

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MARCH 24, 2020

SESSION OF 2020

204TH OF THE GENERAL ASSEMBLY

No. 12

### HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

#### THE SPEAKER (MIKE TURZAI) PRESIDING

#### PRAYER

HON. JOHN A. LAWRENCE, member of the House of Representatives, offered the following prayer:

Let us pray:

From the Book of James: "If anyone lacks wisdom, let him ask God, who gives generously to all without reproach, and it will be given him."

Father God, maker of heaven and earth, we come before You this day humbly to ask for Your divine guidance in these challenging times. Give us, the elected leaders of this Commonwealth, wisdom that we might make decisions which are just and right for the people of Pennsylvania. Guide our steps, and help us to lead as servants to those who are most in need. Guide Governor Wolf and our colleagues in the Senate as well as they make decisions that will affect the lives of every Pennsylvanian.

We ask Your protection upon all those who serve in the medical field – doctors, nurses, police, fire, EMS (emergency medical services) staffers – all of those who are serving on the front lines. We are grateful for their service, and we ask You to guide them this day.

Help us this day to serve with humility, honor, and fidelity in the things we do and say, and give us wisdom I pray. I ask this in the name of the Father, the Son, and the Holy Spirit. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

#### FILMING PERMISSION

The SPEAKER. Joe Hermitt with PennLive and the Associated Press is permitted to be on the House floor to take photographs of this date.

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members, we would ask that you not touch the microphones. As you know, we have had the chamber deep-cleaned, for the lack of a better phrase. It will be done again this evening for tomorrow. We would ask you to not touch the microphones; just go up to them and speak.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, March 23, 2020, will be postponed until printed.

At this time we will ask any committee chairs if they have any committee announcements. Any committee chairs have any committee announcements?

#### REPUBLICAN CAUCUS

The SPEAKER. If not, we will turn to the majority caucus chair, Representative Marcy Toepel, for a caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 11:30. Thank you.

The SPEAKER. Thank you, Madam Chair.

#### DEMOCRATIC CAUCUS

The SPEAKER. Does the Democratic Caucus wish to announce a caucus announcement?

Mr. HARRIS. Thank you, Mr. Speaker.

Democrats will caucus at 11:30.

The SPEAKER. Thank you.

The House will stand in recess until 1 p.m. We will stand in recess until 1 p.m., unless sooner called back by the Speaker or later called back by the Speaker, but at the present time 1 p.m. on the House floor.

As everyone knows, we have a temporary rule in effect that members may vote remotely, so there will be members of the General Assembly that will be voting remotely. Each of the whips is prepared to manage that under the terms of the temporary rule. Further, under the existing rules, members may vote from their offices. Thank you.

The House will come to order.

The Democratic whip, Representative Jordan Harris, has requested upon unanimous consent to speak. Sir.

Mr. HARRIS. Thank you, Mr. Speaker.

Democratic members, please remember that we are caucusing virtually. We will not be meeting in the caucus room; we will be caucusing virtually.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Harris.

### RECESS

The SPEAKER. The House will stand in recess until 1 p.m.

### RECESS EXTENDED

The time of recess was extended until 1:30 p.m.; further extended until 2 p.m.; further extended until 2:30 p.m.; further extended until 2:45 p.m.; further extended until 3 p.m.

### AFTER RECESS

The time of recess having expired, the House was called to order.

The SPEAKER. And we are going to, of course, give our majority whip and minority whip the opportunity to continue to tabulate votes on the legislation that we are going to be running, the votes from members who are voting remotely from their district offices.

### LEAVES OF ABSENCE

The SPEAKER. Requests for leaves of absence: Representative Jeff PYLE of Armstrong County has requested leave for the week.

### HOUSE SCHEDULE

The SPEAKER. Also, members, please take note that we will be swearing in the three new members on April 6. That is a Monday. We are scheduled to be in on April 6 and April 7. April 8, as you know, through a notice from the Chief Clerk, has been canceled.

So we are noticed for session on April 6 and April 7. We will be swearing in the new members on April 6.

Members, we are going to come to order, and this is going to be on unanimous consent, and I would like to have everybody's undivided attention here. Representative Ed Neilson of Philadelphia County is going to be memorializing – Representative Neilson, for a fallen police officer, correct?

Mr. NEILSON. Correct.

The SPEAKER. Yes, sir.

So if you could, if you could take your seats or stand near the aisles. I am going to have the doors of the House closed temporarily. Sergeants at Arms, let anybody on who comes on, but this is a solemn resolution.

### STATEMENT BY MR. NEILSON

The SPEAKER. Please proceed, sir.

Mr. NEILSON. Thank you, Mr. Speaker.

Thank you for recognizing me today. With everything going on, I want to be certain to bring the members' attention to a tragic event that rocked the lives of many. I am joined here today by Representative Driscoll and Representative Boyle.

On March 13, 2020, the Philadelphia Police Department lost Cpl. James O'Connor, Badge No. 8162, a hero who was fatally shot as he moved to apprehend a murderer. Jimmy was a Philadelphia police officer for 23 years, in the SWAT (special weapons and tactics) unit for 15 of them.

A married father of two, he leaves behind his wife, Terri, or as he put it with a Facebook post just days before his life was taken, on her birthday, with a picture of them as they just returned from a trip with a group of friends. It said, "Happy 45th Birthday to my beautiful wife. She is not only my best friend but also my personal travel agent. Without her I would only travel to the Poconos and North Wildwood. Love you, hope you have a great day!!!!!!"

Their son, Jimmy, who like his father and grandfather is a Philadelphia police officer; and their daughter, Kelsey, who serves in the United States Air Force; a granddaughter not even a year old. Jimmy was a great son, husband, father, and a wonderful friend and neighbor who was taken from all of us and killed in the line of duty.

Mr. Speaker, this is one of the most difficult things I have ever encountered on this floor. So today I am asking the members to indulge us for a bit, for rather than using our own words, we thought it appropriate to use the words of his wife so that we get a glance into the world of law enforcement families and to better understand what they go through when they go to work every day. Even though they live next door and they love, laugh, and cry like us, they have a much higher calling than all of us.

Pennsylvania's first responders face things that we cannot even imagine so we do not have to, so we can sleep soundly at night knowing that they are out there on the street to protect us.

### STATEMENT BY MR. DRISCOLL

The SPEAKER. Representative Driscoll.

Mr. DRISCOLL. Mr. Speaker, Corporal O'Connor was my constituent and a valued member of my community, our community. And today I just want to read to you what Corporal's wife put on her Facebook page on March 16, just a week ago.

"...Thanks to everyone who's reached out in so many ways. It would be impossible for me" – and this is his wife's words, her post, Facebook – "It would be impossible for me to keep up at this truly devastating time...."

"Where do I begin? How do I begin? Is this all real?"

"Thursday, March 12th, was my 45th birthday. My son, Jimmy, was working the 4x12 shift in the 6th district. Yes the 6th. He does not work in the 9th!

"My daughter, Kelsey, was in North Carolina, which is where she is stationed in the United States Air Force. She is an MP, working security forces.

"The school I work at decided to close at the end of the day due to the coronavirus, so I would not have work the following day.

"My husband, Jim, said let's go out for Coronas to celebrate.... We did. We had a few drinks and came home. He then laid down for 2 hours before work.

"I was awake when he left @ 10:30. He gave me a kiss, as he always does before he walks out the door. He said, I love you, and I'll see you in the morning....

"He called me 5 mins later, to tell me he sold another house. The agreement was signed.

"(You should know, Jim couldn't sit still. He worked police, real estate and was a fantastic friend who could handle all things electricity. He even helped out a gun shop 1 day a week. He was also busy, and always working hard to give us everything we want.)

"He then said he was going to need his laptop to send some forms in. He said he could just do in the morning. I offered to drive it to him. He works less than 10 minutes from home. Deep down, I was thinking, no way was I leaving the house! He would never make me do that! He would drive back to get it or just wait until the next day.

"Jim told me not to bring it. He had a lot of paperwork at work anyway. I said ok, but I would if you really need it.

"Again – at this point I pretty much knew I would not have to move from the couch I was curled up on. It was almost 11 and raining now.

"Jim then said, actually if you really don't mind, then bring it. I was stuck. I did offer, twice. I drove it to him and got to see him 1 more time. 1 more kiss. 1 more I love you.

"He called me at 11:09, to see where I was, and waited on the phone as I approached his headquarters. It was obviously dark, and I'm a terrible driver at night anymore.

"At 6:09 am, my whole world was shocked. My husband was pronounced dead. 7 hours after he last called me.

"I won't forget the first call I received. My family is hugely involved in the police department.

"My brother in law and cousins were both working when this happened. SWAT is not a huge unit.

"Furthermore, there is only 1 Corporal in SWAT.

"With not much information, but an awful feeling, I jumped up to get ready to go.

"I knew how this would work. An officer was at my door in 10 mins.

"He stated that he needed to take me to the hospital. I called my son Jimmy. He was here in less than 5 mins.

"Again, no other calls from anyone. Heart starting to sink.

"I called Kelsey. She finally answered, and I gave her the update. I did not know what was actually going on. We left for the hospital. The ride took forever. Again, still no phone calls coming in. I started calling my daughter's Air Force Base. Someone had to get her prepared.

"We arrive at Temple hospital and run. We run faster than ever.

"We're stopped in the first 30 seconds. A family member grabbed me and gave me the news. He passed. Jim had passed away.

"My husband was dead.

"How? What? Why? Huh? We had plans to go to the shore for the weekend. (where he was going to help a friend with electric work)

"Right there, when we arrived at 6:45, my entire world was flipped upside down.

"My husband loved his job. I have been through every emotion. So I think. These last few days have been an absolute nightmare.

"Jim was my everything. We did everything together. We had our kids very young, got through all the craziness, and it was now our time."

### STATEMENT BY MR. BOYLE

The SPEAKER. Representative Boyle.

Mr. BOYLE. "We were so lucky to be together. We entertained ourselves, and we're often out and about, by ourselves.

"It was wonderful. We always had the best times.

"Now what? Everything has changed. My (adult) children. My daughter in law, and my granddaughter, are my main priority. But I can't help but feel selfish, I want my husband back. How am I supposed to do this alone? Where do I begin? Jim literally did everything for me.

"No hesitation. Whatever I wanted, I got.

"Friday, March 13th, was the worst day of my life. I will never forget what I had to see that day. All the while, very concerned about getting my daughter home.

"The Air Force handled everything, and she was with us by midafternoon. She was greeted at the airport, by some of the best police in the city. What a day.

"Everything has been a slight blur every second the last few days. I need to first thank the FOP. I can't even begin to explain what they've done for me and my family the last few days. Highly impressive, under the worst circumstances.

"Friends and family, again huge outpouring. I want to estimate 300 people have been in and out of my house the last few days. The food that has been sent to me, I can't even explain. Supplies, all things paper products, drinks, phone chargers, flowers, fruit baskets, trash removal, cleaners... I can go on and on. It's been a well-oiled machine that I've barely been a part of.

"You see, I'm a mess. My life has been a blur. I have slept a total of almost 12 hours since Friday.

"I can tell you the 5 bites of food that I've eaten. I can explain what the knot in my stomach feels like. I can tell you how bad I hurt.

"How did this happen? How was I at Temple hospital, begging my husband to 'please wake up,' 'please, please, please.' Did I really kiss my husband/father of my children/pop to our granddaughter, goodbye before he was put in a hearse?

"Did I go to a funeral home and answer some questions, I barely, barely could answer?

"Did I have plans today to go to the cemetery to pick out his final resting place? How?

"We had plans to go away next month. We had plans, just the two of us, to go away and celebrate our 25th wedding anniversary.

"We were due to leave on the actual date. April 22nd. But instead, today I had to start looking through pictures to see a memory pamphlet and Mass card in his honor. I got to pick out songs to hear at his viewing.

"Is this real?

"Then – it got a little worse today. As if it could. I now have to wait. I have to wait, an unknown amount of time. Maybe 2-3 weeks. Maybe longer? Before I can begin to start the closure

process. Plans were set for the end of this week; now, no one knows for sure. This is unbearable.

"Please keep myself, Jimmy, Nicole, Kelsey, and baby Callie in your prayers.

"I am not well. I am a total mess.

"I would never be able to thank everyone who reached out in many different ways.

"I'm overwhelmed.

"I worry so much for the SWAT team that Jim loves, and how they're doing.

"Thank God for my circle of friends. My right hand man. He would make Jimmy proud.

"And now this postponement.....sigh.

"Today was a terrible day. I had to make (more) decisions, that I really didn't know how to handle. What are the right choices to make? Horrible.

"I had to talk to Jimmy. I'm very lucky, and thankful that request could be accommodated. I spent an hour with him. I believe we handled a few things. We decided he deserves a full proper burial. For lack of better words, all the bells and whistles.

