

AMENDMENTS TO SENATE BILL NO. 421

Sponsor: REPRESENTATIVE SAYLOR

Printer's No. 1328

1 Amend Bill, page 2, line 4, by inserting after "APPARATUSES"
2 and for census outreach

3 Amend Bill, page 2, line 21, by inserting after "PROCEDURES"
4 ; providing for voting apparatus bonds

5 Amend Bill, page 18, line 21, by striking out "A SECTION" and
6 inserting

7 sections

8 Amend Bill, page 19, by inserting between lines 21 and 22

9 Section 208. Census Outreach.--The Department of State may
10 utilize up to four million dollars (\$4,000,000) of funds not
11 expended, encumbered or committed from appropriations from the
12 General Fund for a fiscal year ending before July 1, 2020, for
13 an executive branch agency, which is subject to the policy,
14 supervision and control of the Governor, for communication,
15 administration and assistance within each county of the
16 Commonwealth for the purpose of ensuring a complete and accurate
17 census count of the Commonwealth in the 2020 Federal decennial
18 census. The funds shall be transferred by the Secretary of the
19 Budget to a restricted account as necessary to make payments
20 under this section and, when transferred, are hereby
21 appropriated to carry out the provisions of this section. The
22 Secretary of the Budget may make a transfer of funds if the
23 transfer will not result in a deficit in an appropriation from
24 which funds are transferred. The Secretary of the Budget shall
25 provide at least ten days prior notification of a transfer to
26 the chair and the minority chair of the Appropriations Committee
27 of the Senate and the chair and minority chair of the
28 Appropriations Committee of the House of Representatives.

29 Amend Bill, page 19, line 25, by striking out the comma after
30 "(B) (4)" and inserting

31 and

1 Amend Bill, page 19, lines 26 and 27, by striking out "
2 1210(A.4)(1) AND (5)(II), 1215(B) AND (C), 1216(D) AND (F),
3 1222, 1223(A) AND 1227(D)"

4 Amend Bill, page 51, line 14, by inserting a bracket before
5 "IF"

6 Amend Bill, page 51, line 30, by inserting a bracket after
7 "VOTE."

8 Amend Bill, page 52, by inserting between lines 25 and 26

9 Section 3.1. The act is amended by adding an article to
10 read:

11 ARTICLE XI-B

12 VOTING APPARATUS BONDS

13 Section 1101-B. Definitions.

14 The following words and phrases when used in this article
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Account." The County Voting Apparatus Reimbursement Account
18 established under section 1106-B.

19 "Authority." The Pennsylvania Economic Development Financing
20 Authority.

21 "Bond." Any type of revenue obligation, including a bond or
22 series of bonds, note, certificate or other instrument, issued
23 by the authority for the benefit of the department under this
24 article.

25 "Bond administrative expenses." Expenses incurred to
26 administer bonds as provided under the Financing Law, or as
27 otherwise necessary to ensure compliance with applicable Federal
28 or State law.

29 "Bond obligations." The principal of a bond and any premium
30 and interest payable on a bond, together with any amount owed
31 under a related credit agreement or a related resolution of the
32 authority authorizing a bond.

33 "Credit agreement." A loan agreement, a revolving credit
34 agreement, an agreement establishing a line of credit, a letter
35 of credit or another agreement that enhances the marketability,
36 security or creditworthiness of a bond.

37 "Department." The Department of State of the Commonwealth.

38 "Election security equipment." Information technology such
39 as intrusion detection sensors and other infrastructure deployed
40 to enhance the security of voting apparatus and election systems
41 by detecting and reporting hacking attempts, and other election
42 security breaches.

43 "Electronic voting system." As defined in section 1101-A.

1 "Financing Law." The act of August 23, 1967 (P.L.251,
2 No.102), known as the Economic Development Financing Law.

3 "Voting apparatus." A kind or type of electronic voting
4 system that received the approval of the Secretary of the
5 Commonwealth under section 1105-A.

