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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 469 Session of  
2005

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INTRODUCED BY E. Z. TAYLOR, PICKETT, MAJOR, KILLION, ARMSTRONG,  
BARRAR, BEBKO-JONES, CALTAGIRONE, CAPPELLI, CORNELL,  
CRAHALLA, CREIGHTON, CURRY, FRANKEL, FREEMAN, GOOD, HERSHEY,  
LEH, MANN, MARSICO, McILHATTAN, R. MILLER, MUNDY, MUSTIO,  
PHILLIPS, RUBLEY, SCHRODER, STERN, SURRA, WATSON, GEIST,  
MANDERINO, THOMAS, JAMES, FABRIZIO, McILHINNEY AND  
YOUNGBLOOD, FEBRUARY 14, 2005

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 17, 2006

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AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," ~~defining "unincorporated association"; and~~ <—  
12 ~~further providing for qualifications of electors at~~ <—  
13 ~~primaries,~~ for date of application for absentee ballot, for  
14 voting by absentee electors and for canvassing of official  
15 absentee ballots; AND LIMITING CONTRIBUTIONS BY PARTNERSHIPS, <—  
16 LIMITED PARTNERSHIPS AND LIMITED LIABILITY COMPANIES.

17 The General Assembly of the Commonwealth of Pennsylvania

18 hereby enacts as follows:

19 ~~Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,~~ <—  
20 ~~No.320), known as the Pennsylvania Election Code, is amended by~~  
21 ~~adding a clause to read:~~

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

4 \* \* \*

5 ~~(z.5) The words "unincorporated association" shall mean any~~  
6 ~~form of unincorporated enterprise owned by one or more persons,~~  
7 ~~other than a partnership, a limited liability partnership or a~~  
8 ~~limited liability company that is treated as a partnership for~~  
9 ~~Federal income tax purposes.~~

10 Section 2. Section 702 of the act is amended to read:

11 Section 702. Qualifications of Electors at Primaries. (a)  
12 The qualifications of electors entitled to vote at primaries  
13 shall be the same as the qualifications of electors entitled to  
14 vote at elections within the election district where the primary  
15 is held, provided that no elector who is not registered and  
16 enrolled as a member of a political party, in accordance with  
17 the provisions of this act, shall be permitted to vote the  
18 ballot of such party or any other party ballot at any primary.

19 ~~(b) An individual who otherwise meets the requirements of 25~~  
20 ~~Pa.C.S. § 1301 (relating to qualifications to register) who will~~  
21 ~~be at least eighteen years of age on the day of the next general~~  
22 ~~or municipal election may register and vote for the~~  
23 ~~corresponding primary.~~

24 Section 3. Sections 1302.1 and 1306 of the act, amended  
25 February 13, 1998 (P.L.72, No.18), are amended to read:

26 Section 1302.1. Date of Application for Absentee Ballot.  
27 {Applications for absentee ballots unless otherwise  
28 specified}

29 ~~(a) Except as provided in subsections (b) and (c),~~  
30 ~~applications for absentee ballots shall be received in the~~

1 office of the county board of elections not earlier than fifty  
2 (50) days before the primary or election and not later than five  
3 o'clock P.M. of the first Tuesday prior to the day of any  
4 primary or election. [~~Provided, however, That~~]

