
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1420 Session of
2019

INTRODUCED BY T. DAVIS, DONATUCCI, DAVIDSON, ZABEL, SCHLOSSBERG,
BARRAR, FRANKEL, JOHNSON-HARRELL, McNEILL, HILL-EVANS,
SHUSTERMAN, KENYATTA, DeLUCA, SCHWEYER, McCLINTON, WARREN,
GALLOWAY, HOHENSTEIN, O'MARA, KORTZ AND WILLIAMS, MAY 7, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 7, 2019

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 canvassing of official absentee ballots and
13 providing for declaration signature verification; and, in
14 returns of primaries and elections, further providing for
15 computation of returns by county board, certification and
16 issuance of certificates of election.

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

19 Section 1. Section 1308(e) of the act of June 3, 1937
20 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
21 amended to read:

22 Section 1308. Canvassing of Official Absentee Ballots.--* *

23 *

24 (e) At such time the local election board shall then further

1 examine the declaration on each envelope not so set aside and
2 shall compare the information thereon with that contained in the
3 "Registered Absentee Voters File," the absentee voters' list and
4 the "Military Veterans and Emergency Civilians Absentee Voters
5 File." If the local election board is satisfied that the
6 declaration [is] and the corresponding signature are sufficient
7 and the information contained in the "Registered Absentee Voters
8 File," the absentee voters' list and the "Military Veterans and
9 Emergency Civilians Absentee Voters File" verifies his right to
10 vote, the local election board shall announce the name of the
11 elector and shall give any watcher present an opportunity to
12 challenge any absentee elector upon the ground or grounds (1)
13 that the absentee elector is not a qualified elector; or (2)
14 that the absentee elector was within the municipality of his
15 residence on the day of the primary or election during the
16 period the polls were open, except where he was in military
17 service or except in the case where his ballot was obtained for
18 the reason that he was unable to appear personally at the
19 polling place because of illness or physical disability; or (3)
20 that the absentee elector was able to appear personally at the
21 polling place on the day of the primary or election during the
22 period the polls were open in the case his ballot was obtained
23 for the reason that he was unable to appear personally at the
24 polling place because of illness or physical disability. Upon
25 challenge of any absentee elector, as set forth herein the local
26 election board shall mark "challenged" on the envelope together
27 with the reason or reasons therefor, and the same shall be set
28 aside for return to the county board unopened pending decision
29 by the county board and shall not be counted. All absentee
30 ballots not challenged for any of the reasons provided herein

1 shall be counted and included with the general return of paper
2 ballots or voting machines, as the case may be as follows.
3 Thereupon, the local election board shall open the envelope of
4 every unchallenged absentee elector in such manner as not to
5 destroy the declaration executed thereon. All of such envelopes
6 on which are printed, stamped or endorsed the words "Official
7 Absentee Ballot" shall be placed in one or more depositories at
8 one time and said depository or depositories well shaken and the
9 envelopes mixed before any envelope is taken therefrom. If any
10 of these envelopes shall contain any extraneous marks or
11 identifying symbols other than the words "Official Absentee
12 Ballot," the envelopes and the ballots contained therein shall
13 be set aside and declared void. The local election board shall
14 then break the seals of such envelopes, remove the ballots and
15 record the votes in the same manner as district election
16 officers are required to record votes. With respect to the
17 challenged ballots, they shall be returned to the county board
18 with the returns of the local election district where they shall
19 be placed unopened in a secure, safe and sealed container in the
20 custody of the county board until it shall fix a time and place
21 for a formal hearing of all such challenges and notice shall be
22 given where possible to all absentee electors thus challenged
23 and to every attorney, watcher or candidate who made such
24 challenge. The time for the hearing shall not be later than
25 seven (7) days after the date of said challenge. On the day
26 fixed for said hearing, the county board shall proceed without
27 delay to hear said challenges and, in hearing the testimony, the
28 county board shall not be bound by technical rules of evidence.
29 The testimony presented shall be stenographically recorded and
30 made part of the record of the hearing. The decision of the

1 county board in upholding or dismissing any challenge may be
2 reviewed by the court of common pleas of the county upon a
3 petition filed by any person aggrieved by the decision of the
4 county board. Such appeal shall be taken, within two (2) days
5 after such decision shall have been made, whether reduced to
6 writing or not, to the court of common pleas setting forth the
7 objections to the county board's decision and praying for an
8 order reversing same. Pending the final determination of all
9 appeals, the county board shall suspend any action in canvassing
10 and computing all challenged ballots irrespective of whether or
11 not appeal was taken from the county board's decision. Upon
12 completion of the computation of the returns of the county, the
13 votes cast upon the challenged official absentee ballots shall
14 be added to the other votes cast within the county.