6 Section 1102-B. Bond issuance.

7 (a) Declaration of policy.--The General Assembly finds and
8 declares that funding the replacement of voting apparatuses,
9 including interest, through the authority, is in the best
10 interest of this Commonwealth.

11 (b) Authority.--Notwithstanding any other law, the following
12 shall apply:

13 (1) The department may be a project applicant under the
14 Financing Law and may apply to the authority for the funding
15 of the replacement of voting apparatuses.

16 (2) The authority may issue bonds under the Financing
17 Law, consistent with this article, to finance projects to
18 fund the replacement of county voting apparatuses or to
19 reimburse counties for their cost to purchase or enter into
20 capital leases for voting apparatuses.

21 (3) Participation of an industrial and commercial
22 development authority shall not be required to finance the
23 replacement of voting apparatuses.

24 (c) Debt or liability.--

25 (1) Bonds issued under this article shall not be a debt
26 or liability of the Commonwealth and shall not create or
27 constitute any indebtedness, liability or obligation of the
28 Commonwealth.

29 (2) Bond obligations and bond administrative expenses
30 shall be payable solely from revenues or money pledged or
31 available for repayment as authorized under this article.
32 This paragraph shall include the proceeds of any issuance of
33 bonds.

34 (3) Each bond shall contain on its face a statement
35 that:

36 (i) the authority is obligated to pay the principal
37 or interest on the bonds only from the revenues or money
38 pledged or available for repayment as authorized under
39 this article;

40 (ii) neither the Commonwealth nor a county is
41 obligated to pay the principal or interest; and

42 (iii) the full faith and credit of the Commonwealth
43 or any county is not pledged to the payment of the
44 principal of or the interest on the bonds.

45 Section 1103-B. Criteria for bond issuance.

46 (a) Determination.--If the department decertifies one or
47 more voting apparatuses that are in use in any county of this
48 Commonwealth, the department shall apply to the authority to
49 issue bonds for reimbursements to each county for the cost of
50 procuring new voting apparatuses.

51 (a.1) Issuance.--Bonds may be issued in one or more series,

1 and each series may finance reimbursement grants to one or more
2 counties.

3 (b) Terms.--

4 (1) The department, with the approval of the Office of
5 the Budget, shall specify in its application to the
6 authority:

7 (i) the maximum principal amount of the bonds for
8 each bond issue; and

9 (ii) the maximum term of the bonds consistent with
10 applicable law.

11 (2) The total principal amount for all bonds issued
12 under this article may not exceed \$90,000,000.

13 (3) The term of the bonds issued under this article may
14 not exceed 10 years from the respective date of original
15 issuance.

16 (c) Expiration.--For the purpose of this article,
17 authorization to issue bonds, not including refunding bonds,
18 shall expire December 31, 2020.

19 Section 1104-B. Issuance of bonds, security and sources of
20 payments.

21 (a) Issuance.--The authority shall consider issuance of
22 bonds upon application by the department. Bonds issued under
23 this article shall be subject to the provisions of the Financing
24 Law, unless otherwise specified under this article.

25 (b) Service agreement authorized.--The authority and the
26 department may enter into an agreement or service agreement to
27 effectuate this article, including an agreement to secure bonds
28 issued for the purposes under section 1102-B(b), pursuant to
29 which the department shall agree to pay the bond obligations and
30 bond administrative expenses to the authority in each fiscal
31 year that the bonds or refunding bonds are outstanding in
32 amounts sufficient to timely pay in full the bond obligations,
33 bond administrative expenses and any other financing costs due
34 on the bonds issued for the purposes under section 1102-B(b).
35 The department's payment of the bond obligations, bond
36 administrative expenses and other financing costs due on the
37 bonds as service charges under an agreement or service agreement
38 shall be subject to and dependent upon the appropriation of
39 funds by the General Assembly to the department for payment of
40 the service charges. The service agreement may be amended or
41 supplemented by the authority and the department in connection
42 with the issuance of any series of bonds or refunding bonds
43 authorized under this section.