"I've seen it unfortunately in the past, and it's a more than deserved send-off.

"So here's my last, long thought and worry of the night. Please don't forget him. My biggest worry is that in 2, maybe 3 weeks (god help me) that it won't be the same as it was this week.

"Thanks for listening. Please keep us in your prayers. We really need them."

#### STATEMENT BY MR. NEILSON

The SPEAKER. Representative Neilson.

Mr. NEILSON. Thank you, Mr. Speaker.

Mr. Speaker, they were her words, and I thank the members for their attention, and I also want to thank my colleagues for delivering them to you. This is real life for her, and I wanted to be certain that she knew that Jimmy would never be forgotten by this legislative body.

On Friday a procession in his honor was held by the Philadelphia F.O.P. (Fraternal Order of Police) Lodge 5, led by President John McNesby and Philadelphia's finest. The first responders came from far and near in Jimmy's honor on that day, for that was the day he was supposed to be laid to rest, and they could not do that because of our current situation. So what they did was they did a car caravan, and we were out front, as were thousands of people, and it was over 2 hours of cars from all across the Commonwealth, New Jersey, Delaware – we saw them from all over the place.

So, Mr. Speaker, today I ask that the House of Representatives do our part. Soon we will be asking you for support to name a highway, to pass a proper condolence resolution for the entire body to address, but until such time, I respectfully ask today, Mr. Speaker, that we have a moment of silence in his honor, Philadelphia Police SWAT Sgt. James O'Connor, Badge No. 8162.

The SPEAKER. Thank you so much, Representative.

And, members, please stand. We will have a moment of silence. Thank you.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Sgt. James O'Connor.)

The SPEAKER. May God bless you, Officer James O'Connor. Thank you for your service.

And to his family, Godspeed.

Thank you.

At this time we are going to proceed with the calendar, I believe. And I give both of our whips an opportunity to just check, but we can proceed, I believe, with the master roll.

The only person on leave is Representative Jeff Pyle.

#### MASTER ROLL CALL

The SPEAKER. Members, you can please proceed to vote on the master roll, on the master roll.

(Members proceeded to vote.)

The SPEAKER. The Speaker has been informed by both whips that either through remote voting, under the temporary rule, or from members in their offices, under the existing rules, or members on the floor that everybody can be voted.

And Lori Hoffman, as you know, Lori and her team – Jordan, Lori, and Al. Al Hunt, Lori Hoffman. Al Hunt and Lori Hoffman are our voting clerks. They are inputting all of the members who are voting remotely on the master roll. I will, of course, verify all of this with the two whips on the record.

Lori Hoffman has informed me, our voting clerks, Lori Hoffman and Al Hunt, have informed me that our number today is 198; 198 members are voting here in person, in their offices in the Capitol, or in their offices in their districts.

And I am going to ask both whips on the record, please, just for the master roll. I will start with the Democratic whip, Representative Jordan Harris.

Representative Harris, does the electronic voting board reflect the master roll for the Democratic Caucus, sir?

Mr. HARRIS. Yes, Mr. Speaker.

The SPEAKER. Thank you, sir.

And to the majority Republican whip, Representative Kerry Benninghoff. Sir, does the electronic roll-call board reflect the attendance on the master roll of the Republican Caucus?

Mr. BENNINGHOFF. Yes, Mr. Speaker, it does. Thank you.

#### LEAVE OF ABSENCE

The SPEAKER. I would also state that Representative MAKO is also on leave of absence. And as you know, Representative Mako is serving his country at this time abroad in the, I believe, the Army National Guard.

#### MASTER ROLL CALL CONTINUED

The following roll call was recorded:

##### PRESENT—198

Barrar	Fiedler	Lawrence	Reese
Benninghoff	Fitzgerald	Lee	Rigby
Bernstine	Flynn	Lewis	Roae
Bizzarro	Frankel	Longietti	Roebuck
Boback	Freeman	Mackenzie	Rothman
Borowicz	Fritz	Madden	Rowe
Boyle	Gabler	Malagari	Rozzi

Bradford	Gainey	Maloney	Ryan
Briggs	Galloway	Markosek	Sainato
Brooks	Gaydos	Marshall	Samuelson
Brown	Gillen	Masser	Sanchez
Bullock	Gillespie	Matzie	Sankey
Burgos	Gleim	McCarter	Sappey
Burns	Goodman	McClinton	Saylor
Caltagirone	Green	McNeill	Schemel
Carroll	Gregory	Mehaffie	Schlossberg
Causar	Greiner	Mentzer	Schmitt
Cephas	Grove	Merski	Schroeder
Ciresi	Hahn	Metcalfe	Schweyer
Comitta	Hanbidge	Metzgar	Shusterman
Conklin	Harkins	Mihalek	Simmons
Cook	Harris	Millard	Sims
Cox	Heffley	Miller, B.	Snyder
Cruz	Helm	Miller, D.	Solomon
Culver	Hennessey	Mizgorski	Sonney
Cutler	Hershey	Moul	Staats
Daley	Hickernell	Mullery	Stephens
Davidson	Hohenstein	Mullins	Struzzi
Davis, A.	Howard	Murt	Sturla
Davis, T.	Innamorato	Mustello	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isacson	Nelson	Toepel
Deasy	James	O'Mara	Toohil
DeLissio	Jones	O'Neal	Topper
Delloso	Jozwiak	Oberlander	Ullman
Delozier	Kail	Ortitay	Vitali
DeLuca	Kaufer	Otten	Warner
Dermody	Kauffman	Owlett	Warren
Diamond	Keefer	Pashinski	Webster
Donatucci	Keller	Peifer	Wentling
Dowling	Kenyatta	Petrarca	Wheatley
Driscoll	Kim	Pickett	Wheeland
Dunbar	Kinsey	Polinchock	White
Dush	Kirkland	Puskaric	Williams
Ecker	Klunk	Quinn	Youngblood
Emrick	Knowles	Rabb	Zabel
Evans	Kortz	Rader	Zimmerman
Everett	Kosierowski	Rapp	
Farry	Krueger	Ravenstahl	Turzai,
Fee	Kulik	Readshaw	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Mako Pyle

The SPEAKER. We have 198 members voting on the master roll. We do have a quorum.

## CALENDAR

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1564, PN 1987**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for definitions, for subjects of local taxation and for assessment of mobile homes and house trailers.

On the question,  
Will the House agree to the bill on second consideration?

Mr. **EMRICK** offered the following amendment  
No. **A02664**:

Amend Bill, page 4, by inserting between lines 3 and 4  
(5) Any improvement made to the mobile home or  
manufactured home.

On the question,  
Will the House agree to the amendment?

The SPEAKER. Does anybody wish to speak on that particular amendment?

On the question recurring,  
Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. Members, now, we are going to take our time on each of these votes. There is no rush.

My understanding is that Lori Hoffman and Al Hunt, who work under the Chief Clerk's Office, will get the information from the whips – and that will be Representative Benninghoff and Representative Harris – and then they will input those members who are voting from their district offices. With respect to members who are voting from their Capitol offices, members can vote for them on the floor. And then, of course, we do have many members here and they are voting themselves.

## CORRECTION OF THE RECORD

The SPEAKER. Correction for the record. Please make this correction. My colleague, Representative Tim O'Neal, who served as a captain in the U.S. Army, has indicated that Representative Mako is serving our country in the Army National Guard. Representative Mako is on leave because he is serving our country abroad in the Army National Guard. Thank you.

As many of you know, just an update, Representative Zach Mako is a helicopter pilot and is serving the Army National Guard in Afghanistan, and he is a warrant officer in the Army National Guard. And our prayers are with him.

## CONSIDERATION OF HB 1564 CONTINUED

The SPEAKER. Representative Harris, who is the Democratic whip, is called upon with respect to amendment 2664. Representative, my understanding is those members voting remotely have all voted and they are reflected on the board correctly. Sir.

Mr. HARRIS. Yes, Mr. Speaker, the board is accurate.

The SPEAKER. Thank you, sir.

And to the majority whip, Representative Kerry Benninghoff. Sir, does the board, the electronic board, accurately reflect those voters who are members who are voting remotely?

Mr. BENNINGHOFF. Yes, Mr. Speaker, a unanimous vote for the majority party on HB 1564, amendment A02664.

The SPEAKER. Thank you, sir.

The following roll call was recorded:

YEAS—198

Barrar	Fiedler	Lawrence	Reese
Benninghoff	Fitzgerald	Lee	Rigby
Bernstine	Flynn	Lewis	Roae
Bizzarro	Frankel	Longietti	Roebuck
Boback	Freeman	Mackenzie	Rothman
Borowicz	Fritz	Madden	Rowe
Boyle	Gabler	Malagari	Rozzi
Bradford	Gainey	Maloney	Ryan
Briggs	Galloway	Markosek	Sainato
Brooks	Gaydos	Marshall	Samuelson
Brown	Gillen	Masser	Sanchez
Bullock	Gillespie	Matzie	Sankey
Burgos	Gleim	McCarter	Sappey
Burns	Goodman	McClinton	Saylor
Caltagirone	Green	McNeill	Schemel
Carroll	Gregory	Mehaffie	Schlossberg
Causar	Greiner	Mentzer	Schmitt
Cephas	Grove	Merski	Schroeder
Ciresi	Hahn	Metcalfe	Schweyer
Comitta	Hanbidge	Metzgar	Shusterman
Conklin	Harkins	Mihalek	Simmons
Cook	Harris	Millard	Sims
Cox	Heffley	Miller, B.	Snyder
Cruz	Helm	Miller, D.	Solomon
Culver	Hennessey	Mizgorski	Sonney
Cutler	Hershey	Moul	Staats
Daley	Hickernell	Mullery	Stephens
Davidson	Hohenstein	Mullins	Struzzi
Davis, A.	Howard	Murt	Sturla
Davis, T.	Innamorato	Mustello	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	O'Mara	Toohil
DeLissio	Jones	O'Neal	Topper
Delloso	Jozwiak	Oberlander	Ullman
Delozier	Kail	Ortitay	Vitali
DeLuca	Kaufer	Otten	Warner
Dermody	Kauffman	Owlett	Warren
Diamond	Keefer	Pashinski	Webster
Donatucci	Keller	Peifer	Wentling
Dowling	Kenyatta	Petrarca	Wheatley
Driscoll	Kim	Pickett	Wheeland
Dunbar	Kinsey	Polinchock	White
Dush	Kirkland	Puskaric	Williams
Ecker	Klunk	Quinn	Youngblood
Emrick	Knowles	Rabb	Zabel
Evans	Kortz	Rader	Zimmerman
Everett	Kosierowski	Rapp	
Farry	Krueger	Ravenstahl	Turzai,
Fee	Kulik	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Mako Pyle

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,  
Will the House agree to the bill on second consideration as amended?

The SPEAKER. Okay. I think we have to give Representative Emrick a round of applause here for having the first vote by remote voting in the Pennsylvania House of Representatives. Sir, that is one for the history books.

Representative Ciresi, do not be upset; you are going to be like Buzz Aldrin, yours is second.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?

Mr. CIRESI offered the following amendment No. **A01960**:

Amend Bill, page 3, line 22, by striking out "a" and inserting the most recent

On the question,  
Will the House agree to the amendment?

The SPEAKER. And Representative Emrick is recognized on the amendment, sir.

Mr. EMRICK. Thank you, Mr. Speaker.

This is an agreed-to amendment. I would ask for an affirmative vote.

The SPEAKER. Thank you, Representative Emrick.

On the question recurring,  
Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. And to the majority whip and the minority whip, I am just going to call on you, and please state on the record all the relevant details that you think need to be on the record.

So the Chair will at this time turn it over to the Democratic caucus whip, Representative Jordan Harris.

Mr. HARRIS. Mr. Speaker, the board is accurate. Thank you.

The SPEAKER. Thank you, sir.

And, Representative Kerry Benninghoff, the majority caucus whip.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The majority party is voting unanimously on amendment A01960. Thank you.

