

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 573 Session of 2021

INTRODUCED BY MASTRIANO, PITTMAN, BROOKS, HUTCHINSON, STEFANO AND J. WARD, APRIL 16, 2021

AS AMENDED ON THIRD CONSIDERATION, JUNE 6, 2022

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 district election officers, further providing
12 for appointment of watchers; IN VOTING BY QUALIFIED ABSENTEE <--
13 ELECTORS, FURTHER PROVIDING FOR CANVASSING OF OFFICIAL
14 ABSENTEE BALLOTS AND MAIL-IN BALLOTS; and, in penalties,
15 further providing for refusal to permit overseers, watchers,
16 attorneys or candidates to act, FOR PROHIBITING DURESS AND <--
17 INTIMIDATION OF VOTERS AND INTERFERENCE WITH THE FREE
18 EXERCISE OF THE ELECTIVE FRANCHISE and for hindering or
19 delaying performance of duty.

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

22 Section 1. Section 417, 1806 and 1849 of the act of June 3, <--
23 1937 (P.L.1333, No.320), known as the Pennsylvania Election
24 Code, are amended to read:

25 SECTION 1. SECTIONS 417, 1308(G)(1.1) AND (2), 1806, 1847 <--
26 AND 1849 OF THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS

1 THE PENNSYLVANIA ELECTION CODE, ARE AMENDED TO READ:

2 Section 417. Appointment of Watchers.--

3 (a) Each candidate for nomination or election at any  
4 election shall be entitled to appoint [~~two watchers for~~] three  
5 watchers at any PRIMARY, general, municipal or special election, <--

6 each election district in which such candidate is voted for.

7 Each political party and each political body which has nominated  
8 candidates in accordance with the provisions of this act, shall

9 be entitled to appoint three watchers at any PRIMARY, general, <--

10 municipal or special election for each election district in  
11 which the candidates of such party or political body are to be  
12 voted for. Such watchers shall serve without expense to the  
13 county.

14 (b) Each watcher so appointed must be a qualified registered  
15 elector [~~of the county in which the election district for which~~  
16 ~~the watcher was appointed is located~~] of the Commonwealth. Each

17 watcher so appointed shall be authorized to serve in the  
18 election district for which the watcher was appointed and, when  
19 the watcher is not serving in the election district for which  
20 the watcher was appointed, in any other election district in the  
21 [~~county in which the watcher is a qualified registered elector~~]

22 Commonwealth: Provided, That only one watcher for each candidate

23 [~~at primaries, or~~] and one watcher for each party or political  
24 body at PRIMARY, general, municipal or special elections, shall <--

25 be present in the polling place at any one time from the time  
26 that the election officers meet prior to the opening of the  
27 polls under section 1208 until the time that the counting of  
28 votes is complete and the district register and voting check  
29 list is locked and sealed, and all watchers in the room shall  
30 remain outside the enclosed space. It shall not be a requirement

1 that a watcher be a resident of the election district for which  
2 the watcher is appointed. After the close of the polls and while  
3 the ballots are being counted or voting machine canvassed, all  
4 the watchers shall be permitted to be in the polling place  
5 [outside] inside the enclosed space, but may not interfere with  
6 the counting of ballots. Each watcher shall be provided with a  
7 certificate from the county board of elections, stating his name  
8 and the name of the candidate, party or political body he  
9 represents. Watchers shall be required to show their  
10 certificates when requested to do so. Watchers allowed in the  
11 polling place under the provisions of this act, shall be  
12 permitted to keep a list of voters and shall be entitled to  
13 challenge any person making application to vote and to require  
14 proof of his qualifications at any facility where votes are  
15 collected, as provided by this act. During those intervals when  
16 voters are not present in the polling place either voting or  
17 waiting to vote, the judge of elections shall permit watchers,  
18 upon request, to inspect the voting check list and either of the  
19 two numbered lists of voters maintained by the county board:  
20 Provided, That the watcher shall not mark upon or alter these  
21 official election records. The judge of elections shall  
22 supervise or delegate the inspection of any requested documents.

