28 as provided in section 1308(g). When so approved, the county
29 board of elections shall cause the applicant's name and
30 residence (and at a primary, the party enrollment) to be

1 inserted in the Military, Veterans and Emergency Civilian
2 Absentee Voters File as provided in section 1302.3 subsection
3 (b).

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

25 Provided, however, That the duties of the county boards of
26 elections and the registration commissions with respect to the
27 insertion of the absentee voter's temporary registration card of
28 any elector from the district register as set forth in section
29 1302.2 shall include only such applications and emergency
30 applications as are received on or before the first Tuesday

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

26 * * *

27 (e) The [absentee voter's temporary registration card]
28 voter's record in the district register shall [be in duplicate
29 and the same size as the permanent registration card, in a
30 different and contrasting color to the permanent registration

1 card and shall contain the absentee voter's name and address and
2 shall conspicuously] contain the words "Absentee Voter." [Such
3 card shall also contain the affidavit required by subsection (b)
4 of section 1306.]

5 * * *

6 Section 1302.3. Absentee Electors Files and Lists.--* * *

7 [(b) The county board of elections shall post in a
8 conspicuous public place at its office a master list arranged in
9 alphabetical order by election districts setting forth the name
10 and residence, and at primaries, the party enrollment, of (1)
11 every military elector to whom an absentee ballot is being sent,
12 each such name to be prefixed with an "M"; (2) every bedridden
13 or hospitalized veteran outside the county of his residence who
14 is not registered and to whom an absentee ballot is being sent,
15 each such name to be prefixed with a "V"; and (3) every
16 registered elector who has filed his application for an absentee
17 ballot too late for the extraction of his original registration
18 card and to whom a ballot is being sent and every qualified
19 elector who has filed his application for an absentee ballot and
20 is entitled, under provisions of the Permanent Registration Law
21 as now or hereinafter enacted by the General Assembly, to
22 absentee registration prior to or concurrently with the time of
23 voting, each such name to be prefixed with a "C." This list
24 shall be known as the Military, Veterans and Emergency Civilians
25 Absentee Voters File for the Primary or Election of (date of
26 primary or election) and shall be posted for a period commencing
27 the Tuesday prior to the day of the primary or election until
28 the day following the primary or election or the day on which
29 the county board of elections certifies the returns of the
30 primary or election, whichever date is later. Such file shall be

1 open to public inspection at all times subject to reasonable
2 safeguards, rules and regulations. This posted list shall not
3 contain any military address or references to any military
4 organization. Upon written request, the county board shall
5 furnish a copy of such list to any candidate or party county
6 chairman.]

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

28 Section 1305. Delivering or Mailing Ballots.--

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

1 Notwithstanding whether or not the county board of elections is
2 awaiting the resolution of a legal proceeding in a Federal or
3 State court, the board shall commence to deliver or mail an
4 official absentee ballot to the applicant not later than the
5 second Tuesday before the primary or election. If the applicant
6 failed to provide proof of identification with the application
7 or the proof of identification could not be verified by the
8 county board of elections, the board shall send the notice
9 required under section 1302.2(d) to the elector. If an
10 application is received and approved after the time that the
11 county board of elections commences delivering or mailing
12 official absentee ballots, the board shall deliver or mail an
13 official absentee ballot to the elector within forty-eight
14 hours.

15 (b) (1) The county board of elections upon receipt and
16 approval of an application filed by any elector qualified in
17 accordance with the provisions of section 1301, subsections (i)
18 to [(1)] (o), inclusive, shall commence to deliver or mail
19 official absentee ballots [on] as soon as a ballot is certified
20 and the ballots are available. While any proceeding is pending
21 in a Federal or State court that would affect the contents of
22 any ballot, the county board of elections may await a resolution
23 of the proceeding, but in any event, shall commence to deliver
24 or mail official absentee ballots no later than the second
25 Tuesday prior to the primary or election. For those applicants
26 whose proof of identification was not provided with the
27 application or could not be verified by the board, the board
28 shall send the notice required under section 1302.2(d) with the
29 absentee ballot. As additional applications are received and
30 approved after the time that the county board of elections

1 begins advertising or mailing absentee ballots, the board shall
2 deliver or mail official absentee ballots to such additional
3 electors within forty-eight hours.

