



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2626

PRINTERS NO. 4335

PRIME SPONSOR: Moul

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0
County Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Makes various revisions relating to election system efficiency, in particular with respect to absentee and mail-in ballots. This legislation would take effect immediately.

ANALYSIS: This legislation amends the Pennsylvania Election Code (Code) to make various revisions relating to election system efficiency including a requirement for the Department of State (DOS) to provide a report on the implementation of an election; changing the residency requirements of election officers and poll watchers; changing the deadline for an application for an absentee or mail-in ballot to 15 days prior to an election; changing the pre-canvassing meeting timeframe from the Saturday prior to the election through the Monday prior to the election; codifying the practice of the SURE system to be able to provide a scannable identification number for all mail-in and absentee ballots; and to increase penalties for numerous Code violations.

Reports on Implementation of Elections: This legislation amends the Code to add Section 209, which provides that no later than 60 days after an election, the DOS shall issue a report to the Chair and the Minority Chair of the State Government Committee of the Senate and to the Chair and the Minority Chair of the State Government Committee of the House of Representatives. A copy of the report shall also be made available on the DOS publicly accessible Internet website.

The legislation delineates what the report shall include, relating to the administration of an election by the DOS, a county board of elections or registration commission.

The DOS shall develop a process to collect data required to be included in the report from each county board of elections or registration commission as applicable. A county board of elections or registration commission shall comply with the process for submission of data no later than forty-five days after the election.

Powers and Duties of County Boards: This legislation adds a provision which would prohibit the compensation paid to judges of elections who willfully fail to timely deliver absentee and mail-in ballots.

Public Inspection of Records: The legislation also clarifies that recordings of pre-canvassing meetings shall be open to public inspection only after the close of polls on election day. Recordings of pre-canvassing and canvassing meetings shall also be open to public inspection by an authorized representative.

Election Officers and Poll Watchers: This legislation provides that election officers only have to be residents of the county for which they are elected or appointed and not the election district.

The legislation also provides that appointed poll watchers may serve an election district in any county that is not the resident county of such watcher.

Pre-Canvassing and Canvassing of Official Absentee Ballots and Mail-in Ballots: This legislation requires that:

- A judge of elections shall deliver all received absentee ballots and mail-in ballots by 2 AM on the day following the election.
- A county board of elections must meet at least once before Election Day to pre-canvass ballots received prior to the meeting. This may occur from the Saturday prior to the election through the Monday prior to the election.
- An authorized representative from a county chairperson of each political party shall be permitted to remain in the room where ballots are pre-canvassed and canvassed.
- The proceedings of the pre-canvassing and canvassing meetings shall be recorded and made available upon request.
- Proceedings of the canvassing shall be recorded and made available upon request.
- A county board of elections shall meet no earlier than the close of polls on election day and no later than 9:00 AM on the day following the election to begin canvassing absentee and mail-in ballots.
- For absentee ballots or mail-in ballots for 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 board shall:
 - Notify the elector by mail, e-mail, telephone or text message that the signature on the ballot does not match the elector's signature in the registration books.
 - Direct the elector to appear before, or to provide an electronic, facsimile or paper copy to, the county board of elections within six calendar days of the notice with:
 - proof of identification and an executed affirmation attesting, under penalty of perjury, that the elector is the same individual who personally remitted the absentee ballot or mail-in ballot; or
 - an executed affirmation attesting, 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.
 - Notify the elector that the absentee ballot or mail-in ballot may not be counted if the elector fails to comply.

Return of Absentee and Mail-in Ballots to the Polling Place: An elector who applies for an absentee or mail-in ballot shall not be eligible to vote at a polling place except by provisional ballot. The legislation provides that absentee and mail-in electors may return their ballot to an employee or member of a county board of elections at its permanent offices or the county courthouse, the judge of elections of the elector's election district at the elector's polling place on the day of the election.

Applications for Absentee or Mail-in Ballots: The legislation provides that applications for absentee or mail-in ballots must be received not later than 5PM on the fifteenth day prior to any primary or election.

Simplifying Notices on Absentee and Mail-In Ballots: This legislation requires the Secretary of the Commonwealth to prescribe the text and manner by which the notice shall be printed on an absentee ballot and a mail-in ballot.

Delivery of Absentee or Mail-In Ballots: The legislation clarifies that the county board of elections may await a resolution of a proceeding, but in any event shall commence to deliver or mail an official absentee or mail-in ballot not later than the fourth Tuesday prior to the primary or election.

SURE Requirements: The legislation codifies the practice of the SURE system to be able to track mail-in and absentee applications and provide a scannable identification number for all mail-in and absentee ballots.

Penalties: This legislation increases fines and imprisonment maximums for multiple violations of the Code. Generally, these fines and imprisonment maximums are doubled within the legislation.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds.

The legislation could add some nominal costs to counties as they would be able to begin to pre-cavass ballots on the Saturday prior to an election. The amount of such costs is indeterminable at this point but would be on a county-by-county basis as to how each county proceeds with such meetings.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: September 1, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.