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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1783 Session of  
2019

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INTRODUCED BY DiGIROLAMO, MURT, DONATUCCI, CALTAGIRONE, DERMODY,  
ZABEL, NEILSON, SCHLOSSBERG, WILLIAMS, HOWARD, HARKINS AND  
DeLUCA, AUGUST 30, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 30, 2019

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AN ACT

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

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

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

22 ARTICLE XI-B

23 (RESERVED)

24 ARTICLE XI-C

VOTING SYSTEMS BONDS

Section 1101-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Account." The County Voting System Reimbursement Account established under section 1106-C.

"Authority." The Pennsylvania Economic Development Financing Authority.

"Bond." Any type of revenue obligation, including a bond or series of bonds, note, certificate or other instrument, issued by the authority for the benefit of the department under this article.

"Bond administrative expenses." Expenses incurred to administer bonds as provided under the Financing Law, or as otherwise necessary to ensure compliance with applicable Federal or State law.

"Bond obligations." The principal of a bond and any premium and interest payable on a bond, together with any amount owed under a related credit agreement or a related resolution of the authority authorizing a bond.

"Credit agreement." A loan agreement, a revolving credit agreement, an agreement establishing a line of credit, a letter of credit or another agreement that enhances the marketability, security or creditworthiness of a bond.

"Department." The Department of State of the Commonwealth.

"Electronic voting system." As defined in section 1101-A.

"Financing Law." The act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

"Voting apparatus." A kind or type of electronic voting

1 system that received the approval of the Secretary of the  
2 Commonwealth under section 1105-A.  
3 Section 1102-C. Bond issuance.

4 (a) Declaration of policy.--The General Assembly finds and  
5 declares that funding the replacement of voting apparatuses,  
6 including interest, through the authority, is in the best  
7 interest of this Commonwealth.

8 (b) Authority.--Notwithstanding any other law, the following  
9 shall apply:

10 (1) The department may be a project applicant under the  
11 Financing Law and may apply to the authority for the funding  
12 of the replacement of voting apparatuses.

13 (2) The authority may issue bonds under the Financing  
14 Law, consistent with this article, to finance a project to  
15 fund the replacement of county voting apparatuses or to  
16 reimburse counties for their cost to purchase voting  
17 apparatuses.

18 (3) Participation of an industrial and commercial  
19 development authority shall not be required to finance the  
20 replacement of voting apparatuses.

21 (c) Debt or liability.--

22 (1) Bonds issued under this article shall not be a debt  
23 or liability of the Commonwealth and shall not create or  
24 constitute any indebtedness, liability or obligation of the  
25 Commonwealth.

26 (2) Bond obligations and bond administrative expenses  
27 shall be payable solely from revenues or money pledged or  
28 available for repayment as authorized under this article.  
29 This paragraph shall include the proceeds of any issuance of  
30 bonds.

1           (3) Each bond shall contain on its face a statement  
2           that:

3           (i) the authority is obligated to pay the principal  
4           or interest on the bonds only from the revenues or money  
5           pledged or available for repayment as authorized under  
6           this article;

7           (ii) neither the Commonwealth nor a county is  
8           obligated to pay the principal or interest; and

9           (iii) the full faith and credit of the Commonwealth  
10           or any county is not pledged to the payment of the  
11           principal of or the interest on the bonds.

12 Section 1103-C. Criteria for bond issuance.

13           (a) Determination.--If the department decertifies a voting  
14           apparatus in this Commonwealth that is in use in a county, the  
15           department shall apply to the authority to issue bonds for  
16           reimbursements to the county for the cost of procuring a new  
17           voting apparatus.

18           (b) Terms.--

19           (1) The department, with the approval of the Office of  
20           the Budget, shall specify in its application to the  
21           authority:

22           (i) the maximum principal amount of the bonds for  
23           each separate bond issue; and

24           (ii) the maximum term of the bonds consistent with  
25           applicable law.

26           (2) The total principal amount of bonds outstanding  
27           under this article for all bond issues may not exceed  
28           \$90,000,000.

