
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 528 Session of
2021

INTRODUCED BY MENSCH, GORDNER, AUMENT, ARGALL, BARTOLOTTA,
BROOKS, HUTCHINSON, MARTIN, MASTRIANO, PITTMAN, SCAVELLO,
STEFANO AND J. WARD, APRIL 14, 2021

REFERRED TO STATE GOVERNMENT, APRIL 14, 2021

AN ACT

1 Providing for reporting allegations of fraud relating to the
2 2020 general election and imposing duties on the Auditor
3 General.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the 2020 General
8 Election Review and Audit Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Pennsylvania Election Code." The act of June 3, 1937
14 (P.L.1333, No.320), known as the Pennsylvania Election Code.

15 Section 3. Duties of the Auditor General.

16 (a) Audit.--Within seven days of the effective date of this
17 section, the Auditor General shall coordinate and manage an
18 audit of the 2020 General Election.

1 (b) Samples.--The audit shall include statistically
2 significant samples chosen from each county in this
3 Commonwealth.

4 (c) Report.--The Auditor General shall issue a report, as
5 directed by this act, to accompany the audit. The report issued
6 pursuant to this act by the Auditor General shall include, but
7 not be limited to, the following data related to the
8 administration of the 2020 general election by the Department of
9 State, a county board of elections under Article III of the
10 Pennsylvania Election Code, or a registration commission
11 established under 25 Pa.C.S. § 1203 (relating to commissions):

12 (1) For each county and the sum for this Commonwealth,
13 the number of applications for an absentee ballot which were
14 received by the county boards of elections.

15 (2) For each county and the sum for this Commonwealth,
16 the number of applications for a mail-in ballot which were
17 received by the county board of elections.

18 (3) For each county and the sum for this Commonwealth,
19 the number of applications for an absentee ballot which were
20 approved by the county board of elections.

21 (4) For each county and the sum for this Commonwealth,
22 the number of applications for a mail-in ballot which were
23 approved by the county board of elections.

24 (5) For each county and the sum for this Commonwealth,
25 the number of absentee ballots returned by qualified electors
26 which were canvassed.

27 (6) For each county and the sum for this Commonwealth,
28 the number of mail-in ballots returned by qualified electors
29 which were canvassed.

30 (7) For each county and the sum for this Commonwealth,

1 the number of qualified electors voting by a provisional
2 ballot under section 1210(a.4) of the Pennsylvania Election
3 Code.

4 (8) For each county and the sum for this Commonwealth,
5 the number of qualified electors voting by a provisional
6 ballot under section 1306(b)(2) of the Pennsylvania Election
7 Code.

8 (9) For each county and the sum for this Commonwealth,
9 the number of qualified electors voting by provisional ballot
10 under section 1306-D(b)(2) of the Pennsylvania Election Code.

11 (10) For each county and the sum for this Commonwealth,
12 the number of provisional ballots under paragraphs (7), (8)
13 and (9) which were canvassed.

14 (11) For each county and the sum for this Commonwealth,
15 the number of applications for an absentee ballot by an
16 individual who was not a registered elector at the time of
17 the application and for whom a voter registration application
18 was timely received after the application for an absentee
19 ballot was received.

20 (12) For each county and the sum for this Commonwealth,
21 the number of applications for a mail-in ballot by an
22 individual who was not a registered elector at the time of
23 the application and for whom a voter registration application
24 was timely received.

25 (13) For each county and the sum for this Commonwealth,
26 the number of voter registration applications under section
27 1231 of the Pennsylvania Election Code and 25 Pa.C.S. Pt. IV
28 (relating to voter registration) which were received:

29 (i) Fewer than 30 days before the 2020 general
30 election.

1 (ii) Fewer than 15 days before the 2020 general
2 election.

3 (14) For each county, the date and time that the county
4 board of elections began pre-canvassing absentee ballots and
5 mail-in ballots under section 1308(g)(1.1) of the
6 Pennsylvania Election Code.

