

## AMENDMENTS TO SENATE BILL NO. 1200

Sponsor: SENATOR FONTANA

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1 Amend Bill, page 1, lines 1 through 18, by striking out all  
2 of said lines and inserting

3 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
4 "An act concerning elections, including general, municipal,  
5 special and primary elections, the nomination of candidates,  
6 primary and election expenses and election contests; creating  
7 and defining membership of county boards of elections;  
8 imposing duties upon the Secretary of the Commonwealth,  
9 courts, county boards of elections, county commissioners;  
10 imposing penalties for violation of the act, and codifying,  
11 revising and consolidating the laws relating thereto; and  
12 repealing certain acts and parts of acts relating to  
13 elections," providing for voting by all-mail; and, in  
14 penalties, further providing for violations of provisions  
15 relating to absentee and mail-in ballots.

16 Amend Bill, page 1, lines 21 through 24; pages 2 and 3, lines  
17 1 through 30; page 4, lines 1 through 24; by striking out all of  
18 said lines on said pages and inserting

19 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
20 as the Pennsylvania Election Code, is amended by adding an  
21 article to read:

22 ARTICLE XIII-F

23 VOTE BY ALL-MAIL

24 Section 1301-F. Definitions.

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

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

29 "Nonforwardable mail." Mail collected for delivery by the  
30 United States Postal Service which cannot be forwarded or mailed  
31 to an address other than the mailing address inscribed on the  
32 materials mailed, notwithstanding whether a change of address  
33 has been received and processed by the United States Postal  
34 Service, and which is conspicuously stamped "DO NOT FORWARD" by  
35 the sender.

1 Section 1302-F. All-mail elections.

2 Notwithstanding any provision of this act or of any other law  
3 of this Commonwealth, all voting in elections held after  
4 November 8, 2022, shall be conducted only by mail-in and  
5 absentee ballot in accordance with Articles XIII and XIII-D,  
6 subject to the following:

7 (1) Notwithstanding sections 1302, 1302.1, 1302.2, 1302-  
8 D, 1302.1-D and 1302.2-D or any other provision of law:

9 (i) Not sooner than 20 days prior to the date of the  
10 election but not later than 14 days prior to the date of  
11 the election, the county board shall commence to mail by  
12 nonforwardable mail, postage prepaid, an official mail-in  
13 ballot to every qualified registered elector in the  
14 county to the elector's voter registration address, if  
15 the elector has not lost the elector's voting rights by  
16 failure to vote as otherwise required under this act.

17 (ii) If the county board determines that the elector  
18 does not receive daily mail service from the United  
19 States Postal Service, the county shall mail by  
20 nonforwardable mail, postage prepaid, an official mail-in  
21 ballot not sooner than 20 days prior to the date of the  
22 election and not later than the 18 days prior to the date  
23 of the election.

24 (iii) For an official ballot to be mailed to  
25 addresses outside this Commonwealth to electors who are  
26 not military or overseas electors, the county may mail  
27 the official ballots not sooner than 29 days prior to the  
28 date of the election.

29 (iv) If a registered elector modifies or changes the  
30 elector's registration after the deadline for  
31 registration provided under section 1231, the county  
32 board shall make the mail-in ballot available by  
33 nonforwardable mail, at the county board's office or at  
34 another place designated by the county board.

35 (2) For a qualified registered elector who is absent  
36 from the elector's voter registration address by a reason  
37 enumerated under section 1301 and unable to retrieve the  
38 elector's official mail-in ballot from that address prior to  
39 the election, the elector may submit an application for an  
40 official absentee ballot to the appropriate county board as  
41 provided under Article XIII, which must be received by the  
42 county board no later than the deadline provided in section  
43 1302.1(a).

44 (3) For a primary election:

45 (i) The county board shall mail the official mail-in  
46 ballot of a party to each qualified registered elector  
47 who is duly registered and enrolled as a member of a  
48 party.

49 (ii) For a qualified registered elector with no  
50 party affiliation, if the ballot for the primary election  
51 provides for a measure or question, each registered

1 elector shall be mailed a mail-in ballot limited to those  
2 measures or questions for which the registered elector is  
3 eligible to vote.

