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 preparation for and conduct of primaries and
12 elections, further providing for deadline for receipt of
13 valid voter registration application; in voting by qualified
14 absentee electors, further providing for date of application
15 for absentee ballot, for envelopes for official absentee
16 ballots, for voting by absentee electors and for canvassing
17 of official absentee ballots and mail-in ballots and
18 providing for prohibition on absentee ballot curing; and, in
19 voting by qualified mail-in electors, further providing for
20 date of application for mail-in ballot, for envelopes for
21 official mail-in ballots and for voting by mail-in electors
22 and providing for prohibition on mail-in ballot curing.
23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:
25 Section 1. Sections 1231(b)(1), (3) and (4), 1302.1(a)
26 introductory paragraph and (a.3) of the act of June 3, 1937
27 (P.L.1333, No.320), known as the Pennsylvania Election Code,
28 amended or added October 31, 2019 (P.L.552, No.77), is amended
Section 1231. Deadline for Receipt of Valid Voter Registration Application.—*

(b) In the administration of voter registration, each commission shall ensure that an applicant who is a qualified elector is registered to vote in an election when the applicant has met any of the following conditions:

(1) In the case of voter registration with a motor vehicle driver's license application under 25 Pa.C.S. § 1323 (relating to application with driver's license application), if the valid voter registration application is received by the appropriate commission not later than fifteen thirty days before the election.

* * *

(3) In the case of voter registration at a voter registration agency under 25 Pa.C.S. § 1325 (relating to government agencies), if the valid voter registration application is received by the appropriate commission not later than fifteen thirty days before the election.

(4) In any other case, if the valid voter registration application of the applicant is received by the appropriate commission not later than fifteen thirty days before the election.

(c) (1) In the case of a special election within a congressional, senatorial or representative district held on a day other than the day of a primary, general or municipal election, the registration application forms shall not be processed in the wards and election districts comprising the district for the fifteen thirty days prior to the special election for such election.

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Section 1302.1. Date of Application for Absentee Ballot.--

(a) Except as provided in subsection (a.3), applications for absentee ballots shall be received in the office of the county board of elections not earlier than fifty (50) days before the primary or election, except that if a county board of elections determines that it would be appropriate to its operational needs, any applications for absentee ballots received more than fifty (50) days before the primary or election may be processed before that time. Applications for absentee ballots shall be processed if received not later than five o'clock P.M. of the [first Tuesday] twenty-first day prior to the day of any primary or election.

(a.3) (1) The following categories of electors may apply for an absentee ballot under this subsection, if otherwise qualified:

(i) An elector whose physical disability or illness prevented the elector from applying for an absentee ballot before five o'clock P.M. on the [first Tuesday] twenty-first day prior to the day of the primary or election.

(ii) An elector who, because of the elector's business, duties or occupation, was unable to apply for an absentee ballot before five o'clock P.M. on the [first Tuesday] twenty-first day prior to the day of the primary or election.

(iii) An elector who becomes so physically disabled or ill after five o'clock P.M. on the [first Tuesday] twenty-first day prior to the day of the primary or election that the elector is unable to appear at the polling place on the day of the primary or election.

(iv) An elector who, because of the conduct of the elector's
business, duties or occupation, will necessarily be absent from
the elector's municipality of residence on the day of the
primary or election, which fact was not and could not reasonably
be known to the elector on or before five o'clock P.M. on the
[first Tuesday] twenty-first day prior to the day of the primary
or election.

(2) An elector described in paragraph (1) may submit an
application for an absentee ballot at any time up until the time
of the closing of the polls on the day of the primary or
election. The application shall include a declaration describing
the circumstances that prevented the elector from applying for
an absentee ballot before five o'clock P.M. on the [first
Tuesday] twenty-first day prior to the day of the primary or
election or that prevent the elector from appearing at the
polling place on the day of the primary or election, and the
elector's qualifications under paragraph (1). The declaration
shall be made subject to the provisions of 18 Pa.C.S. § 4904
(relating to unsworn falsification to authorities).