7 (15) For each county, the date and time that the county
8 board of elections began canvassing absentee ballots and
9 mail-in ballots under section 1308(g)(2) of the Pennsylvania
10 Election Code.

11 (16) The number of incidents known to the Department of
12 State, county board of elections or registration commission
13 relating to each of the following categories:

14 (i) An absentee ballot or mail-in ballot which was
15 sent to the wrong individual or wrong address.

16 (ii) An absentee ballot or mail-in ballot which was
17 voted by an individual other than the individual who
18 applied for the absentee ballot or mail-in ballot.

19 (iii) An absentee ballot or mail-in ballot which was
20 returned to the county board of elections by a means
21 other than that which is permissible by law,
22 notwithstanding any court opinion or order.

23 (17) To the extent consistent with Federal and State
24 law, a review of any action taken by the Department of State,
25 county board of elections or registration commission in
26 response to an incident under paragraph (16), including
27 determinations made on the incident, legal actions filed and
28 referrals to law enforcement.

29 (18) A review of issues or incidents encountered with an
30 electronic voting system that received the approval of the

1 Secretary of the Commonwealth under section 1105-A of the
2 Pennsylvania Election Code, including any technical issues or
3 software problems encountered in polling places and
4 recommendations for spot verifications of tabulated votes as
5 compared to reported votes.

6 (19) A review of any inconsistent treatment of mail-in
7 ballots received by counties after 8 p.m. on November 3,
8 2020, under Articles XIII and XIII-D of the Pennsylvania
9 Election Code.

10 (20) A review of any inconsistencies in the manner in
11 which counties processed deficient ballots under Articles
12 XIII and XIII-D of the Pennsylvania Election Code.

13 (21) A review of the access given to poll watchers as
14 provided for under section 417 of the Pennsylvania Election
15 Code, including any inconsistencies in the standards used in
16 allowing access or disparate treatment of poll watchers due
17 to political affiliation.

18 (22) A review of the access given to authorized
19 representatives as provided for under section 1308(g)(1.1)
20 and (2) of the Pennsylvania Election Code, including any
21 inconsistencies in the standards used in allowing access or
22 disparate treatment of authorized representatives due to
23 political affiliation.

24 (23) A review of issues or incidents regarding the use
25 of drop boxes, the monitoring of drop boxes and any
26 inconsistencies with the monitoring and usage of drop boxes
27 by counties.

28 (24) A review of issues or incidents of the review
29 process of absentee, mail-in, in-person and provisional
30 ballots and any inconsistencies in the standards applied to

1 determine the eligibility of voters or ballots by counties.

2 Section 4. Subpoena.

3 (a) Authority.--The Auditor General may issue subpoenas and
4 require the attendance of witnesses and the production of books,
5 accounts, papers, records, documents and files and to examine
6 the witnesses and documents for matters under this act.

7 (b) Failure to obey.--The Auditor General or his
8 representative may invoke the aid of Commonwealth Court or any
9 court of record of the Commonwealth for the disobedience of a
10 subpoena issued under this section. The court may issue an order
11 requiring the person subpoenaed to obey the subpoena or to
12 produce the requested books, accounts, papers, records,
13 documents and files. Failure to obey an order of the court may
14 be punished by contempt of court.

15 (c) Inspection.--

16 (1) Except as provided under paragraph (3), documentary
17 material produced under this section may not, unless
18 otherwise ordered by a court for good cause, be produced for
19 inspection or copying to a person other than an authorized
20 employee of the Auditor General without the consent of the
21 person who produced the material.

22 (2) Except as provided under paragraph (3), the content
23 of documentary material produced under this section may not,
24 unless otherwise ordered by a court for good cause, be
25 disclosed to a person other than an authorized employee of
26 the Auditor General without the consent of the person who
27 produced the material.

28 (3) Documentary material produced under this section
29 must be provided in a reasonable manner as determined by the
30 Auditor General. A person shall not be required to compile,

1 maintain, format or organize documentary material in a manner
2 in which the person does not currently compile, maintain,
3 format or organize the documentary material.

4 Section 5. Effective date.

5 This act shall take effect immediately.