4 (4) Official ballots delivered or mailed under this  
5 section shall be accompanied by the following warning  
6 conspicuously placed in boldface type:

7 ANY PERSON WHO, BY USE OR FORCE OR OTHER MEANS,  
8 UNDULY INFLUENCES AN ELECTOR TO VOTE IN ANY  
9 PARTICULAR MANNER OR TO REFRAIN FROM VOTING IS  
10 SUBJECT TO CRIMINAL PENALTIES UPON CONVICTION,  
11 INCLUDING IMPRISONMENT OR A FINE, OR BOTH.

12 (5) A county board shall count a ballot only if:

13 (i) the ballot is returned in the envelope  
14 containing the declaration of the elector;

15 (ii) the envelope containing the declaration of the  
16 elector is signed by the elector to whom the mail-in or  
17 absentee ballot is issued; and

18 (iii) the signature on the envelope containing the  
19 declaration of the elector is verified by the county  
20 board by comparing it to the signature on the elector's  
21 registration card, according to the procedure adopted by  
22 the department under section 1303-F.

23 (6) If the county board determines that an elector to  
24 whom a replacement ballot has been issued under paragraph (7)  
25 has voted more than once, the county board shall count only  
26 one ballot cast by that elector.

27 (7) A qualified registered elector may obtain a  
28 replacement ballot if the ballot is destroyed, spoiled, lost  
29 or not received by the elector. The county board shall  
30 maintain a record of each replacement ballot provided under  
31 this section. Notwithstanding the deadline for mailing  
32 ballots under paragraph (1), a replacement ballot may be  
33 mailed, made available at the office of the county board or  
34 made available at one central location designated by the  
35 county board in the election district in which the election  
36 is conducted. The county board is not required to mail a  
37 replacement ballot after the fifth day before the date of the  
38 election. Replacement ballots shall be issued in accordance  
39 with the following:

40 (i) To vote a replacement ballot, the elector must  
41 complete and sign a replacement ballot request form,  
42 which must include a signed statement of the elector  
43 subject to the penalties of 18 Pa.C.S. § 4904 (relating  
44 to unsworn falsification to authorities) that the  
45 elector's mailed ballot was destroyed, spoiled, lost or  
46 not received by the elector.

47 (ii) The request for a replacement ballot may be  
48 made electronically, by telephone, in writing, in person  
49 or by other means designated by the department.

50 (iii) The replacement ballot request form shall be  
51 mailed or made available to the elector along with the

1 replacement ballot.

2 (iv) Upon receipt of a request for a replacement  
3 ballot, the county board shall:

4 (A) verify the registration of the elector and  
5 ensure that another ballot has not been returned by  
6 the elector;

7 (B) note in the district register that the  
8 elector has requested a replacement ballot;

9 (C) mark the outer return envelope clearly so  
10 that it may be readily identified as a replacement  
11 ballot; and

12 (D) issue the replacement ballot by mail or  
13 other means determined appropriate by the department.

14 (v) Upon receipt of a voted replacement ballot, the  
15 county board shall verify that a completed and signed  
16 replacement ballot request form has been received by the  
17 county board or is included with the voted replacement  
18 ballot. If a request form has been completed and signed  
19 by the elector and received by the county board, the  
20 county board shall process the replacement ballot. If the  
21 request form is not completed or signed by the elector or  
22 received by the county board, the county board may not  
23 process the replacement ballot.

24 (vi) If the county board determines that an elector  
25 to whom a replacement ballot has been issued at the  
26 request of the elector has voted more than once, the  
27 county board shall count only the first ballot received  
28 by the county board and provide the elector's name to the  
29 department for further review.

30 (8) The county board shall provide, at any location  
31 where ballots are issued, at least three suitable  
32 compartments, shelves or tables at which registered electors  
33 may mark and return their mail-in or absentee ballots. The  
34 compartments, shelves or tables shall be arranged in a manner  
35 as to ensure that the elector may conveniently mark the  
36 ballot with absolute secrecy. The county board shall also  
37 provide, at any location where ballots are issued,  
38 compartments with accessible voting units, which shall  
39 include any voting device that complies with the Americans  
40 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.  
41 327) and the Help America Vote Act of 2002 (Public Law 107-  
42 252, 52 U.S.C. § 21081 et seq.) and meets any additional  
43 criteria established by the department under section 1303-F.  
44 The compartments, shelves or tables under this paragraph  
45 shall be made available during the entire period of time  
46 ballots are issued under paragraph (1)(i) until the deadline  
47 for receipt of absentee and mail-in ballots under Articles  
48 XIII and XIII-D.