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

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

1 ~~election, the elector shall be entitled to an absentee ballot if~~  
2 ~~the elector completes and files with the court of common pleas~~  
3 ~~in the county in which the elector is qualified to vote an~~  
4 ~~Emergency Application or a letter or other signed document,~~  
5 ~~which includes the same information as is provided on the~~  
6 ~~Emergency Application. Upon a determination that the elector is~~  
7 ~~a qualified absentee elector under section 1301, the judge shall~~  
8 ~~issue an absentee ballot to the elector. The elector shall~~  
9 ~~designate someone to receive the absentee ballot in the~~  
10 ~~application, letter or other signed document that the elector~~  
11 ~~submits requesting the emergency absentee ballot and the judge~~  
12 ~~shall give the elector's absentee ballot to that designated~~  
13 ~~person if the elector is unable to appear to receive the ballot.~~  
14 ~~The elector likewise shall identify any person who will assist~~  
15 ~~the elector in marking the elector's ballot. To qualify, the~~  
16 ~~person rendering assistance shall be identified either by court~~  
17 ~~order or in records of the county as a person authorized to~~  
18 ~~provide voting assistance. The person, or a deputy sheriff,~~  
19 ~~shall declare in writing that assistance was rendered. If no~~  
20 ~~declaration is filed and another person witnesses a person~~  
21 ~~rendering voting assistance, the person rendering assistance has~~  
22 ~~committed a violation of this act. If the elector is unable to~~  
23 ~~appear in court to receive the ballot, the judge shall give the~~  
24 ~~elector's absentee ballot to an authorized representative of the~~  
25 ~~elector. The authorized representative shall deliver the~~  
26 ~~absentee ballot to the elector and return the completed absentee~~  
27 ~~ballot, sealed in the official absentee ballot envelopes, to the~~  
28 ~~county board of elections, who shall distribute the ballot,~~  
29 ~~unopened, to the absentee voter's election district. If the~~  
30 ~~elector is unable to appear in court or unable to obtain~~

~~1 assistance from an authorized representative, the judge shall  
2 direct a deputy sheriff of the county to deliver the absentee  
3 ballot to the elector if the elector is at a physical location  
4 within the county and return the completed absentee ballot,  
5 sealed in the official absentee ballot envelopes, to the county  
6 board of elections who shall distribute the ballots unopened to  
7 the absentee voter's respective election district. If a deputy  
8 sheriff is unavailable to deliver an absentee ballot under this  
9 section, the judge shall direct a constable or an employe or  
10 official of the county board of elections to make such delivery,  
11 in accordance with the provisions of this section. No absentee  
12 ballot under this subsection shall be counted which is received  
13 in the office of the county board of elections later than eight  
14 o'clock P.M. on the day of the primary or election.~~

~~15 (d) In the case of an elector who is physically disabled or  
16 ill on or before the first Tuesday prior to a primary or  
17 election or becomes physically disabled or ill after the first  
18 Tuesday prior to a primary or election, such Emergency  
19 Application, letter or other signed document shall contain a  
20 supporting affidavit from his attending physician stating that  
21 due to physical disability or illness said elector was unable to  
22 apply for an absentee ballot on or before the first Tuesday  
23 prior to the primary or election or became physically disabled  
24 or ill after that period.~~

~~25 (e) In the case of an elector who is necessarily absent  
26 because of the conduct of his business, duties or occupation  
27 under the unforeseen circumstances specified in [this  
28 subsection] subsections (b) and (c), such Emergency Application,  
29 letter or other signed document shall contain a supporting  
30 affidavit from such elector stating that because of the conduct~~

1 ~~of his business, duties or occupation said elector will~~  
2 ~~necessarily be absent from the municipality of his residence on~~  
3 ~~the day of the primary or election which fact was not and could~~  
4 ~~not reasonably be known to said elector on or before the first~~  
5 ~~Tuesday prior to the primary or election.~~

6 SECTION 1. SECTION 1302.1 OF THE ACT OF JUNE 3, 1937 <—  
7 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE,  
8 AMENDED MAY 12, 2006 (P.L.178, NO.45), IS AMENDED TO READ:

9 SECTION 1302.1. DATE OF APPLICATION FOR ABSENTEE BALLOT.--

10 (A) [APPLICATIONS FOR ABSENTEE BALLOTS UNLESS OTHERWISE  
11 SPECIFIED] EXCEPT AS PROVIDED IN SUBSECTIONS (A.1) AND (A.2),  
12 APPLICATIONS FOR ABSENTEE BALLOTS SHALL BE RECEIVED IN THE  
13 OFFICE OF THE COUNTY BOARD OF ELECTIONS NOT EARLIER THAN FIFTY  
14 (50) DAYS BEFORE THE PRIMARY OR ELECTION AND NOT LATER THAN FIVE  
15 O'CLOCK P.M. OF THE FIRST TUESDAY PRIOR TO THE DAY OF ANY  
16 PRIMARY OR ELECTION.[: PROVIDED, HOWEVER, THAT]