44 (c) Security.--Bond obligations and bond administrative
45 expenses may be secured, for the benefit of the holders of the
46 bonds and the obligees under credit agreements or the agreements
47 under subsection (b), by pledge of a security interest in and
48 first lien on the following:

49 (1) Money relating to the bonds held on deposit in any
50 other fund or account under an instrument or agreement
51 pertaining to the bonds, including bond reserves and interest

1 income on the money.

2 (2) The security provided under this subsection shall
3 not apply to money in any fund relating to arbitrage rebate
4 obligations.

5 Section 1105-B. Sale of bonds.

6 The authority shall offer the bonds for sale by means of a
7 public, competitive sale or by means of a negotiated sale based
8 on the authority's determination of which method will produce
9 the most benefit to counties and the Commonwealth.

10 Section 1106-B. Deposit of bond proceeds.

11 The net proceeds of bonds, other than refunding bonds,
12 exclusive of costs of issuance, reserves and any other financing
13 charges, shall be transferred by the authority to the State
14 Treasurer for deposit into a restricted account established in
15 the State Treasury and held solely for the purposes under
16 section 1102-B(b) to be known as the County Voting Apparatus
17 Reimbursement Account. The department shall pay out the bond
18 proceeds to the counties from the account in accordance with
19 this article.

20 Section 1107-B. Payment of bond-related obligations.

21 For each fiscal year in which bond obligations and bond
22 administrative expenses will be due, the authority shall notify
23 the department of the amount of bond obligations and the
24 estimated amount of bond administrative expenses in sufficient
25 time, as determined by the department, to permit the department
26 to request an appropriation sufficient to pay bond obligations
27 and bond administrative expenses that will be due and payable in
28 the following fiscal year. The authority's calculation of the
29 amount of bond obligations and bond administrative expenses that
30 will be due shall be subject to verification by the department.

31 Section 1108-B. Commonwealth not to impair bond-related
32 obligations.

33 The Commonwealth pledges that it shall not do any of the
34 following:

35 (1) Limit or alter the rights and responsibilities of
36 the authority or the department under this article, including
37 the responsibility to:

38 (i) pay bond obligations and bond administrative
39 expenses; and

40 (ii) comply with any other instrument or agreement
41 pertaining to bonds.

42 (2) Alter or limit the service agreement under section
43 1104-B(b).

44 (3) Impair the rights and remedies of the holders of
45 bonds, until each bond issued at any time and the interest on
46 the bond, are fully met and discharged.

47 Section 1109-B. (Reserved).

48 Section 1110-B. Personal liability.

49 The members, directors, officers and employees of the
50 department and the authority shall not be personally liable as a
51 result of good faith exercise of the rights and responsibilities

1 granted under this article.

2 Section 1111-B. Annual report.

3 No later than March 1 of the year following the first full
4 year in which bonds have been issued under this article and for
5 each year thereafter in which bond obligations existed in the
6 prior year, the department shall submit an annual report to the
7 the chair and minority chair of the Appropriations Committee of
8 the Senate, the chair and minority chair of the Appropriations
9 Committee of the House of Representatives, the chair and
10 minority chair of the State Government Committee of the Senate
11 and the chair and minority chair of the State Government
12 Committee of the House of Representatives providing all data
13 available on bonds issued or existing in the prior year. The
14 report shall include existing and anticipated bond principal,
15 interest and administrative costs, revenue, repayments,
16 refinancing, overall benefits to counties and any other relevant
17 data, facts and statistics that the department believes
18 necessary in the content of the report.

19 Section 1112-B. Reimbursement of county voting apparatus
20 expenses.

21 (a) Application.--A county may apply to the department to
22 receive funding to replace the county's voting apparatuses or to
23 reimburse the county's cost to purchase or lease by capital
24 lease voting apparatuses. Each county shall submit an
25 application for funding on a form containing information and
26 documentation prescribed by the department no later than July 1,
27 2020.

