
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1197 Session of
2021

INTRODUCED BY RYAN, STAMBAUGH, KAUFFMAN, IRVIN, METCALFE, HAMM,
GLEIM, COX, GREINER, MOUL, ZIMMERMAN, KEEFER, WHEELAND,
MILLARD, SAYLOR, E. NELSON, ARMANINI AND GILLEN,
APRIL 16, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 16, 2021

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
2 Statutes, in conduct of elections, providing for audit of
3 elections.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 25 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 37

9 AUDIT OF ELECTIONS

10 Sec.

11 3701. Definitions.

12 3702. Authorization.

13 3703. Method of audit.

14 3704. Timing of audit.

15 3705. Review of general election results.

16 3706. Penalties.

17 § 3701. Definitions.

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

4 "Audit." The official inspection and review of the returns
5 of an election in accordance with this chapter.

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

7 "Election." A general election, municipal election, primary
8 election or special election.

9 "General election." The election that the Constitution of
10 Pennsylvania requires to be held in even-numbered years.

11 "Municipal election." The election that the Constitution of
12 Pennsylvania requires to be held in odd-numbered years.

13 "Primary election." An election held for the purpose of
14 nominating candidates for public offices to be voted for at a
15 general election or municipal election.

16 "Special election." An election authorized by law, other
17 than a general election, municipal election or primary election.
18 § 3702. Authorization.

19 Notwithstanding any other provision of law, the department
20 shall conduct an audit of the results of each election to ensure
21 the integrity of the electoral process in this Commonwealth.

22 § 3703. Method of audit.

23 An audit shall compare the returns of an election in a county
24 with the information contained in the SURE system. The audit
25 shall:

26 (1) At a minimum involve a review of the first name,
27 last name and date of birth of each elector who casts a
28 ballot in the election.

29 (2) Determine whether other identifiers or signatures
30 are necessary to determine whether any discrepancy or

1 irregularity, including the casting of more than one ballot
2 by an elector or the casting of a ballot by an unqualified
3 elector, exists between the returns of the election and the
4 information contained in the SURE system.

5 (3) Reconcile the ballot of each elector who casts a
6 ballot in the election with the historical data and other
7 information contained in the SURE system.

8 § 3704. Timing of audit.

9 Not later than 90 days after an election, the department
10 shall conclude an audit of the election and refer any
11 discrepancy or irregularity to the Attorney General for further
12 investigation and possible prosecution.

13 § 3705. Review of general election results.

14 (a) Verification with neighboring states.--Not later than
15 180 days after a general election, the department shall verify
16 with the neighboring states of this Commonwealth whether any
17 discrepancy or irregularity, including the casting of a ballot
18 in more than one state by an elector, exists regarding the
19 casting of ballots in the general election. The verification
20 shall include a review of, at a minimum, the first name, last
21 name and date of birth of each elector who casts a ballot in the
22 general election.

23 (b) Report.--Not later than 30 days after the verification
24 under subsection (a), the department shall report the findings
25 of the verification to the General Assembly, along with any
26 recommendations to eliminate or reduce the election fraud
27 demonstrated by the verification.

28 § 3706. Penalties.

29 In addition to any other penalty prescribed by law, if an
30 individual casts a ballot in more than one state during the same

1 general election, the individual shall be guilty of a felony of
2 the third degree and, upon conviction thereof, shall be
3 sentenced:

4 (1) To pay a fine of not more than \$30,000 plus the
5 costs of investigation and prosecution of the offense.

6 (2) To undergo imprisonment of not more than seven
7 years.

8 (3) To both penalties under paragraphs (1) and (2), in
9 the discretion of the court.

10 Section 2. This act shall apply to an election that occurs
11 on or after the effective date of this act.

12 Section 3. This act shall take effect in 60 days.