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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1477 Session of  
2021

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INTRODUCED BY RYAN, STAMBAUGH, KAUFFMAN, METCALFE, HAMM, GLEIM,  
COX, GREINER, MOUL, KEEFER, ZIMMERMAN, WHEELAND, MILLARD,  
SAYLOR, WARNER, ARMANINI, GILLEN AND B. MILLER, MAY 21, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 21, 2021

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AN ACT

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

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 38

9 VOTING SYSTEM AUDITS

10 Sec.

11 3801. Definitions.

12 3802. Authorization.

13 3803. Standards for automated and independent audit system.

14 3804. Notice.

15 3805. Purpose.

16 3806. Reports.

17 3807. Applicability.

18 § 3801. 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 "County." A county of this Commonwealth. The term includes a  
7 county within which is located a city of the first class or with  
8 which a city of the first class is coextensive.

9 "County election board." The board of elections of a county.

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

11 "Election." A general election, municipal election, primary  
12 election or special election.

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

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

17 "Primary election." An election held for the purpose of  
18 nominating candidates for public offices to be voted for at a  
19 general election or municipal election.

20 "Special election." An election authorized by law, other  
21 than a general election, municipal election or primary election.

22 § 3802. Authorization.

23 Notwithstanding any other provision of law, prior to the  
24 certification of the results of an election, a county election  
25 board shall conduct a manual audit or an automated and  
26 independent audit of the voting systems used in randomly  
27 selected precincts. The following apply:

28 (1) The manual audit shall consist of a public manual  
29 tally of the votes cast in one randomly selected race that  
30 appears on the ballot. The following apply:

1           (i) The tally sheet shall include election day  
2 ballots, absentee ballots, mail-in ballots and  
3 provisional ballots, in at least 1% but no more than 2%  
4 of the precincts chosen at random by the county election  
5 board.

6           (ii) If 1% of the precincts is less than one entire  
7 precinct, the audit shall be conducted using at least one  
8 precinct chosen at random by the county election board.

9           (iii) The precincts shall be selected at a publicly  
10 noticed meeting of the county election board.

11           (2) The automated audit shall consist of a public  
12 automated tally of the votes cast across every race that  
13 appears on the ballot. The following apply:

14           (i) The tally sheet shall include election day  
15 ballots, absentee ballots, mail-in ballots and  
16 provisional ballots in at least 20% of the precincts  
17 chosen at random by the county election board.

18           (ii) The precincts shall be selected at a publicly  
19 noticed meeting of the county election board.

20 § 3803. Standards for automated and independent audit system.

21           The department shall adopt rules for approval of an  
22 automated, independent audit system that provide that the  
23 system, at a minimum, must be:

24           (1) Completely independent of the primary voting system.

25           (2) Fast enough to produce final audit results within  
26 the prescribed time frame.

27           (3) Capable of demonstrating that the ballots of record  
28 have been accurately adjudicated by the audit system.

29 § 3804. Notice.

30           (a) Posting.--A county election board shall post a notice of

1 the audit under this chapter on the publicly accessible Internet  
2 website of the county election board.

3 (b) Contents.--The notice shall include the date, time and  
4 place of the audit under this chapter.

5 § 3805. Purpose.

6 (a) Compatible results.--An audit under this chapter shall  
7 determine whether the number of electors casting election day  
8 ballots, absentee ballots, mail-in ballots and provisional  
9 ballots is compatible with the total number of electors  
10 registered to vote in the county precincts.

11 (b) Certification.--A county election board may not certify  
12 the results of an election unless the county election board can  
13 reasonably determine that no legitimate claims can be made  
14 challenging the outcome of the election.

15 (c) SURE system.--

16 (1) Pending the outcome of the audits under this  
17 chapter, no information contained in the SURE system shall be  
18 modified, deleted or added that could, in any manner, impact  
19 an audit under this chapter.

20 (2) Information contained in the SURE system immediately  
21 prior to an election shall be archived for the purpose of any  
22 audit of the results of the election, which is performed to  
23 ensure the integrity of the electoral process in this  
24 Commonwealth.

25 § 3806. Reports.

26 (a) Submittal.--Within 15 days after completion of the audit  
27 under this chapter, the county election board shall provide a  
28 report with the results of the audit to the department in a  
29 standard format as prescribed by the department.

30 (b) Contents.--The report shall contain, at a minimum, the

1 following:

2 (1) The overall results of the audit.

3 (2) A description of any problems or discrepancies  
4 encountered.

5 (3) The likely cause of any problems or discrepancies.

6 (4) Recommended corrective action with respect to  
7 avoiding or mitigating any problems or discrepancies in  
8 future elections.

9 § 3807. Applicability.

10 An audit under this chapter of the results of an election  
11 shall not be necessary if a manual recount of the results of the  
12 election is undertaken in accordance with law.

13 Section 2. This act shall apply to elections that occur  
14 after December 31, 2022.

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