The following roll call was recorded:

YEAS—198

Barrar	Fiedler	Lawrence	Reese
Benninghoff	Fitzgerald	Lee	Rigby
Bernstine	Flynn	Lewis	Roae
Bizzarro	Frankel	Longietti	Roebuck
Boback	Freeman	Mackenzie	Rothman
Borowicz	Fritz	Madden	Rowe
Boyle	Gabler	Malagari	Rozzi
Bradford	Gainey	Maloney	Ryan
Briggs	Galloway	Markosek	Sainato
Brooks	Gaydos	Marshall	Samuelson
Brown	Gillen	Masser	Sanchez
Bullock	Gillespie	Matzie	Sankey
Burgos	Gleim	McCarter	Sappey
Burns	Goodman	McClinton	Saylor

Caltagirone	Green	McNeill	Schemel
Carroll	Gregory	Mehaffie	Schlossberg
Causser	Greiner	Mentzer	Schmitt
Cephas	Grove	Merski	Schroeder
Ciresi	Hahn	Metcalfe	Schweyer
Comitta	Hanbidge	Metzgar	Shusterman
Conklin	Harkins	Mihalek	Simmons
Cook	Harris	Millard	Sims
Cox	Heffley	Miller, B.	Snyder
Cruz	Helm	Miller, D.	Solomon
Culver	Hennessey	Mizgorski	Sonney
Cutler	Hershey	Moul	Staats
Daley	Hickernell	Mullery	Stephens
Davidson	Hohenstein	Mullins	Struzzi
Davis, A.	Howard	Murt	Sturla
Davis, T.	Innamorato	Mustello	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	O'Mara	Toohil
DeLissio	Jones	O'Neal	Topper
Delloso	Jozwiak	Oberlander	Ullman
Delozier	Kail	Ortitay	Vitali
DeLuca	Kaufer	Otten	Warner
Dermody	Kauffman	Owlett	Warren
Diamond	Keefer	Pashinski	Webster
Donatucci	Keller	Peifer	Wentling
Dowling	Kenyatta	Petrarca	Wheatley
Driscoll	Kim	Pickett	Wheeland
Dunbar	Kinsey	Polinchock	White
Dush	Kirkland	Puskaric	Williams
Ecker	Klunk	Quinn	Youngblood
Emrick	Knowles	Rabb	Zabel
Evans	Kortz	Rader	Zimmerman
Everett	Kosierowski	Rapp	
Farry	Krueger	Ravenstahl	Turzai,
Fee	Kulik	Readshaw	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Mako Pyle

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. HARRIS offered the following amendment No. **A04871**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in general provisions, emergency seat of government, providing for other emergencies and further providing for applicability of subchapter; and,

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1123.1. Other emergencies.

(a) Application of section.—In addition to the other provisions of this subchapter, the provisions of this section shall also apply after the declaration of a disaster or emergency by the Governor and during which the conduct of the affairs of local government at a regular place and time are imprudent, inexpedient or impossible as provided for by this subchapter.

(b) Use of telecommunications devices.—If the declaration is of a disaster or emergency which would render the conduct of public business dangerous to the health or safety of the members of the governing body, officials or members of the public, the governing body of the municipality may exercise its executive, legislative and judicial powers and functions to the extent possible, by means of any telecommunication devices, which permit, at a minimum, audio communication between locations. The telecommunication devices shall permit the members of the governing body conducting the affairs of the municipality to speak to and hear the comments and votes, if any, of the meeting or conducting the affairs. The governing body need not have a quorum physically present at any one location in order to conduct business.

(c) Public participation and notice.—The municipality shall allow, to the extent possible, for public participation in a meeting conducted by telecommunication devices. The municipality shall post notice of the meeting on its publicly accessible Internet website, if any, no later than 24 hours prior to the start of the meeting to alert the public of the meeting and how to obtain remote participation information. At least one of the following shall apply to each meeting:

(1) The meeting is live-streamed via web-based or mobile-based applications and platforms or other forms of transmission.

(2) The meeting is recorded with the recording made available to the public within 24 hours after the meeting, including on the municipality's publicly accessible Internet website, if any.

(3) A draft of the minutes of the meeting shall be made available for public inspection within 48 hours after the meeting on the municipality's publicly accessible Internet website or at an accessible location in the municipality.

(d) Newspaper notification.—Except where emergency circumstances dictate otherwise, the governing body shall, no later than 24 hours prior to the start of the meeting, notify a newspaper of general circulation of the upcoming meeting with information on how to access the meeting. The newspaper of general circulation shall be a newspaper which publishes notices of the municipality's meetings.

(e) Resolution.—Following the exercise of any executive, legislative or judicial powers and functions under subsection (b), and after the Governor's disaster or emergency declaration is lifted, the actual emergency and the nature of the power or function exercised shall be stated in a resolution and adopted by the governing body at the next public meeting at the regular or usual place of conducting business.

(f) Existing and pending approvals.—If the final day for a municipality or an agency or board of a municipality to approve or deny any application, plat, plan or other submission for an "approval" as that term is defined in section 2 of the act of July 9, 2013 (P.L. 362, No. 54), known as the Development Permit Extension Act, falls during a disaster or emergency dangerous to health or safety as described in subsection (b), the following shall apply:

(1) Notwithstanding any provision of law, charter or ordinance, for any approval received and pending action by a municipality or an agency or board of a municipality as of the date of the declaration of a disaster or emergency, the number of days provided to satisfy statutory time limits in review, hearing and decision on any application, plat, plan or submission shall be suspended or tolled as of the date of the disaster or emergency declaration and shall resume on the date following the termination of the disaster or emergency or the final extension thereof.

(2) The municipality shall notify in writing each applicant subject to this subsection of the disaster or emergency, the time extension set forth in this section and the right to a request as provided in subsection (c)(3). In no event shall a failure to receive the notice provided by this section affect the tolling of the number of days provided to satisfy statutory time limits for review, hearing and decisions.

(3) The applicant may request such meetings, hearings or proceedings as may be required by the law, charter or ordinance provisions governing the application, plat, plan or submission during the period of the disaster or emergency in accordance with the procedures in subsections (b), (c), (d) and (e). It shall be at the discretion of the municipality to proceed with the requests. If the municipality agrees and holds the proceedings, the applicant, the municipality and all other parties receiving actual notice of the proceedings waive any challenge to the proceedings under 42 Pa.C.S. § 5571.1 (relating to appeals from ordinances, resolutions, maps, etc.) or any other provision of law.

(4) For an approval granted by a municipality, or board or agency thereof, and in effect after the beginning of the disaster or emergency declaration, the running period of the approval shall be automatically suspended during the disaster or emergency and shall resume after the final termination of the disaster or emergency.

Section 2. Section 1124 of Title 53 is amended to read: § 1124. Applicability of subchapter.

The provisions of this subchapter shall control, in the event it shall be employed, notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict with this subchapter.

Section 3. Section 8802 of Title 53 is amended by adding definitions to read:

Amend Bill, page 2, line 4, by striking out "2" and inserting 4

Amend Bill, page 5, line 10, by striking out "3" and inserting 5

Amend Bill, page 5, lines 10 and 11, by striking out "January 1 of the year" in line 10 and all of line 11 and inserting as follows:

(1) The following provisions shall take effect immediately:

(i) This section.

(ii) The amendment or addition of 53 Pa.C.S. §§ 1123.1 and 1124.

(2) The remainder of this act shall take effect January 1 of the year following the date of enactment.

On the question,  
Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Joe Emrick.

Mr. EMRICK. Thank you, Mr. Speaker.

It is my understanding this is an agreed-to amendment as well. I would ask for an affirmative vote.

The SPEAKER. Thank you.

Representative Harris, on the amendment, sir.

Mr. HARRIS. Thank you, Mr. Speaker.

This is an agreed-to amendment.

The SPEAKER. Thank you, sir.

On the question recurring,  
Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. The Chair calls upon the minority whip, Representative Jordan Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The board is accurate.

The SPEAKER. Thank you, sir.

And the majority caucus whip, Representative Kerry Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The majority party is unanimous on amendment 4871 to HB 1564. Thank you.

The SPEAKER. Thank you, sir.

The following roll call was recorded:

YEAS—198

Barrar	Fiedler	Lawrence	Reese
Benninghoff	Fitzgerald	Lee	Rigby
Bernstine	Flynn	Lewis	Roae
Bizzarro	Frankel	Longietti	Roebuck
Boback	Freeman	Mackenzie	Rothman
Borowicz	Fritz	Madden	Rowe
Boyle	Gabler	Malagari	Rozzi
Bradford	Gainey	Maloney	Ryan
Briggs	Galloway	Markosek	Sainato
Brooks	Gaydos	Marshall	Samuelson
Brown	Gillen	Masser	Sanchez
Bullock	Gillespie	Matzie	Sankey
Burgos	Gleim	McCarter	Sappey
Burns	Goodman	McClinton	Saylor
Caltagirone	Green	McNeill	Schemel
Carroll	Gregory	Mehaffie	Schlossberg
Causer	Greiner	Mentzer	Schmitt
Cephas	Grove	Merski	Schroeder
Ciresi	Hahn	Metcalfe	Schweyer
Comitta	Hanbidge	Metzgar	Shusterman
Conklin	Harkins	Mihalek	Simmons
Cook	Harris	Millard	Sims
Cox	Heffley	Miller, B.	Snyder
Cruz	Helm	Miller, D.	Solomon
Culver	Hennessey	Mizgorski	Sonney
Cutler	Hershey	Moul	Staats
Daley	Hickernell	Mullery	Stephens
Davidson	Hohenstein	Mullins	Struzzi
Davis, A.	Howard	Murt	Sturla
Davis, T.	Innamorato	Mustello	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	O'Mara	Toohil
DeLissio	Jones	O'Neal	Topper
Delloso	Jozwiak	Oberlander	Ullman
Delozier	Kail	Ortitay	Vitali
DeLuca	Kaufner	Otten	Warner
Dermody	Kauffman	Owlett	Warren
Diamond	Keefer	Pashinski	Webster
Donatucci	Keller	Peifer	Wentling
Dowling	Kenyatta	Petrarca	Wheatley
Driscoll	Kim	Pickett	Whealand
Dunbar	Kinsey	Polinchock	White
Dush	Kirkland	Puskaric	Williams
Ecker	Klunk	Quinn	Youngblood
Emrick	Knowles	Rabb	Zabel
Evans	Kortz	Rader	Zimmerman
Everett	Kosierowski	Rapp	
Farry	Krueger	Ravenstahl	Turzai,
Fee	Kulik	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Mako Pyle

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **KELLER** offered the following amendment No. **A04847**:

Amend Bill, page 1, lines 1 and 2, by striking out all of line 1 and "Consolidated Statutes," in line 2 and inserting

Amending Titles 42 (Judiciary and Judicial Procedure), 53 (Municipalities Generally) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, in Uniform Unsworn Foreign Declarations Act, further providing for heading of chapter, for short title of chapter, for definitions, for applicability and for form of unsworn declaration;

Amend Bill, page 1, line 5, by striking out the period after "trailers" and inserting

; in Revised Uniform Law on Notarial Acts, further providing for authority to perform notarial act, providing for notarial act performed by remotely located individual and further providing for notification regarding performance of notarial act on electronic record and selection of technology.

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting

Section 1. Chapter 62 heading and sections 6201, 6202, 6203 and 6206 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

CHAPTER 62  
UNIFORM UNSWORN [FOREIGN]  
DECLARATIONS ACT

§ 6201. Short title of chapter.

This chapter shall be known and may be cited as the Uniform Unsworn [Foreign] Declarations Act.

§ 6202. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

["Boundaries of the United States." The geographic boundaries of the United States, Puerto Rico, the Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.]

"Law." Includes [the Federal or a state constitution, a Federal or state] a statute, [a] judicial decision or order, [a] rule of court, [an] executive order and [an] administrative rule, regulation or order.

"Record." Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Sign." With present intent to authenticate or adopt a record:

- (1) to execute or adopt a tangible symbol; or
- (2) to attach to or logically associate with the record an electronic symbol, sound or process.

["State." A state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.]

"Sworn declaration." A declaration in a signed record given under oath. The term includes a sworn statement, verification, certificate and affidavit.

"Unsworn declaration." A declaration in a signed record [that is] not given under oath but [is] given under penalty of perjury.

§ 6203. Applicability.

This chapter applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located within or outside the boundaries of the United States whether or not the location is subject to the jurisdiction of the United States. [This chapter does not apply to a declaration by a declarant who is physically located

on property that is within the boundaries of the United States and subject to the jurisdiction of another country or a federally recognized Indian tribe.]

§ 6206. Form of unsworn declaration.

An unsworn declaration under this chapter must be in substantially the following form:

I declare under penalty of perjury under the law of the Commonwealth of Pennsylvania that the foregoing is true and correct[, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States].

[Executed] Signed on the.....day of.....,

at.....,

(date).....(month).....(year).....

([city] county or other location, and state).....

.....

(country).....

(printed name).....

(signature).....

Section 2. Section 8802 of Title 53 is amended by adding definitions to read:

Amend Bill, page 2, line 4, by striking out "2" and inserting 3

Amend Bill, page 5, by inserting between lines 9 and 10

Section 4. Section 304 of Title 57 is amended by adding a subsection to read:

§ 304. Authority to perform notarial act.

\* \* \*

(c) Certification of tangible copies.—A notarial officer may certify that a tangible copy of an electronic record is a true and correct copy of the electronic record.

Section 5. Title 57 is amended by adding a section to read:

§ 314.1. Notarial act performed by remotely located individual.

(a) General rule.—A remotely located individual may comply with section 306 (relating to personal appearance required) by appearing before a notary public by means of communication technology.