29           (3) The term of the bonds issued under this article may  
30           not exceed 10 years.

1 Section 1104-C. Issuance of bonds and security.

2 (a) Issuance.--The authority shall consider issuance of  
3 bonds upon application by the department. Bonds issued under  
4 this article shall be subject to the provisions of the Financing  
5 Law, unless otherwise specified under this article.

6 (b) Service agreement authorized.--The authority and the  
7 department may enter into an agreement or service agreement to  
8 effectuate this article, including an agreement to secure bonds  
9 issued for the purposes under section 1102-C(b), pursuant to  
10 which the department shall agree to pay the bond obligations and  
11 bond administrative expenses to the authority in each fiscal  
12 year that the bonds or refunding bonds are outstanding in  
13 amounts sufficient to timely pay in full the debt service and  
14 any other financing costs due on the bonds issued for the  
15 purposes under section 1102-C(b). The department's payment of  
16 the service charges shall be subject to and dependent upon the  
17 appropriation of funds by the General Assembly to the department  
18 for payment of the service charges. The service agreement may be  
19 amended or supplemented by the authority and the department in  
20 connection with the issuance of any series of bonds or refunding  
21 bonds authorized under this section.

22 (c) Security.--Bond obligations and bond administrative  
23 expenses are secured, for the benefit of the holders of the  
24 bonds and the obligees under credit agreements or the agreements  
25 under subsection (b), by pledge of a security interest in and  
26 first lien on the following:

27 (1) Money deposited into the account, including  
28 investment income on money in the account.

29 (2) Money relating to the bonds held on deposit in any  
30 other fund or account under an instrument or agreement

1 pertaining to the bonds, including bond reserves and interest  
2 income on the money.

3 (3) The security provided under this subsection shall  
4 not apply to money in any fund relating to arbitrage rebate  
5 obligations.

6 Section 1105-C. Sale of bonds.

7 The authority shall offer the bonds for sale by means of a  
8 public, competitive sale or by means of a negotiated sale based  
9 on the authority's determination of which method will produce  
10 the most benefit to counties and the Commonwealth.

11 Section 1106-C. Deposit of bond proceeds.

12 The net proceeds of bonds, other than refunding bonds,  
13 exclusive of costs of issuance, reserves and any other financing  
14 charges, shall be transferred by the authority to the State  
15 Treasurer for deposit into a restricted account established in  
16 the State Treasury and held solely for the purposes under  
17 section 1102-C(b) to be known as the County Voting System  
18 Reimbursement Account. The department shall pay out the bond  
19 proceeds to the counties from the account in accordance with  
20 this article.

21 Section 1107-C. Payment of bond-related obligations.

22 For each fiscal year in which bond obligations and bond  
23 administrative expenses will be due, the authority shall notify  
24 the department of the amount of bond obligations and the  
25 estimated amount of bond administrative expenses in sufficient  
26 time, as determined by the department, to permit the department  
27 to request an appropriation sufficient to pay bond obligations  
28 and bond administrative expenses that will be due and payable in  
29 the following fiscal year. The authority's calculation of the  
30 amount of bond obligations and bond administrative expenses that

1 will be due shall be subject to verification by the department.  
2 Section 1108-C. Commonwealth not to impair bond-related  
3 obligations.

4 The Commonwealth pledges that it shall not do any of the  
5 following:

6 (1) Limit or alter the rights and responsibilities of  
7 the authority or the department under this article, including  
8 the responsibility to:

9 (i) pay bond obligations and bond administrative  
10 expenses; and

11 (ii) comply with any other instrument or agreement  
12 pertaining to bonds.

13 (2) Alter or limit the service agreement under section  
14 1104-C(b).

15 (3) Impair the rights and remedies of the holders of  
16 bonds, until each bond issued at any time and the interest on  
17 the bond, are fully met and discharged.

18 Section 1109-C. (Reserved).

19 Section 1110-C. Personal liability.

20 The members, directors, officers and employees of the  
21 department and the authority shall not be personally liable as a  
22 result of good faith exercise of the rights and responsibilities  
23 granted under this article.