15 * * *

16 Section 2. The act is amended by adding a section to read:

17 Section 1308.1. Declaration Signature Verification.--(a)
18 Upon conducting the comparison of the signature on the
19 declaration under section 1308(e), if the local election board
20 determines that the signatures do not compare, the envelope
21 shall not be opened and the ballot shall not be counted. The
22 election board shall write the cause of the rejection on the
23 face of the envelope only after completing the procedures
24 described in subsection (b).

25 (b) The following procedures shall apply:

26 (1) At least eight (8) days prior to the certification of
27 the election, the local election board shall provide to each
28 elector to which subsection (a) applies notice of the
29 opportunity to verify the elector's signature no later than five
30 o'clock P.M. two (2) days prior to the certification of the

1 election.

2 (2) The notice and instructions to the elector to which
3 subsection (a) applies shall be in substantially the following
4 form:

5 "READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE
6 INSTRUCTIONS MAY CAUSE YOUR ABSENTEE BALLOT NOT TO COUNT.

7 1. We have determined that the signature you provided on
8 your absentee ballot does not match the signature(s) on file in
9 your voter record. In order to ensure that your absentee ballot
10 will be counted, the signature verification statement must be
11 completed and returned as soon as possible.

12 2. The signature verification statement must be received by
13 the local election board of the county where you are registered
14 to vote no later than 5:00 P.M. two (2) days prior to the
15 certification of the election.

16 3. You must sign your name where specified on the signature
17 verification statement (Voter's Signature).

18 4. Place the signature verification statement into a mailing
19 envelope addressed to your local election board. Mail, deliver
20 or have the completed statement delivered to the local election
21 board. Be certain that there is sufficient postage if mailed and
22 that the address of the local election board is correct.

23 5. If you do not wish to send the signature verification
24 statement by mail or have it delivered, you may submit your
25 completed statement by e-mail or facsimile transmission to your
26 local election board using the information provided."

27 (3) The local election board may not reject an absentee
28 ballot under subsection (a) if each of the following conditions
29 is satisfied:

30 (i) The elector delivers, in person, by mail, by fax or by

1 e-mail, a signature verification statement signed by the
2 elector, and the local election board receives the statement no
3 later than five o'clock P.M. two (2) days prior to the
4 certification of the election.

5 (ii) Upon receipt of the signature verification statement,
6 the local election board shall compare the signature on the
7 statement with the signature on file in the elector's record.
8 The following shall apply:

9 (A) If, upon conducting the comparison of signatures, the
10 local election board determines that the signatures compare, the
11 ballot, still in the envelope, shall be deposited in a ballot
12 container in the office.

13 (B) If, upon conducting the comparison of signatures, the
14 local election board determines that the signatures do not
15 compare, the envelope shall not be opened and the ballot shall
16 not be counted. The local election board shall write the cause
17 of the rejection on the face of the envelope.

18 (4) The signature verification statement shall be in
19 substantially the following form and may be included on the same
20 page as the notice and instructions specified in paragraph (2):

21 "SIGNATURE VERIFICATION STATEMENT

22 I, _____, am a registered voter of _____ County,
23 Commonwealth of Pennsylvania. I declare under penalty of perjury
24 that I requested and returned an absentee ballot. I am a
25 resident of the precinct in which I have voted, and I am the
26 person whose name appears on the absentee ballot envelope. I
27 understand that if I commit or attempt any fraud in connection
28 with voting, or if I aid or abet fraud or attempt to aid and
29 abet fraud in connection with voting, I may be convicted of a
30 misdemeanor punishable by a fine not exceeding \$10,000, or

1 imprisonment a term not exceeding five years, or both, at the
2 discretion of the court. I understand that my failure to sign
3 this statement means that my absentee ballot will be
4 invalidated.

5 _____

6 Voter's Signature

7 _____

8 Address"

9 (5) The local election board shall include the absentee
10 ballot signature verification statement and instructions
11 provided in this section on its publicly accessible Internet
12 website and shall provide the local election board's mailing
13 address, e-mail address and facsimile transmission number on the
14 web page containing the statement and instructions.

15 (6) If the local election board determines that the
16 signatures compare, the board shall use the signature in the
17 signature verification statement, even if returned untimely, to
18 update the elector's signature for future elections.

19 (c) The following shall apply regarding ballot statements:

20 (1) The following procedures shall apply:

21 (i) Notwithstanding any other law, if a local election board
22 determines that an elector has failed to sign the envelope, the
23 local election board shall not reject the absentee ballot if the
24 elector does any of the following:

25 (A) Signs the envelope at the office of the local election
26 board during regular business hours before five o'clock P.M. on
27 the eighth day after the election.