23 (c) No candidate or committee of a political party or of a  
24 political body, nor any other person or persons shall pay to any  
25 watcher compensation in excess of one hundred twenty (\$120.00)  
26 dollars per diem.

27 (d) A watcher whose watcher's certificate is destroyed or  
28 lost on election day may appear before the court of common pleas  
29 under section 1206 and, after swearing under oath or affirmation  
30 that the watcher's certificate was destroyed or lost, may

1 immediately receive a replacement watcher's certificate issued  
2 by the court.

3 SECTION 1308. CANVASSING OF OFFICIAL ABSENTEE BALLOTS AND <--  
4 MAIL-IN BALLOTS.--\* \* \*

5 (G) \* \* \*

6 (1.1) THE COUNTY BOARD OF ELECTIONS SHALL MEET NO EARLIER  
7 THAN SEVEN O'CLOCK A.M. ON ELECTION DAY TO PRE-CANVASS ALL  
8 BALLOTS RECEIVED PRIOR TO THE MEETING. A COUNTY BOARD OF  
9 ELECTIONS SHALL PROVIDE AT LEAST FORTY-EIGHT HOURS' NOTICE OF A  
10 PRE-CANVASS MEETING BY PUBLICLY POSTING A NOTICE OF A PRE-  
11 CANVASS MEETING ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE. ONE  
12 AUTHORIZED REPRESENTATIVE OF EACH CANDIDATE IN AN ELECTION AND  
13 ONE REPRESENTATIVE FROM EACH POLITICAL PARTY SHALL BE PERMITTED  
14 TO REMAIN IN THE ROOM IN WHICH THE ABSENTEE BALLOTS AND MAIL-IN  
15 BALLOTS ARE PRE-CANVASSED. A PERSON ALLOWED TO WATCH THE PRE-  
16 CANVASSING SHALL BE PERMITTED TO HAVE A CLEAR LINE OF SIGHT TO  
17 VIEW AND HEAR THE PROCEEDINGS AT A DISTANCE OF SIX FEET OR LESS,  
18 BUT THAT DOES NOT IMPEDE THE ABILITY OF THE PERSON CANVASSING  
19 BALLOTS FROM CARRYING OUT THE PERSON'S DUTIES. NO PERSON  
20 OBSERVING, ATTENDING OR PARTICIPATING IN A PRE-CANVASS MEETING  
21 MAY DISCLOSE THE RESULTS OF ANY PORTION OF ANY PRE-CANVASS  
22 MEETING PRIOR TO THE CLOSE OF THE POLLS.

23 (2) THE COUNTY BOARD OF ELECTIONS SHALL MEET NO EARLIER THAN  
24 THE CLOSE OF POLLS ON THE DAY OF THE ELECTION AND NO LATER THAN  
25 THE THIRD DAY FOLLOWING THE ELECTION TO BEGIN CANVASSING  
26 ABSENTEE BALLOTS AND MAIL-IN BALLOTS NOT INCLUDED IN THE PRE-  
27 CANVASS MEETING. THE MEETING UNDER THIS PARAGRAPH SHALL CONTINUE  
28 UNTIL ALL ABSENTEE BALLOTS AND MAIL-IN BALLOTS RECEIVED PRIOR TO  
29 THE CLOSE OF THE POLLS HAVE BEEN CANVASSED. THE COUNTY BOARD OF  
30 ELECTIONS SHALL NOT RECORD OR PUBLISH ANY VOTES REFLECTED ON THE