24 Section 1111-C. Annual report.

25 No later than March 1 of the year following the first full  
26 year in which bonds have been issued under this article and for  
27 each year thereafter in which bond obligations existed in the  
28 prior year, the department shall submit an annual report to the  
29 chair and minority chair of the State Government Committee of  
30 the Senate and to the chair and minority chair of the State

1 Government Committee of the House of Representatives providing  
2 all data available on bonds issued or existing in the prior  
3 year. The report shall include existing and anticipated bond  
4 principal, interest and administrative costs, revenue,  
5 repayments, refinancing, overall benefits to counties and any  
6 other relevant data, facts and statistics that the department  
7 believes necessary in the content of the report.

8 Section 1112-C. Reimbursement of county voting apparatus  
9 expenses.

10 (a) Application.--A county may apply to the department to  
11 receive funding to replace the county's voting apparatuses or to  
12 reimburse the county's cost to purchase voting apparatuses. Each  
13 county shall submit an application for funding on a form  
14 containing information and documentation prescribed by the  
15 department no later than December 31, 2019.

16 (b) Documentation for prior purchase.--If a county seeks  
17 reimbursement of the county's cost to purchase a voting  
18 apparatus that the county purchased before the date that the  
19 county submits its application to the department, the county's  
20 application shall include documentation prescribed by the  
21 department to substantiate the county's cost to purchase the  
22 voting apparatus, including copies of fully executed voting  
23 apparatus contracts, invoices and proof of payment to the vendor  
24 of the voting apparatus.

25 (c) Documentation for subsequent purchase.--If a county  
26 seeks funding to purchase a voting apparatus that the county  
27 will purchase after the date that the county submits its  
28 application to the department, the county's application shall  
29 include documentation prescribed by the department to  
30 substantiate the county's estimate to purchase the voting



1 apparatus including copies of fully executed voting apparatus  
2 contracts, bids or price quotes submitted to the county by  
3 voting apparatus vendors and other price estimates or cost  
4 proposals.

5 (d) Review.--The department shall review each county  
6 application on a rolling basis and shall either approve or deny  
7 each county's application within 90 days of the date the  
8 application is received by the department. A county may  
9 supplement or amend submitted applications during the 90-day  
10 review period in consultation with the department.

11 (e) Approval for prior purchase.--If the department approves  
12 a county's application submitted under subsection (b), the  
13 department and the county shall enter into a written grant  
14 agreement through which the department shall reimburse the  
15 county at the amount approved by the department.

16 (f) Approval for subsequent purchase.--If the department  
17 approves a county's application under subsection (c), the  
18 department and the county shall enter into a written grant  
19 agreement through which the department will provide funding to  
20 reimburse the county's cost to purchase a voting apparatus at  
21 the amount approved by the department. The county shall hold the  
22 grant money in an account of the county that is separate from  
23 each other county account. The county shall deliver quarterly  
24 reports to the department of the voting apparatus costs paid  
25 from the grant money in a form prescribed by the department. The  
26 county shall return any unspent grant money to the department  
27 within 30 days of the expiration of the grant agreement.

28 (g) Payments.--

29 (1) A county shall only receive grant payments under  
30 this section to the extent that the department has bond

1 proceeds available in the account from which to make  
2 payments.

3 (2) A county may not receive amounts greater than 60% of  
4 the total cost to purchase a voting apparatus.

5 (3) If the total amount of costs incurred to purchase  
6 voting apparatuses under subsections (b) and (c) exceeds the  
7 total amount available, then each county shall receive a pro  
8 rata amount of the total amount available.