17 (A.1) EXCEPT AS PROVIDED IN SUBSECTION (A.2), IN THE EVENT  
18 ANY ELECTOR OTHERWISE QUALIFIED WHO IS SO PHYSICALLY DISABLED OR  
19 ILL ON OR BEFORE THE FIRST TUESDAY PRIOR TO ANY PRIMARY OR  
20 ELECTION THAT HE IS UNABLE TO FILE HIS APPLICATION OR WHO  
21 BECOMES PHYSICALLY DISABLED OR ILL AFTER THE FIRST TUESDAY PRIOR  
22 TO ANY PRIMARY OR ELECTION AND IS UNABLE TO APPEAR AT HIS  
23 POLLING PLACE OR ANY ELECTOR OTHERWISE QUALIFIED WHO BECAUSE OF  
24 THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION WILL  
25 NECESSARILY BE ABSENT FROM THE MUNICIPALITY OF HIS RESIDENCE ON  
26 THE DAY OF THE PRIMARY OR ELECTION, WHICH FACT WAS NOT AND COULD  
27 NOT REASONABLY BE KNOWN TO SAID ELECTOR ON OR BEFORE THE FIRST  
28 TUESDAY PRIOR TO ANY PRIMARY OR ELECTION, THE ELECTOR SHALL BE  
29 ENTITLED TO AN ABSENTEE BALLOT AT ANY TIME PRIOR TO FIVE O'CLOCK  
30 P.M. ON THE FIRST FRIDAY PRECEDING ANY PRIMARY OR ELECTION UPON

1 EXECUTION OF AN EMERGENCY APPLICATION IN SUCH FORM PRESCRIBED BY  
2 THE SECRETARY OF THE COMMONWEALTH.

3 (A.2) IN THE EVENT ANY ELECTOR OTHERWISE QUALIFIED WHO  
4 BECOMES SO PHYSICALLY DISABLED OR ILL BETWEEN FIVE O'CLOCK P.M.  
5 ON THE FIRST FRIDAY PRECEDING ANY PRIMARY OR ELECTION AND EIGHT  
6 O'CLOCK P.M. ON THE DAY OF ANY PRIMARY OR ELECTION THAT HE IS  
7 UNABLE TO APPEAR AT HIS POLLING PLACE OR ANY ELECTOR OTHERWISE  
8 QUALIFIED WHO BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR  
9 OCCUPATION WILL NECESSARILY BE ABSENT FROM THE MUNICIPALITY OF  
10 HIS RESIDENCE ON THE DAY OF THE PRIMARY OR ELECTION, WHICH FACT  
11 WAS NOT AND COULD NOT REASONABLY BE KNOWN TO SAID ELECTOR PRIOR  
12 TO FIVE O'CLOCK P.M. ON THE FIRST FRIDAY PRECEDING ANY PRIMARY  
13 OR ELECTION, THE ELECTOR SHALL BE ENTITLED TO AN ABSENTEE BALLOT  
14 IF THE ELECTOR COMPLETES AND FILES WITH THE COURT OF COMMON  
15 PLEAS IN THE COUNTY IN WHICH THE ELECTOR IS QUALIFIED TO VOTE AN  
16 EMERGENCY APPLICATION OR A LETTER OR OTHER SIGNED DOCUMENT,  
17 WHICH INCLUDES THE SAME INFORMATION AS IS PROVIDED ON THE  
18 EMERGENCY APPLICATION. UPON A DETERMINATION THAT THE ELECTOR IS  
19 A QUALIFIED ABSENTEE ELECTOR UNDER SECTION 1301, THE JUDGE SHALL  
20 ISSUE AN ABSENTEE BALLOT TO THE ELECTOR. IF THE ELECTOR IS  
21 UNABLE TO APPEAR IN COURT TO RECEIVE THE BALLOT, THE JUDGE SHALL  
22 GIVE THE ELECTOR'S ABSENTEE BALLOT TO AN AUTHORIZED  
23 REPRESENTATIVE OF THE ELECTOR WHO IS DESIGNATED IN WRITING BY  
24 THE ELECTOR. THE AUTHORIZED REPRESENTATIVE SHALL DELIVER THE  
25 ABSENTEE BALLOT TO THE ELECTOR AND RETURN THE COMPLETED ABSENTEE  
26 BALLOT, SEALED IN THE OFFICIAL ABSENTEE BALLOT ENVELOPES, TO THE  
27 COUNTY BOARD OF ELECTIONS, WHO SHALL DISTRIBUTE THE BALLOT,  
28 UNOPENED, TO THE ABSENTEE VOTER'S ELECTION DISTRICT. IF THE  
29 ELECTOR IS UNABLE TO APPEAR IN COURT OR UNABLE TO OBTAIN  
30 ASSISTANCE FROM AN AUTHORIZED REPRESENTATIVE, THE JUDGE SHALL