49 (9) Notwithstanding sections 1306(b)(3) and 1306-D(b)(3)  
50 or any other provision of law, elections in this Commonwealth  
51 shall be conducted only by mail-in and absentee ballot as

1 required under this section. A registered elector may not  
2 remit a ballot for spoiling in order to vote at the polling  
3 place unless otherwise provided under this article.  
4 Notwithstanding sections 1302(i)(1), 1303(e), 1302-D(f) and  
5 1303-D(e), official mail-in and absentee ballots mailed under  
6 this article may not state that the elector is eligible to  
7 vote at a polling place on election day if the elector brings  
8 the elector's absentee ballot to the elector's polling place,  
9 remits the ballot and the envelope containing the declaration  
10 of the elector to the judge of elections to be spoiled and  
11 signs a statement subject to the penalties of 18 Pa.C.S. §  
12 4904 to the same effect.

13 (10) Notwithstanding section 1308(g)(1.1) or any other  
14 provision of law, no earlier than the seventh day prior to  
15 the date of the election, the county board shall meet to  
16 begin precanvassing all mail-in and absentee ballots received  
17 prior to the meeting. A county board shall provide at least  
18 48 hours' notice of a precanvass meeting by publicly posting  
19 a notice of a precanvass meeting on its publicly accessible  
20 Internet website. One authorized representative of each  
21 candidate in an election and one representative from each  
22 political party shall be permitted to remain in the room in  
23 which the mail-in and absentee ballots are precanvassed. An  
24 individual observing, attending or participating in a  
25 precanvass meeting may not disclose the results of any  
26 portion of a precanvass meeting prior to the close of the  
27 polls.

28 Section 1303-F. Duties of department.

29 The department may establish by guidance, rule or regulation  
30 the requirements and criteria for implementation and  
31 administration of this article, including the following:

32 (1) the designation of places of deposit for the mailed  
33 ballots cast in an election;

34 (2) the dates and times the places of deposit must be  
35 open and the security requirements for the places of deposit;

36 (3) the requirements and criteria, including to ensure  
37 privacy and adequate public availability of the compartments,  
38 shelves, tables and voting booths provided to electors; and

39 (4) the appropriate means by which county boards provide  
40 for requests for, issuance of and tracking of replacement  
41 ballots.

42 Section 2. Section 1853 of the act, amended March 27, 2020  
43 (P.L.41, No.12), is amended to read:

44 Section 1853. Violations of Provisions Relating to Absentee  
45 and Mail-in Ballots.--If any person shall sign an application  
46 for absentee ballot, mail-in ballot or declaration of elector on  
47 the forms prescribed knowing any matter declared therein to be  
48 false, or shall vote any ballot other than one properly issued  
49 to the person, or vote or attempt to vote more than once in any  
50 election for which an absentee ballot or mail-in ballot shall  
51 have been issued to the person, or shall violate any other

1 provisions of Article XIII [or], Article XIII-D or Article XIII-  
2 E of this act, the person shall be guilty of a misdemeanor of  
3 the third degree, and, upon conviction, shall be sentenced to  
4 pay a fine not exceeding two thousand five hundred dollars  
5 (\$2,500), or be imprisoned for a term not exceeding two (2)  
6 years, or both, at the discretion of the court.

7 If any chief clerk or member of a board of elections, member  
8 of a return board or member of a board of registration  
9 commissioners, shall neglect or refuse to perform any of the  
10 duties prescribed by Article XIII or Article XIII-D of this act,  
11 or shall reveal or divulge any of the details of any ballot cast  
12 in accordance with the provisions of Article XIII or Article  
13 XIII-D of this act, or shall count an absentee ballot or mail-in  
14 ballot knowing the same to be contrary to Article XIII or  
15 Article XIII-D, or shall reject an absentee ballot or mail-in  
16 ballot without reason to believe that the same is contrary to  
17 Article XIII or Article XIII-D, or shall permit an elector to  
18 cast the elector's ballot at a polling place knowing that there  
19 has been issued to the elector an absentee ballot, the elector  
20 shall be guilty of a felony of the third degree, and, upon  
21 conviction, shall be punished by a fine not exceeding fifteen  
22 thousand dollars (\$15,000), or be imprisoned for a term not  
23 exceeding seven (7) years, or both, at the discretion of the  
24 court.

25 Section 3. The amendment or addition of Article XIII-F and  
26 section 1853 of the act shall apply to elections occurring  
27 after November 8, 2022.

28 Section 4. This act shall take effect immediately.