(b) Use of communication technology.—A notary public located in this Commonwealth may perform a notarial act facilitated by communication technology for a remotely located individual if all of the following apply:

(1) The notary public:

(i) has personal knowledge under section 307(a) (relating to identification of individual) of the identity of the individual;

(ii) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under section 307(b)(2) or under this section; or

(iii) is able to reasonably identify the individual by at least two different types of identity proofing processes or services.

(2) The notary public is able to reasonably identify a record before the notary public as the same record:

(i) in which the remotely located individual made the statement; or

(ii) on which the remotely located individual executed the signature.

(3) The notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act.

(4) If the remotely located individual is located outside the United States, all of the following apply:

(i) The record:

(A) is to be filed with or relates to a matter before a court, governmental entity,

public official or other entity under the jurisdiction of the United States; or

(B) involves:

(I) property located in the territorial jurisdiction of the United States; or

(II) a transaction substantially connected with the United States.

(ii) The act of making the statement or signing the record is not prohibited by the foreign state where the remotely located individual is located.

(c) Notarial certificate.—If a notarial act is subject to this section, the certificate of notarial act required by section 315 (relating to certificate of notarial act) and the short form certificate under section 316 (relating to short form certificates) must indicate that the notarial act was performed by means of communication technology.

(d) Sufficiency.—A short form certificate under section 316 for a notarial act subject to this section is sufficient if either of the following apply:

(1) The short form certificate is in the form provided by section 316 and contains a statement substantially as follows:

"This notarial act involved the use of communication technology."

(2) The certificate complies with the regulations promulgated under subsection (g)(1).

(e) Audio-visual recording.—The following apply:

(1) This subsection applies to:

(i) a notary public;

(ii) a guardian, a conservator or an agent of a notary public; or

(iii) a personal representative of a deceased notary public.

(2) A person under paragraph (1) shall retain the audio-visual recording created under subsection (b)(3) or cause the recording to be retained by a repository designated by or on behalf of the notary public. The person shall retain the recording:

(i) for at least 10 years after the recording is created; or

(ii) as otherwise required by the regulations promulgated under subsection (g)(4).

(f) Notification.—The following apply:

(1) Before a notary public performs the notary public's initial notarial act under this section, the notary public must notify the department that the notary public will be performing notarial acts facilitated by communication technology and identify the technology.

(2) If the department has established standards for approval of communication technology or identity proofing under subsection (g) and section 327 (relating to regulations), the communication technology and identity proofing must conform to the standards.

(g) Regulations.—In addition to matters listed in section 327, the department may promulgate regulations regarding performance of a notarial act performed under this section. The regulations may do all of the following:

(1) Prescribe the means of performing a notarial act involving communication technology to communicate with a remotely located individual.

(2) Establish standards for communication technology and identity proofing. This paragraph includes the use of credential analysis, dynamic knowledge-based authentication, biometrics and other means of identification.

(3) Establish requirements or procedures to approve providers of communication technology and the process of identity proofing.

(4) Establish standards and periods for the retention of an audio-visual recording created under subsection (b)(3) of the performance of a notarial act.

(h) Promotion of uniformity.—Before promulgating, amending or repealing regulations about the performance of a notarial act with respect to a remotely located individual, the department shall consider, if consistent with this chapter, all of the following:

(1) The most recent standards regarding the performance of a notarial act with respect to remotely located individuals promulgated by a national standard-setting organization. This paragraph includes the National Association of Secretaries of State.

(2) Standards, practices and customs of other jurisdictions that enact a statutory provision substantially similar to this section.

(3) The views of governmental officials and entities and other interested persons.

(i) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Communication technology." An electronic device or process that:

(1) allows a notary public located in this Commonwealth and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(2) makes reasonable accommodations for an individual with a vision, hearing or speech impairment in accordance with law.

"Foreign state." A jurisdiction other than the United States, a state or a federally recognized Indian tribe.

"Identity proofing." A process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

"Outside the United States." A location outside the geographic boundaries of:

(1) the United States;

(2) Puerto Rico;

(3) the Virgin Islands; and

(4) any territory, insular possession or other location subject to the jurisdiction of the United States.

"Remotely located individual." An individual who is not in the physical presence of the notary public performing a notarial act under subsection (b).

Section 6. Section 320 of Title 57 is amended by adding a subsection to read:

§ 320. Notification regarding performance of notarial act on electronic record; selection of technology.

\* \* \*

(c) Certification of tangible copies.—A recorder of deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that the record be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

Amend Bill, page 5, lines 10 and 11, by striking out all of said lines and inserting

Section 7. This act shall take effect as follows:

(1) The amendment of sections 8802, 8811(a)(1) and 8821 of Title 53 shall take effect January 1 of the year following the date of enactment.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Joe Emrick, on the amendment.

Mr. EMRICK. Thank you, Mr. Speaker.

Again, this is an agreed-to amendment and I would ask for an affirmative vote.

On the question recurring,  
Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. Representative Jordan Harris, on amendment 4847.

Mr. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, the board is accurate.

The SPEAKER. Thank you, sir.

Representative Kerry Benninghoff, on amendment 4847.

Mr. BENNINGHOFF. Mr. Speaker, the majority party is voting unanimously on that amendment. Thank you. The board is accurate.

The following roll call was recorded:

YEAS—198

Barrar	Fiedler	Lawrence	Reese
Benninghoff	Fitzgerald	Lee	Rigby
Bernstine	Flynn	Lewis	Roae
Bizzarro	Frankel	Longietti	Roebuck
Boback	Freeman	Mackenzie	Rothman
Borowicz	Fritz	Madden	Rowe
Boyle	Gabler	Malagari	Rozzi
Bradford	Gainey	Maloney	Ryan
Briggs	Galloway	Markosek	Sainato
Brooks	Gaydos	Marshall	Samuelson
Brown	Gillen	Masser	Sanchez
Bullock	Gillespie	Matzie	Sankey
Burgos	Gleim	McCarter	Sappey
Burns	Goodman	McClinton	Saylor
Caltagirone	Green	McNeill	Schemel
Carroll	Gregory	Mehaffie	Schlossberg
Causar	Greiner	Mentzer	Schmitt
Cephas	Grove	Merski	Schroeder
Ciresi	Hahn	Metcalfe	Schweyer
Comitta	Hanbidge	Metzgar	Shusterman
Conklin	Harkins	Mihalek	Simmons
Cook	Harris	Millard	Sims
Cox	Heffley	Miller, B.	Snyder
Cruz	Helm	Miller, D.	Solomon
Culver	Hennessey	Mizgorski	Sonney
Cutler	Hershey	Moul	Staats
Daley	Hickernell	Mullery	Stephens
Davidson	Hohenstein	Mullins	Struzzi
Davis, A.	Howard	Murt	Sturla
Davis, T.	Innamorato	Mustello	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	O'Mara	Toohil
DeLissio	Jones	O'Neal	Topper
Deloso	Jozwiak	Oberlander	Ullman
Delozier	Kail	Ortitay	Vitali
DeLuca	Kaufner	Otten	Warner
Dermody	Kauffman	Owlett	Warren
Diamond	Keefer	Pashinski	Webster
Donatucci	Keller	Peifer	Wentling
Dowling	Kenyatta	Petrarca	Wheatley
Driscoll	Kim	Pickett	Wheeland
Dunbar	Kinsey	Polinchock	White
Dush	Kirkland	Puskaric	Williams

Ecker	Klunk	Quinn	Youngblood
Emrick	Knowles	Rabb	Zabel
Evans	Kortz	Rader	Zimmerman
Everett	Kosierowski	Rapp	
Farry	Krueger	Ravenstahl	Turzai,
Fee	Kulik	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Mako Pyle

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?

The SPEAKER. There are no further amendments on HB 1564, PN 1987, page 6 of today's House calendar.

On the question recurring,  
Will the House agree to the bill on second consideration as amended?  
Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **SB 327, PN 1436**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of General Services and its departmental administrative and advisory boards and commissions, providing for report of State facilities owned or leased.

On the question,  
Will the House agree to the bill on second consideration?  
Bill was agreed to.

\* \* \*

The House proceeded to second consideration of **SB 422, PN 399**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for Pennsylvania Election Law Advisory Board.

On the question,  
Will the House agree to the bill on second consideration?

The SPEAKER. We have, I think, only one amendment left. Oh, no, I am sorry. There are a number of amendments and I apologize.

On the question recurring,  
Will the House agree to the bill on second consideration?

Mr. **EVERETT** offered the following amendment  
No. **A04858**:

Amend Bill, page 1, lines 11 and 12, by striking out "providing for Pennsylvania Election Law Advisory" in line 11 and all of line 12 and inserting

providing for Pennsylvania Election Law Advisory Board and for emergency provisions for 2020 general primary election.

Amend Bill, page 1, lines 15 through 23; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 5; by striking out all of said lines on said pages and inserting

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding articles to read:

ARTICLE XIII-E

Pennsylvania Election Law Advisory Board

Section 1301-E. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pennsylvania Election Law Advisory Board established under section 1302-E(a).

Section 1302-E. Pennsylvania Election Law Advisory Board.

(a) Establishment.—The Pennsylvania Election Law Advisory Board is established within the Joint State Government Commission.

(b) Members.—The board shall be comprised of the following members:

(1) The Secretary of the Commonwealth or a designee.  
(2) The President pro tempore of the Senate or a designee.

(3) The Minority Leader of the Senate or a designee.

(4) The Speaker of the House of Representatives or a designee.

(5) The Minority Leader of the House of Representatives or a designee.

(6) One member from each congressional district, of whom no more than half may be registered with the same political party, appointed by the Governor and confirmed by the Senate and which shall include members who:

(i) represent groups advocating for individuals with disabilities;

(ii) represent groups advocating for voting rights; and

(iii) represent county commissioners or county election officials.

(c) Duties.—The board shall have the following duties:

(1) Study this act and identify statutory language to repeal, modify or update.

(2) Collaborate with other agencies and political subdivisions of the Commonwealth to study election-related issues.

(3) Study the development of new election technology and voting machines.

(4) Evaluate and make recommendations on:

(i) improving the electoral process in this Commonwealth by amending this act or through regulations promulgated by the Department of State; and

(ii) implementing best practices identified to ensure the integrity and efficiency of the electoral process in this Commonwealth.

(5) By the end of each fiscal year, publish extensive and detailed findings on the Joint State Government Commission's publicly accessible Internet website and make them available in electronic format to the Office of the Governor and members of the General Assembly.

(d) Quorum.—A majority of appointed members shall constitute a

quorum for the purpose of conducting business.

(e) Chairperson and vice chairperson.—The members shall select a member to be chairperson and another member to be vice chairperson.

(f) Transparency and ethics.—The board shall be subject to the following laws:

(1) The act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

(2) The act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law.

(3) The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(4) 65 Pa.C.S. Ch. 7 (relating to open meetings).

(g) Information gathering.—The board may conduct hearings and otherwise gather relevant information and analysis that it considers appropriate and necessary to fulfill its duties.

(h) Reimbursement.—Members of the board shall be reimbursed for reasonable expenses.

ARTICLE XVIII-B

EMERGENCY PROVISIONS FOR 2020 GENERAL PRIMARY ELECTION

Section 1801-B. Election officers.

(a) Requirement.—

(1) Except as provided under paragraph (2), and notwithstanding section 402 or any other law of this Commonwealth, an election officer must be a qualified registered elector of the county in which the polling place is located.

(2) An election officer shall not be required to be a qualified registered elector in the election district in which the election officer is appointed.

(b) (Reserved).

Section 1802-B. Polling place.

(a) Consolidation of polling places.—

(1) A county board of elections may, not less than 20 days prior to the election, select and designate as the polling place for an election district any public or private building situated in another election district within the county, notwithstanding if the building is located in an election district which is not immediately adjacent to the boundary of the election district for which the building is to be a polling place.

(2) A polling place may be selected and designated under this subsection without the approval of a court.

(3) Two or more polling places may be consolidated, except that the consolidation of polling places may not result in more than a 60% reduction of polling place locations in the county, except for necessitous circumstances and as approved by the Department of State. Two or more polling places may be located in the same building.

(4) A polling place selected and designated under this subsection must be directly accessible by a public street or thoroughfare.

(b) Posting.—A county board of elections shall, not less than 15 days prior to the election under section 1804-B, post in a conspicuous place at the office of the county board of elections, a list of each place at which the election is to be held in each election district of the county. The list shall be available for public inspection at the office of the county board of elections and posted on the county's publicly accessible Internet website.

Section 1803-B. Permissible polling place locations.

(a) Service.—Subject to subsection (b) and notwithstanding section 529(a) and (b) or any other law of this Commonwealth, malt or brewed beverages and liquors may be served in a building where a polling place is located during the hours that the polling place is open, except that an election may not be held in a room where malt or brewed beverages or liquors are dispensed.

(b) Accessibility.—A polling place under subsection (a) must be accessible from an outside entrance that does not require passageway through the room where malt or brewed beverages or liquors are

dispensed.