1 DIRECT A DEPUTY SHERIFF OF THE COUNTY TO DELIVER THE ABSENTEE  
2 BALLOT TO THE ELECTOR IF THE ELECTOR IS AT A PHYSICAL LOCATION  
3 WITHIN THE COUNTY AND RETURN THE COMPLETED ABSENTEE BALLOT,  
4 SEALED IN THE OFFICIAL ABSENTEE BALLOT ENVELOPES, TO THE COUNTY  
5 BOARD OF ELECTIONS WHO SHALL DISTRIBUTE THE BALLOTS UNOPENED TO  
6 THE ABSENTEE VOTER'S RESPECTIVE ELECTION DISTRICT. IF THERE IS  
7 NO AUTHORIZED REPRESENTATIVE AND A DEPUTY SHERIFF IS UNAVAILABLE  
8 TO DELIVER AN ABSENTEE BALLOT UNDER THIS SECTION, THE JUDGE MAY  
9 DIRECT A CONSTABLE TO MAKE SUCH DELIVERY, IN ACCORDANCE WITH THE  
10 PROVISIONS OF THIS SECTION. IN THE CASE OF AN ELECTOR WHO  
11 REQUIRES ASSISTANCE IN MARKING THE ELECTOR'S BALLOT, THE ELECTOR  
12 SHALL DESIGNATE IN WRITING THE PERSON WHO WILL ASSIST IN MARKING  
13 THE BALLOT. SUCH PERSON SHALL BE OTHERWISE ELIGIBLE TO PROVIDE  
14 ASSISTANCE TO ELECTORS ELIGIBLE FOR ASSISTANCE AND SUCH PERSON  
15 SHALL DECLARE IN WRITING THAT ASSISTANCE WAS RENDERED. ANY  
16 PERSON OTHER THAN THE DESIGNEE WHO SHALL RENDER ASSISTANCE IN  
17 MARKING A BALLOT OR ANY PERSON RENDERING ASSISTANCE WHO SHALL  
18 FAIL TO EXECUTE A DECLARATION SHALL BE GUILTY OF A VIOLATION OF  
19 THIS ACT. NO ABSENTEE BALLOT UNDER THIS SUBSECTION SHALL BE  
20 COUNTED WHICH IS RECEIVED IN THE OFFICE OF THE COUNTY BOARD OF  
21 ELECTIONS LATER THAN EIGHT O'CLOCK P.M. ON THE DAY OF THE  
22 PRIMARY OR ELECTION.

23 (B) IN THE CASE OF AN ELECTOR WHOSE APPLICATION FOR AN  
24 ABSENTEE BALLOT IS RECEIVED BY THE OFFICE OF THE COUNTY BOARD OF  
25 ELECTIONS EARLIER THAN FIFTY (50) DAYS BEFORE THE PRIMARY OR  
26 ELECTION, THE APPLICATION SHALL BE HELD AND PROCESSED UPON  
27 COMMENCEMENT OF THE FIFTY-DAY PERIOD.