9 (h) Certification.--For each year in which a county is  
10 eligible to receive reimbursement or funding under this article,  
11 a county shall only receive the reimbursement or funding after  
12 making a certification to the department, the President pro  
13 tempore of the Senate, the Speaker of the House of  
14 Representatives, the Minority Leader of the Senate, the Minority  
15 Leader of the House of Representatives, the chair and minority  
16 chair of the Appropriations Committee of the Senate, the chair  
17 and minority chair of the Appropriations Committee of the House  
18 of Representatives, the chair and minority chair of the State  
19 Government Committee of the Senate and the chair and minority  
20 chair of the State Government Committee of the House of  
21 Representatives that the county has completed a program under 25  
22 Pa.C.S. § 1901(b)(1) (relating to removal of electors) and  
23 mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the  
24 prior 12 months. The certification shall include information on  
25 whether the county has undertaken a canvass under 25 Pa.C.S. §  
26 1901(b)(2).

27 (i) Department application.--The department shall apply to  
28 the authority for funding under section 1102-C only if the  
29 department has approved county applications under this article  
30 which total at least \$50,000,000.

1 Section 2. Sections 1302.1 and 1302.2 of the act are amended  
2 to read:

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

4 (a) Except as provided in subsections (a.1) and (a.2),  
5 applications for absentee ballots shall be received in the  
6 office of the county board of elections not earlier than fifty  
7 (50) days before the primary or election [~~and~~], except that if a  
8 county board of elections determines that it would be desirable  
9 and consistent with its operational needs, any applications for  
10 absentee ballots received more than fifty (50) days before the  
11 primary or election may be processed before that time.  
12 Applications for absentee ballots may be processed if received  
13 not later than five o'clock P.M. of the first Tuesday prior to  
14 the day of any primary or election.

15 [(a.1) Except as provided in subsection (a.2), in the event  
16 any elector otherwise qualified who is so physically disabled or  
17 ill on or before the first Tuesday prior to any primary or  
18 election that he is unable to file his application or who  
19 becomes physically disabled or ill after the first Tuesday prior  
20 to any primary or election and is unable to appear at his  
21 polling place or any elector otherwise qualified who because of  
22 the conduct of his business, duties or occupation will  
23 necessarily be absent from the municipality of his residence on  
24 the day of the primary or election, which fact was not and could  
25 not reasonably be known to said elector on or before the first  
26 Tuesday prior to any primary or election, the elector shall be  
27 entitled to an absentee ballot at any time prior to five o'clock  
28 P.M. on the first Friday preceding any primary or election upon  
29 execution of an Emergency Application in such form prescribed by  
30 the Secretary of the Commonwealth.]

1 (a.2) In the event any elector otherwise qualified who  
2 becomes so physically disabled or ill between five o'clock P.M.  
3 on the first Friday preceding any primary or election and eight  
4 o'clock P.M. on the day of any primary or election that he is  
5 unable to appear at his polling place or any elector otherwise  
6 qualified who because of the conduct of his business, duties or  
7 occupation will necessarily be absent from the municipality of  
8 his residence on the day of the primary or election, which fact  
9 was not and could not reasonably be known to said elector prior  
10 to five o'clock P.M. on the first Friday preceding any primary  
11 or election, the elector shall be entitled to an absentee ballot  
12 if the elector completes and files with the court of common  
13 pleas in the county in which the elector is qualified to vote an  
14 Emergency Application or a letter or other signed document,  
15 which includes the same information as is provided on the  
16 Emergency Application. Upon a determination that the elector is  
17 a qualified absentee elector under section 1301, the judge shall  
18 issue an absentee ballot to the elector.]

19 (a.3) (1) The following categories of electors may apply  
20 for an absentee ballot under this subsection, if otherwise  
21 qualified:

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

26 (ii) An elector who, because of the elector's business,  
27 duties or occupation, was unable to apply for an absentee ballot  
28 before five o'clock P.M. on the first Tuesday prior to the day  
29 of the primary or election.

30 (iii) An elector who becomes so physically disabled or ill

1 after five o'clock P.M. on the first Tuesday prior to the day of  
2 the primary or election that the elector is unable to appear at  
3 the polling place on the day of the primary or election.