Section 1804-B. General primary election.

(a) Time.—Notwithstanding section 603 or any law of this Commonwealth, the general primary election shall occur throughout this Commonwealth on June 2, 2020.

(b) Calculation.—The following shall apply:

(1) Except for the deadline relating to the nomination of a candidate under Article IX, any date or deadline in this act, 25 Pa.C.S. Pt. IV (relating to voter registration) or 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters) that depends on, or is contingent on, the date of the general primary election, shall be calculated based on the June 2, 2020, date for the general primary election.

(2) Notwithstanding subsection (a), the due date for the sixth Tuesday pre-primary cycle 1 campaign finance report shall be March 17, 2020.

(c) Nonapplicability.—This section shall not be construed to apply to the nominating petition process.

(d) Ballots.—A ballot for the general primary 2020 which has been purchased, printed or acquired prior to the effective date of this section and shows an election date of April 28, 2020, shall not be deemed to be invalid because of the date.

Section 1805-B. Expiration.

This article shall expire on July 3, 2020.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. We are going to withdraw that amendment for – we are not withdrawing; we are going to just hold off on that amendment, right? So hold off on that amendment at this time. My apologies.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **EVERETT** offered the following amendment No. **A04870**:

Amend Bill, page 1, lines 11 and 12, by striking out "providing for Pennsylvania Election Law Advisory" in line 11 and all of line 12 and inserting

in preliminary provisions, further providing for definitions; in county boards of elections, further providing for powers and duties of county boards; in ballots, further providing for forms of ballots, printing ballots, numbers; in electronic voting systems, further providing for forms, for election day procedures and the process of voting and for post election procedures; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters, challenges and for deadline for receipt of valid voter registration application; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for approval of application for absentee ballot, for absentee and mail-in electors files and lists, for official absentee voters ballots, for envelopes for official absentee ballots, for delivering or mailing ballots, for voting by absentee electors, for canvassing of official absentee ballots and mail-in ballots and for public records and repealing provisions relating to violation of provisions relating to absentee voting; in voting by qualified mail-in electors, further providing for qualified mail-in electors, for applications for official mail-in ballots, for approval of application for mail-in ballot, for official mail-in elector ballots,

for envelopes for official mail-in ballots, for voting by mail-in electors and for public records and repealing provisions relating to violation of provisions relating to mail-in voting; providing for Pennsylvania Election Law Advisory Board; in penalties, further providing for violations of provisions relating to absentee electors ballots; providing for emergency provisions for 2020 general primary election; and making a related repeal.

Amend Bill, page 1, lines 15 through 23; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 5; by striking out all of said lines on said pages and inserting

Section 1. Section 102(a.1) and (z.6) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, added October 31, 2019 (P.L.552, No.77), are amended and the section is amended by adding a subsection to read:

Section 102. Definitions.—The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

\* \* \*

(a.1) ["Canvass" includes] The word "canvass" shall mean the gathering [the] of ballots after the [election] final pre-canvass meeting and the counting, computing and tallying of the votes reflected on the ballots.

\* \* \*

(q.1) The word "pre-canvass" shall mean the inspection and opening of all envelopes containing official absentee ballots or mail-in ballots, the removal of such ballots from the envelopes and the counting, computing and tallying of the votes reflected on the ballots. The term does not include the recording or publishing of the votes reflected on the ballots.

\* \* \*

(z.6) The words "qualified mail-in elector" shall mean a qualified elector [who is not a qualified absentee elector.]. The term does not include a person specifically prohibited from being a qualified absentee elector under section 1301.

Section 2. Section 302(p) of the act is amended to read:

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

\* \* \*

(p) A county board of elections shall not pay compensation to a judge of elections who wilfully fails to deliver by two o'clock A. M. on the day following the election envelopes; supplies, including all uncast provisional ballots; and returns, including all provisional ballots [and absentee ballots] cast in the election district and statements signed under sections 1306 and 1302-D.

Section 3. Section 1004 of the act, amended October 31, 2019 (P.L.552, No.77) and November 27, 2019 (P.L.673, No.94), is amended to read:

Section 1004. Form of Ballots; Printing Ballots; Numbers.—From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the office of school director in districts where that office is elective or the office of justice of the peace be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. [They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the

printed matter from showing through. All the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached and removed separately. The ballots for each party to be used at a primary shall be bound separately.]

Section 4. Sections 1109-A(a)(2), (b) and (e) and 1112-A(b)(2), (3) and (4) of the act, amended October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1109-A. Forms.—(a) \* \* \*

(2) The pages placed on the voting device shall be of sufficient number to include, following the listing of particular candidates, the names of candidates for any nonpartisan offices and any measures for which a voter may be qualified to vote on a given election day[, provided further that for municipal, general or special elections, the first ballot page shall list in the order that such political parties are entitled to priority on the ballot, the names of such political parties.]

\* \* \*

(b) Ballot labels shall be printed in plain clear type [in black ink], of such size and arrangement as to fit the construction of the voting device; and they shall be printed [on clear white material or on material of different colors to identify different ballots or parts of the ballot and in primary elections to identify each political party.] in a manner prescribed by the Secretary of the Commonwealth to identify different ballots or parts of a ballot and in primary elections to identify each political party.

\* \* \*

(e) In primary elections, the Secretary of the Commonwealth shall [choose a color for each party eligible to have candidates on the ballot and a separate color for independent voters. The ballot cards or paper ballots and ballot pages shall be printed on card or paper stock of the color of the party of the voter and the appropriate party affiliation or independent status shall be printed on the ballot card or at the top of the paper ballot and on the ballot pages.] prescribe a method to ensure that the elector votes the correct ballot.

\* \* \*

Section 1112-A. Election Day Procedures and the Process of Voting.—\* \* \*

(b) In an election district which uses an electronic voting system which utilizes paper ballots or ballot cards to register the votes, the following procedures will be applicable for the conduct of the election at the election district:

\* \* \*

(2) At primary elections, the voter shall vote for the candidates of his choice for nomination, according to the number of persons to be voted for by him, for each office by making a cross (X) or check (✓) mark or by making a punch or mark sense mark in the square opposite the name of the candidate or by otherwise indicating a selection associated with the candidate, or he may so [mark the write-in position provided on the ballot for the particular office] indicate on the ballot that the voter is electing to write in the name of a person for the particular office, and[, in the space provided therefor on the ballot and/or ballot envelope, write] insert the identification of the office in question and the name of any person not already [printed on the ballot for that office] listed as a candidate for that office, and such [mark] indication and [written] insertion shall count as a vote for that person for such office.

(3) At all other elections, the voter shall vote for the candidates of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, by making a cross (X) or check (✓) mark or by making a punch or mark sense mark in the square opposite the name of the candidate, or by otherwise indicating a selection associated with the candidate, or he may so [mark the write-in position provided on the ballot for the particular office] indicate on the ballot that the voter is electing to write in the name of a person for the particular office, and[, in the space provided therefor on the ballot and/or ballot envelope, write] insert the identification of the office in question and the name of any person not already [printed on the ballot for that office] listed as a candidate for that office, and such [mark] indication and [written] insertion shall count as a vote for that person for such office.

(4) If he desires to vote for the entire group of presidential electors

nominated by any party or political body, he may make a cross (X) or check (✓) or punch or mark sense mark [in the appropriate space opposite] or otherwise indicate a selection associated with the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert, [by writing or stamping,] the names of the candidates for presidential electors for whom he desires to vote [in the blank spaces provided therefor] on the write-in ballot under the title of the office "Presidential Electors". In case of a question submitted to the vote of the electors, he may make a cross (X) or check (✓) or punch or mark sense mark [in the appropriate square opposite] or otherwise indicate a selection associated with the answer which he desires to give.

\* \* \*

Section 5. Section 1113-A(i) of the act is amended to read:

Section 1113-A. Post Election Procedures.—\* \* \*

(i) In the event that district tabulation of votes is not provided for by the voting system, it shall be the responsibility of the county board of elections to make available to the public at the central tabulating center, the election results for each election district. [It shall be the further duty of the county board of elections to post such results in each election district no later than 5:00 p.m. of the second day following the election.]

\* \* \*

Section 6. Section 1210(a.4)(1) of the act, amended October 31, 2019 (P.L.552, No.77), is amended to read:

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—\* \* \*

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who appear to vote shall be required to produce proof of identification pursuant to subsection (a) and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot. [An elector who appears to vote on election day having requested an absentee ballot or mail-in ballot and who is not shown on the district register as having voted an absentee ballot or mail-in ballot shall be permitted to cast a provisional ballot.]

\* \* \*

Section 7. Section 1231(c)(2) of the act, added October 31, 2019 (P.L.552, No.77), is amended and the section is amended by adding a subsection to read:

Section 1231. Deadline for Receipt of Valid Voter Registration Application.—\* \* \*

(c) \* \* \*

[(2) No applications shall be received as follows:

(i) On Sundays.

(ii) On holidays.

(iii) On the day of the election.

(iv) During the fifteen days next preceding each general, municipal and primary election except as provided under subsection (b).]

\* \* \*

(e) (1) An applicant shall be deemed a registered elector of the county immediately upon acceptance of the voter registration application by the commission under 25 Pa.C.S. § 1328(c)(1) or (2) (relating to approval of registration applications), and the commission shall enter the elector's registration information in the general register, with the elector's unique identification number entered as his or her SURE registration number.

(2) Notwithstanding 25 Pa.C.S. § 1328(b)(2), if an applicant presents his or her own application for voter registration under 25 Pa.C.S. § 1322 (relating to in-person voter registration), the

commission shall immediately examine the application pursuant to 25 Pa.C.S. § 1328(a) and shall, while the applicant waits, promptly decide on said application by either accepting it, rejecting it or forwarding it pursuant to 25 Pa.C.S. § 1328(b) and, if accepted, process the application in accordance with 25 Pa.C.S. § 1328(c).

Section 8. Sections 1302(e.1) and (i)(1), 1302.2(c) and (e) and 1302.3(a), amended October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1302. Applications for Official Absentee Ballots.—\* \* \*

(e.1) Any qualified registered elector who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may at any time request, with the certification by his attending physician that he is permanently disabled[,] and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, to be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person otherwise eligible to receive one, by the first Monday in February each year, or within forty-eight hours of receipt of the request, whichever is later, so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section. Should any such person lose his disability he shall inform the county board of elections of the county of his residence. An absentee ballot application mailed to [a voter] an elector under this section, which is completed and timely returned by the [voter] elector, shall serve as an application for any and all primary, general or special elections to be held in the remainder of that calendar year and for all special elections to be held before the third Monday in February of the succeeding year. The transfer of a qualified registered elector on a permanently disabled absentee ballot list from one county to another county shall only be permitted upon the request of the qualified registered elector.

\* \* \*

(i) (1) Application for official absentee ballots shall be on physical and electronic forms prescribed by the Secretary of the Commonwealth. The application shall state that an elector who [receives and votes] applies for an absentee ballot pursuant to section 1301 shall not be eligible to vote at a polling place on election day[.] unless the elector brings the elector's absentee ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect. Such physical application forms shall be made freely available to the public at county board of elections, municipal buildings and at such other locations designated by the secretary. Such electronic application forms shall be made freely available to the public through publicly accessible means. No written application or personal request shall be necessary to receive or access the application forms. Copies and records of all completed physical and electronic applications for official absentee ballots shall be retained by the county board of elections.

\* \* \*

Section 1302.2. Approval of Application for Absentee Ballot.—

\* \* \*

(c) The county board of elections, upon receipt of any application of a qualified elector required to be registered under the provisions of preceding section 1301, shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding, except that challenges may be made only on the ground that the applicant [did not possess the qualifications of an absentee] was not a qualified elector. Such challenges must be made to

the county board of elections prior to [the applicable deadline for the absentee ballots to be received, as provided in section 1308(g). When so approved, the registration commission shall cause an absentee voter's temporary registration card to be inserted in the district register on top of and along with the permanent registration card. The absentee voter's temporary registration card shall be in the color and form prescribed in subsection (e) of this section:

Provided, however, That the duties of the county boards of elections and the registration commissions with respect to the insertion of the absentee voter's temporary registration card of any elector from the district register as set forth in section 1302.2 shall include only such applications and emergency applications as are received on or before the first Tuesday prior to the primary or election. In all cases where applications are received after the first Tuesday prior to the primary or election and before eight o'clock P.M. on the day of the primary or election, the county board of elections shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's duplicate registration card on file in the General Register (also referred to as the Master File) in the office of the Registration Commission and shall cause the name and residence (and at primaries, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3, subsection (b).] five o'clock p.m. on the Friday prior to the election, or during the pre-canvassing of an elector's absentee ballot, whichever is earlier: Provided, however, That a challenge to an application for an absentee ballot shall not be permitted on the grounds that the elector used an application for an absentee ballot instead of an application for a mail-in ballot or on the grounds that the elector used an application for a mail-in ballot instead of an application for an absentee ballot.

