

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA****Procedure to follow in the filing of  
EMERGENCY APPLICATIONS FOR ABSENTEE BALLOT  
For General Election 2010: November 2, 2010**

As required by Act 137 of 2006 (see 25 P.S. §3146.2a), Electors who become physically disabled or ill, or due to business reasons are absent from Philadelphia after 5:00 PM Friday, October 29, 2010 and until 8:00 PM on Election Day –November 2, 2010 may request an Absentee Ballot if the Elector or the Elector’s Authorized Representative completes and files with the Court of Common Pleas “an Emergency Application” (or a letter or other signed document which includes the same information as is provided in the Emergency Application) as follows:

- 1) Only the Elector or his/her Authorized Representative can file the Emergency Application and attend the hearing scheduled on the Application.
- 2) **No Emergency Applications can be filed with the Court during non-court hours.**
- 3) **Monday, November 1, 2010.** The elector or the elector’s Authorized Representative may file an **Emergency Application for Absentee Ballot** from 9:00 AM to 5:00 PM in Room 280, City Hall. No fee shall be paid. The Prothonotary shall assign a Court Term and Number and return the Application and Order to the filer who will bring it to Room 296 City Hall. Civil Administration shall: schedule a hearing, give a copy of the Application and Scheduling Order to the Elector/Representative and fax a copy of the Application and Scheduling Order to the Election Voter Registration Clerk (Fax: 686-3398; Phone 686-3943). The Election Voter Registration Clerk will determine whether the elector is otherwise qualified to vote, and if so, will print and bring the Absentee Ballot to the scheduled hearing.

After the hearing, the judge will issue the Final Order. If the Application is granted, the judge will give the Elector or Authorized Representative the absentee ballot. Election Staff personnel will be present at the hearing to answer any questions.

- 4) **Tuesday, November 2, 2010.** The elector or the elector’s Authorized Representative may file an **Emergency Application for Absentee Ballot** from 9:00 AM to 8:00 PM in Room 280, City Hall. No fee shall be paid. The Prothonotary shall assign a Court Term and Number, schedule a hearing for Central Election Court, Room 676 City Hall, give a copy of the Application and Scheduling Order to the Elector/Representative and fax a copy of the Application and Scheduling Order to the Election Voter Registration Clerk (Fax: 686-3398; Phone 686-3943). The Election Voter Registration Clerk will determine whether the elector is otherwise qualified to vote, and if so, will print and bring the Absentee Ballot to the scheduled hearing.

After the hearing, the judge will issue the Final Order. If the Application is granted, the judge will give the Elector or Authorized Representative the absentee ballot. Election Staff personnel will be there to answer any questions.

- 5) The required forms are available from: **the County Board of Elections**, Room 142 City Hall; **the Prothonotary**, Room 280 City Hall; **the First Judicial District’s Civil Administration**, Room 296 City Hall, and the Court’s website:  
<http://courts.phila.gov/forms.html>.

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**Emergency Application for Absentee Ballot of** : **NOVEMBER TERM, 2010**

:

\_\_\_\_\_ : **No.**  
**Elector**

**SCHEDULING ORDER**

A Hearing on the *Emergency Application for Absentee Ballot* is scheduled for November \_\_\_\_\_, 2010, at \_\_\_\_\_ AM/PM in Courtroom \_\_\_\_\_ City Hall, Phila., PA.

FOR THE COURT:

Date: \_\_\_\_\_

**FINAL ORDER**

AND NOW, this \_\_\_\_\_ day of November, 2010, upon consideration of the *Emergency Application for Absentee Ballot* filed by the above Elector, and hearing thereon, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

- The Application is denied.
  
- The Court is satisfied that the above named elector is otherwise qualified to vote, and that the elector became physically disabled or ill, or was called away on business, after 5:00 PM on October 29, 2010, and an Absentee Ballot is issued to:
  - The Elector
  - The Elector's authorized representative:

\_\_\_\_\_

who must comply with, sign and file the attached *Certification of Authorized Representative*.

BY THE COURT:

\_\_\_\_\_  
**J.**



**Designation of Authorized Representative  
to Assist Emergency Absentee Ballot Applicant**

Court of Common Pleas of \_\_\_\_\_  
*(Insert Name of County)*

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I hereby designate \_\_\_\_\_ to serve as my  
*(Insert Name of Authorized Representative)*

agent for obtaining an emergency absentee ballot for my use only and to return the ballot after I have completed it and sealed it in the required envelope to the Board of Elections of \_\_\_\_\_ County. I understand that my completed ballot must be returned to the Board of Elections no later than 8:00 P.M. on the day of the primary or election. I am qualified under Pennsylvania law to vote by emergency absentee ballot because of illness or physical disability that occurred after 5:00 P.M. on the Friday before the primary or election or because I will be absent from my municipality on the day of the primary or election because of my business, duties or occupation, which fact was not and could not reasonably be known prior to 5:00 P.M. on the Friday before the primary or election.