28 (b) Documentation for prior purchase or lease.--If a county
29 seeks reimbursement of the county's cost to purchase or lease by
30 capital lease a voting apparatus that the county purchased or
31 leased before the date that the county submits its application
32 to the department, the county's application shall include
33 documentation prescribed by the department to substantiate the
34 county's cost to purchase or lease the voting apparatus,
35 including copies of fully executed voting apparatus contracts,
36 invoices and proof of payment to the vendor of the voting
37 apparatus.

38 (c) Documentation for subsequent purchase or lease.--If a
39 county seeks funding to purchase or lease by capital lease a
40 voting apparatus that the county will purchase or lease after
41 the date that the county submits its application to the
42 department, the county's application shall include documentation
43 prescribed by the department to substantiate the county's
44 estimate to purchase or lease the voting apparatus, including
45 copies of fully executed voting apparatus contracts, bids or
46 price quotes submitted to the county by voting apparatus vendors
47 and other price estimates or cost proposals.

48 (d) Review.--The department shall review each county
49 application on a rolling basis and shall either approve or deny
50 each county's application within 90 days of the date the
51 application is received by the department. A county may

1 supplement or amend submitted applications during the 90-day
2 review period in consultation with the department.

3 (e) Approval for prior purchase or lease.--If the department
4 approves a county's application submitted under subsection (b),
5 the department and the county shall enter into a written grant
6 agreement through which the department shall reimburse the
7 county at the amount determined under subsection (g).

8 (f) Approval for subsequent purchase or lease.--If the
9 department approves a county's application under subsection (c),
10 the department and the county shall enter into a written grant
11 agreement through which the department will provide funding to
12 reimburse the county's cost to purchase or lease a voting
13 apparatus at the amount determined under subsection (g). The
14 county shall hold the grant money in an account of the county
15 that is separate from each other county account. The county
16 shall deliver quarterly reports to the department of the voting
17 apparatus costs paid from the grant money in a form prescribed
18 by the department. The county shall return any unspent grant
19 money to the department within 30 days of the expiration of the
20 grant agreement.

21 (g) Payments.--

22 (1) A county shall only receive amounts under this
23 section to the extent that the department has bond proceeds
24 available in the account from which to make payments.

25 (2) Except as provided under paragraph (3), a county
26 which submitted an application approved under subsection (e)
27 or (f) shall receive 60% of the total amount submitted under
28 subsection (b) or (c) which may be reimbursed or paid.

29 (3) If the total amount submitted by all counties under
30 paragraph (2) exceeds the total amount available for
31 reimbursement or payment, a county shall receive a portion of
32 the amount available equal to the total amount submitted by
33 the county under subsection (b) or (c) which may be
34 reimbursed or paid, divided by the total amount submitted by
35 all counties under subsection (b) or (c) which may be
36 reimbursed or paid.

37 (4) If any bond proceeds remain after the department has
38 issued all reimbursements in accordance with paragraphs (1),
39 (2) and (3), the department may utilize the remaining balance
40 for grants for counties for the purchase and distribution to
41 the counties of election security equipment. The department
42 shall provide notice to each county no later than 30 days
43 prior to receiving applications for grants under this
44 paragraph.

45 (h) Certification.--A county shall only receive the
46 reimbursement or funding under this article after making a
47 certification to the department, the President pro tempore of
48 the Senate, the Speaker of the House of Representatives, the
49 Minority Leader of the Senate, the Minority Leader of the House
50 of Representatives, the chair and minority chair of the
51 Appropriations Committee of the Senate, the chair and minority

1 chair of the Appropriations Committee of the House of
2 Representatives, the chair and minority chair of the State
3 Government Committee of the Senate and the chair and minority
4 chair of the State Government Committee of the House of
5 Representatives that the county has completed a program under 25
6 Pa.C.S. § 1901(b)(1) (relating to removal of electors) and
7 mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the
8 prior 12 months. The certification shall include information on
9 whether the county has undertaken a canvass under 25 Pa.C.S. §
10 1901(b)(2).