\* \* \*

[(e) The absentee voter's temporary registration card shall be in duplicate and the same size as the permanent registration card, in a different and contrasting color to the permanent registration card and shall contain the absentee voter's name and address and shall conspicuously contain the words "Absentee Voter."]

\* \* \*

Section 1302.3. Absentee and Mail-in Electors Files and Lists.— [(a) The county board of elections shall maintain at its office a file containing the duplicate absentee voter's temporary registration cards of every registered elector to whom an absentee ballot has been sent. Such duplicate absentee voter's temporary registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards and the registration cards under section 1302.3-D so filed shall constitute the Registered Absentee and Mail-in Voters File for the Primary or Election of (date of primary or election) and shall be kept on file for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations.]

\* \* \*

Section 9. Section 1303(a) and (e), amended October 31, 2019 (P.L.552, No.77) and November 27, 2019 (P.L.673, No.94), are amended to read:

Section 1303. Official Absentee Voters Ballots.—(a) In districts in which ballots are used, the ballots for use by such absentee electors under the provisions of this act shall be the official ballots printed in accordance with sections 1002 and 1003: Provided, however, That the county board of elections when [detaching] preparing the official ballots for absentee electors shall be required to track the name of the applicant to which a ballot is being sent. The county board of elections shall also be required to print, stamp or endorse [in red color] upon such official ballots the words, Official Absentee Ballot. Such ballots shall be distributed by such boards as hereinafter provided.

\* \* \*

(e) The official absentee voter ballot shall state that [a voter] an elector who receives an absentee ballot pursuant to section 1301 and whose voted ballot is not timely received by the commission and who, on election day, is capable of voting at the appropriate polling place may only vote on election day by provisional ballot[.] unless the elector brings the elector's absentee ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect.

Section 10. Section 1304 of the act is amended to read:

Section 1304. Envelopes for Official Absentee Ballots.—

The county boards of election shall provide two additional envelopes for each official absentee ballot of such size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official [Absentee] Election Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector, and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the absentee voter. Said form of declaration and envelope shall be as prescribed by the Secretary of the Commonwealth and shall contain among other things a statement of the electors qualifications, together with a statement that such elector has not already voted in such primary or election. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, lists of candidates, when authorized by section 1303 subsection (b) of this act, the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else.]: Provided, however, That envelopes for electors qualified under preceding section 1301, subsections (a) to (h), inclusive, shall have printed across the face of each transmittal or return envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed, in the upper right corner of each such envelope in a box, the words "Free of U. S. Postage, Including Air Mail;" that all printing on the face of each such envelope be in red, and that there be printed in red, in the upper left corner of each such envelope, the name and address of the county board of elections of the proper county or blank lines for return address of the sender:

Provided further, That the aforesaid envelope addressed to the elector may contain absentee registration forms where required, and shall contain detailed instructions on the procedures to be observed in casting an absentee ballot as prescribed by the Secretary of the Commonwealth, together with return envelope upon which is printed the name and address of the registration commission of the proper county, which envelope shall have printed across the face two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed in the upper right corner of each such envelope in a box the words "Free of U. S. Postage, Including Air Mail," and, in the upper left corner of each such envelope, blank lines for return address of the sender; that all printing on the face of each such envelope be in red.]

Section 11. Sections 1306(a) introductory paragraph and (b), 1308(g) and 1309(c) of the act, amended or added October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1306. Voting by Absentee Electors.—(a) Except as provided in paragraphs (2) and (3), at any time after receiving an official absentee ballot, but on or before eight o'clock P.M. the day of the primary or election, the elector shall, in secret, proceed to mark the ballot

only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official [Absentee] Election Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

\* \* \*

(b) (1) Any elector who receives and votes an absentee ballot pursuant to section 1301 shall not be eligible to vote at a polling place on election day. The district register at each polling place shall clearly identify electors who have received and voted absentee ballots as ineligible to vote at the polling place, and district election officers shall not permit electors who voted an absentee ballot to vote at the polling place.

(2) An elector who requests an absentee ballot and who is not shown on the district register as having voted the ballot may vote by provisional ballot under section 1210(a.4)(1).

(3) Notwithstanding paragraph (2), an elector who requests an absentee ballot and who is not shown on the district register as having voted the ballot may vote at the polling place if the elector remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and the elector signs a statement subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) in substantially the following form:

I hereby declare that I am a qualified registered elector who has obtained an absentee ballot or mail-in ballot. I further declare that I have not cast my absentee ballot or mail-in ballot, and that instead I remitted my absentee ballot or mail-in ballot and the envelope containing the declaration of the elector to the judge of elections at my polling place to be spoiled and therefore request that my absentee ballot or mail-in ballot be voided.

(Date)

(Signature) \_\_\_\_\_ of \_\_\_\_\_ (Elector)

.....  
(Address of Elector)

(Local Judge of Elections)

\* \* \*

Section 1308. Canvassing of Official Absentee Ballots and Mail-in Ballots.—\* \* \*

(g) (1) (i) An absentee ballot cast by any absentee elector as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h) shall be canvassed in accordance with this subsection if the ballot is cast, submitted and received in accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters).

(ii) An absentee ballot cast by any absentee elector as defined in section 1301(i), (j), (k), (l), (m) and (n), an absentee ballot under section 1302(a.3) or a mail-in ballot cast by a mail-in elector shall be canvassed in accordance with this subsection if the absentee ballot or mail-in ballot is received in the office of the county board of elections no later than eight o'clock P.M. on the day of the primary or election.

(1.1) The county board of elections shall meet no earlier than seven o'clock A.M. on election day to pre-canvass all ballots received prior to the meeting. A county board of elections shall provide at least forty-eight hours' notice of a pre-canvass meeting by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are pre-canvassed. No person observing, attending or participating in a pre-canvass meeting may disclose the results of any portion of any pre-canvass meeting prior to the close of the polls.

(2) The county board of elections shall meet no earlier than the close of polls on the day of the election and no later than the third day

following the election to begin canvassing [the] absentee ballots and mail-in ballots received [under this subsection and subsection (h)(2).] following the final pre-canvass meeting and any ballots received prior to the completion of the final pre-canvass meeting, but not included in the pre-canvass process. The meeting under this paragraph shall continue until all absentee ballots and mail-in ballots received prior to the close of the polls have been canvassed. The county board of elections shall not record or publish any votes reflected on the ballots prior to the close of the polls. The canvass process shall continue through the eighth day following the election[.] for valid military-overseas ballots timely received under 25 Pa.C.S. § 3511 (relating to receipt of voted ballot). A county board of elections shall provide at least forty-eight hours' notice of a canvass meeting by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are canvassed. [Representatives shall be permitted to challenge any absentee elector or mail-in elector in accordance with the provisions of paragraph (3).] No person observing, attending or participating in a canvass meeting may disclose the results of any portion of a canvass meeting prior to the close of the polls.

(3) When the county board meets to pre-canvass or canvass absentee ballots and mail-in ballots under [paragraph] paragraphs (1), (1.1) and (2), the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board has verified the proof of identification as required under this act and is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall [announce the name of the elector and shall give any candidate representative or party representative present an opportunity to challenge any absentee elector or mail-in elector upon the ground or grounds: (i) that the absentee elector or mail-in elector is not a qualified elector; or (iii) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein, the board shall mark "challenged" on the envelope together with the reasons therefor, and the same shall be set aside unopened pending final determination of the challenge according to the procedure described in paragraph (5).] provide a list of the names of electors whose absentee ballots or mail-in ballots are to be pre-canvassed or canvassed.

(4) All absentee ballots [and mail-in ballots not challenged for any of the reasons provided in] which have not been challenged under section 1302.2(c) and all mail-in ballots which have not been challenged under section 1302.2-D(a)(2) and that have been verified under paragraph (3) shall be counted and included with the returns of the applicable election district as follows:

(i) The county board shall open the envelope of every unchallenged absentee elector and mail-in elector in such manner as not to destroy the declaration executed thereon.

(ii) If any of the envelopes on which are printed, stamped or endorsed the words "Official [Absentee] Election Ballot" [or "Official Mail-in Ballot"] contain any [extraneous marks or identifying symbols,] text, mark or symbol which reveals the identity of the elector, the elector's political affiliation or the elector's candidate preference, the envelopes and the ballots contained therein shall be set aside and declared void.

(iii) The county board shall then break the seals of such envelopes, remove the ballots and [record the votes.] count, compute and tally the votes.

(iv) Following the close of the polls, the county board shall record

and publish the votes reflected on the ballots.

(5) [With respect to the challenged ballots, they] Ballots received whose applications have been challenged and ballots which have been challenged shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges, and notice shall be given where possible to all absentee electors and mail-in electors thus challenged and to every individual who made a challenge. The time for the hearing shall not be later than [five (5)] seven (7) days after the [date of the challenge] deadline for all challenges to be filed. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges, and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(6) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. The appeal shall be taken, within two (2) days after the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(7) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots received under this subsection irrespective of whether or not appeal was taken from the county board's decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots that have been finally determined to be valid shall be added to the other votes cast within the county.

\* \* \*

Section 1309. Public Records.—\* \* \*

(c) The county board shall compile the records listed under subsection (b) and make the records publicly available upon request within forty-eight hours of the request.

Section 12. Section 1331 of the act is repealed:

[Section 1331. Violation of Provisions Relating to Absentee Voting.—(a) Except as provided in subsection (b), any person who shall violate any of the provisions of this act relating to absentee voting shall, unless otherwise provided, be subject to the penalties provided for in section 1850 of this act.

(b) Any person who knowingly assists another person who is not a qualified absentee elector in filling out an absentee ballot application or absentee ballot commits a misdemeanor of the third degree.]

Section 12.1. Sections, 1301-D(a), 1302-D(f) and (g), 1302.2-D(a)(2), (3), (4) and (5), (b) and (d) and 1302.3-D of the act, added October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1301-D. Qualified mail-in electors.

(a) General rule.—[The following individuals] A qualified mail-in elector shall be entitled to vote by an official mail-in ballot in any primary or election held in this Commonwealth in the manner provided under this article.]:

(1) Any qualified elector who is not eligible to be a qualified absentee elector under Article XIII.

(2) (Reserved).]

\* \* \*

Section 1302-D. Applications for official mail-in ballots.

\* \* \*

(f) Form.—Application for an official mail-in ballot shall be on physical and electronic forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who [receives and votes] applies for a mail-in ballot under section 1301-D shall not be eligible to vote at a polling place on election day[.] unless the elector brings the elector's mail-in ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect. The physical application

forms shall be made freely available to the public at county board of elections, municipal buildings and at other locations designated by the Secretary of the Commonwealth. The electronic application forms shall be made freely available to the public through publicly accessible means. No written application or personal request shall be necessary to receive or access the application forms. Copies and records of all completed physical and electronic applications for official mail-in ballots shall be retained by the county board of elections.

(g) Permanent mail-in voting list.—

(1) Any qualified registered elector may request to be placed on a permanent mail-in ballot list file at any time during the calendar year. A mail-in ballot application shall be mailed to every person otherwise eligible to receive a mail-in ballot application by the first Monday in February each year or within 48 hours of receipt of the request, whichever is later, so long as the person does not lose the person's voting rights by failure to vote as otherwise required by this act. A mail-in ballot application mailed to [a voter] an elector under this section, which is completed and timely returned by the [voter] elector, shall serve as an application for any and all primary, general or special elections to be held in the remainder of that calendar year and for all special elections to be held before the third Monday in February of the succeeding year.

(2) The Secretary of the Commonwealth may develop an electronic system through which all qualified electors may apply for a mail-in ballot and request permanent mail-in voter status under this section, provided the system is able to capture a digitized or electronic signature of the applicant. A county board of elections shall treat an application or request received through the electronic system as if the application or request had been submitted on a paper form or any other format used by the county.

(3) The transfer of a qualified registered elector on a permanent mail-in voting list from one county to another count shall only be permitted upon the request of the qualified registered elector.

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Section 1302.2-D. Approval of application for mail-in ballot.

(a) Approval process.—The county board of elections, upon receipt of any application of a qualified elector under section 1301-D, shall determine the qualifications of the applicant by verifying the proof of identification and comparing the information provided on the application with the information contained on the applicant's permanent registration card. The following shall apply:

\*\*\*

(2) The approval decision shall be final and binding, except that challenges may be made only on the grounds that the applicant [did not possess the qualifications of a mail-in] was not a qualified elector.