* * *

Section 2. Section 1304 of the act, amended March 27, 2020
(P.L.41, No.12), is amended to read:

Section 1304. Envelopes for Official Absentee Ballots.--
The county boards of election shall provide [two additional
envelopes] an additional envelope for each official absentee
ballot of such size and shape as shall be prescribed by the
Secretary of the Commonwealth, in order to permit the placing of
[one within the other and both] the envelope within the mailing
envelope. [On the smaller of the two envelopes to be enclosed in
the mailing envelope shall be printed, stamped or endorsed the
words "Official Election Ballot," and nothing else. On the
On the envelope to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector, and the name and address of the county board of election of the proper county. The [larger envelope] shall also contain information indicating the local election district of the absentee voter. Said form of declaration and envelope shall be as prescribed by the Secretary of the Commonwealth and shall contain among other things a statement of the electors qualifications, together with a statement that such elector has not already voted in such primary or election. The mailing envelope addressed to the elector shall contain the [two envelopes] additional envelope specified under this section, the official absentee ballot, lists of candidates, when authorized by section 1303 subsection (b) of this act, the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else.

Section 3. Section 1306(a) introductory paragraph of the act, amended March 27, 2020 (P.L.41, No.12), is amended and the section is amended by adding a subsection to read:

Section 1306. Voting by Absentee Electors.--(a) Except as provided in paragraphs (2) and (3), at any time after receiving an official absentee ballot, but on or before eight o'clock P.M. the day of the primary or election, the elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope [on which is printed, stamped or endorsed "Official Election Ballot." This envelope shall then be placed in the second one,] on which is printed the
form of declaration of the elector, and the address of the
elector's county board of election and the local election
district of the elector. The elector shall then fill out, date
and sign the declaration printed on such envelope. Such envelope
shall then be securely sealed and the elector shall send same by
mail, postage prepaid, except where franked, or deliver it in
person to said county board of election.

* * *

(d) (1) In addition to the other means to submit an
absentee ballot under this article, a county board of elections
shall establish ballot drop-boxes in accordance with this
subsection.

(2) A county board of elections shall provide one ballot
drop box for every thirty-thousand (30,000) registered electors
in the county.

(3) A county board of elections shall ensure ballot drop-
boxes comply with all of the following criteria:

(i) Ballot drop-boxes shall be equitably distributed across
the county to provide electors with convenient options.

(ii) Ballot drop-boxes shall be located in places that will
be convenient for the largest number of electors based on the
location of residences and places of employment in the
determined area.

(iii) Ballot drop-boxes shall be accessible for individuals
with disabilities.

(iv) Ballot drop-boxes shall be conspicuous and known to
electors in the county.

(v) Ballot drop-boxes shall be secure.

(vi) Ballot drop-boxes shall be locked from accepting an
absentee ballot after eight o'clock P.M. on the day of the
primary or election.

(4) As used in this subsection, the term "ballot drop-box" means a stand-alone drop-off location for the purpose of allowing electors to deposit their completed absentee ballots.

Section 4. Section 1308(g)(1.1) and (4)(ii) of the act, amended March 27, 2020 (P.L.41, No.12), are amended to read:

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

(g) * * *

(1.1) The county board of elections shall meet [no earlier than] at seven o'clock A.M. [on] three days before election day to pre-canvass all ballots received prior to the meeting. A county board of elections shall provide at least forty-eight hours' notice of a pre-canvass meeting by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are pre-canvassed. No person observing, attending or participating in a pre-canvass meeting may disclose the results of any portion of any pre-canvass meeting prior to the close of the polls.

* * *

(4) All absentee ballots which have not been challenged under section 1302.2(c) and all mail-in ballots which have not been challenged under section 1302.2-D(a)(2) and that have been verified under paragraph (3) shall be counted and included with the returns of the applicable election district as follows:

* * *

[(ii) If any of the envelopes on which are printed, stamped]
or endorsed the words "Official Election Ballot" contain any text, mark or symbol which reveals the identity of the elector, the elector's political affiliation or the elector's candidate preference, the envelopes and the ballots contained therein shall be set aside and declared void.]