4 (iv) An elector who, because of the conduct of the elector's  
5 business, duties or occupation, will necessarily be absent from  
6 the elector's municipality of residence on the day of the  
7 primary or election, which fact was not and could not reasonably  
8 be known to the elector on or before five o'clock P.M. on the  
9 first Tuesday prior to the day of the primary or election.

10 (2) An elector described in paragraph (1) may submit an  
11 application for an absentee ballot at any time up until the time  
12 of the closing of the polls on the day of the primary or  
13 election. The application shall include a declaration describing  
14 the circumstances that prevented the elector from applying for  
15 an absentee ballot before five o'clock P.M. on the first Tuesday  
16 prior to the day of the primary or election or that prevent the  
17 elector from appearing at the polling place on the day of the  
18 primary or election, and the elector's qualifications under  
19 paragraph (1). The declaration shall be made subject to the  
20 provisions of 18 Pa.C.S. § 4904 (relating to unsworn  
21 falsification to authorities).

22 (3) If the county board of elections determines that the  
23 elector meets the requirements of this section, the board shall  
24 issue an absentee ballot to the elector.

25 (4) If the elector is unable to appear [in court] at the  
26 office of the county board of elections to receive the ballot,  
27 the [judge] board shall give the elector's absentee ballot to an  
28 authorized representative of the elector who is designated in  
29 writing by the elector. The authorized representative shall  
30 deliver the absentee ballot to the elector and return the

1 completed absentee ballot, sealed in the official absentee  
2 ballot envelopes, to the office of the county board of  
3 elections, [who] which shall [distribute] retain the ballot,  
4 unopened, [to the absentee voter's election district] until the  
5 canvassing of all absentee ballots.

6 (5) If the elector is unable to appear [in court] at the  
7 office of the county board of elections or unable to obtain  
8 assistance from an authorized representative, the county board  
9 may provide an authorized representative or ask the judge  
10 [shall] of the court of common pleas in the county in which the  
11 elector is qualified to vote to direct a deputy sheriff of the  
12 county to deliver the absentee ballot to the elector if the  
13 elector is at a physical location within the county and return  
14 the completed absentee ballot, sealed in the official absentee  
15 ballot envelopes, to the county board of elections[, who shall  
16 distribute the ballots, unopened, to the absentee voter's  
17 respective election district]. If there is no authorized  
18 representative and a deputy sheriff is unavailable to deliver an  
19 absentee ballot under this section, the judge may direct a  
20 constable to make such delivery in accordance with the  
21 provisions of this section.

22 (6) In the case of an elector who requires assistance in  
23 marking the elector's ballot, the elector shall designate in  
24 writing the person who will assist in marking the ballot. Such  
25 person shall be otherwise eligible to provide assistance to  
26 electors eligible for assistance, and such person shall declare  
27 in writing that assistance was rendered. Any person other than  
28 the designee who shall render assistance in marking a ballot or  
29 any person rendering assistance who shall fail to execute a  
30 declaration shall be guilty of a violation of this act.

1     (7) No absentee ballot under this subsection shall be  
2 counted which is received in the office of the county board of  
3 elections later than [eight o'clock P.M. on the day of the  
4 primary or election] the deadline for its receipt as provided in  
5 section 1308(g).

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

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

22     (d) In the case of an elector who is necessarily absent  
23 because of the conduct of his business, duties or occupation  
24 under the unforeseen circumstances specified in subsections  
25 (a.1) and (a.2), such Emergency Application, letter or other  
26 signed document shall contain a supporting affidavit from such  
27 elector stating that because of the conduct of his business,  
28 duties or occupation said elector will necessarily be absent  
29 from the municipality of his residence on the day of the primary  
30 or election which fact was not and could not reasonably be known

1 to said elector on or before the first Tuesday prior to the  
2 primary or election.]

