



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 982

PRINTERS NO. 1856

PRIME SPONSOR: Baker

COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	See "Fiscal Impact"	See "Fiscal Impact"
County Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Amends the Election Code to establish an Election Integrity Grant Program, and to require county boards of elections complete a review of certain election administration practices. The prohibition on private funding and the penalty for violation shall take effect in 60 days. The remainder of the legislation would take effect immediately.

ANALYSIS: This legislation amends the Pennsylvania Election Code (Act 320 of 1937) to provide for duties for county boards of elections, prohibit county boards of election and the Secretary of the Commonwealth (Secretary) from accepting any private donation or contribution for the administration of elections and creates an Election Integrity Grant Program.

Prohibits Private Financing of Elections: The legislation adds a new Section 107 to require that the costs to State and local governments relating to the registration of voters and the preparation, administration and conduct of elections be funded only upon lawful appropriation of the Federal, State, and local governments, and the source of funding would be limited to money derived from taxes, fees, and other sources of public revenue.

State and local governments, including their public officers, public officials, employees, and agents, could not solicit, apply for, enter into a contract for or receive or expend gifts, donations, grants or funding from any individual, business, organization, trust, foundation, or any nongovernmental entity for the registration of voters or the preparation, administration or conducting of an election in the Commonwealth.

This prohibition would not apply to the collection of fees authorized by law or to the donation or use of:

- a location for voting purposes;
- services that are provided without remuneration; or
- goods that have a nominal value of less than \$100.

Any person who violates section 107 shall be guilty of a misdemeanor of the second degree and shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$5,000, or to undergo an imprisonment of not more than two years, or both, in the discretion of the court.

Powers and Duties of County Boards: The legislation provides that county boards of elections, within their respective counties, shall prepare and submit not later than five days prior to each election, a report to the Secretary in the form prescribed by him, which shall contain a statement of the total number of electors registered in each election district, together with a breakdown of registration by each political party or other designation. Copies of said statement shall be furnished, upon request, to the county chairman of each political party and political body. The Secretary shall submit such information to the Legislative Data Processing Center and shall publicly report the total number of registered electors for each political party or other designation in each county prior to election day.

Election Integrity Grant Program: This legislation creates the Election Integrity Grant Program to provide grants to counties for the administration of elections. The grant program shall be administered by the Department of Community and Economic Development (DCED). By August 1, 2022, and each August 1 thereafter, DCED shall begin accepting applications from counties seeking grant money and each county within the Commonwealth shall apply for funding by August 15, 2022, and each August 15 thereafter, on a form prescribed by DCED. If eligible, DCED shall make payment to a county that applied for a grant no later than September 1, 2022, and each September 1 thereafter.

Money deposited into the Election Integrity Restricted Account is appropriated to DCED on a continuing basis for the purposes established within this legislation.

Each county shall be entitled to an allotment equal to the total amount appropriated to the program multiplied by the quotient of the county's number of registered voters divided by the total number of registered voters in counties that applied for funding. DCED shall use the county's total number of registered voters for the most recent primary election as certified to the Secretary.

A county may use funding for any of the following purposes:

- (1) Payment of staff needed to pre-canvass and canvass mail-in ballots and absentee ballots.
- (2) Physical security and transparency costs for centralized pre-canvassing and canvassing.
- (3) Post-election procedures required under this act.
- (4) List maintenance activities under 25 Pa.C.S. § 1901(b)(1) and (3) (relating to removal of electors).
- (5) The printing of ballots.
- (6) Training costs for district election officials.
- (7) Payment of staff at polling places on election day.
- (8) Secure preparation, transportation, storage, and management of voting apparatuses, tabulation equipment and required polling place materials.
- (9) Costs of county board of election duties related to processing of voter registration applications.

No later than 90 days after the date of each general, municipal, and primary election, a county that received a grant under this section shall report to DCED, the chairs of the State Government Committees in the Senate and the House of Representatives, on a form prescribed by the Department of State, how the county used the grant money. If a county fails to meet the requirements within this legislation, the money shall be subject to clawback by DCED, which, shall then be deposited into the Election Integrity Restricted Account.

DCED and a county shall enter into a grant agreement that shall include the following requirements:

- (1) That the county shall begin pre-canvassing at 7 a.m. on election day and shall continue without interruption until each mail-in ballot and absentee ballot received by 7 a.m. on election day is pre-canvassed.
- (2) That the county shall begin canvassing mail-in ballots and absentee ballots at 8 p.m. on election day and shall continue without interruption until each ballot has been canvassed.
- (3) That no later than 12:01 a.m. on the day following the election, the county board of elections shall announce and post on its publicly accessible Internet website an unofficial number of absentee ballots and mail-in ballots received for the election.
- (4) That a county shall certify to DCED that the county has completed a program under 25 Pa.C.S. §1901(b)(1) and mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the prior 12 months.
- (5) That the outcome of any post-election audit required shall be submitted with the certification to the Secretary of the results of the primary or general election under section 302(k) and shall be posted on the Department of State's publicly accessible Internet website.

Each county board of elections shall conduct an internal review of practices and certify to the Department of State that the county is in compliance with each of the following:

- (1) Approval of voter registration applications under 25 Pa.C.S. § 1328(a) (relating to approval of voter registration applications).
- (2) Cancellation of deceased electors under 25 Pa.C.S. § 1505 (relating to death of registrant).
- (3) Voter removal programs under 25 Pa.C.S. § 1901(b)(1) and (3) (relating to removal of electors).
- (4) Safe keeping of voted ballots under sections 1308(a) and 1113-A.
- (5) Enforcing the voter identification provisions of sections 1302.2(b) and 1302.2-D.
- (6) Pre-canvassing and canvassing of absentee ballots and mail-in ballots under section 1308.

After each county certifies such practices, that certification shall be posted on the Department of State's publicly accessible Internet website.

FISCAL IMPACT: The legislation would remove the ability of the Commonwealth or counties to receive private donations or contributions for the purposes of operating elections, employing staff or selecting and equipping a polling place or for use in voter education or outreach. During the 2020 General Election, several counties along with the Department of State received funding from private organizations to assist with the administration of the election. However, it is unknown if such private organizations would have provided financial assistance again for the 2022 election without this legislation.

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House Appropriations Committee (R)

DATE: July 8, 2022

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