1 BALLOTS PRIOR TO THE CLOSE OF THE POLLS. THE CANVASS PROCESS  
2 SHALL CONTINUE THROUGH THE EIGHTH DAY FOLLOWING THE ELECTION FOR  
3 VALID MILITARY-OVERSEAS BALLOTS TIMELY RECEIVED UNDER 25 PA.C.S.  
4 § 3511 (RELATING TO RECEIPT OF VOTED BALLOT). A COUNTY BOARD OF  
5 ELECTIONS SHALL PROVIDE AT LEAST FORTY-EIGHT HOURS' NOTICE OF A  
6 CANVASS MEETING BY PUBLICLY POSTING A NOTICE ON ITS PUBLICLY  
7 ACCESSIBLE INTERNET WEBSITE. ONE AUTHORIZED REPRESENTATIVE OF  
8 EACH CANDIDATE IN AN ELECTION AND ONE REPRESENTATIVE FROM EACH  
9 POLITICAL PARTY SHALL BE PERMITTED TO REMAIN IN THE ROOM IN  
10 WHICH THE ABSENTEE BALLOTS AND MAIL-IN BALLOTS ARE CANVASSED. A  
11 PERSON ALLOWED TO WATCH THE PRE-CANVASSING SHALL BE PERMITTED TO  
12 HAVE A CLEAR LINE OF SIGHT TO VIEW AND HEAR THE PROCEEDINGS AT A  
13 DISTANCE OF SIX FEET OR LESS, BUT THAT DOES NOT IMPEDE THE  
14 ABILITY OF THE PERSON CANVASSING BALLOTS FROM CARRYING OUT THE  
15 PERSON'S DUTIES.

16 \* \* \*

17 Section 1806. Refusal to Permit Overseers, Watchers,  
18 Attorneys or Candidates to Act.--Any member of a county board of  
19 elections, judge of election or inspector of election who shall  
20 refuse to permit any overseer or watcher, attorney or candidate  
21 to be present, as authorized by this act, at any session of a  
22 county board, computation and canvassing of returns of any  
23 primary or election, recount of ballots or recanvass of voting  
24 machines, as authorized by this act, or at any polling place  
25 during the time the polls are open at any primary or election,  
26 and after the close of the polls during the time the ballots are  
27 counted or voting machine canvassed and until the returns of  
28 such primary or election have been made up and signed, shall be  
29 guilty of a misdemeanor of the second degree, and, upon  
30 conviction thereof, shall be sentenced to pay a fine not

1 exceeding [one thousand (\$1,000)] FIVE THOUSAND (\$5,000) <--  
2 dollars, or to undergo an imprisonment not exceeding [one (1) <--  
3 year] TWO (2) YEARS, or both, in the discretion of the court. An <--  
4 individual who violates this section shall forfeit any  
5 compensation for election services rendered or shall repay  
6 compensation to the county, whichever applies.

7 SECTION 1847. PROHIBITING DURESS AND INTIMIDATION OF VOTERS <--  
8 AND INTERFERENCE WITH THE FREE EXERCISE OF THE ELECTIVE  
9 FRANCHISE.--ANY PERSON OR CORPORATION WHO, DIRECTLY OR  
10 INDIRECTLY--(A) USES OR THREATENS TO USE ANY FORCE, VIOLENCE OR  
11 RESTRAINT, OR INFLECTS OR THREATENS TO INFLECT ANY INJURY,  
12 DAMAGE, HARM OR LOSS, OR IN ANY OTHER MANNER PRACTICES  
13 INTIMIDATION OR COERCION UPON OR AGAINST ANY PERSON, IN ORDER TO  
14 INDUCE OR COMPEL SUCH PERSON TO VOTE OR REFRAIN FROM VOTING AT  
15 ANY ELECTION, OR TO VOTE OR REFRAIN FROM VOTING FOR OR AGAINST  
16 ANY PARTICULAR PERSON, OR FOR OR AGAINST ANY QUESTION SUBMITTED  
17 TO VOTERS AT SUCH ELECTION, OR TO PLACE OR CAUSE TO BE PLACED OR  
18 REFRAIN FROM PLACING OR CAUSING TO BE PLACED HIS NAME UPON A  
19 REGISTER OF VOTERS, OR ON ACCOUNT OF SUCH PERSON HAVING VOTED OR  
20 REFRAINED FROM VOTING AT SUCH ELECTION, OR HAVING VOTED OR  
21 REFRAINED FROM VOTING FOR OR AGAINST ANY PARTICULAR PERSON OR  
22 PERSONS OR FOR OR AGAINST ANY QUESTION SUBMITTED TO VOTERS AT  
23 SUCH ELECTION, OR HAVING REGISTERED OR REFRAINED FROM  
24 REGISTERING AS A VOTER; OR (B) BY ABDUCTION, DURESS OR COERCION,  
25 OR ANY FORCIBLE OR FRAUDULENT DEVICE OR CONTRIVANCE, WHATEVER,  
26 IMPEDES, PREVENTS, OR OTHERWISE INTERFERES WITH THE FREE  
27 EXERCISE OF THE ELECTIVE FRANCHISE BY ANY VOTER, OR COMPELS,  
28 INDUCES, OR PREVAILS UPON ANY VOTER TO GIVE OR REFRAIN FROM  
29 GIVING HIS VOTE FOR OR AGAINST ANY PARTICULAR PERSON AT ANY  
30 ELECTION; OR (C) BEING AN EMPLOYER, PAYS HIS EMPLOYEES THE SALARY