11 (i) Department application.--The department shall apply to
12 the authority for funding under section 1102-B only if the
13 department has approved county applications under this article
14 which total at least \$50,000,000.

15 Section 3.2. Sections 1210(a.4)(1) and (5)(ii), 1215(b) and
16 (c), 1216(d) and (f), 1222, 1223(a) and 1227(d) of the act are
17 amended to read:

18 Amend Bill, page 84, line 8, by inserting after "BALLOT."

19 This envelope shall then be placed in the second one, on
20 which is printed the form of declaration of the elector, and the
21 address of the elector's county board of election and the local
22 election district of the elector. The elector shall then fill
23 out, date and sign the declaration printed on such envelope.
24 Such envelope shall then be securely sealed and the elector
25 shall send same by mail, postage prepaid, except where franked,
26 or deliver it in person to said county board of election.

27 Amend Bill, page 92, line 23, by inserting after "ELECTOR"
28 or mail-in elector

29 Amend Bill, page 92, line 24, by inserting a bracket before
30 "(II)"

31 Amend Bill, page 92, line 30, by inserting a bracket after
32 "OR" where it occurs the second time

33 Amend Bill, page 94, line 12, by inserting a bracket before
34 "(1)"

35 Amend Bill, page 94, line 14, by striking out "OR MAIL-IN
36 BALLOTS"

37 Amend Bill, page 94, line 16, by striking out "AND MAIL-IN
38 BALLOTS"

1 Amend Bill, page 94, lines 17 and 18, by striking out "AND
2 MAIL-IN BALLOTS"

3 Amend Bill, page 94, line 19, by striking out "OR THE MAIL-IN
4 VOTER'S RESPECTIVE ELECTION DISTRICT"

5 Amend Bill, page 94, line 22, by striking out "OR MAIL-IN
6 BALLOTS'"

7 Amend Bill, page 94, line 24, by striking out "OR MAIL-IN
8 BALLOT"

9 Amend Bill, page 94, line 26, by inserting a bracket after
10 "APPLICABLE."

11 Amend Bill, page 94, line 28, by inserting a bracket before
12 "AFTER"

13 Amend Bill, page 94, line 28, by striking out "AND MAIL-IN
14 BALLOTS"

15 Amend Bill, page 94, line 29, by inserting a bracket after
16 "BUT"

17 Amend Bill, page 95, line 3, by inserting a bracket before
18 the comma after "(G) (2)"

19 Amend Bill, page 95, line 5, by striking out "OR MAIL-IN
20 BALLOT"

21 Amend Bill, page 95, line 6, by inserting a bracket after
22 "VOID"

23 Amend Bill, page 96, lines 3 and 4, by striking out all of
24 said lines

25 Amend Bill, page 104, line 30, by striking out "ON" and
26 inserting

1 as soon as a ballot is certified and the ballots are
2 available. While any proceeding is pending in a Federal or State
3 court which would affect the contents of any ballot, the county
4 board of elections may await a resolution of that proceeding but
5 in any event, shall commence to deliver or mail official
6 absentee ballots not later than

7 Amend Bill, page 105, line 16, by inserting after "BALLOT."

8 This envelope shall then be placed in the second one, on
9 which is printed the form of declaration of the elector, and the
10 address of the elector's county board of election and the local
11 election district of the elector. The elector shall then fill
12 out, date and sign the declaration printed on such envelope.
13 Such envelope shall then be securely sealed and the elector
14 shall send same by mail, postage prepaid, except where franked,
15 or deliver it in person to said county board of election.

16 Amend Bill, page 107, lines 10 and 11, by striking out all of
17 said lines

18 Amend Bill, page 111, line 23, by inserting after "3, "
19 3.2,