

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 322 Session of 2021

INTRODUCED BY J. WARD, REGAN, MARTIN, ARGALL, AUMENT, GORDNER, PITTMAN, MENSCH, STEFANO AND MASTRIANO, MARCH 10, 2021

REFERRED TO STATE GOVERNMENT, MARCH 10, 2021

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)(1.1), (2) and (3) of the act of
 17 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
 18 Election Code, amended March 27, 2020 (P.L.41, No.12), are
 19 amended and the section is amended by adding a subsection to
 20 read:

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

23 (a.1) A judge of elections shall deliver all completed

1 absentee ballots and mail-in ballots to the county board of
2 elections by two o'clock A.M. on the day following the election.
3 Except for valid military-overseas ballots timely received under
4 25 Pa.C.S. § 3511 (relating to receipt of voted ballot), only
5 those ballots received by eight o'clock P.M. election day may be
6 canvassed.

7 (g) * * *

8 (1.1) The county board of elections shall meet no earlier
9 than seven o'clock A.M. on election day to pre-canvass all
10 ballots received prior to the meeting. A county board of
11 elections shall provide at least forty-eight hours' notice of a
12 pre-canvass meeting by publicly posting a notice of a pre-
13 canvass meeting on its publicly accessible Internet website.
14 [One] The authorized representative of each candidate in an
15 election, the county chairman of each political party or a
16 designee and one representative from each political party shall
17 be permitted to remain in the room in which the absentee ballots
18 and mail-in ballots are pre-canvassed. A person allowed to watch
19 the pre-canvassing shall be permitted to have a clear line of
20 sight to view and hear the proceedings at a distance of six feet
21 or less, but that does not impede the ability of the person
22 canvassing ballots from carrying out the person's duties. No
23 person observing, attending or participating in a pre-canvass
24 meeting may disclose the results of any portion of any pre-
25 canvass meeting prior to the close of the polls.

26 (2) The county board of elections shall meet no earlier than
27 the close of polls on the day of the election and no later than
28 the third day following the election to begin canvassing
29 absentee ballots and mail-in ballots not included in the pre-
30 canvass meeting. Except for valid military-overseas ballots

1 timely received under 25 Pa.C.S. § 3511, only those ballots
2 received by eight o'clock P.M. election day may be canvassed.

3 The meeting under this paragraph shall continue until all
4 absentee ballots and mail-in ballots timely received prior to
5 the close of the polls have been canvassed. The county board of
6 elections shall not record or publish any votes reflected on the
7 ballots prior to the close of the polls. The canvass process
8 shall continue through the eighth day following the election for
9 valid military-overseas ballots timely received under 25 Pa.C.S.
10 § 3511 [(relating to receipt of voted ballot)]. A county board
11 of elections shall provide at least forty-eight hours' notice of
12 a canvass meeting by publicly posting a notice on its publicly
13 accessible Internet website. One authorized representative of
14 each candidate in an election, the county chairman of each
15 political party or a designee and one representative from each
16 political party shall be permitted to remain in the room in
17 which the absentee ballots and mail-in ballots are canvassed. A
18 person allowed to watch the pre-canvassing shall be permitted to
19 have a clear line of sight to view and hear the proceedings at a
20 distance of six feet or less, but that does not impede the
21 ability of the person canvassing ballots from carrying out the
22 person's duties.

23 (3) When the county board meets to pre-canvass or canvass
24 absentee ballots and mail-in ballots under paragraphs (1), (1.1)
25 and (2), the board shall examine the declaration on the envelope
26 of each ballot not set aside under subsection (d) and shall
27 compare the information thereon with that contained in the
28 "Registered Absentee and Mail-in Voters File," the absentee
29 voters' list and/or the "Military Veterans and Emergency
30 Civilians Absentee Voters File," whichever is applicable. If the

1 county board has verified the proof of identification as
2 required under this act and is satisfied that the declaration is
3 sufficient and the information contained in the "Registered
4 Absentee and Mail-in Voters File," the absentee voters' list
5 and/or the "Military Veterans and Emergency Civilians Absentee
6 Voters File" verifies his right to vote, the county board shall
7 provide a list of the names of electors whose absentee ballots
8 or mail-in ballots are to be pre-canvassed or canvassed. For
9 absentee ballots or mail-in ballots which the county board is
10 not satisfied that proof of identification has been provided due
11 to any inability to match the signature present on the ballot to
12 the signature on file, the county board shall:

13 (i) Notify the elector by mail, e-mail, telephone or text
14 message that the signature on the elector's ballot does not
15 match the elector's signature in the registration books.

16 (ii) Direct the elector to appear before, or to provide an
17 electronic, facsimile or paper copy to, the county board of
18 elections within six (6) calendar days with:

19 (A) proof of identification and an executed affirmation
20 affirming, under penalty of perjury, that the elector is the
21 same individual who personally remitted the absentee ballot or
22 mail-in ballot; or

23 (B) an excused affirmation affirming, under penalty of
24 perjury, that the elector is the same individual who personally
25 remitted the absentee ballot or mail-in ballot and that the
26 elector is indigent and unable to obtain proof of identification
27 without the payment of a fee.

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

1 * * *

2 Section 2. This act shall take effect immediately.