3 Section 1302.2. Approval of Application for Absentee  
4 Ballot.--

5 (a) The county board of elections, upon receipt of any  
6 application filed by a qualified elector not required to be  
7 registered under preceding section 1301, shall ascertain from  
8 the information on such application, district register or from  
9 any other source that such applicant possesses all the  
10 qualifications of a qualified elector other than being  
11 registered or enrolled. If the board is satisfied that the  
12 applicant is qualified to receive an official absentee ballot,  
13 the application shall be marked approved such approval decision  
14 shall be final and binding except that challenges may be made  
15 only on the ground that the applicant did not possess  
16 qualifications of an absentee elector. Such challenges must be  
17 made to the county board of elections prior to [5:00 o'clock  
18 P.M. on the first Friday prior to the election] the applicable  
19 deadline for the absentee ballots to be received, as provided in  
20 section 1308(g). When so approved, the county board of elections  
21 shall cause the applicant's name and residence (and at a  
22 primary, the party enrollment) to be inserted in the Military,  
23 Veterans and Emergency Civilians Absentee Voters File as  
24 provided in section 1302.3, subsection (b): Providing, however,  
25 That no application of any qualified elector in military service  
26 shall be rejected for failure to include on [his] the elector's  
27 application any information if such information may be  
28 ascertained within a reasonable time by the county board of  
29 elections.

30 (b) The county board of elections, upon receipt of any



1 application filed by a qualified elector who is entitled, under  
2 the 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 as  
5 provided under preceding section 1301, shall ascertain from the  
6 information on such application or from any other source that  
7 such applicant possesses all the qualifications of a qualified  
8 elector. If the board is satisfied that the applicant is  
9 entitled, under the provisions of the Permanent Registration Law  
10 as now or hereinafter enacted by the General Assembly, to  
11 absentee registration prior to or concurrently with the time of  
12 voting and that the applicant is qualified to receive an  
13 official absentee ballot, the application shall be marked  
14 "approved." Such approval decision shall be final and binding  
15 except that challenges may be made only on the ground that the  
16 applicant did not possess the qualifications of an absentee  
17 elector prior to or concurrently with the time of voting. 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 election]  
20 the applicable deadline for the absentee ballots to be received,  
21 as provided in section 1308(g). When so approved, the county  
22 board of elections shall cause the applicant's name and  
23 residence (and at a primary, the party enrollment) to be  
24 inserted in the Military, Veterans and Emergency Civilian  
25 Absentee Voters File as provided in section 1302.3 subsection  
26 (b).

27 (c) The county board of elections, upon receipt of any  
28 application of a qualified elector required to be registered  
29 under the provisions of preceding section 1301, shall determine  
30 the qualifications of such applicant by verifying the proof of

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

18       Provided, however, That the duties of the county boards of  
19 elections and the registration commissions with respect to the  
20 insertion of the absentee voter's temporary registration card of  
21 any elector from the district register as set forth in section  
22 1302.2 shall include only such applications and emergency  
23 applications as are received on or before the first Tuesday  
24 prior to the primary or election. In all cases where  
25 applications are received after the first Tuesday prior to the  
26 primary or election and before [five o'clock P. M. on the first  
27 Friday prior to] eight o'clock P.M. on the day of the primary or  
28 election, the county board of elections shall determine the  
29 qualifications of such applicant by verifying the proof of  
30 identification and comparing the information set forth on such

1 application with the information contained on the applicant's  
2 duplicate registration card on file in the General Register  
3 (also referred to as the Master File) in the office of the  
4 Registration Commission and shall cause the name and residence  
5 (and at primaries, the party enrollment) to be inserted in the  
6 Military, Veterans and Emergency Civilian Absentee Voters File  
7 as provided in section 1302.3, subsection (b). [In addition, the  
8 local district boards of elections shall, upon canvassing the  
9 official absentee ballots under section 1308, examine the voting  
10 check list of the election district of said elector's residence  
11 and satisfy itself that such elector did not cast any ballot  
12 other than the one properly issued to him under his absentee  
13 ballot application. In all cases where the examination of the  
14 local district board of elections discloses that an elector did  
15 vote a ballot other than the one properly issued to him under  
16 the absentee ballot application, the local district board of  
17 elections shall thereupon cancel said absentee ballot and said  
18 elector shall be subject to the penalties as hereinafter set  
19 forth.]

