

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 858 Session of 2023

INTRODUCED BY D. WILLIAMS, BULLOCK, CEPEDA-FREYTIZ, CONKLIN, FREEMAN, GUENST, HILL-EVANS, KINKEAD, MADDEN, OTTEN, PIELLI, RABB, SANCHEZ, SAPPEY, SCHLOSSBERG, SHUSTERMAN, STURLA, VENKAT AND WARREN, APRIL 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2023

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; and, in Election Integrity Grant Program,
 14 further providing for funding for elections.

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

17 Section 1. Section 1308(g)(1.1) and (2) of the act of June
 18 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election
 19 Code, are amended to read:

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

22 (g) * * *

23 (1.1) The county board of elections shall meet no [earlier]

1 later than seven o'clock A.M. on election day to pre-canvass all
2 ballots received prior to the meeting. A county board of
3 elections shall provide at least forty-eight hours' notice of a
4 pre-canvass meeting by publicly posting a notice of a pre-
5 canvass meeting on its publicly accessible Internet website. One
6 authorized representative of each candidate in an election and
7 one representative from each political party shall be permitted
8 to remain in the room in which the absentee ballots and mail-in
9 ballots are pre-canvassed. No person observing, attending or
10 participating in a pre-canvass meeting may disclose the results
11 of any portion of any pre-canvass meeting prior to the close of
12 the polls.

13 (2) The county board of elections [~~shall meet no earlier~~
14 ~~than~~] may meet within 14 days prior to the close of polls on the
15 day of the election [~~and no later than the third day following~~
16 ~~the election~~] to begin canvassing absentee ballots and mail-in
17 ballots not included in the pre-canvass meeting. The meeting
18 under this paragraph shall continue until all absentee ballots
19 and mail-in ballots received prior to the close of the polls
20 have been canvassed. The county board of elections shall not
21 record or publish any votes reflected on the ballots prior to
22 the close of the polls. The canvass process shall continue
23 through the eighth day following the election for valid
24 military-overseas ballots timely received under 25 Pa.C.S. §
25 3511 (relating to receipt of voted ballot). A county board of
26 elections shall provide at least forty-eight hours' notice of a
27 canvass meeting by publicly posting a notice on its publicly
28 accessible Internet website. One authorized representative of
29 each candidate in an election and one representative from each
30 political party shall be permitted to remain in the room in

1 which the absentee ballots and mail-in ballots are canvassed.

2 * * *

3 Section 2. Section 1602-A(j)(1) and (2) of the act, added
4 July 11, 2022 (P.L.1577, No.88), is amended to read:

5 Section 1602-A. Funding for elections.

6 * * *

7 (j) Grant agreement.--The grant agreement between the
8 department and the county under this section shall include the
9 following requirements for counties:

10 (1) The county shall begin pre-canvassing [at] no later
11 than 7 a.m. on election day and shall continue without
12 interruption until each mail-in ballot and absentee ballot
13 received by 7 a.m. on election day is pre-canvassed.

14 (2) The county shall begin canvassing mail-in ballots
15 and absentee ballots [at] no later than 8 p.m. on election
16 day and shall continue without interruption until each ballot
17 has been canvassed.

18 * * *

19 Section 3. This act shall take effect immediately.