28 (C) IN THE CASE OF AN ELECTOR WHO IS PHYSICALLY DISABLED OR  
29 ILL ON OR BEFORE THE FIRST TUESDAY PRIOR TO A PRIMARY OR  
30 ELECTION OR BECOMES PHYSICALLY DISABLED OR ILL AFTER THE FIRST



1 TUESDAY PRIOR TO A PRIMARY OR ELECTION, SUCH EMERGENCY  
2 APPLICATION, LETTER OR OTHER SIGNED DOCUMENT SHALL CONTAIN A  
3 SUPPORTING AFFIDAVIT FROM HIS ATTENDING PHYSICIAN STATING THAT  
4 DUE TO PHYSICAL DISABILITY OR ILLNESS SAID ELECTOR WAS UNABLE TO  
5 APPLY FOR AN ABSENTEE BALLOT ON OR BEFORE THE FIRST TUESDAY  
6 PRIOR TO THE PRIMARY OR ELECTION OR BECAME PHYSICALLY DISABLED  
7 OR ILL AFTER THAT PERIOD.

8 (D) IN THE CASE OF AN ELECTOR WHO IS NECESSARILY ABSENT  
9 BECAUSE OF THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION  
10 UNDER THE UNFORESEEN CIRCUMSTANCES SPECIFIED IN [THIS  
11 SUBSECTION] SUBSECTIONS (A.1) AND (A.2), SUCH EMERGENCY  
12 APPLICATION, LETTER OR OTHER SIGNED DOCUMENT SHALL CONTAIN A  
13 SUPPORTING AFFIDAVIT FROM SUCH ELECTOR STATING THAT BECAUSE OF  
14 THE CONDUCT OF HIS BUSINESS, DUTIES OR OCCUPATION SAID ELECTOR  
15 WILL NECESSARILY BE ABSENT FROM THE MUNICIPALITY OF HIS  
16 RESIDENCE ON THE DAY OF THE PRIMARY OR ELECTION WHICH FACT WAS  
17 NOT AND COULD NOT REASONABLY BE KNOWN TO SAID ELECTOR ON OR  
18 BEFORE THE FIRST TUESDAY PRIOR TO THE PRIMARY OR ELECTION.

19 SECTION 2. SECTION 1306(A) OF THE ACT, AMENDED FEBRUARY 13,  
20 1998 (P.L.72, NO.18), IS AMENDED TO READ:

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

1       (1) Any elector who submits an Emergency Application and  
2 receives an absentee ballot in accordance with section ~~1302.1(b)~~ <—  
3 1302.1(A.2) or (c) shall mark the ballot on or before eight <—  
4 o'clock P.M. on the day of the primary or election. This  
5 envelope shall then be placed in the second one, on which is  
6 printed the form of declaration of the elector, and the address  
7 of the elector's county board of election and the local election  
8 district of the elector. The elector shall then fill out, date  
9 and sign the declaration printed on such envelope. Such envelope  
10 shall then be securely sealed and the elector shall send same by  
11 mail, postage prepaid, except where franked, or deliver it in  
12 person to said county board of election[:].

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

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

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

3 .....(Mark)

4 .....

5 (Date)

6 .....

7 (Signature of Witness)

8 .....

9 (Complete Address of Witness)

10 \* \* \*

<—

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

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

1 I hereby swear that I am a qualified registered elector who  
2 has obtained an absentee ballot, however, I am present in the  
3 municipality of my residence and physically able to present  
4 myself at my polling place and therefore request that my  
5 absentee ballot be voided.

6 \_\_\_\_\_

7 \_\_\_\_\_ (Date) \_\_\_\_\_ (Signature of Elector)

8 \_\_\_\_\_

9 \_\_\_\_\_ (Local Judge of Elections)

10 An elector who has received an absentee ballot under the  
11 emergency application provisions of section 1302.1, and for  
12 whom, therefore, no temporary absentee voter's registration card  
13 is in the district register, shall sign the aforementioned  
14 affidavit in any case, which the local judge of elections shall  
15 then cause to be inserted in the district register with the  
16 elector's permanent registration card.

