

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 1300

**PRINTER NO.** 1869

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

June 10, 2021

**PRIME SPONSOR**

Representative Grove

**DESCRIPTION**

House Bill 1300 amends the Election Code to provide for comprehensive changes and makes repeals to Title 25.

This legislation establishes the Voter’s Bill of Rights, Senior Voter’s Bill of Rights and a Disabled Voter’s Bill of Rights, which must be posted at each polling place. Newly established rights include for both seniors and disabled voters, the right to move to the front of the line upon arriving at a polling place. Disabled voters will have the right to have their ballot brought to them at their vehicle and will be allowed to bring a service animal into a polling place. No voter should have to wait longer than 30 minutes to vote, and counties are required to review any polling places where this has occurred and enact a plan to alleviate the wait in future elections.

Early voting shall be established beginning in the 2025 primary election and shall operate from 7am to 8pm starting on the second Friday prior to the election until the first Wednesday prior to the election. Early voting centers must be secured, staffed, monitored by video recording and located in certain government-owned buildings with security. Counties shall publish the number of and names of those who voted early.

Supervised absentee voting may be established in certain assisted living and nursing homes upon the facilities’ request.

A ballot curing process is established for mail-in or absentee ballots for non-matching signature, lack of signature or date errors. All curing must be completed before the close of polls on election day. Counties must notify electors with ballots with incurable errors.

Ballot requirements for polling places are changed to require 50% of registered voters for a primary election and 100% of registered voters for a general election minus the number of electors who have requested mail-in or absentee ballots.

House Bill 1300 requires all voters to show eligible forms of identification, which include the newly authorized voter registration card issued by the county board of elections or a free ID issued by the Secretary of the Commonwealth (secretary). Any elector without any form of ID will be allowed to sign an affidavit affirming their identity and warning of penalties of perjury and then shall be allowed to vote regularly.

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

Applicants for a mail-in or absentee ballot shall be required to provide two of the following three forms of identification: the last four digits of the elector's Social Security number, Pennsylvania driver's license or the voter registration number. An application must be provided for every election except for those with permanent absentee status. A ballot may only be sent to voters at their registered address, and to be sent to any alternate address, a notice must also be sent to the registered address. Any ballots returned as undeliverable shall trigger an investigation into the elector's registration.

This bill establishes regulations for ballot return locations to include a fixed location, staffing by bipartisan judges of elections, meeting all requirements of a polling place, identity verification, video recording and nightly securing of ballots. If two inspectors of elections are unavailable, a county shall not operate the ballot return location. Ballot return locations are limited to one for each 100,000 residents of a county.

Artificial-Intelligence assistance shall be used to strengthen signature matching, and a tracking system shall be required to be developed and maintained by the secretary.

Counties shall be required to create and submit with the election certification, a list of each elector who participated and the method by which they voted. An investigation shall be made to resolve any discrepancies between the number of electors recorded and the number of ballots canvassed.

House Bill 1300 ensures meaningful access for observers at any pre-canvassing or canvassing meeting. A county must designate an official to respond to issues reported by observers. The Department of State (department) must establish a process for observers to report concerns and provide a report after each election. Pre-canvassing and canvassing activities must be recorded and made available after polls close. The Attorney General shall appoint an independent prosecutor no less than 45 days prior to an election to review complaints received by the department or a county. The prosecutor shall publish a report following each election including the number of complaints, how the complaints were investigated and recommendations for reducing future complaints.

The bill provides for changes to voter registration, the elimination of any third-party voter registration program or software and stronger requirements for counties to verify the eligibility of an applicant.

Counties shall have the ability to increase compensation provided to judges of elections, election inspectors and clerk and machine operators, with half the cost of the payments being reimbursed by the department. The department shall also reimburse operating costs associated with the mail-in and early voting processes. The department shall reimburse counties for the purchase of e-pollbooks and voter registration identifications required by the act for one year after the enactment of this legislation. After that, the Commonwealth shall provide 50% reimbursement of costs to counties. If voting machines are decertified, the counties will be reimbursed 50% of the cost of new machines.

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

This legislation substantially changes the timeline on which counties conduct elections. The deadline to register to vote would be changed to 30 days prior to the election. The deadline to request a mail-in or absentee ballot would be changed to 15 days prior to an election. Ballot return locations would only be available for the seven days prior to an election, and early voting as established in this bill would be available for six days. The pre-canvassing of ballots would be required at least twice in the five days prior to an election. Final canvassing meetings shall begin at the close of polls on election day and shall continue until all ballots are canvassed. The deadline for counties to certify election results will be moved to the fourth Friday following an election, and the secretary shall certify statewide elections within three days of receiving certified results from all counties.