(3) Challenges must be made to the county board of elections prior to [the applicable deadline for the mail-in ballots to be received, as provided in section 1308(g).] five o'clock p.m. on the Friday prior to the election, or during the pre-canvassing of an elector's mail-in ballot, whichever is earlier. Provided, however, That a challenge to an application for a mail-in ballot shall not be permitted on the grounds that the elector used an application for a mail-in ballot instead of an application for an absentee ballot or on the grounds that the elector used an application for an absentee ballot instead of an application for a mail-in ballot.

(4) When approved, the registration commission shall cause a mail-in voter's [temporary registration card] record to be inserted in the district register [on top of and along with the permanent registration card] as prescribed by the Secretary of the Commonwealth.

(5) The mail-in voter's temporary registration card shall be in the color and form prescribed under subsection (d).]

(b) Duties of county boards of elections and registration

commissions.—The duties of the county boards of elections and the registration commissions with respect to the insertion of the mail-in voter's [temporary registration card of any elector from the district register as provided under this section] record shall include only the applications as are received on or before the first Tuesday prior to the primary or election.

\*\*\*

[(d) Temporary registration card.—The mail-in voter's temporary registration card shall be in duplicate and the same size as the permanent registration card, in a different and contrasting color to the permanent registration card and shall contain the mail-in voter's name and address and shall conspicuously contain the words "Mail-in Voter."]

[Section 1302.3-D. Mail-in electors files and lists.

The county board of elections shall maintain at its office a file containing the duplicate mail-in voter's temporary registration cards of every registered elector to whom a mail-in ballot has been sent. The duplicate mail-in voter's temporary registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards filed shall be included in the Registered Absentee and Mail-in Voters File for the Primary or Election of (date of primary or election) under section 1302.3(a).]

Section 13. Section 1303-D(a.1) and (e), amended or added October 31, 2019 (P.L.552, No.77) and November 27, 2019 (P.L.673, No.94), are amended to read:

Section 1303-D. Official mail-in elector ballots.

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(a.1) Duties of county boards of elections.—The county board of elections, when [detaching] preparing the official ballots for mail-in voters, shall be required to indicate on [the stub of each detached ballot the name of the applicant to which that precise ballot is being sent.] the voter's record the identification number of specific ballot envelope into which the voter's ballot is inserted. The county board of elections shall also [remove the numbered stub from each ballot and shall] print, stamp or endorse [in red color] on the official ballots the words, "Official Mail-in Ballot." The ballots shall be distributed by a board as provided under this section.

\*\*\*

(e) Notice.—The official mail-in voter ballot shall state that a voter who receives a mail-in ballot under section 1301-D and whose voted mail-in ballot is not timely received may only vote on election day by provisional ballot[.] unless the elector brings the elector's mail-in ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect.

Section 14. Sections 1304-D(a), 1305-D, 1306-D(a) and (b) and 1307-D(c) of the act, added October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1304-D. Envelopes for official mail-in ballots.

(a) Additional envelopes.—The county boards of election shall provide two additional envelopes for each official mail-in ballot of a size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official [Mail-in] Election Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the mail-in voter.

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Section 1305-D. Delivering or mailing ballots.

The county board of elections, upon receipt and approval of an application filed by a qualified elector under section 1301-D, shall commence to deliver or mail official mail-in ballots as soon as a ballot

is certified and the ballots are available. While any proceeding is pending in a Federal or State court which would affect the contents of any ballot, the county board of elections may await a resolution of that proceeding but in any event, shall commence to deliver or mail official [absentee] mail-in ballots not later than the second Tuesday prior to the primary or election. For applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send the notice required under section 1302.2-D(c) with the mail-in ballot. As additional applications are received and approved, the board shall deliver or mail official mail-in ballots to the additional electors within 48 hours.

Section 1306-D. Voting by mail-in electors.

(a) General rule.—At any time after receiving an official mail-in ballot, but on or before eight o'clock P.M. the day of the primary or election, the mail-in elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official [Mail-in] Election Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

\* \* \*

(b) Eligibility.—

(1) Any elector who receives and votes a mail-in ballot under section 1301-D shall not be eligible to vote at a polling place on election day. The district register at each polling place shall clearly identify electors who have received and voted mail-in ballots as ineligible to vote at the polling place, and district election officers shall not permit electors who voted a mail-in ballot to vote at the polling place.

(2) An elector who requests a mail-in ballot and who is not shown on the district register as having voted may vote by provisional ballot under section 1210(a.4)(1).

(3) Notwithstanding paragraph (2), an elector who requests a mail-in ballot and who is not shown on the district register as having voted the ballot may vote at the polling place if the elector remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and the elector signs a statement subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) which shall be in substantially the following form:

I hereby declare that I am a qualified registered elector who has obtained an absentee ballot or mail-in ballot. I further declare that I have not cast my absentee ballot or mail-in ballot, and that instead I remitted my absentee ballot or mail-in ballot to the judge of elections at my polling place to be spoiled and therefore request that my absentee ballot or mail-in ballot be voided.

(Date)

(Signature of Elector)

.....  
(Address of Elector)

(Local Judge of Elections)

\* \* \*

Section 1307-D. Public records.

\* \* \*

(c) Compilation.—The county board shall compile the records listed under subsection (b) and make the records publicly available upon request within 48 hours of the request.

Section 14.1. Section 1308-D of the act is repealed:

[Section 1308-D. Violation of provisions relating to mail-in voting.

(a) Penalties.—Except as provided under subsection (b), a person who violates any of the provisions of this act relating to mail-in voting

shall, unless otherwise provided, be subject to the penalties provided under section 1850.

(b) Persons not qualified as mail-in voters.—A person who knowingly assists another person who is not a qualified mail-in voter in filling out a mail-in ballot application or mail-in ballot commits a misdemeanor of the third degree.]

Section 15. The act is amended by adding an article to read:

ARTICLE XIII-E

Pennsylvania Election Law Advisory Board

Section 1301-E. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pennsylvania Election Law Advisory Board established under section 1302-E(a).

Section 1302-E. Pennsylvania Election Law Advisory Board.

(a) Establishment.—The Pennsylvania Election Law Advisory Board is established within the Joint State Government Commission.

(b) Members.—The board shall be comprised of the following members:

(1) The Secretary of the Commonwealth or a designee.

(2) The President pro tempore of the Senate or a designee.

(3) The Minority Leader of the Senate or a designee.

(4) The Speaker of the House of Representatives or a designee.

(5) The Minority Leader of the House of Representatives or a designee.

(6) One member from each congressional district, of whom no more than half may be registered with the same political party, appointed by the Governor and confirmed by the Senate and which shall include members who:

(i) represent groups advocating for individuals with disabilities;

(ii) represent groups advocating for voting rights; and

(iii) represent county commissioners or county election officials.

(c) Duties.—The board shall have the following duties:

(1) Study this act and identify statutory language to repeal, modify or update.

(2) Collaborate with other agencies and political subdivisions of the Commonwealth to study election-related issues.

(3) Study the development of new election technology and voting machines.

(4) Evaluate and make recommendations on:

(i) improving the electoral process in this Commonwealth by amending this act or through regulations promulgated by the Department of State; and

(ii) implementing best practices identified to ensure the integrity and efficiency of the electoral process in this Commonwealth.

(5) By the end of each fiscal year, publish extensive and detailed findings on the Joint State Government Commission's publicly accessible Internet website and make them available in electronic format to the Office of the Governor and members of the General Assembly.

(d) Quorum.—A majority of appointed members shall constitute a quorum for the purpose of conducting business.

(e) Chairperson and vice chairperson.—The members shall select a member to be chairperson and another member to be vice chairperson.

(f) Transparency and ethics.—The board shall be subject to the following laws:

(1) The act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

(2) The act of October 4, 1978 (P.L.883, No.170),

referred to as the Public Official and Employee Ethics Law.

(3) The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(4) 65 Pa.C.S. Ch. 7 (relating to open meetings).

(g) Information gathering.—The board may conduct hearings and otherwise gather relevant information and analysis that it considers appropriate and necessary to fulfill its duties.

(h) Reimbursement.—Members of the board shall be reimbursed for reasonable expenses.

Section 15.1. Section 1853 of the act is amended to read:

Section 1853. Violations of Provisions Relating to Absentee [Electors] and Mail-in Ballots.—If any person shall sign an application for absentee ballot, mail-in ballot or declaration of elector on the forms prescribed knowing any matter declared therein to be false, or shall vote any ballot other than one properly issued to [him] the person, or vote or attempt to vote more than once in any election for which an absentee ballot or mail-in ballot shall have been issued to [him] the person, or shall violate any other provisions of Article XIII or Article XIII-D of this act, [he] the person shall be guilty of a misdemeanor of the [first] third degree, and, upon conviction, shall be sentenced to pay a fine not exceeding [ten thousand dollars (\$10,000)] two thousand five hundred (\$2,500), or be imprisoned for a term not exceeding [five (5)] two (2) years, or both, at the discretion of the court.

If any chief clerk or member of a board of elections, member of a return board or member of a board of registration commissioners, shall neglect or refuse to perform any of the duties prescribed by Article XIII or Article XIII-D of this act, or shall reveal or divulge any of the details of any ballot cast in accordance with the provisions of Article XIII or Article XIII-D of this act, or shall count an absentee ballot or mail-in ballot knowing the same to be contrary to Article XIII or Article XIII-D, or shall reject an absentee ballot or mail-in ballot without reason to believe that the same is contrary to Article XIII or Article XIII-D, or shall permit an elector to cast [his] the elector's ballot at a polling place knowing that there has been issued to the elector an absentee ballot, [he] the elector shall be guilty of a felony of the third degree, and, upon conviction, shall be punished by a fine not exceeding fifteen thousand dollars (\$15,000), or be imprisoned for a term not exceeding seven (7) years, or both, at the discretion of the court.

Section 16. The act is amended by adding an article to read:

#### ARTICLE XVIII-B

#### EMERGENCY PROVISIONS FOR 2020 GENERAL PRIMARY ELECTION

##### Section 1801-B. Election officers.

(a) Requirement.—

(1) Except as provided under paragraph (2), and notwithstanding section 402 or any other law of this Commonwealth, an election officer must be a qualified registered elector of the county in which the polling place is located.

(2) An election officer shall not be required to be a qualified registered elector in the election district in which the election officer is appointed.

(b) (Reserved).

##### Section 1802-B. Polling place.

(a) Consolidation of polling places.—

(1) A county board of elections may, not less than 20 days prior to the election, select and designate as the polling place for an election district any public or private building situated in another election district within the county, notwithstanding if the building is located in an election district which is not immediately adjacent to the boundary of the election district for which the building is to be a polling place.

(2) A polling place may be selected and designated under this subsection without the approval of a court.

(3) Two or more polling places may be consolidated, except that the consolidation of polling places may not result in more than a 60% reduction of polling place locations in the county, except for necessitous circumstances and as approved by the Department of State. Two or more polling places may be

located in the same building.

(4) A polling place selected and designated under this subsection must be directly accessible by a public street or thoroughfare.

(b) Posting.—A county board of elections shall, not less than 15 days prior to the election under section 1804-B, post in a conspicuous place at the office of the county board of elections, a list of each place at which the election is to be held in each election district of the county. The list shall be available for public inspection at the office of the county board of elections and posted on the county's publicly accessible Internet website.

Section 1803-B. Permissible polling place locations.

(a) Service.—Subject to subsection (b) and notwithstanding section 529(a) and (b) or any other law of this Commonwealth, malt or brewed beverages and liquors may be served in a building where a polling place is located during the hours that the polling place is open, except that an election may not be held in a room where malt or brewed beverages or liquors are dispensed.

(b) Accessibility.—A polling place under subsection (a) must be accessible from an outside entrance that does not require passageway through the room where malt or brewed beverages or liquors are dispensed.

Section 1804-B. General primary election.

(a) Time.—Notwithstanding section 603 or any law of this Commonwealth, the general primary election shall occur throughout this Commonwealth on June 2, 2020.

(b) Calculation.—The following shall apply:

(1) Except for the deadline relating to the nomination of a candidate under Article IX, any date or deadline in this act, 25 Pa.C.S. Pt. IV (relating to voter registration) or 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters) that depends on, or is contingent on, the date of the general primary election, shall be calculated based on the June 2, 2020, date for the general primary election.

(2) Notwithstanding subsection (a), the due date for the sixth Tuesday pre-primary cycle 1 campaign finance report shall be March 17, 2020.

(c) Nonapplicability.—This section shall not be construed to apply to the nominating petition process.

(d) Ballots.—A ballot for the general primary 2020 which has been purchased, printed or acquired prior to the effective date of this section and shows an election date of April 28, 2020, shall not be deemed to be invalid because of the date.

Section 1805-B. Expiration.

This article shall expire on July 3, 2020.

Section 17. This act shall apply as follows:

(1) The amendment or addition of the following shall apply to elections occurring on or after June 2, 2020:

- (i) Section 102(a.1),(g.1) and (z.6).
- (ii) Section 1302.2(c).
- (iii) Section 1308(g).
- (iv) Section 1301-D(a).
- (v) Section 1302.2-D(a).