4 (2) Notwithstanding any other provisions of this act and the
5 inclusion of a mailing address on an absentee ballot
6 application, an elector who presents an application for an
7 absentee ballot at the office of the county board of elections
8 during regular business hours may request to receive an absentee
9 ballot while at the office. This request may be made orally or
10 in writing. On presentation of the application, making the
11 request and approval under section 1302.2, the county board of
12 elections shall promptly present the voter with an absentee
13 ballot. If a voter presents an application within the county's
14 board of elections office in accordance with this section, a
15 county board of elections may not deny the voter's request
16 unless there is a bona fide objection to the absentee ballot
17 application.

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

25 (d) Notwithstanding the provisions of this act, an elector
26 who is qualified under section 1301 may present an application
27 for an official absentee ballot in-person at the office of the
28 county board of elections during regular business hours. The
29 applicant shall not be required to include the applicant's
30 mailing address on the application. Upon receipt of an

1 application which meets the requirements under this section, the
2 county board of elections shall promptly deliver an official
3 absentee ballot unless there is a bona fide objection to the
4 application.

5 Section 1306. Voting by Absentee Electors.--(a) Except as
6 provided in paragraphs (1), (2) and (3), at any time after
7 receiving an official absentee ballot, but on or before [five]
8 eight o'clock P.M. on the [Friday] Monday prior to the primary
9 or election, the elector shall, in secret, proceed to mark the
10 ballot only in black lead pencil, indelible pencil or blue,
11 black or blue-black ink, in fountain pen or ball point pen, and
12 then fold the ballot, enclose and securely seal the same in the
13 envelope on which is printed, stamped or endorsed "Official
14 Absentee Ballot."

15 (1) [Any elector who submits an Emergency Application and
16 receives an absentee ballot in accordance with section
17 1302.1(a.2) or (c) shall mark the ballot on or before eight
18 o'clock P.M. on the day of the primary or election. This
19 envelope shall then be placed in the second one, on which is
20 printed the form of declaration of the elector, and the address
21 of the elector's county board of election and the local election
22 district of the elector. The elector shall then fill out, date
23 and sign the declaration printed on such envelope. Such envelope
24 shall then be securely sealed and the elector shall send same by
25 mail, postage prepaid, except where franked, or deliver it in
26 person to said county board of election.] (Reserved).

27 (2) Any elector, spouse of the elector or dependent of the
28 elector, qualified in accordance with the provisions of section
29 1301, subsections (e), (f), (g) and (h) to vote by absentee
30 ballot as herein provided, shall be required to include on the

1 form of declaration a supporting declaration in form prescribed
2 by the Secretary of the Commonwealth, to be signed by the head
3 of the department or chief of division or bureau in which the
4 elector is employed, setting forth the identity of the elector,
5 spouse of the elector or dependent of the elector.

6 (3) Any elector who has filed his application in accordance
7 with section 1302 subsection (e)(2), and is unable to sign his
8 declaration because of illness or physical disability, shall be
9 excused from signing upon making a declaration which shall be
10 witnessed by one adult person in substantially the following
11 form: I hereby declare that I am unable to sign my declaration
12 for voting my absentee ballot without assistance because I am
13 unable to write by reason of my illness or physical disability.
14 I have made or received assistance in making my mark in lieu of
15 my signature.