17 Section 4. ~~Section 1308~~ SECTION 3. SECTION 1308(A) of the <—  
18 act, amended December 11, 1968 (P.L.1183, No.375), February 13, <—  
19 1998 (P.L.72, No.18) and December 9, 2002 (P.L.1246, No.150) MAY <—  
20 12, 2006 (P.L.178, NO.45), is amended to read:

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

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

27 [The] Except as provided in section 1302.1(e) 1302.1(A.2), <—  
28 the county board of elections shall then distribute the absentee  
29 ballots, unopened, to the absentee voter's respective election  
30 district concurrently with the distribution of the other

1 election supplies. Absentee ballots shall be canvassed  
2 immediately and continuously without interruption until  
3 completed after the close of the polls on the day of the  
4 election in each election district. The results of the canvass  
5 of the absentee ballots shall then be included in and returned  
6 to the county board with the returns of that district. ~~NO EXCEPT~~ ←  
7 AS PROVIDED IN SUBSECTION (G), NO absentee ballot shall be  
8 counted which is received in the office of the county board of  
9 election later than five o'clock P.M. on the Friday immediately  
10 preceding the primary or November election.

11 \* \* \* ←

12 ~~(b) Watchers shall be permitted to be present when the~~ ←  
13 ~~envelopes containing official absentee ballots are opened and~~  
14 ~~when such ballots are counted and recorded.~~

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

20 ~~(d) Whenever it shall appear by due proof that any absentee~~  
21 ~~elector who has returned his ballot in accordance with the~~  
22 ~~provisions of this act has died prior to the opening of the~~  
23 ~~polls on the day of the primary or election, the ballot of such~~  
24 ~~deceased elector shall be rejected by the canvassers but the~~  
25 ~~counting of the ballot of an elector thus deceased shall not of~~  
26 ~~itself invalidate any nomination or election.~~

27 ~~(e) At such time the local election board shall then further~~  
28 ~~examine the declaration on each envelope not so set aside and~~  
29 ~~shall compare the information thereon with that contained in the~~  
30 ~~"Registered Absentee Voters File," the absentee voters' list and~~

1 ~~the "Military Veterans and Emergency Civilians Absentee Voters~~  
2 ~~File." If the local election board is satisfied that the~~  
3 ~~declaration is sufficient and the information contained in the~~  
4 ~~"Registered Absentee Voters File," the absentee voters' list and~~  
5 ~~the "Military Veterans and Emergency Civilians Absentee Voters~~  
6 ~~File" verifies his right to vote, the local election board shall~~  
7 ~~announce the name of the elector and shall give any watcher~~  
8 ~~present an opportunity to challenge any absentee elector upon~~  
9 ~~the ground or grounds (1) that the absentee elector is not a~~  
10 ~~qualified elector; or (2) that the absentee elector was within~~  
11 ~~the municipality of his residence on the day of the primary or~~  
12 ~~election during the period the polls were open, except where he~~  
13 ~~was in military service or except in the case where his ballot~~  
14 ~~was obtained for the reason that he was unable to appear~~  
15 ~~personally at the polling place because of illness or physical~~  
16 ~~disability; or (3) that the absentee elector was able to appear~~  
17 ~~personally at the polling place on the day of the primary or~~  
18 ~~election during the period the polls were open in the case his~~  
19 ~~ballot was obtained for the reason that he was unable to appear~~  
20 ~~personally at the polling place because of illness or physical~~  
21 ~~disability. Upon challenge of any absentee elector, as set forth~~  
22 ~~herein the local election board shall mark "challenged" on the~~  
23 ~~envelope together with the reason or reasons therefor, and the~~  
24 ~~same shall be set aside for return to the county board unopened~~  
25 ~~pending decision by the county board and shall not be counted.~~  
26 ~~All absentee ballots not challenged for any of the reasons~~  
27 ~~provided herein shall be counted and included with the general~~  
28 ~~return of paper ballots or voting machines, as the case may be~~  
29 ~~as follows. Thereupon, the local election board shall open the~~  
30 ~~envelope of every unchallenged absentee elector in such manner~~

