



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1396

PRINTER'S NO. 1688

PRIME SPONSOR: McClinton

COST / (SAVINGS)

FUND	FY 2024/25	FY 2025/26
General Fund	\$0	See Fiscal Impact
County Funds	\$0	See Fiscal Impact

SUMMARY: Provides for changes to the Pennsylvania Election Code (Act 320 of 1937) and Title 25 (Elections). As it relates to when components of the act take effect, certain sections take effect immediately, some do on January 1, 2026, and others after January 1, 2027.

ANALYSIS: This legislation amends Act 320 of 137 (Pennsylvania Election Code) and Title 25 (Elections) as follows:

- **Election Official Compensation** –
 - Sets election official compensation at a minimum of \$175 per election.
- **Ballot Drop Boxes** -
 - Requires each county to have at least two ballot drop boxes.
 - Requires each county board of elections to notify the Department of State (DOS) at least 65 days before an election and the public at least 55 days before an election.
 - Counties with a population of over 100,000 are required to add an additional ballot drop box for every 50,000 registered voters.
 - Third-party return of a ballot is permitted.
 - Ballot drop boxes must be available for voters at least 30 days before the next primary, special, municipal, or general election .
 - Absentee and mail-in ballots can be removed at least once a day by at least two individuals who are county election officials or are designated by the county board of elections.
 - Counties are required to use the “Ballot Drop Box Collection Form” created by DOS.
- **Logic and Accuracy Testing** -
 - Counties are required to conduct logic and accuracy testing on all voting systems and tabulators before each election:
 - With testing to be completed as soon as ballots are available or no later than 11 days prior to election, if court proceedings affect the ballot.
 - Counties are required to provide 48-hour advanced notice of the time and place before the logic and accuracy testing begins.
 - Counties would be required to certify testing results to the secretary within 5 days of completing the logic and accuracy testing.

▪ **Post-Election Ballot Audit** –

- Each county board of elections would be required to participate in a post-election ballot audit facilitated by DOS after each primary and general election:
 - Audit would be conducted by a team consisting of 2-3 officials, where two officials are assigned from a political party and one that could be person who is an unaffiliated voter.
 - DOS and each county are required to notify the public of the time and place of the audit and allow for the public to observe the process.
 - Audit must be completed during the official canvass before a county board can certify official election returns before the 3rd Monday after a primary or general election.
 - A recount would be triggered within 48 hours if the initial audit result fails to confirm that the originally reported contest outcome was correct.

▪ **Electronic Poll Books (E-Poll Books)** –

- County board of elections would be required to use e-poll books that meet certain DOS standards:
 - E-poll books would securely download and upload voter information in concert with the SURE system and allow real-time transmission of information to and from SURE and other e-poll books regarding updates to voter registration and voter history records.
 - E-poll books would serve as the district register
- A paper version of the district register and all necessary documents would be available at a polling place on election day
- DOS would be appropriated \$2 million by the General Assembly for the examination and approval of SURE compatible e-poll books

▪ **Election Infrastructure Equipment Bonds**

- PEDFA is authorized to issue up to \$60 million in bonds which:
 - Would fund reimbursement of counties for the purchase/lease of e-poll books and election infrastructure equipment
 - Bond authorization shall expire on December 31, 2027
 - Deadline for counties to apply for funding from PEDFA for the purchase/lease of e-poll books and infrastructure equipment would be July 1, 2026

▪ **Provisional Ballots** -

- Eliminates the requirement that a provisional ballot must be signed by the judge of elections and minority inspector
- Legislation provides that provisional ballots can not be rejected for lack of secrecy envelope

▪ **In-person Early Voting** –

- Beginning on the 11th day prior to an election and ending the Sunday before election day, in-person voting would be available to be utilized

- Counties are required to establish at least one early voting location for in-person voting within the county.
 - With considerations that include accessibility, public transportation, parking, and proximity to county residents.
- Counties are also required to establish at least one early voting for in-person location for every 100,000 registered voters in the county, with at least one location in the same municipality as the county seat.
- An early voting location must be open for no less than 8 hours and no more than 12 hours a day between 6 a.m. and 8 p.m.
- An election official is required to maintain a list, entered onto the SURE system, of all voters who appeared and cast an early voting ballot.
- A person who believes that they have been listed incorrectly as having voted, would be permitted to use a provisional ballot.
- Counties are required to provide public notice which includes:
 - Early voting location, dates, and hours of operation.

