

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2625** Session of
2022

INTRODUCED BY CONKLIN, MAY 27, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 27, 2022

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 and, in voting by qualified mail-in electors, further
15 providing for date of application for mail-in ballot.

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

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

21 Section 1302.1. Date of Application for Absentee Ballot.--

22 (a) Except as provided in subsection (a.3), applications for
23 absentee ballots shall be received in the office of the county
24 board of elections not earlier than fifty (50) days before the
25 primary or election, except that if a county board of elections

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

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

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

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

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

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

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

13 * * *

14 Section 2. Section 1308(g)(1)(ii), (1.1), (2) and (3) of the
15 act, amended March 27, 2020 (P.L.41, No.12), are amended and the
16 subsection is amended by adding paragraphs to read:

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

19 (g) (1) * * *

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

28 (1.1) The county board of elections shall meet no earlier
29 than [seven o'clock A.M. on] seven (7) days prior to election
30 day to pre-canvass all ballots received prior to the meeting. A

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

13 (1.2) An authorized representative under paragraph (1.1)
14 shall be provided meaningful access to view and observe the
15 entire process of pre-canvassing or canvassing. A county board
16 of elections shall designate an official to respond to concerns
17 reported by an authorized representative. The Department of
18 State shall establish a procedure for an authorized
19 representative to report a concern arising from a pre-canvass
20 meeting and then investigate and report on the concern raised.

21 (1.3) A county board of elections shall record the pre-
22 canvassing and canvassing meetings with audio and visual
23 recordings. The recordings under this paragraph shall be stored
24 as an encrypted file. The recording may be posted on the
25 county's publicly accessible Internet website in the encrypted
26 format. The password or encryption software may be distributed
27 as necessary.

28 (2) The county board of elections shall meet no earlier than
29 the close of polls on the day of the election and no later than
30 eight o'clock A.M. the [third] day following the election to

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

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

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

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

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

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

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

16 (3.1) A county board of elections may use an automated
17 sorting or extracting machine to assist in the processing of
18 absentee ballots and mail-in ballots.

19 * * *

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

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

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

1 received not later than five o'clock P.M. of the [first Tuesday]
2 fourteenth day prior to the day of any primary or election.

3 * * *

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

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

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

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

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

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