16 (Mark)
17 (Date)
18
19 (Complete Address of Witness) (Signature of Witness)

20 (b) [In the event that any such elector, excepting an
21 elector in military service or any elector unable to go to his
22 polling place because of illness or physical disability,
23 entitled to vote an official absentee ballot shall be in the
24 municipality of his residence on the day for holding the primary
25 or election for which the ballot was issued, or in the event any
26 such elector shall have recovered from his illness or physical
27 disability sufficiently to permit him to present himself at the
28 proper polling place for the purpose of casting his ballot, such
29 absentee ballot cast by such elector shall, be declared void.
30 Any such elector referred to in this subsection, who is within

1 the municipality of his residence, must present himself at his
2 polling place and shall be permitted to vote upon presenting
3 himself at his regular polling place in the same manner as he
4 could have voted had he not received an absentee ballot:

5 Provided, That such elector has first presented himself to the
6 judge of elections in his local election district and shall have
7 signed the affidavit on the absentee voter's temporary
8 registration card, which affidavit shall be in substantially the
9 following form:

10 I hereby swear that I am a qualified registered elector who has
11 obtained an absentee ballot, however, I am present in the
12 municipality of my residence and physically able to present
13 myself at my polling place and therefore request that my
14 absentee ballot be voided.

15 █ █
16 (Date) █ █
17 █
18 █
19 (Local Judge of Elections) █ (Signature of Elector)

20 An elector who has received an absentee ballot under the
21 emergency application provisions of section 1302.1, and for
22 whom, therefore, no temporary absentee voter's registration card
23 is in the district register, shall sign the aforementioned
24 affidavit in any case, which the local judge of elections shall
25 then cause to be inserted in the district register with the
26 elector's permanent registration card.] Any elector who receives
27 and votes an absentee ballot pursuant to section 1301 shall not
28 be eligible to vote at a polling place on election day. The
29 district register at each polling place shall clearly identify
30 electors who have received and voted absentee ballots as

1 ineligible to vote at the polling place, and district election
2 officers shall not permit said electors to vote at the polling
3 place.

4 (c) Any elector voting with an absentee ballot shall:

5 (1) deliver the ballot in person to the county board of
6 elections by eight o'clock P.M. on the day of the primary or
7 election; or

8 (2) mail the ballot such that it is postmarked no later than
9 the day immediately preceding the election.

10 (d) (1) When a ballot is presented to a county board of
11 elections with a postmark that is missing or illegible, the
12 board may determine that the ballot was timely cast and
13 submitted if there are other reliable indicia of the date the
14 ballot was sent.

15 (2) A board may rely on the date given on the voter's
16 affidavit under paragraph (1) or on additional information
17 obtained from the United States Postal Service, the foreign
18 postal agency or the private carrier or courier service through
19 which the ballot was delivered.

20 (e) (1) In addition to the other means to submit a ballot
21 under this act, a county board of elections may establish one or
22 more ballot drop-boxes, subject to this section.

23 (2) If a county board of elections establishes a ballot
24 drop-box, the county board of elections shall consider factors
25 including:

26 (i) Equitable distribution of ballot drop-boxes across the
27 county to provide electors with convenient options.

28 (ii) Locating ballot drop-boxes in places that will be
29 convenient for the largest number of voters based on the
30 location of residences and places of employment in the

1 determined area.

2 (iii) Access for persons with disabilities.

3 (iv) Use of public buildings that are conspicuous and known
4 to electors in the county.

5 (3) All ballot drop-boxes shall:

6 (i) Provide adequate levels of security.

7 (ii) Be capable of ensuring that no ballots are submitted
8 after the deadline for submitting ballots has passed.

9 (4) If a county board of elections desires to establish one
10 or more ballot drop-boxes, the board shall prepare a report on
11 its plan. The report shall include analysis of the factors
12 listed in paragraphs (2) and (3) and any other considerations
13 used by the board. The report shall be submitted to the
14 Secretary of the Commonwealth no later than ninety (90) days
15 before any primary or election. The Secretary of the
16 Commonwealth shall approve any proposal that satisfies the
17 requirements of this subsection and provides suitable levels of
18 access and security. A county board of elections may not
19 implement a plan until it has received approval from the
20 Secretary of the Commonwealth. Following approval, a plan may be
21 used indefinitely or until the Secretary of the Commonwealth
22 revokes approval.