▪ **Absentee and Mail-in Ballots**

- Challenges to a request by a qualified elector to receive an absentee ballot must be made prior to 5 p.m. on the Friday prior to the election or prior to the pre-canvass of an elector's absentee ballot, whichever is earlier.
- The county board of election shall provide prepaid postage for the return mailing envelope utilizing a United States Postal Service prepaid reply mail option. The envelope shall include a barcode or identifier to allow for tracking the envelope.
- The elector is no longer required to date the envelope but must still sign the declaration on the envelope and the envelope may be returned via a ballot drop box.
- An elector's ballot may be returned by another individual if:
 - The elector is disabled or an emergency absentee voter.
 - The elector is a member of the other individual's household.
 - The elector is a family member (parent, grandparent, or adult child) of the other individual.
 - The elector is under the care of the other individual.
- Upon receipt of an absentee or mail-in ballot, the date of receipt shall be marked in the voter's record and the ballot examined to verify completion of the declaration. If the declaration has been completed, the ballot shall be kept safely until all ballots are pre-canvassed or canvassed. If the declaration has not been completed:
 - The county board of election shall notify the voter by electronic or telephonic means of the error within 24 hours and provide a cure form to the voter.
 - The cure form must be completed and returned before noon on the sixth day after the election or the voter's ballot shall be declared void.
- If the official election ballot envelope contains text, marks, or symbols or the ballot is not sealed inside the official election ballot envelope, the ballot shall not be deemed to have a fatal defect and the county board of elections shall place the voted ballot into an official election ballot envelope.

- If an absentee or mail-in ballot is damaged or defective preventing it from being properly counted, the county board would be required to make and substitute a true duplicate ballot copy that is clearly is labeled and has a serial number.
- The Secretary of the Commonwealth shall develop an electronic system to allow voters to track and verify the status of their absentee or mail-in ballot.
- Any qualified elector may request to be placed on a permanent mail-in ballot list to permanently receive mail-in ballots for future elections. By the first Monday in February, the Department of State shall send a notice to each elector on the permanent mail-in ballot list that they will receive a mail-in ballot for any election.
- **Canvassing and Pre-Canvassing**
 - The county board of elections is authorized to pre-canvass no earlier than 9 a.m. seven days prior to an election and no later than 7 a.m. on election day.
 - To take part in the Election Integrity Grant Program, a county shall start pre-canvassing no later than 7 a.m. on election day.
- **Recounts and Contested Elections**
 - After the computation of votes, the results would be unofficial for 3 days instead of 5 days.
 - It shall be necessary for petitioners to specificity the act of fraud or error they believe to have been committed along with offering evidence to substantiate the allegations.
 - The deposit to petition to have ballot boxes opened is increased from \$50 to \$850 and the bond to petition to have ballot boxes opened is increased from \$100 to \$1,500.
 - Should fraud or error be found in the computation of votes cast, the deposit shall be returned or the bond shall be cancelled.
 - Should no fraud or error be found in the computation of votes cast, the deposit and the loan shall be paid to the county treasurer.
 - The correction of return timeframe would be reduced from 5 days to 3 days and the county shall have 3 days to file a response to any petition.
- **Voter Registration**
 - PennDOT shall not allow an individual to apply to register to vote who presents a document for the purposes of a driver's license application showing that the applicant is not a U.S. citizen, affirms the applicant is not a U.S. citizen, or declines to submit a voter registration application.
 - The transfer of PennDOT data to counties would be modernized based on current technology.

FISCAL IMPACT:

This bill would have an impact on Commonwealth funds. The bill directs the General Assembly to appropriate \$2,000,000 from the General Fund to the Department of State for the examination and approval of commercially available electronic poll books. The Department of State may potentially need to hire one additional staff member at a salary of \$100,000 including benefits.

Regarding the bond for the reimbursement to counties for the purchase/lease of e-poll books and election infrastructure equipment, in addition to the principal repayments, the commonwealth will incur interest costs on the total amount of bonds sold. The timing of principal and interest payments depends on when a bond sale is executed. Similarly, the interest rate that the commonwealth achieves depends both on its fiscal condition and creditworthiness as well as prevailing market conditions at the time of the sale. Interest rates can vary significantly over time. Given these variables, the fiscal impact of the bond issuance is indeterminate.

The majority of the costs of implementing House Bill 1396 would fall to Pennsylvania's 67 counties. This includes election official compensation, operating early voting sites, ballot drop boxes, post-election audits, postage, and other related costs. Given the vast size and population disparities between Pennsylvanian counties, this fiscal impact is indeterminate.

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DATE: May 13, 2025

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.