

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 847 Session of 2023

INTRODUCED BY CONKLIN, APRIL 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2023

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 voting by qualified absentee electors, further
 12 providing for date of application for absentee ballot and for
 13 canvassing of official absentee ballots and mail-in ballots;
 14 in voting by qualified mail-in electors, further providing
 15 for date of application for mail-in ballot; and, in Election
 16 Integrity Grant Program, further providing for funding for
 17 elections.

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

20 Section 1. Section 1302.1(a) and (a.3)(1) and (2) of the act
 21 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
 22 Election Code, are amended to read:

23 Section 1302.1. Date of Application for Absentee Ballot.--
 24 (a) Except as provided in subsection (a.3), applications for
 25 absentee ballots shall be received in the office of the county
 26 board of elections not earlier than fifty (50) days before the

1 primary or election, except that if a county board of elections
2 determines that it would be appropriate to its operational
3 needs, any applications for absentee ballots received more than
4 fifty (50) days before the primary or election may be processed
5 before that time. Applications for absentee ballots shall be
6 processed if received not later than five o'clock P.M. of the
7 [first Tuesday] fourteenth day prior to the day of any primary
8 or election.

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

12 (i) An elector whose physical disability or illness
13 prevented the elector from applying for an absentee ballot
14 before five o'clock P.M. on the [first Tuesday] fourteenth day
15 prior to the day of the primary or election.

16 (ii) An elector who, because of the elector's business,
17 duties or occupation, was unable to apply for an absentee ballot
18 before five o'clock P.M. on the [first Tuesday] fourteenth day
19 prior to the day of the primary or election.

20 (iii) An elector who becomes so physically disabled or ill
21 after five o'clock P.M. on the [first Tuesday] fourteenth day
22 prior to the day of the primary or election that the elector is
23 unable to appear at the polling place on the day of the primary
24 or election.

25 (iv) An elector who, because of the conduct of the elector's
26 business, duties or occupation, will necessarily be absent from
27 the elector's municipality of residence on the day of the
28 primary or election, which fact was not and could not reasonably
29 be known to the elector on or before five o'clock P.M. on the
30 [first Tuesday] fourteenth day prior to the day of the primary

1 or election.

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

14 * * *

15 Section 2. Section 1308(g)(1)(ii), (1.1), (2) and (3) of the
16 act are amended and the subsection is amended by adding
17 paragraphs to read:

18 Section 1308. Canvassing of Official Absentee Ballots and
19 Mail-in Ballots.--* * *

20 (g) (1) * * *

21 (ii) An absentee ballot cast by any absentee elector as
22 defined in section 1301(i), (j), (k), (l), (m) and (n), an
23 absentee ballot under section [1302(a.3)] 1302.1(a.3) or a mail-
24 in ballot cast by a mail-in elector shall be canvassed in
25 accordance with this subsection if the absentee ballot or mail-
26 in ballot is received in the office of the county board of
27 elections no later than eight o'clock P.M. on the day of the
28 primary or election.

29 (1.1) The county board of elections shall meet no earlier
30 than [seven o'clock A.M. on] seven (7) days prior to election

1 day to pre-canvass all ballots received prior to the meeting. A
2 county board of elections shall provide at least forty-eight
3 hours' notice of a pre-canvass meeting by publicly posting a
4 notice of a pre-canvass meeting on its publicly accessible
5 Internet website. [One] In accordance with paragraph (1.2), one
6 authorized representative of each candidate in an election, one
7 authorized representative of the county chairperson of each
8 political party and one representative [from] of each political
9 party shall be permitted to remain in the room in which the
10 absentee ballots and mail-in ballots are pre-canvassed. No
11 person observing, attending or participating in a pre-canvass
12 meeting may disclose the results of any portion of any pre-
13 canvass meeting prior to the close of the polls.

14 (1.2) An authorized representative under paragraph (1.1)
15 shall be provided meaningful access to view and observe the
16 entire process of pre-canvassing or canvassing. A county board
17 of elections shall designate an official to respond to concerns
18 reported by an authorized representative. The Department of
19 State shall establish a procedure for an authorized
20 representative to report a concern arising from a pre-canvass
21 meeting and then investigate and report on the concern raised.

22 (1.3) A county board of elections shall record the pre-
23 canvassing and canvassing meetings with audio and visual
24 recordings. The recordings under this paragraph shall be stored
25 as an encrypted file. The recording may be posted on the
26 county's publicly accessible Internet website in the encrypted
27 format. The password or encryption software may be distributed
28 as necessary.