* * *

Section 5. The act is amended by adding a section to read:

Section 1308.1. Prohibition on Absentee Ballot Curing.--(a) After an elector casts and submits an absentee ballot, the elector may not alter, change, correct or cure the ballot for any reason.

(b) After a county board of elections receives an absentee ballot, the county board of elections may not contact the elector who cast and submitted the ballot for the purpose of allowing the elector to alter, change, correct or cure the ballot.

Section 6. Section 1302.1-D(a) of the act, added October 31, 2019 (P.L.552, No.77), is amended to read:

Section 1302.1-D. Date of application for mail-in ballot.

(a) General rule.--Applications for mail-in ballots shall be received in the office of the county board of elections not earlier than 50 days before the primary or election, except that if a county board of elections determines that it would be appropriate to the county board of elections' operational needs, any applications for mail-in ballots received more than 50 days before the primary or election may be processed before that time. Applications for mail-in ballots shall be processed if received not later than five o'clock P.M. of the [first Tuesday] twenty-first day prior to the day of any primary or election.

* * *
Section 7. Section 1304-D(a) and (c) of the act, amended or added October 31, 2019 (P.L.552, No.77) and March 27, 2020 (P.L.41, No.12), are amended to read:

Section 1304-D. Envelopes for official mail-in ballots.

(a) Additional envelopes.--The county boards of election shall provide an additional envelope for each official mail-in ballot of a size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of the envelope within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official Election Ballot," and nothing else. On the larger of the two envelopes, the envelope to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector and the name and address of the county board of election of the proper county. The envelope shall also contain information indicating the local election district of the mail-in voter.

* * *

(c) Mailing envelope.--The mailing envelope addressed to the elector shall contain the two envelopes specified under subsection (a), the official mail-in ballot, lists of candidates, when authorized by section 1303-D(b), the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else.

* * *

Section 8. Section 1306-D(a) of the act, amended March 27, 2020 (P.L.41, No.12), is amended and the section is amended by adding a subsection to read:
Section 1306-D. Voting by mail-in electors.

(a) General rule.--At any time after receiving an official mail-in ballot, but on or before eight o'clock P.M. the day of the primary or election, the mail-in elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope [on which is printed, stamped or endorsed "Official Election Ballot." This envelope shall then be placed in the second one,] on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

* * *

(d) Ballot drop-boxes.--The following apply:

(1) In addition to the other means to submit a mail-in ballot under this act, a county board of elections shall establish ballot drop-boxes in accordance with this subsection.

(2) A county board of elections shall provide one ballot drop-box for every 30,000 registered electors in the county.

(3) A county board of elections shall ensure ballot drop-boxes comply with all of the following criteria:

   (i) Ballot drop-boxes shall be equitably distributed across the county to provide electors with convenient options.
(ii) Ballot drop-boxes shall be located in places that will be convenient for the largest number of electors based on the location of residences and places of employment in the determined area.

(iii) Ballot drop-boxes shall be accessible for individuals with disabilities.

(iv) Ballot drop-boxes shall be conspicuous and known to electors in the county.

(v) Ballot drop-boxes shall be secure.

(vi) Ballot drop-boxes shall be locked from accepting a mail-in ballot after eight o'clock P.M. on the day of the primary or election.

(4) As used in this subsection, the term "ballot drop-box" means a stand-alone drop-off location for the purpose of allowing electors to deposit their completed absentee ballots.

Section 8. The act is amended by adding a section to read: Section 1309-D. Prohibition on mail-in ballot curing.

(a) Elector curing.--After an elector casts and submits a mail-in ballot, the elector may not alter, change, correct or cure the ballot for any reason.

(b) Board curing.--After a county board of elections receives a mail-in ballot, the county board of elections may not contact the elector who cast and submitted the ballot for the purpose of allowing the elector to alter, change, correct or cure the ballot.

Section 9. This act shall apply to elections held at least 180 days after the effective date of this section.

Section 10. This act shall take effect immediately.