23 (f) As used in this subsection:

24 "Ballot drop-box" means a stand-alone drop-off location for
25 the purpose of allowing electors to deposit their completed
26 ballots.

27 "Postmark" means the official cancellation of postage, or
28 other indicia, as stamped printed or written on the delivery
29 envelope to indicate the date it was submitted for delivery by
30 the United States Postal Service, a foreign postal agency or a

1 recognized private common carrier or courier service.

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

4 Any elector qualified to vote an official absentee ballot in
5 accordance with the provisions of section 1301, subsection (k),
6 may receive assistance in voting (1) if there is recorded on his
7 registration card his declaration that he has a physical
8 disability which renders him unable to see or mark the official
9 absentee ballot, the exact nature of such disability being
10 recorded on such registration card; (2) if such elector
11 requiring assistance submits with his application for an
12 official absentee ballot, a statement made subject to the
13 penalties of 18 Pa.C.S. § 4904 (relating to unsworn
14 falsification to authorities) setting forth the precise nature
15 of the disability which renders him unable to see or mark the
16 official absentee ballot and that to the best of his knowledge
17 and belief he will still suffer from the said physical
18 disability at the time of voting his official absentee ballot.

19 [He shall acknowledge the same before an officer qualified to
20 take acknowledgment of deeds.] Such statement shall be in
21 substantially the following form:

22 Statement of Absentee Elector Requiring Assistance

23 I,, hereby state

24 (Name of voter requiring assistance)

25 that I require assistance in marking the official absentee
26 ballot for the primary or election held,

27 (Date)

28 [19] 20..., that will be issued to me for the following reason:

29

30

1 (Insert nature of disability)

2

3

4 (Signature or mark of elector)

5

6

7 (Date of signature or mark)

8 [Commonwealth of Pennsylvania:

9 [redacted] ss

10 County of [redacted]:

11 On this.....day of....., 19...., before me,
12, the undersigned officer personally
13 appeared....., known to me (or satisfactorily
14 proven) to be the person whose signature or mark appears on the
15 within instrument and acknowledged the same for the purposes
16 therein contained.

17 In witness whereof, I have hereunto set my hand and official
18 seal

19 [redacted]

20 [redacted] (Title of Officer)]

21 Upon receipt of the official absentee ballot, such elector
22 requiring assistance may select a person to assist him in
23 voting, such assistance to be rendered in secret: Provided,
24 however, That the person rendering assistance may not be the
25 elector's employer or an agent of the employer or an officer or
26 agent of the elector's union. The person rendering the
27 assistance in voting shall complete, date and sign the
28 declaration in such form approved by the Secretary of the
29 Commonwealth, or substantially in the form as set forth below,
30 that the person has caused the elector's ballot to be marked in

1 accordance with such elector's desires and instruction. Such
2 declaration form shall be returned to the county board of
3 elections in the mailing envelope addressed to the county board
4 of elections within which the small "official absentee ballot"
5 is returned.

6 Declaration of Person Rendering Assistance

7 I,,

8 (Name of Person rendering assistance)

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

13

14 (Signature of Person Rendering Assistance)

15

16 (Address)

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

18 (a) The county boards of election, upon receipt of official
19 absentee ballots in such envelopes, shall safely keep the same
20 in sealed or locked containers until they [distribute same to
21 the appropriate local election districts in a manner prescribed
22 by the Secretary of the Commonwealth.

23 Except as provided in section 1302.1(a.2), the county board
24 of elections shall then distribute the absentee ballots,
25 unopened, to the absentee voter's respective election district
26 concurrently with the distribution of the other election
27 supplies. Absentee ballots shall be canvassed immediately and
28 continuously without interruption until completed after the
29 close of the polls on the day of the election in each election
30 district. The results of the canvass of the absentee ballots

1 shall then be included in and returned to the county board with
2 the returns of that district. Except as provided in section
3 1302.1(a.2) and subsection (g), no absentee ballot shall be
4 counted which is received in the office of the county board of
5 election later than five o'clock P.M. on the Friday immediately
6 preceding the primary or November election.] are to be canvassed
7 by the county board of elections. All absentee ballots issued
8 during the regular or emergency application periods shall be
9 canvassed in accordance with subsection (g).

