

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 709 Session of 2013

INTRODUCED BY SCHWANK, SMITH, WASHINGTON, FARNESE, TEPLITZ,
RAFFERTY, FERLO, FONTANA, SOLOBAY, WOZNIAK, COSTA, BAKER,
BOSCOLA AND BREWSTER, MARCH 20, 2013

REFERRED TO STATE GOVERNMENT, MARCH 20, 2013

AN ACT

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

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

24 Section 1. Section 102(w) and (z.5) of the act of June 3,
25 1937 (P.L.1333, No.320), known as the Pennsylvania Election
26 Code, amended or added February 13, 1998 (P.L.72, No.18) and
27 March 14, 2012 (P.L.195, No.18), are amended 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 [(w) The words "qualified absentee elector" shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 * * *

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

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

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

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

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

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

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

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

1 designation that the expiration date is indefinite; and

2 (iv) was issued by one of the following:

3 (A) The United States Government.

4 (B) The Commonwealth of Pennsylvania.

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

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

9 (E) A Pennsylvania care facility.

10 (3) For a qualified [absentee] elector under section [1301]
11 1301.1:

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

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

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

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

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

26 ARTICLE XIII

27 Voting By [Qualified] Absentee

28 Electors

29 Section 3. Section 1301 of the act, amended February 13,
30 1998 (P.L.72, No.18), is repealed:

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

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

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

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

28 (d) Any qualified elector who is a spouse or dependent
29 residing with or accompanying a person who is in the service of
30 the Merchant Marine of the United States if at the time of

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

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

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

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

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

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

1 hereinafter enacted by the General Assembly, to absentee
2 registration prior to or concurrently with the time of voting;
3 or

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

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

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

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

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

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

1 place because of the observance of a religious holiday:

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

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

9 Section 1301.1. Absentee Voting.--(a) Notwithstanding any
10 other provision of law, commencing with the 2014 primary
11 election, all qualified electors not serving a term of
12 imprisonment who request an absentee ballot application not
13 later than five o'clock P.M. on the first Tuesday prior to an
14 election shall be granted an absentee ballot and shall be
15 entitled to vote in the election by absentee ballot.

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

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

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

28 Section 5. Section 1302 of the act, amended February 13,
29 1998 (P.L.72, No.18), December 9, 2002 (P.L.1246, No.150) and
30 March 14, 2012 (P.L.195, No.18), is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (Mark)
10 (Date)

11
12 (Complete Address of Witness) (Signature of Witness)

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

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

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

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

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

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

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

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

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

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

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

19 Section 1302.1. Date of Application for Absentee Ballot.--*

20 * *

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

1 or election, the elector shall be entitled to an absentee ballot
2 if the elector completes and files with the court of common
3 pleas 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] information
8 submitted is valid, the judge shall issue an absentee ballot to
9 the elector. If the elector is unable to appear in court to
10 receive the ballot, the judge shall give the elector's absentee
11 ballot to an authorized representative of the elector who is
12 designated in writing by the elector. The authorized
13 representative shall deliver the absentee ballot to the elector
14 and return the completed absentee ballot, sealed in the official
15 absentee ballot envelopes, to the county board of elections, who
16 shall distribute the ballot, unopened, to the absentee voter's
17 election district. If the elector is unable to appear in court
18 or unable to obtain assistance from an authorized
19 representative, the judge shall direct a deputy sheriff of the
20 county to deliver the absentee ballot to the elector if the
21 elector is at a physical location within the county and return
22 the completed absentee ballot, sealed in the official absentee
23 ballot envelopes, to the county board of elections, who shall
24 distribute the ballots, unopened, to the absentee voter's
25 respective election district. If there is no authorized
26 representative and a deputy sheriff is unavailable to deliver an
27 absentee ballot under this section, the judge may direct a
28 constable to make such delivery in accordance with the
29 provisions of this section. In the case of an elector who
30 requires assistance in marking the elector's ballot, the elector

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

12 * * *

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

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

18 (a) The county board of elections, upon receipt of any
19 application filed by a qualified elector [not required to be
20 registered under preceding section 1301,] shall ascertain from
21 the information on such application, district register or from
22 any other source that such applicant possesses all the
23 qualifications of a qualified elector [other than being
24 registered or enrolled]. If the board is satisfied that the
25 applicant is qualified to receive an official absentee ballot,
26 the application shall be marked approved such approval decision
27 shall be final and binding [except that challenges may be made
28 only on the ground that the applicant did not possess
29 qualifications of an absentee elector. Such challenges must be
30 made to the county board of elections prior to 5:00 o'clock P.

