

25 Pa. Stat. § 3146.2a

Section 3146.2a - Date of application for absentee ballot

(a) Except as provided in subsection (A.3), applications for absentee ballots shall be received in the office of the county board of elections not earlier than fifty (50) days before the primary or election, except that if a county board of elections determines that it would be appropriate to its operational needs, any applications for absentee ballots received more than fifty (50) days before the primary or election may be processed before that time.

Applications for absentee ballots shall be processed if received not later than five o'clock p.m. of the first Tuesday prior to the day of any primary or election.

(a.1) [Deleted by 2019 Amendment.]

(a.2) [Deleted by 2019 Amendment.]

(a.3)

(1) The following categories of electors may apply for an absentee ballot under this subsection, if otherwise qualified:

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

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

(iii) An elector who becomes so physically disabled or ill after five o'clock p.m. on the first Tuesday prior to the day of the primary or election that the elector is unable to appear at the polling place on the day of the primary or election.

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

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

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

(4) If the elector is unable to appear at the office of the county board of elections to receive the ballot, the board shall give the elector's absentee ballot to an authorized representative of the elector who is designated in writing by the elector. The authorized representative shall deliver the absentee ballot to the elector and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the office of the county board of elections, which shall retain the ballot, unopened, until the canvassing of all absentee ballots.

(5) Multiple people qualified under this subsection may designate the same person, and a single person may serve as the authorized representative for multiple qualified electors.

(6) If the elector is unable to appear at the office of the county board of elections or unable to obtain assistance from an authorized representative, the county board may provide an authorized representative or ask the judge of the court of common pleas in the county in which the elector is qualified to vote to direct a deputy sheriff of the county to deliver the absentee ballot to the elector if the elector is at a physical location within the county and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections. If there is no authorized representative and a deputy sheriff is unavailable to deliver an absentee ballot under this section, the judge may direct a constable to make such delivery in accordance with the provisions of this section.

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

(8) No absentee ballot under this subsection shall be counted which is received in the office of the county board of elections later than the deadline for its receipt as provided in Section 1308(g).

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

(c) [Deleted by 2019 Amendment.]

(d) [Deleted by 2019 Amendment.]

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Amended by P.L. TBD 2019 No. 77, § 5.1, eff. 10/31/2019.

1937, June 3, P.L. 1333, art. XIII, § 1302.1, added 1963, Aug. 13, P.L. 707, § 21, effective 1/1/1964. Amended 1968, Dec. 11, P.L. 1183, No. 375, § 7; 1998, Feb. 13, P.L. 72, No. 18,

§ 16, imd. effective; 2006, May 11, P.L. 178, No. 45, § 11, effective 7/1/2006; 2006, Nov. 9, P.L. 1330, No. 137, § 1, imd. effective.