20 (d) In the event that any application for an official  
21 absentee ballot is not approved by the county board of  
22 elections, the elector shall be notified immediately to that  
23 effect with a statement by the county board of the reasons for  
24 the disapproval. For those applicants whose proof of  
25 identification was not provided with the application or could  
26 not be verified by the board, the board shall send notice to the  
27 elector with the absentee ballot requiring the elector to  
28 provide proof of identification with the absentee ballot or the  
29 ballot will not be counted.

30 (e) [The absentee voter's temporary registration card shall

1 be in duplicate and the same size as the permanent registration  
2 card, in a different and contrasting color to the permanent  
3 registration card and shall contain the absentee voter's name  
4 and address and shall conspicuously contain the words "Absentee  
5 Voter." Such card shall also contain the affidavit required by  
6 subsection (b) of section 1306.] The voter's record in the  
7 district register shall contain the words "absentee voter."

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

15 Section 3. Section 1306(a)(1) of the act is amended and the  
16 section is amended by adding a subsection to read:

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

27 (1) [Any elector who submits an Emergency Application and  
28 receives an absentee ballot in accordance with section  
29 1302.1(a.2) or (c) shall mark the ballot on or before eight  
30 o'clock P.M. on the day of the primary or election. This

1 envelope shall then be placed in the second one, on which is  
2 printed the form of declaration of the elector, and the address  
3 of the elector's county board of election and the local election  
4 district of the elector. The elector shall then fill out, date  
5 and sign the declaration printed on such envelope. Such envelope  
6 shall then be securely sealed and the elector shall send same by  
7 mail, postage prepaid, except where franked, or deliver it in  
8 person to said county board of election.] (Reserved).

9 \* \* \*

10 (c) The following shall apply to an elector voting by  
11 absentee ballot:

12 (1) an authorized representative designated by the elector  
13 or any other individual authorized to deliver an absentee ballot  
14 to the county board on behalf of the elector under section  
15 1302.1(a.3)(4) or (5) shall deliver the elector's ballot to the  
16 office no later than eight o'clock P.M. on the day of the  
17 primary or election;

18 (2) an elector who delivers an absentee ballot in person to  
19 the county board of elections shall do so no later than five  
20 o'clock P.M. on the day immediately preceding the primary or  
21 election; and

22 (3) an elector who mails an absentee ballot shall do so such  
23 that it is postmarked no later than the friday immediately  
24 preceding the primary or election.

25 (4) When a ballot is presented to a county board of  
26 elections with a postmark that is missing or illegible, the  
27 board may determine that the ballot was timely cast and  
28 submitted if there are other reliable indicia of the date it was  
29 sent. In that case, a board may rely on the date given on the  
30 voter's affidavit or on additional information obtained from the

1 United States Postal Service, the foreign postal agency or the  
2 private carrier or courier service through which the ballot was  
3 delivered.

4 (5) As used in this subsection, "postmark" means the  
5 official cancellation of postage or other indicia, as stamped,  
6 printed or written on the delivery envelope to indicate the date  
7 it was submitted for delivery by the United States Postal  
8 Service, a foreign postal agency or a recognized private common  
9 carrier or courier service.

10 Section 4. Section 1308(a), (b.1), (e), (f) and (g)(1), (2)  
11 and (4) of the act are amended to read:

12 Section 1308. Canvassing of Official Absentee Ballots.--(a)  
13 The county boards of election, upon receipt of official absentee  
14 ballots in [such] sealed official absentee ballot envelopes,  
15 shall safely keep the same in sealed or locked containers until  
16 they [distribute same to the appropriate local election  
17 districts in a manner prescribed by the Secretary of the  
18 Commonwealth.