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

11 (b) The county board of elections, upon receipt of any
12 application filed by a qualified elector who is entitled, under
13 the provisions of the Permanent Registration Law as now or
14 hereinafter enacted by the General Assembly, to absentee
15 registration prior to or concurrently with the time of voting as
16 provided under preceding section [1301] 1301.1, shall ascertain
17 from the information on such application or from any other
18 source that such applicant possesses all the qualifications of a
19 qualified elector. If the board is satisfied that the applicant
20 is entitled, under the provisions of the Permanent Registration
21 Law as now or hereinafter enacted by the General Assembly, to
22 absentee registration prior to or concurrently with the time of
23 voting and that the applicant is qualified to receive an
24 official absentee ballot, the application shall be marked
25 "approved." Such approval decision shall be final and binding
26 [except that challenges may be made only on the ground that the
27 applicant did not possess the qualifications of an absentee
28 elector prior to or concurrently with the time of voting. Such
29 challenges must be made to the county board of elections prior
30 to 5:00 o'clock P. M. on the first Friday prior to the

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

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

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

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

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

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

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

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

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

23 Section 1303. Official Absentee Voters Ballots.--* * *

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

29 (Reserved).

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

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

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

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

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

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

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

1 Section 1305. Delivering or Mailing Ballots.--

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

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

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

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

18 Section 11. Section 1306(a) of the act, amended November 9,
19 2006 (P.L.1330, No.137), is amended to read:

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

30 (1) Any elector who submits an Emergency Application and

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

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

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

1 (Mark)

2

3 (Date)

4

5 (Signature of Witness)

6 (Complete Address of Witness)

7 * * *

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

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

12 Any elector [qualified to vote] voting with an official
13 absentee ballot in accordance with the provisions of section
14 [1301, subsection (k)] 1301.1, may receive assistance in voting
15 (1) if there is recorded on his registration card his
16 declaration that he has a physical disability which renders him
17 unable to see or mark the official absentee ballot, the exact
18 nature of such disability being recorded on such registration
19 card; (2) if such elector requiring assistance submits with his
20 application for an official absentee ballot, a statement setting
21 forth the precise nature of the disability which renders him
22 unable to see or mark the official absentee ballot and that to
23 the best of his knowledge and belief he will still suffer from
24 the said physical disability at the time of voting his official
25 absentee ballot. He shall acknowledge the same before an officer
26 qualified to take acknowledgement of deeds. Such statement shall
27 be in substantially the following form:

28 Statement of Absentee Elector Requiring Assistance

29 I,, hereby state

30 (Name of voter requiring assistance)

1 that I require assistance in marking the official absentee
2 ballot for the primary or election held,
3 (Date)

4 19..., that will be issued to me for the following reason:
5

6 (Insert nature of disability)
7

8 (Signature or mark of elector)
9

10 (Date of signature or mark)

11 Commonwealth of Pennsylvania:

12 ss

13 County of

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

20 In witness whereof, I have hereunto set my hand and official
21 seal

22
23 (Title of Officer)

24 Upon receipt of the official absentee ballot, such elector
25 requiring assistance may select a person to assist him in
26 voting, such assistance to be rendered in secret: Provided,
27 however, That the person rendering assistance may not be the
28 elector's employer or an agent of the employer or an officer or
29 agent of the elector's union. The person rendering the
30 assistance in voting shall complete, date and sign the

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

9 Declaration of Person Rendering Assistance

10 I,,

11 (Name of Person rendering assistance)

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

16

17 (Signature of Person Rendering Assistance)

18

19 (Address)

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

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

24 * * *

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

1 accordance with this subsection if the absentee ballot is
2 postmarked no later than the day immediately preceding the
3 election.

4 (2) The county board of elections shall meet on the eighth
5 day following the election to canvass the absentee ballots
6 received under this subsection and subsection (h) (2). One
7 authorized representative of each candidate in an election and
8 one representative from each political party shall be permitted
9 to remain in the room in which the absentee ballots are
10 canvassed. Representatives shall be permitted to challenge any
11 absentee elector in accordance with the provisions of paragraph
12 (3).

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

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

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

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

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

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

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

29 * * *

30 (i) Notwithstanding the provisions of this section, a

1 qualified [absentee] elector shall not be required to provide
2 proof of identification if the elector is entitled to vote by
3 absentee ballot under the Uniformed and Overseas Citizens
4 Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an
5 alternative ballot under the Voting Accessibility for the
6 Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).

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

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

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

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