\_\_\_\_\_  
\_\_\_\_\_  
*(Address of Voter)*

\_\_\_\_\_  
*(Voter's Signature)*

**Certification of Authorized Representative**

I hereby agree to serve as the authorized representative for \_\_\_\_\_

*(Name of Voter)*

for purposes of obtaining an emergency absentee ballot for the above voter only and to return the ballot, after it has been completed by the voter and sealed in the required envelope to the County Board of Elections. I certify that I am not acting as the authorized representative during this election for any person who does not live in the same household as the above-named voter.

\_\_\_\_\_

*(Signature of Authorized Representative)*

Name and Address of Authorized Representative (Please Print):

\_\_\_\_\_

*(Name of Authorized Representative)*

\_\_\_\_\_

\_\_\_\_\_

*(Address of Authorized Representative)*

**25 P.S. § 3146.2 (2010)**

§ 3146.2. Applications for official absentee ballots

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

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

(c) The application of any qualified elector, as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h), for an official absentee ballot in any primary or election may not be made over the signature of any person, other than the qualified elector or an adult member of his immediate family, as required in the preceding subsection. A qualified absentee military or overseas elector, as defined by the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, [100 Stat. 924](#)), may submit his application for an official absentee ballot by facsimile method if the original application is received prior to the election by the county election office. The absentee ballot of the qualified military or overseas elector shall not be counted unless the elector's original application is received prior to the election by the county election office. The facsimile method shall not be acceptable for the official absentee ballot.

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

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

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

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

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

(1) The application of any qualified registered elector, including spouse or dependent referred to in subsection (1) of section 1301, who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, shall be signed by the applicant and shall include the surname and given name or names of the applicant, his occupation, date of birth, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, the reason for his absence, and such other information as shall make clear to the county board of elections the applicant's right to an official absentee ballot.

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and given name or names of the applicant, his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign

my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

.....  
(Date)(Mark)

.....

.....  
(Complete Address of Witness)

.....  
(Signature of Witness)

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may, with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section but such person must submit a written statement asserting continuing disability every four years in order to maintain his eligibility to vote under the provisions of this subsection. Should any such person lose his disability he shall inform the county board of elections of the county of his residence.

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

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

of election, the county board of election shall appoint a representative from the political party or body.

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

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

(i) Application for official absentee ballots shall be on forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who receives an absentee ballot pursuant to section 1301 and who, on election day, is capable of voting at the appropriate polling place must void the absentee ballot and vote in the normal manner at the appropriate voting place. Such forms shall be made freely available to the public at county board of elections, municipal buildings and at such other locations designated by the secretary. No written application or personal request shall be necessary to receive the application forms. Copies of all completed applications for official absentee ballots shall be retained by the county board of elections.

**25 P.S. § 3146.2a (2010)**

§ 3146.2a. Date of application for absentee ballot

(a) Except as provided in subsections (a.1) and (a.2), 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 and not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election.

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

(a.2) In the event any elector otherwise qualified who becomes so physically disabled or ill between five o'clock P.M. on the first Friday preceding any primary or election and eight o'clock P.M. on the day of any primary or election that he is unable to appear at his polling place or any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the primary or election, which fact was not and could not reasonably be known to said elector prior to five o'clock P.M. on the first Friday preceding any primary or election, the elector shall be entitled to an absentee ballot if the elector completes and files with the court of common pleas in the county in which the elector is qualified to vote an Emergency Application or a letter or other signed document, which includes the same information as is provided on the Emergency Application. Upon a determination that the elector is a qualified absentee elector under section 1301, the judge shall issue an absentee ballot to the elector. If the elector is unable to appear in court to receive the ballot, the judge 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 county board of elections, who shall distribute the ballot, unopened, to the absentee voter's election district. If the elector is unable to appear in court or unable to obtain assistance from an authorized representative, the judge shall 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, who shall distribute the ballots, unopened, to the absentee voter's respective election district. 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. 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. No absentee ballot under this subsection shall be counted which is received in the office of the county board of elections later than eight o'clock P.M. on the day of the primary or election.

(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.

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

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