19 Except as provided in section 1302.1(a.2), the county board  
20 of elections shall then distribute the absentee ballots,  
21 unopened, to the absentee voter's respective election district  
22 concurrently with the distribution of the other election  
23 supplies. Absentee ballots shall be canvassed immediately and  
24 continuously without interruption until completed after the  
25 close of the polls on the day of the election in each election  
26 district. The results of the canvass of the absentee ballots  
27 shall then be included in and returned to the county board with  
28 the returns of that district. Except as provided in section  
29 1302.1(a.2) and subsection (g), no absentee ballot shall be  
30 counted which is received in the office of the county board of

1 election later than five o'clock P.M. on the Friday immediately  
2 preceding the primary or November election.] are to be canvassed  
3 by the county board of elections. An absentee ballot, whether  
4 issued to a civilian, military or other voter during the regular  
5 or emergency application period, shall be canvassed in  
6 accordance with subsection (g).

7 \* \* \*

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

14 \* \* \*

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

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



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

30 (f) Any person challenging an application for an absentee

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

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

17 (g) (1) (i) An absentee ballot cast by any absentee  
18 elector as defined in section 1301(a), (b), (c), (d), (e), (f),  
19 (g) and (h) [which is received in the office of the county board  
20 of elections after five o'clock P.M. on the Friday immediately  
21 preceding the election and no later than five o'clock P.M. on  
22 the seventh day following an election] shall be canvassed in  
23 accordance with this subsection if [the absentee ballot is  
24 postmarked no later than the day immediately preceding the  
25 election.] the ballot is cast, submitted and received in  
26 accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to  
27 uniform military and overseas voters).

28 (ii) An absentee ballot cast by any absentee elector as  
29 defined in section 1301(i), (j), (k), (l), (m) and (n) shall be  
30 canvassed in accordance with this subsection if the absentee

1 ballot is received in the office of the county board of  
2 elections:

3 (A) by hand delivery by an authorized representative  
4 designated by the elector or any other individual authorized to  
5 deliver an absentee ballot on behalf of the elector under  
6 section 1302.1(a.3)(4) or (5) no later than eight o'clock P.M.  
7 on the day of the primary or election;

8 (B) by hand delivery by the elector no later than five  
9 o'clock P.M. on the day immediately preceding the primary or  
10 election; and

11 (C) by mail no later than five o'clock P.M. on the seventh  
12 day following the primary or election if the absentee ballot is  
13 postmarked no later than the friday immediately preceding the  
14 primary or election.

15 (2) The county board of elections shall meet [on the eighth  
16 day following the election to canvass] no earlier than the close  
17 of polls on the day of the election and no later than the third  
18 day following the election to begin canvassing the absentee  
19 ballots received under this subsection and subsection (h) (2).  
20 The canvass shall continue through the eighth day following the  
21 election. One authorized representative of each candidate in an  
22 election and one representative from each political party shall  
23 be permitted to remain in the room in which the absentee ballots  
24 are canvassed. Representatives shall be permitted to challenge  
25 any absentee elector in accordance with the provisions of  
26 paragraph (3).

27 \* \* \*

28 (4) All absentee ballots [not], except for ballots  
29 challenged for any of the reasons provided in paragraph (3) and  
30 ballots cast by electors who appear at the polling place on

1 election day and vote in person pursuant to section 1306(b),  
2 shall be counted and included with the returns of the applicable  
3 election district as follows[.]:

4 (i) The county board shall open the envelope of every  
5 unchallenged absentee elector in such manner as not to destroy  
6 the declaration executed thereon.

7 (ii) If any of the envelopes on which are printed, stamped  
8 or endorsed the words "Official Absentee Ballot" contain any  
9 extraneous marks or identifying symbols, the envelopes and the  
10 ballots contained therein shall be set aside and declared void.

11 (iii) The county board shall then break the seals of such  
12 envelopes, remove the ballots and record the votes.

13 \* \* \*

14 Section 5. The amendment or addition of the following  
15 provisions of the act shall apply to general and municipal  
16 elections occurring after the effective date of this section:

17 (1) Section 1302.1.

18 (2) Section 1302.2.

19 (3) Section 1306(a)(1) and (c).

20 (4) Section 1308(a), (b.1), (e), (f) and (g)(1), (2) and  
21 (4).

22 Section 6. This act shall take effect immediately.