1 ~~as not to destroy the declaration executed thereon. All of such~~  
2 ~~envelopes on which are printed, stamped or endorsed the words~~  
3 ~~"Official Absentee Ballot" shall be placed in one or more~~  
4 ~~depositories at one time and said depository or depositories~~  
5 ~~well shaken and the envelopes mixed before any envelope is taken~~  
6 ~~therefrom. If any of these envelopes shall contain any~~  
7 ~~extraneous marks or identifying symbols other than the words~~  
8 ~~"Official Absentee Ballot," the envelopes and the ballots~~  
9 ~~contained therein shall be set aside and declared void. The~~  
10 ~~local election board shall then break the seals of such~~  
11 ~~envelopes, remove the ballots and record the votes in the same~~  
12 ~~manner as district election officers are required to record~~  
13 ~~votes. With respect to the challenged ballots, they shall be~~  
14 ~~returned to the county board with the returns of the local~~  
15 ~~election district where they shall be placed unopened in a~~  
16 ~~secure, safe and sealed container in the custody of the county~~  
17 ~~board until it shall fix a time and place for a formal hearing~~  
18 ~~of all such challenges and notice shall be given where possible~~  
19 ~~to all absentee electors thus challenged and to every attorney,~~  
20 ~~watcher or candidate who made such challenge. The time for the~~  
21 ~~hearing shall not be later than seven (7) days after the date of~~  
22 ~~said challenge. On the day fixed for said hearing, the county~~  
23 ~~board shall proceed without delay to hear said challenges and,~~  
24 ~~in hearing the testimony, the county board shall not be bound by~~  
25 ~~technical rules of evidence. The testimony presented shall be~~  
26 ~~stenographically recorded and made part of the record of the~~  
27 ~~hearing. The decision of the county board in upholding or~~  
28 ~~dismissing any challenge may be reviewed by the court of common~~  
29 ~~pleas of the county upon a petition filed by any person~~  
30 ~~aggrieved by the decision of the county board. Such appeal shall~~

1 ~~be taken, within two (2) days after such decision shall have~~  
2 ~~been made, whether reduced to writing or not, to the court of~~  
3 ~~common pleas setting forth the objections to the county board's~~  
4 ~~decision and praying for an order reversing same. Pending the~~  
5 ~~final determination of all appeals, the county board shall~~  
6 ~~suspend any action in canvassing and computing all challenged~~  
7 ~~ballots irrespective of whether or not appeal was taken from the~~  
8 ~~county board's decision. Upon completion of the computation of~~  
9 ~~the returns of the county, the votes cast upon the challenged~~  
10 ~~official absentee ballots shall be added to the other votes cast~~  
11 ~~within the county.~~

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

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

29 ~~Section 5. The amendment of sections 1302.1, 1306 and 1308~~  
30 ~~of the act shall apply to elections held on or after January 1,~~



1 ~~2006.~~

2 ~~Section 6. This act shall take effect in 60 days.~~

3 SECTION 4. SECTION 1633 IS AMENDED BY ADDING A SUBSECTION TO <—

4 READ:

5 SECTION 1633. CONTRIBUTIONS OR EXPENDITURES BY NATIONAL  
6 BANKS, CORPORATIONS OR UNINCORPORATED ASSOCIATIONS.--

7 \* \* \*

8 (D) NO CONTRIBUTION FROM A PARTNERSHIP, LIMITED PARTNERSHIP  
9 OR LIMITED LIABILITY COMPANY MAY BE MADE FROM FUNDS OF ANY  
10 PARTNER, LIMITED PARTNER OR MEMBER THAT IS A CORPORATION. A  
11 LIMITED LIABILITY COMPANY THAT MAKES A CONTRIBUTION SHALL AFFIRM  
12 TO THE RECIPIENT CANDIDATE OR COMMITTEE THAT THE LIMITED  
13 LIABILITY COMPANY IS TREATED AS A PARTNERSHIP FOR FEDERAL TAX  
14 PURPOSES AND THAT THE CONTRIBUTION FROM THE LIMITED LIABILITY  
15 COMPANY DOES NOT CONTAIN CORPORATE FUNDS.

16 SECTION 5. THE AMENDMENT OF SECTIONS 1302.1, 1306(A) AND  
17 1308(A) OF THE ACT SHALL APPLY TO ELECTIONS HELD ON OR AFTER THE <—  
18 ~~EFFECTIVE DATE OF THIS SECTION.~~ JANUARY 1, 2007. <—

19 Section 6. This act shall take effect immediately.