



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 224

PRINTER'S NO. 1159

PRIME SPONSOR: Argall

Amendment A02452

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

Senate Bill 224 amends Sections 102 (q.1), 206, 603, 908, 913(d), 914, 953 (b), 977, 1110-A, 1117-A, 1210 (a.4) (5) (ii) (F), 1302-1304, 1305, 1306, 1308, 1602-A, 1701, 1702, and 1703 of the act of June 3, 1937 (P.L. 1333, No.320), known as the Pennsylvania Election Code.

ANALYSIS:

This bill amends Section 102 by defining the word “pre-canvas” and “proof of identification.” It also outlines the requirements for various types of photo identification of an elector which must include a photo of the elector and the name of the elector. It also specifies requirements for acceptable non-photo identification, and allows for the use of either a voucher or a form provided by the Department for an elector who is unable to provide proof of identification through a photo or non-photo identification.

It amends Section 206 to require the Secretary of the Commonwealth to prepare and disseminate information to the public regarding identification standards and the requirement that electors present identification to an election officer prior to voting. If the elector is unable to provide identification, they shall be permitted to cast a provisional ballot. The Department of Transportation is required to provide identification cards at no cost as proof of identification for voting purposes.

It amends Section 603 to clarify that the General Primary Election for 2024 shall be held on March 19, 2024.

It amends Section 908 by outlining that for the General Primary Election in 2024, no nomination petition shall be circulated prior to the twelfth Tuesday before the primary and no signature can be dated earlier than the twelfth Tuesday nor later than the ninth Tuesday prior to the primary. It also outlines that for the 2024 General Election Primary all nomination petitions shall be filed on or before the ninth Tuesday prior to the primary.

It amends Section 913 (d) by outlining that for the 2024 General Election Primary all nomination petitions shall be filed on or before the ninth Tuesday prior to the primary.

It amends section 914 by setting criteria for a candidate for nomination or election to withdraw their name as a candidate, with separate criteria for the General Primary Election occurring in 2024.

It amends Section 953 (b) by outlining criteria for nomination papers based on changes made in this bill regarding dates.

It amends Section 977 by outlining criteria for the validity of nomination petitions and papers, with separate criteria for the General Primary election occurring in 2024.

It amends Section 1110-A by adding subsection a.1 and a.2 that requires the use of chain of custody logs for equipment involved in voting, such as ballots and ballot storage containers. The Department of State shall establish and issue written procedures to ensure the safety and security of ballots, cast vote records, or any other data collected, stored, or used in the election.

It amends Section 1117-A by requiring the Department of State to conduct risk-limiting audits after each primary, general, and municipal election and outlines requirements of the audit and defines the term “risk-limiting audit.”

It amends Section 1210 by outlining requirements. It further requires at every primary and election each elector who appears to vote in person shall present proof of identification to election officials and officials shall examine the identification and sign an affidavit stating that this has been done. If an elector is unable to produce identification, the elector shall be permitted to cast a provisional ballot.

It amends Section 1302-1304 by outlining requirements for receiving and processing absentee ballots, electors who may apply for an absentee ballot, process for applying for an absentee ballot, approval of application for an absentee ballot, and envelopes for official absentee ballots. It also outlines how an elector may request to be placed on a permanent mail-in ballot list at any time during the calendar year. It further requires the Secretary of the Commonwealth shall develop an electronic system through which all qualified electors may request a mail-in ballot and request to be placed on the permanent mail-in ballot list. By the first Monday of each year, a notice created by the Department of State shall be sent to each elector on the permanent mail-in ballot list advising that the elector will receive a mail-in ballot for any primary, general or special election unless the elector revokes their permanent mail-in voter status or ceases to be a qualified elector.

It amends Section 1305 by outlining requirements for delivering or mailing ballots, with separate criteria for the 2024 General Primary Election

It amends Section 1306 by outlining criteria for dating the envelope for absentee electors, noting that undated envelopes shall not disqualify a ballot otherwise properly executed.

It amends Section 1308 by outlining requirements for canvassing of official absentee ballots and mail-in ballots, including requirements for an absentee ballot and mail-in ballot cure form and criteria to submit such forms. It further requires the county board of elections to meet no earlier than 7 a.m. three days prior to the election to pre-canvass all ballots received prior to that point, outlines notice necessary for a pre-canvass meeting, outlines authorized representatives able to be present for a pre-canvass meeting, requires visual recording of pre-canvassing and canvassing meetings, and outlines requirements for board of elections to begin canvassing absentee ballots and mail-in ballots not included in the pre-canvassing meeting. It further outlines requirements for curing mail-in and absentee ballots for which proof of identification has not been received or could not be verified.

It amends Section 1302.1-D by outlining dates for the county board of elections to receive mail-in ballots and the process for an in-person request for a mail-in ballot.

It amends Section 1304-D and 1306-D by outlining that failure to use the inner envelope of a mail-in ballot shall not be reason for disqualifying the ballot and failure to date the envelope shall not disqualify a ballot otherwise properly executed.

It amends Section 1602-A by outlining that a grant agreement between the department and the county under this section shall include two requirements stating the county shall begin pre-canvassing at 9 a.m. on the third day prior to election day and the county shall begin canvassing mail-in ballots and absentee ballots at 8 p.m. on election day and shall continue day to day.

It amends Section 1701 by outlining the process for opening ballot boxes upon petition of electors alleging fraud or error, including fees for filing a petition for the opening of a ballot box and handling of those fees depending on the outcome of the petition.

It amends Section 1702 by outlining the process for re-canvassing voting machines upon petition of electors alleging fraud or error, including judicial proceedings, and steps to take whether it appears fraud or substantial error was committed.

It amends Section 1703 by outlining the process for correction of returns, decision not to be final, and evidence for prosecution, including time frames to file petitions to open a ballot box or recanvass the votes on a voting machine within.

FISCAL IMPACT:

This bill could have a negative fiscal impact on the Commonwealth. The Department of State has estimated that moving the dates of the nominating petition period could cost potentially \$460,000 to hire additional necessary staff due to interfering with activities their staff is already confronted with at that time. The Department of State also estimates a \$7 million cost for outreach to voters to notify them of the new voter ID requirements. The cost to provide photo identification at no cost from the Department of Transportation is unknown and would be a function of how many people need photo identification. Currently, PennDOT charges \$27.50 for a photo ID card.

Beyond that, potential fiscal impacts could be seen from the requirement to use chain of custody logs, potential increased manpower needed to conduct risk-limiting audits after each primary, general, and municipal election, manpower needed for the process of processing absentee ballots and delivering or mailing ballots, and the requirement that the Department of State mail each elector on the permanent mail-in ballot list a notice they will automatically be receiving a ballot. Without further information, those potential fiscal impacts are not quantifiable at this time.

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House Appropriations Committee (D)

DATE: October 4, 2023

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