The department shall publish a binding manual of election rules and regulations by December 31 of odd numbered years. The Election Law Advisory Board shall be required to adopt rules for minimum standards for nonpartisan voter education and training requirements for all county election officials, poll workers and judges of elections.

The Bureau of Election Audits shall be established within the Office of the Auditor General. Powers would include performing audits which will be performed following every election and election administration audits which will be required at least once every five years. Methodologies and results would be required to be publicly posted.

House Bill 1300 would require election machine certification to be extended to all devices used in casting, processing or tabulating ballots or in the recording of electors. Certified equipment would be required to be manufactured in the United States and sold by a vendor with a primary place of business within the United States. The new requirements would only apply to machines after 2024. Counties will be required to publicly test machines prior to every election.

The department shall be required to complete a report similar to the report required by Act 35 of 2020 after each election. The Department of Transportation shall provide additional transparency regarding the 'Motor Voter' registration program.

The department shall maintain a website that will include the following information:

- Total number of ballots cast in the Commonwealth, a county and a voting district;
- The number of votes for each candidate or question and by voting method, the percentage of districts having reported results;
- The number of electors and the percentage of total electors having cast a ballot; and
- The total number of mail-in, absentee by county and overseas military ballots cast.

The website shall also include an interactive map and provide a disclosure anytime the data is corrected or deleted.

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

The bill expands the powers and duties of the Secretary of the Commonwealth and County Boards of Elections to administer the provisions of the bill.

Election officers shall be registered electors of the county in which the polling place is located.

No county shall accept private donations for the administration of elections. Any money received shall be accepted by the secretary and distributed evenly across the Commonwealth by population.

All penalties for violations of the Election Code are doubled, and a new violation is provided for unlawful collection of ballots.

This legislation also provides special legislative standing for each chamber of the General Assembly to intervene in proceedings alleging that a portion of the act is unconstitutional. The provisions of this bill are also deemed to be non-severable.

This act shall take effect immediately and apply to elections held on or after the effective date.

**FISCAL IMPACT:**

House Bill 1300 is estimated to have a \$19 million recurring cost, and a \$99 million one-time cost to the General Fund in FY 2021-22. Counties may also recognize an increase in the cost to administer elections.

This legislation provides for full reimbursement for the purchase of electronic pollbooks, ballot processing machines and issuance of scannable voter registration cards within one year of the effective date of this bill. The Commonwealth will also incur a one-time cost for the purchase of photo ID equipment for voting purposes, the establishment of the voter hotline and the purchase of the AI-assisted signature application. The below cost estimate assumes that two electronic poll books will be necessary at all 9,235 polling locations and that the seven largest counties have already purchased ballot processing machines.

<b>One-Time Commonwealth Costs</b>			
	Estimated Cost	Quantity	Estimated Total Cost
<b>Electronic Poll books</b>	\$2,000	18,470	\$36,940,000
<b>Scannable Registration Cards</b>	\$3	8,758,199	\$26,274,597
<b>Ballot Processing Machines</b>	\$500,000	60	\$30,000,000
<b>Photo ID Equipment</b>	\$3,000,000	1	\$3,000,000
<b>Voter Hotline</b>	\$1,000,000	1	\$1,000,000
<b>AI Signature Application</b>	\$1,500,000	1	\$1,500,000
<b>Total:</b>			<b>\$98,714,597</b>

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

House Bill 1300 also includes provisions that would result in recurring costs to the Commonwealth. This legislation creates the Bureau of Election Audits within the Office of Auditor General and provides for free photo ID for voting purposes. It also provides for 50% of county election expenses which include an increase in the compensation allowable to judges of elections, inspectors of elections and clerk and machine operators and the operation of early voting locations, and costs for annual training. The bill also provides for the appointment of an Independent Prosecutor by the Attorney General to investigate election complaints and provide a report after each election.

<b>Recurring Commonwealth Costs</b>			
	Estimated Cost	Quantity	Estimated Total Cost
<b>Bureau of Election Audits</b>	\$3,100,000	1	\$3,100,000
<b>Free Photo ID for Voting</b>	\$10	10,000	\$100,000
<b>Reimbursement of County Election Expenses (50%)</b>	\$200,000	67	\$13,400,000
<b>Reimbursement of County Annual Training Expenses (50%)</b>	\$30,000	67	\$2,010,000
<b>Independent Prosecutor</b>	\$250,000	1	\$250,000
<b>Total:</b>			<b>\$18,860,000</b>