29 (2) The county board of elections shall meet no earlier than
30 the close of polls on the day of the election and no later than

1 eight o'clock A.M. the [third] day following the election to
2 begin canvassing absentee ballots and mail-in ballots not
3 included in the pre-canvass meeting. The meeting under this
4 paragraph shall continue until all absentee ballots and mail-in
5 ballots received prior to the close of the polls have been
6 canvassed. The county board of elections shall not record or
7 publish any votes reflected on the ballots prior to the close of
8 the polls. The canvass process shall continue through the eighth
9 day following the election for valid military-overseas ballots
10 timely received under 25 Pa.C.S. § 3511 (relating to receipt of
11 voted ballot). A county board of elections shall provide at
12 least forty-eight hours' notice of a canvass meeting by publicly
13 posting a notice on its publicly accessible Internet website.
14 One authorized representative of each candidate in an election
15 and one representative from each political party shall be
16 permitted to remain in the room in which the absentee ballots
17 and mail-in ballots are canvassed.

18 (3) When the county board meets to pre-canvass or canvass
19 absentee ballots and mail-in ballots under paragraphs (1), (1.1)
20 and (2), the board shall [examine]:

21 (i) Examine the declaration on the envelope of each ballot
22 not set aside under subsection (d) and shall compare the
23 information thereon with that contained in the "Registered
24 Absentee and Mail-in Voters File," the absentee voters' list
25 and/or the "Military Veterans and Emergency Civilians Absentee
26 Voters File," whichever is applicable.

27 (ii) If the county board has verified the proof of
28 identification as required under this act and is satisfied that
29 the declaration is sufficient and the information contained in
30 the "Registered Absentee and Mail-in Voters File," the absentee

1 voters' list and/or the "Military Veterans and Emergency
2 Civilians Absentee Voters File" verifies his right to vote, [the
3 county board shall] provide a list of the names of electors
4 whose absentee ballots or mail-in ballots are to be pre-
5 canvassed or canvassed.

6 (iii) For an absentee ballot or mail-in ballot that the
7 declaration of the elector is incomplete, unsigned or undated,
8 notify the elector by mail, email, telephone or text message
9 that the elector's ballot is incomplete and will not be counted
10 unless action is taken by the elector prior to the closing of
11 polls on election day.

12 (iv) Place and seal an absentee ballot or mail-in ballot
13 that does not have a ballot envelope or has unidentifiable marks
14 on the envelope into an empty official election ballot envelope
15 and secure the envelope with the other removed official election
16 ballot envelopes to be tabulated.

17 (3.1) A county board of elections may use an automated
18 sorting or extracting machine to assist in the processing of
19 absentee ballots and mail-in ballots.

20 * * *

21 Section 3. Section 1302.1-D(a) of the act is amended and the
22 section is amended by adding a subsection to read:

23 Section 1302.1-D. Date of application for mail-in ballot.

24 (a) General rule.--Applications for mail-in ballots shall be
25 received in the office of the county board of elections not
26 earlier than 50 days before the primary or election, except that
27 if a county board of elections determines that it would be
28 appropriate to the county board of elections' operational needs,
29 any applications for mail-in ballots received more than 50 days
30 before the primary or election may be processed before that

1 time. Applications for mail-in ballots shall be processed if
2 received not later than five o'clock P.M. of the [first Tuesday]
3 fourteenth day prior to the day of any primary or election.

4 * * *

5 (c) In-person request for mail-in ballot.--A qualified
6 elector may submit an application for a mail-in ballot in person
7 at the office of the county board of elections not later than
8 five o'clock P.M. of the first Tuesday prior to the day of a
9 primary or election and the following process shall apply:

10 (1) The county board of elections shall immediately
11 determine the qualifications of the applicant by verifying
12 the proof of identification and comparing the information
13 provided on the application with the information contained on
14 the applicant's permanent registration card.

15 (2) If the board is satisfied that the applicant is
16 qualified to receive an official mail-in ballot, the
17 application shall be marked "approved."

18 (3) The elector shall receive an official mail-in ballot
19 and the two envelopes for the official mail-in ballot.

20 (4) The mail-in ballot shall be processed in accordance
21 with the other procedures outlined in this article.

22 Section 4. Section 1602-A(j)(1) of the act, added July 11,
23 2022 (P.L.1577, No.88), is amended to read:

24 Section 1602-A. Funding for elections.

25 * * *

26 (j) Grant agreement.--The grant agreement between the
27 department and the county under this section shall include the
28 following requirements for counties:

29 [(1) The county shall begin pre-canvassing at 7 a.m. on
30 election day and shall continue without interruption until

1 each mail-in ballot and absentee ballot received by 7 a.m. on
2 election day is pre-canvassed.]

3 * * *

4 Section 5. This act shall take effect in 60 days.