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

16 * * *

17 (e) [At such time the local election board shall then
18 further examine the declaration on each envelope not so set
19 aside and shall compare the information thereon with that
20 contained in the "Registered Absentee Voters File," the absentee
21 voters' list and the "Military Veterans and Emergency Civilians
22 Absentee Voters File." If the local election board is satisfied
23 that the declaration is sufficient and the information contained
24 in the "Registered Absentee Voters File," the absentee voters'
25 list and the "Military Veterans and Emergency Civilians Absentee
26 Voters File" verifies his right to vote, the local election
27 board shall announce the name of the elector and shall give any
28 watcher present an opportunity to challenge any absentee elector
29 upon the ground or grounds (1) that the absentee elector is not
30 a qualified elector ; or (2) that the absentee elector was

1 within the municipality of his residence on the day of the
2 primary or election during the period the polls were open,
3 except where he was in military service or except in the case
4 where his ballot was obtained for the reason that he was unable
5 to appear personally at the polling place because of illness or
6 physical disability; or (3) that the absentee elector was able
7 to appear personally at the polling place on the day of the
8 primary or election during the period the polls were open in the
9 case his ballot was obtained for the reason that he was unable
10 to appear personally at the polling place because of illness or
11 physical disability. Upon challenge of any absentee elector, as
12 set forth herein the local election board shall mark
13 "challenged" on the envelope together with the reason or reasons
14 therefor, and the same shall be set aside for return to the
15 county board unopened pending decision by the county board and
16 shall not be counted. All absentee ballots not challenged for
17 any of the reasons provided herein shall be counted and included
18 with the general return of paper ballots or voting machines, as
19 the case may be as follows. Thereupon, the local election board
20 shall open the envelope of every unchallenged absentee elector
21 in such manner as not to destroy the declaration executed
22 thereon. All of such envelopes on which are printed, stamped or
23 endorsed the words "Official Absentee Ballot" shall be placed in
24 one or more depositories at one time and said depository or
25 depositories well shaken and the envelopes mixed before any
26 envelope is taken therefrom. If any of these envelopes shall
27 contain any extraneous marks or identifying symbols other than
28 the words "Official Absentee Ballot," the envelopes and the
29 ballots contained therein shall be set aside and declared void.
30 The local election board shall then break the seals of such

1 envelopes, remove the ballots and record the votes in the same
2 manner as district election officers are required to record
3 votes. With respect to the challenged ballots, they shall be
4 returned to the county board with the returns of the local
5 election district where they shall be placed unopened in a
6 secure, safe and sealed container in the custody of the county
7 board until it shall fix a time and place for a formal hearing
8 of all such challenges and notice shall be given where possible
9 to all absentee electors thus challenged and to every attorney,
10 watcher or candidate who made such challenge. The time for the
11 hearing shall not be later than seven (7) days after the date of
12 said challenge. On the day fixed for said hearing, the county
13 board shall proceed without delay to hear said challenges and,
14 in hearing the testimony, the county board shall not be bound by
15 technical rules of evidence. The testimony presented shall be
16 stenographically recorded and made part of the record of the
17 hearing. The decision of the county board in upholding or
18 dismissing any challenge may be reviewed by the court of common
19 pleas of the county upon a petition filed by any person
20 aggrieved by the decision of the county board. Such appeal shall
21 be taken, within two (2) days after such decision shall have
22 been made, whether reduced to writing or not, to the court of
23 common pleas setting forth the objections to the county board's
24 decision and praying for an order reversing same. Pending the
25 final determination of all appeals, the county board shall
26 suspend any action in canvassing and computing all challenged
27 ballots irrespective of whether or not appeal was taken from the
28 county board's decision. Upon completion of the computation of
29 the returns of the county, the votes cast upon the challenged
30 official absentee ballots shall be added to the other votes cast

1 within the county.] (Reserved).

