

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 206 Session of 2015

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

REFERRED TO STATE GOVERNMENT, JANUARY 15, 2015

AN ACT

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

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

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

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

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

5 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 place because of the observance of a religious holiday:

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

8 * * *

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

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

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

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

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

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

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

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

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

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

4 (A) The United States Government.

5 (B) The Commonwealth of Pennsylvania.

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

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

10 (E) A Pennsylvania care facility.

11 (3) For a qualified [absentee] elector under section [1301]
12 1301.1:

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

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

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

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

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

27 ARTICLE XIII

28 Voting By [Qualified] Absentee

29 Electors

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 Section 5. Section 1302 of the act, amended February 13,
30 1998 (P.L.72, No.18), December 9, 2002 (P.L.1246, No.150) and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (Mark)

11 (Date)

12
13 (Complete Address of Witness)

(Signature of Witness)

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

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

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

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

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

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

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

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

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

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

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

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

21 * *

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

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

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

13 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 1305. Delivering or Mailing Ballots.--

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

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

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

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

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

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

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

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

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

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

30 (Mark)

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

(Date)

(Signature of Witness)

(Complete Address of Witness)

* * *

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

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

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

Statement of Absentee Elector Requiring Assistance

I, _____, hereby state

(Name of voter requiring assistance)

that I require assistance in marking the official absentee

1 ballot for the primary or election held _____ ,

2 _____ (Date)

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

4

5 (Insert nature of disability)

6

7 (Signature or mark of elector)

8

9 (Date of signature or mark)

10 Commonwealth of Pennsylvania:

11 ss

12 County of _____ :

13 On this _____ day of _____, 19 _____, before me,

14 _____, the undersigned officer personally

15 appeared, _____, known to me (or satisfactorily

16 proven) to be the person whose signature or mark appears on the

17 within instrument and acknowledged the same for the purposes

18 therein contained.

19 In witness whereof, I have hereunto set my hand and official

20 seal

21

22 _____ (Title of Officer)

23 Upon receipt of the official absentee ballot, such elector

24 requiring assistance may select a person to assist him in

25 voting, such assistance to be rendered in secret: Provided,

26 however, That the person rendering assistance may not be the

27 elector's employer or an agent of the employer or an officer or

28 agent of the elector's union. The person rendering the

29 assistance in voting shall complete, date and sign the

30 declaration in such form approved by the Secretary of the

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

8 Declaration of Person Rendering Assistance

9 I, _____,

10 (Name of Person rendering assistance)

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

15

16 (Signature of Person Rendering Assistance)

17

18 (Address)

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

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

23 * * *

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

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

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

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

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

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

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

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

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

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

28 * * *

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

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

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

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

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

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