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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 490 Session of  
2023

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INTRODUCED BY YOUNG, HOHENSTEIN, MADDEN, GUENST, DELLOSO, HILL-  
EVANS, ZABEL, KINSEY, SCHLOSSBERG, SANCHEZ, WARREN,  
D. WILLIAMS, FIEDLER, FLEMING, NEILSON, STURLA, FREEMAN,  
KINKEAD, OTTEN, O'MARA, BULLOCK, DONAHUE, T. DAVIS, MALAGARI,  
BOROWSKI, CEPEDA-FREYTIZ, KHAN, SHUSTERMAN, BURGOS AND  
HANBIDGE, MARCH 16, 2023

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 16, 2023

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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 mail-in ballots.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 1308(g)(1)(ii) and (3) of the act of June  
17 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
18 Code, are amended to read:

19 Section 1308. Canvassing of Official Absentee Ballots and  
20 Mail-in Ballots.--\* \* \*

21 (g) (1) \* \* \*

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

9 \* \* \*

10 (3) When the county board meets to pre-canvass or canvass  
11 absentee ballots and mail-in ballots under paragraphs (1), (1.1)  
12 and (2), the board shall examine the declaration on the envelope  
13 of each ballot not set aside under subsection (d) and shall  
14 compare the information thereon with that contained in the  
15 "Registered Absentee and Mail-in Voters File," the absentee  
16 voters' list and/or the "Military Veterans and Emergency  
17 Civilians Absentee Voters File," whichever is applicable. If the  
18 county board has verified the proof of identification as  
19 required under this act and is satisfied that the declaration is  
20 sufficient and the information contained in the "Registered  
21 Absentee and Mail-in Voters File," the absentee voters' list  
22 and/or the "Military Veterans and Emergency Civilians Absentee  
23 Voters File" verifies his right to vote, the county board shall  
24 provide a list of the names of electors whose absentee ballots  
25 or mail-in ballots are to be pre-canvassed or canvassed. For  
26 absentee ballots or mail-in ballots which the county board is  
27 not satisfied that proof of identification has been provided due  
28 to any inability to match the signature present on the ballot to  
29 the signature on file, the county board shall:

30 (i) Notify the elector by mail, email, telephone or text

1 message that the signature on the elector's ballot does not  
2 match the elector's signature in the registration books.

3 (ii) Direct the elector to appear before, or to provide an  
4 electronic, facsimile or paper copy to, the county board of  
5 elections within six calendar days with:

6 (A) proof of identification and an executed affirmation  
7 affirming, under penalty of perjury, that the elector is the  
8 same individual who personally remitted the absentee ballot or  
9 mail-in ballot; or

10 (B) an executed affirmation affirming, under penalty of  
11 perjury, that the elector is the same individual who personally  
12 remitted the absentee ballot or mail-in ballot and that the  
13 elector is indigent and unable to obtain proof of identification  
14 without the payment of a fee.

15 (iii) Notify the elector that the absentee ballot or mail-in  
16 ballot may not be counted if the elector fails to comply with  
17 subparagraph (ii).

18 \* \* \*

19 Section 2. This act shall take effect in 60 days.