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

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

19 (g) (1) (i) An absentee ballot cast by any absentee
20 elector as defined in section 1301(a), (b), (c), (d), (e), (f),
21 (g) and (h) [which is received in the office of the county board
22 of elections after five o'clock P.M. on the Friday immediately
23 preceding the election and no later than five o'clock P.M. on
24 the seventh day following an election shall be canvassed in
25 accordance with this subsection if the absentee ballot is
26 postmarked no later than the day immediately preceding the
27 election.] shall be canvassed in accordance with this section if
28 the ballot is cast, submitted and received in accordance with
29 the Uniformed and Overseas Citizens Absentee Voting Act (Public
30 Law 99-410, 100 Stat. 924) or is received within the time

1 specified for absentee ballots by this section if that time is
2 longer.

3 (ii) An absentee ballot cast by an absentee elector as
4 defined in section 1301(i), (j), (k), (l), (m), (n) and (o)
5 shall be canvassed in accordance with this section if the
6 absentee ballot is received in the office of the county board of
7 elections by any of the following means:

8 (A) Delivery in-person no later than eight o'clock P.M. on
9 the day of the primary or election.

10 (B) First class mail no later than five o'clock P.M. on the
11 seventh day following the election if the absentee ballot is
12 postmarked no later than the day immediately preceding the
13 election.

14 (2) The county board of elections shall meet on the [eighth]
15 third day following the election to canvass the absentee ballots
16 received under this subsection and subsection (h) (2) until the
17 deadline for receipt of the absentee ballots as provided under
18 25 Pa.C.S. § 3511 (relating to receipt of voted ballot). One
19 authorized representative of each candidate in an election and
20 one representative from each political party shall be permitted
21 to remain in the room in which the absentee ballots are
22 canvassed. Representatives shall be permitted to challenge any
23 absentee elector in accordance with the provisions of paragraph
24 (3).

25 (3) When the county board meets to canvass absentee ballots
26 under paragraph (2), the board shall examine the declaration on
27 the envelope of each ballot not set aside under subsection (d)
28 and shall compare the information thereon with that contained in
29 the "Registered Absentee Voters File," the absentee voters' list
30 and/or the "Military Veterans and Emergency Civilians Absentee

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

29 (4) All absentee ballots not challenged for any of the
30 reasons provided in paragraph (3) shall be counted and included

1 with the returns of the applicable election district as follows.
2 The county board shall open the envelope of every unchallenged
3 absentee elector in such manner as not to destroy the
4 declaration executed thereon. If any of the envelopes on which
5 are printed, stamped or endorsed the words "Official Absentee
6 Ballot" contain any extraneous marks or identifying symbols, the
7 envelopes and the ballots contained therein shall be set aside
8 and declared void. The county board shall then break the seals
9 of such envelopes, remove the ballots and record the votes.

10 (5) With respect to the challenged ballots, they shall be
11 placed unopened in a secure, safe and sealed container in the
12 custody of the county board until it shall fix a time and place
13 for a formal hearing of all such challenges, and notice shall be
14 given where possible to all absentee electors thus challenged
15 and to every individual who made a challenge. The time for the
16 hearing shall not be later than five (5) days after the date of
17 the challenge. On the day fixed for said hearing, the county
18 board shall proceed without delay to hear said challenges, and,
19 in hearing the testimony, the county board shall not be bound by
20 the Pennsylvania Rules of Evidence. The testimony presented
21 shall be stenographically recorded and made part of the record
22 of the hearing.

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

1 decision.

2 (7) Pending the final determination of all appeals, the
3 county board shall suspend any action in canvassing and
4 computing all challenged ballots received under this subsection
5 irrespective of whether or not appeal was taken from the county
6 board's decision. Upon completion of the computation of the
7 returns of the county, the votes cast upon the challenged
8 official absentee ballots that have been finally determined to
9 be valid shall be added to the other votes cast within the
10 county.

11 * * *

12 Section 5. This act shall take effect in 90 days.