28 (B) Before five o'clock P.M. on the eighth day after the
29 election, completes and submits an unsigned ballot statement in
30 substantially the following form:

1 "UNSIGNED BALLOT STATEMENT

2 I, _____, am a registered voter of _____ County,
3 Commonwealth of Pennsylvania. I declare under penalty of perjury
4 that I requested and returned an absentee ballot and that I have
5 not and will not vote more than one ballot in this election. I
6 am a resident of the precinct in which I have voted, and I am
7 the person whose name appears on the absentee ballot envelope. I
8 understand that if I commit or attempt any fraud in connection
9 with voting, or if I aid or abet fraud or attempt to aid and
10 abet fraud in connection with voting, I may be convicted of a
11 misdemeanor punishable by a fine not exceeding \$10,000, or
12 imprisonment a term not exceeding five years, or both, at the
13 discretion of the court. I understand that my failure to sign
14 this statement means that my absentee ballot will be
15 invalidated.

16 _____

17 Voter's Signature

18 _____

19 Address"

20 (ii) If timely submitted, the local election board shall
21 accept a completed unsigned ballot statement. Upon receipt of
22 the unsigned ballot statement, the local election board shall
23 compare the elector's signature on the statement in the manner
24 provided by section 1308(e). The following shall apply:

25 (A) If the local election board determines that the
26 signatures compare, the unsigned ballot statement shall be
27 attached to the envelope and deposited in a ballot container in
28 the office.

29 (B) If the local election board determines that the
30 signatures do not compare, the envelope shall not be opened and

1 the ballot shall not be counted.

2 (iii) The local election board may use methods other than
3 those described in subclause (i) to obtain an elector's
4 signature on an unsigned ballot envelope.

5 (2) Instructions shall accompany the unsigned ballot
6 statement in substantially the following form:

7 "READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
8 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR
9 ABSENTEE BALLOT NOT TO COUNT.

10 1. In order to ensure that your absentee ballot will be
11 counted, your statement should be completed and returned as soon
12 as possible so that it can reach the local election board of the
13 county in which your precinct is located no later than 5:00 P.M.
14 on the eighth day after the election.

15 2. You must sign your name on the line above (Voter's
16 Signature).

17 3. Place the statement into a mailing envelope addressed to
18 your local election board. Mail, deliver or have delivered the
19 completed statement to the local election board. Be certain that
20 there is sufficient postage if mailed and that the address of
21 the local election board is correct.

22 4. If you do not wish to send the statement by mail or have
23 it delivered, you may submit your completed statement by
24 facsimile or e-mail transmission to your local election board."

25 (3) The local election board shall include the unsigned
26 ballot statement and instructions provided in this subsection on
27 its publicly accessible Internet website and shall provide the
28 local election board's mailing address, e-mail address and
29 facsimile transmission number on the web page containing the
30 statement and instructions.

1 (d) An absentee ballot shall not be removed from its
2 envelope until the time for processing ballots. An absentee
3 ballot shall not be rejected for cause after the envelope has
4 been opened.

5 Section 3. Section 1404(f) of the act is amended to read:

6 Section 1404. Computation of Returns by County Board;
7 Certification; Issuance of Certificates of Election.--* * *

8 (f) As the returns from each election district are read,
9 computed and found to be correct or corrected as aforesaid, they
10 shall be recorded on the blanks prepared for the purpose until
11 all the returns from the various election districts which are
12 entitled to be counted shall have been duly recorded, when they
13 shall be added together, announced and attested by the clerks
14 who made and computed the entries respectively and signed by the
15 members of the county board. Returns under this subsection shall
16 be considered unofficial for [~~five (5)~~] twenty-five (25) days.
17 The county board shall submit the unofficial returns to the
18 Secretary of the Commonwealth by five o'clock P. M. on the
19 fourth Tuesday following the election. The submission shall be
20 as directed by the secretary for public office which appears on
21 the ballot in every election district in this Commonwealth or
22 for a ballot question which appears on the ballot in every
23 election district in this Commonwealth. At the expiration of
24 [~~five (5)~~] twenty-five (25) days after the completion of the
25 computation of votes, in case no petition for a recount or
26 recanvass has been filed in accordance with the provisions of
27 this act, or upon the completion of the recount or recanvass if
28 a petition therefor has been filed within [~~five (5)~~] twenty-five
29 (25) days after the completion of the computation of votes, the
30 county board shall certify the returns so computed in said

1 county in the manner required by this act, unless upon appeals
2 taken from any decision, the court of common pleas shall have
3 directed any returns to be revised, or unless in case of a
4 recount, errors in the said returns shall have been found, in
5 which case said returns shall be revised, corrected and
6 certified accordingly. The county board shall thereupon, in the
7 case of elections, issue certificates of election to the
8 successful candidates for all county, city, borough, township,
9 ward, school district, poor district and election offices, and
10 local party offices to be filled by the votes of the electors of
11 said county, or of any part thereof.

12 * * *

13 Section 4. This act shall take effect in 90 days.