AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in voting by qualified absentee electors, further providing for canvassing of official absentee ballots and mail-in ballots.

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

Section 1. Section 1308(g)(1.1), (2) and (3) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended March 27, 2020 (P.L.41, No.12), are amended and the section is amended by adding a subsection to read:

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

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

(g) * * *

(1.1) The county board of elections shall meet no earlier
than seven o'clock A.M. on 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] The authorized representative of each candidate in an
election, the county chairman of each political party or a
designee 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. A person allowed to watch
the pre-canvassing shall be permitted to have a clear line of
sight to view and hear the proceedings at a distance of six feet
or less, but that does not impede the ability of the person
canvassing ballots from carrying out the person's duties. 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.

(2) The county board of elections shall meet no earlier than
the close of polls on the day of the election and no later than
the third day following the election to begin canvassing
absentee ballots and mail-in ballots not included in the pre-
canvass meeting. Except for valid military-overseas ballots
timely received under 25 Pa.C.S. § 3511, only those ballots received by eight o'clock P.M. election day may be canvassed. The meeting under this paragraph shall continue until all absentee ballots and mail-in ballots timely received prior to the close of the polls have been canvassed. The county board of elections shall not record or publish any votes reflected on the ballots prior to the close of the polls. The canvass process shall continue through the eighth day following the election for valid military-overseas ballots timely received under 25 Pa.C.S. § 3511 [(relating to receipt of voted ballot)]. A county board of elections shall provide at least forty-eight hours' notice of a canvass meeting by publicly posting a notice on its publicly accessible Internet website. One authorized representative of each candidate in an election, the county chairman of each political party or a designee 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 canvassed. A person allowed to watch the pre-canvassing shall be permitted to have a clear line of sight to view and hear the proceedings at a distance of six feet or less, but that does not impede the ability of the person canvassing ballots from carrying out the person's duties.

(3) When the county board meets to pre-canvass or canvass absentee ballots and mail-in ballots under paragraphs (1), (1.1) and (2), the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the
The county board has verified the proof of identification as required under this act and is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall provide a list of the names of electors whose absentee ballots or mail-in ballots are to be pre-canvassed or canvassed. For absentee ballots or mail-in ballots which the county board is not satisfied that proof of identification has been provided due to any inability to match the signature present on the ballot to the signature on file, the county board shall:

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

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

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

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

(iii) Notify the elector that the absentee ballot or mail-in ballot may not be counted if the elector fails to comply with subparagraph (ii).
Section 2. This act shall take effect immediately.