1 OR WAGES DUE IN "PAY ENVELOPES" UPON WHICH OR IN WHICH THERE IS  
2 WRITTEN OR PRINTED ANY POLITICAL MOTTO, DEVICE, STATEMENT OR  
3 ARGUMENT CONTAINING THREATS, EXPRESS OR IMPLIED, INTENDED OR  
4 CALCULATED TO INFLUENCE THE POLITICAL OPINIONS OR ACTIONS OF  
5 SUCH EMPLOYES, OR WITHIN NINETY DAYS OF ANY ELECTION OR PRIMARY  
6 PUTS OR OTHERWISE EXHIBITS IN THE ESTABLISHMENT OR PLACE WHERE  
7 HIS EMPLOYES ARE ENGAGED IN LABOR, ANY HANDBILL OR PLACARD  
8 CONTAINING ANY THREAT, NOTICE, OR INFORMATION THAT IF ANY  
9 PARTICULAR TICKET OR CANDIDATE IS ELECTED OR DEFEATED WORK IN  
10 HIS PLACE OR ESTABLISHMENT WILL CEASE, IN WHOLE OR IN PART, HIS  
11 ESTABLISHMENT BE CLOSED UP, OR THE WAGES OF HIS EMPLOYES  
12 REDUCED, OR OTHER THREATS, EXPRESS OR IMPLIED, INTENDED OR  
13 CALCULATED TO INFLUENCE THE POLITICAL OPINIONS OR ACTIONS OF HIS  
14 EMPLOYES, SHALL BE GUILTY OF A MISDEMEANOR OF THE [~~SECOND~~] FIRST  
15 DEGREE. ANY PERSON OR CORPORATION, CONVICTED OF A VIOLATION OF  
16 ANY OF THE PROVISIONS OF THIS SECTION, SHALL BE SENTENCED TO PAY  
17 A FINE NOT EXCEEDING [~~FIVE THOUSAND (\$5,000)~~] TEN THOUSAND  
18 (\$10,000) DOLLARS, OR SUCH PERSON OR THE OFFICERS, DIRECTORS OR  
19 AGENTS OF SUCH CORPORATION RESPONSIBLE FOR THE VIOLATION OF THIS  
20 SECTION, SHALL BE SENTENCED TO UNDERGO AN IMPRISONMENT OF NOT  
21 MORE THAN [~~TWO (2)~~] THREE (3) YEARS, OR BOTH, IN THE DISCRETION  
22 OF THE COURT.

23 Section 1849. Hindering or Delaying Performance of Duty.--  
24 Any person who intentionally interferes with, hinders or delays  
25 or attempts to interfere with, hinder or delay any other person  
26 in the performance of any act or duty authorized or imposed by  
27 this act, shall be guilty of a misdemeanor of the second degree,  
28 and, upon conviction thereof, shall be sentenced to pay a fine  
29 not exceeding [~~five hundred (\$500)~~] TWO THOUSAND FIVE HUNDRED <--  
30 (\$2,500) dollars, or to undergo an imprisonment [~~of not more~~] <--

1 ~~than one (1) year]~~ NOT EXCEEDING TWO (2) YEARS, or both, in the <--  
2 discretion of the court.

3 Section 2. This act shall take effect in 60 days.