(2) The amendment or addition of the following shall apply to elections occurring on or after November 2, 2020:

- (i) Section 302(p).
- (ii) Section 1302(i)(1).
- (iii) Section 1303(e).
- (iv) Section 1306(b).
- (v) Section 1302-D(f).
- (vi) Section 1303-D(e).
- (vii) Section 1306-D(b).

(3) The amendment or addition of the following shall apply to envelopes and ballots purchased, printed or acquired after the effective date of this section:

- (i) Section 1004.
- (ii) Section 1109-A(b) and (e).
- (iii) Section 1112-A(b)(2),(3) and (4).

- (iv) Section 1303(a).
- (v) Section 1304.
- (vi) Section 1306(a).
- (vii) Section 1303-D(a.1).
- (viii) Section 1304-D(a).
- (ix) Section 1306-D(a).

Section 18. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment or addition of section 1231(c)(2) and (e).

(2) 25 Pa.C.S. § 1328(c)(4) and (5) are repealed.

Section 19. This act shall take effect immediately.

On the question,  
Will the House agree to the amendment?

The SPEAKER. Representative Everett is recognized.  
Mr. EVERETT. Thank you, Mr. Speaker.

The SPEAKER. Yes, sir.

Mr. EVERETT. Amendment A04870, the big-ticket item to it is it moves the Pennsylvania primary from April 28 to June 2 and it also gives our county election officials leeway into appointing new poll workers if they cannot get poll workers and to change polling places and merge polling places. It is an amendment that has been worked on jointly amongst many parties, and I believe it is an agreed-to amendment here and in the Senate and with the administration and has the support of CCAP (County Commissioners Association of Pennsylvania) and our county election officials.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Boyle, on the amendment, sir.

Mr. BOYLE. Thank you, Mr. Speaker.

With elections only a month away and positive coronavirus tests increasing daily, we are at a crossroads. In Philadelphia alone, a fifth of our voters are seniors who are most at risk from the virus. Poll workers, often senior citizens themselves, are at no less risk. Polling places are also disproportionately at senior centers, nursing homes, or schools.

Pennsylvania must be realistic regarding the impact of the virus on the April 28 election. At minimum, Pennsylvania must move its scheduled election to June 2 and give county officials more time for a contingency plan for voting. I ask members to please join me in supporting Chairman Everett's amendment.

And furthermore, in relation to the change of canvassing, I know some members, particularly on the other side of the aisle, had wondered why we are doing that. I think it can best be described that we do not want to be Iowa. We do not want to be the Iowa Democratic Party in February in 2020 during their caucuses. And we do not want to be Florida back in 2000.

When we have our election, whether it is the primary or the general election permanently, we do not want a delay of several weeks before there is actually a result. I do not think any of our constituents want that, and I do not think any Americans want to see that because in 2020 Pennsylvania is supposed to be a critical swing State. So no matter whether you support the Democratic nominee or the Republican nominee, I think as Pennsylvanians and Americans we should be able to agree that we want the winner to be known in a timely manner.

So I urge adoption of Chairman Everett's amendment. Thank you.

The SPEAKER. Thank you, sir.

Does anybody else wish to be recognized?

On the question recurring,  
Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. The Chair recognizes the Democratic caucus whip, Representative Jordan Harris, on amendment 04870.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. And the majority caucus whip, Representative Kerry Benninghoff, on amendment 04870.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

The board does reflect accurately the majority party's wishes on this amendment. Thank you very much.

The following roll call was recorded:

YEAS—198

Barrar	Fiedler	Lawrence	Reese
Benninghoff	Fitzgerald	Lee	Rigby
Bernstine	Flynn	Lewis	Roae
Bizzarro	Frankel	Longietti	Roebuck
Boback	Freeman	Mackenzie	Rothman
Borowicz	Fritz	Madden	Rowe
Boyle	Gabler	Malagari	Rozzi
Bradford	Gainey	Maloney	Ryan
Briggs	Galloway	Markosek	Sainato
Brooks	Gaydos	Marshall	Samuelson
Brown	Gillen	Masser	Sanchez
Bullock	Gillespie	Matzie	Sankey
Burgos	Gleim	McCarter	Sappay
Burns	Goodman	McClinton	Saylor
Caltagirone	Green	McNeill	Schemel
Carroll	Gregory	Mehaffie	Schlossberg
Causar	Greiner	Mentzer	Schmitt
Cephas	Grove	Merski	Schroeder
Ciresi	Hahn	Metcalfe	Schweyer
Comitta	Hanbidge	Metzgar	Shusterman
Conklin	Harkins	Mihalek	Simmons
Cook	Harris	Millard	Sims
Cox	Heffley	Miller, B.	Snyder
Cruz	Helm	Miller, D.	Solomon
Culver	Hennessey	Mizgorski	Sonney
Cutler	Hershey	Moul	Staats
Daley	Hickernell	Mullery	Stephens
Davidson	Hohenstein	Mullins	Struzzi
Davis, A.	Howard	Murt	Sturla
Davis, T.	Innamorato	Mustello	Thomas
Dawkins	Irvin	Neilson	Tobash
Day	Isaacson	Nelson	Toepel
Deasy	James	O'Mara	Toohil
DeLissio	Jones	O'Neal	Topper
Delloso	Jozwiak	Oberlander	Ullman
Delozier	Kail	Ortitay	Vitali
DeLuca	Kaufner	Otten	Warner
Dermody	Kauffman	Owlett	Warren
Diamond	Keefer	Pashinski	Webster
Donatucci	Keller	Peifer	Wentling
Dowling	Kenyatta	Petrarca	Wheatley
Driscoll	Kim	Pickett	Whealand
Dunbar	Kinsey	Polinchock	White
Dush	Kirkland	Puskaric	Williams
Ecker	Klunk	Quinn	Youngblood
Emrick	Knowles	Rabb	Zabel
Evans	Kortz	Rader	Zimmerman
Everett	Kosierowski	Rapp	
Farry	Krueger	Ravenstahl	Turzai,
Fee	Kulik	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Mako Pyle

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the bill on second consideration as amended?

The SPEAKER. Very briefly, very briefly, we are going to stand at ease, so we will not be recording this.

Okay. Now, we are back on record. We are back in session.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Mr. **EVERETT** offered the following amendment No. **A04869**:

Amend Bill, page 1, lines 11 and 12, by striking out "providing for Pennsylvania Election Law Advisory" in line 11 and all of line 12 and inserting in preliminary provisions, further providing for definitions; in county boards of elections, further providing for powers and duties of county boards; in ballots, further providing for forms of ballots, printing ballots, numbers; in electronic voting systems, further providing for forms, for election day procedures and the process of voting and for post election procedures; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters, challenges and for deadline for receipt of valid voter registration application; in voting by qualified absentee electors, further providing for applications for official absentee ballots, for approval of application for absentee ballot, for absentee and mail-in electors files and lists, for official absentee voters ballots, for envelopes for official absentee ballots, for delivering or mailing ballots, for voting by absentee electors, for canvassing of official absentee ballots and mail-in ballots and for public records and repealing provisions relating to violation of provisions relating to absentee voting; in voting by qualified mail-in electors, further providing for qualified mail-in electors, for applications for official mail-in ballots, for approval of application for mail-in ballot, for official mail-in elector ballots, for envelopes for official mail-in ballots, for voting by mail-in electors and for public records and repealing provisions relating to violation of provisions relating to mail-in voting; providing for Pennsylvania Election Law Advisory Board; in penalties, further providing for violations of provisions relating to absentee electors ballots; providing for emergency provisions for 2020 general primary election; and making a related repeal.

Amend Bill, page 1, lines 15 through 23; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 5; by striking out all of said lines on said pages and inserting

Section 1. Section 102(a.1) and (z.6) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, added October 31, 2019 (P.L.552, No.77), are amended and the section is

amended by adding a subsection to read:

Section 102. Definitions.—The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

\* \* \*

(a.1) ["Canvass" includes] The word "canvass" shall mean the gathering [the] of ballots after the [election] final pre-canvass meeting and the counting, computing and tallying of the votes reflected on the ballots.

\* \* \*

(q.1) The word "pre-canvass" shall mean the inspection and opening of all envelopes containing official absentee ballots or mail-in ballots, the removal of such ballots from the envelopes and the counting, computing and tallying of the votes reflected on the ballots. The term does not include the recording or publishing of the votes reflected on the ballots.

\* \* \*

(z.6) The words "qualified mail-in elector" shall mean a qualified elector [who is not a qualified absentee elector.]. The term does not include a person specifically prohibited from being a qualified absentee elector under section 1301.

Section 2. Section 302(p) of the act is amended to read:

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

\* \* \*

(p) A county board of elections shall not pay compensation to a judge of elections who wilfully fails to deliver by two o'clock A. M. on the day following the election envelopes; supplies, including all uncast provisional ballots; and returns, including all provisional ballots [and absentee ballots] cast in the election district and statements signed under sections 1306 and 1302-D.

Section 3. Section 1004 of the act, amended October 31, 2019 (P.L.552, No.77) and November 27, 2019 (P.L.673, No.94), is amended to read:

Section 1004. Form of Ballots; Printing Ballots[; Numbers].—From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the office of school director in districts where that office is elective or the office of justice of the peace be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. [They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. All the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached and removed separately. The ballots for each party to be used at a primary shall be bound separately.]

Section 4. Sections 1109-A(a)(2), (b) and (e) and 1112-A(b)(2), (3) and (4) of the act, amended October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1109-A. Forms.—(a) \* \* \*

(2) The pages placed on the voting device shall be of sufficient number to include, following the listing of particular candidates, the names of candidates for any nonpartisan offices and any measures for which a voter may be qualified to vote on a given election day[, provided further that for municipal, general or special elections, the first

ballot page shall list in the order that such political parties are entitled to priority on the ballot, the names of such political parties.]

\* \* \*

(b) Ballot labels shall be printed in plain clear type [in black ink], of such size and arrangement as to fit the construction of the voting device; and they shall be printed [on clear white material or on material of different colors to identify different ballots or parts of the ballot and in primary elections to identify each political party.] in a manner prescribed by the Secretary of the Commonwealth to identify different ballots or parts of a ballot and in primary elections to identify each political party.

\* \* \*

(e) In primary elections, the Secretary of the Commonwealth shall [choose a color for each party eligible to have candidates on the ballot and a separate color for independent voters. The ballot cards or paper ballots and ballot pages shall be printed on card or paper stock of the color of the party of the voter and the appropriate party affiliation or independent status shall be printed on the ballot card or at the top of the paper ballot and on the ballot pages.] prescribe a method to ensure that the elector votes the correct ballot.

\* \* \*

Section 1112-A. Election Day Procedures and the Process of Voting.—\* \* \*

(b) In an election district which uses an electronic voting system which utilizes paper ballots or ballot cards to register the votes, the following procedures will be applicable for the conduct of the election at the election district:

\* \* \*

(2) At primary elections, the voter shall vote for the candidates of his choice for nomination, according to the number of persons to be voted for by him, for each office by making a cross (X) or check (✓) mark or by making a punch or mark sense mark in the square opposite the name of the candidate or by otherwise indicating a selection associated with the candidate, or he may so [mark the write-in position provided on the ballot for the particular office] indicate on the ballot that the voter is electing to write in the name of a person for the particular office, and[, in the space provided therefor on the ballot and/or ballot envelope, write] insert the identification of the office in question and the name of any person not already [printed on the ballot for that office] listed as a candidate for that office, and such [mark] indication and [written] insertion shall count as a vote for that person for such office.

(3) At all other elections, the voter shall vote for the candidates of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, by making a cross (X) or check (✓) mark or by making a punch or mark sense mark in the square opposite the name of the candidate, or by otherwise indicating a selection associated with the candidate, or he may so [mark the write-in position provided on the ballot for the particular office] indicate on the ballot that the voter is electing to write in the name of a person for the particular office, and[, in the space provided therefor on the ballot and/or ballot envelope, write] insert the identification of the office in question and the name of any person not already [printed on the ballot for that office] listed as a candidate for that office, and such [mark] indication and [written] insertion shall count as a vote for that person for such office.

(4) If he desires to vote for the entire group of presidential electors nominated by any party or political body, he may make a cross (X) or check (✓) or punch or mark sense mark [in the appropriate space opposite] or otherwise indicate a selection associated with the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert, [by writing or stamping,] the names of the candidates for presidential electors for whom he desires to vote [in the blank spaces provided therefor] on the write-in ballot under the title of the office "Presidential Electors". In case of a question submitted to the vote of the electors, he

may make a cross (X) or check (✓) or punch or mark sense mark [in the appropriate square opposite] or otherwise indicate a selection associated with the answer which he desires to give.

\* \* \*

Section 5. Section 1113-A(i) of the act is amended to read:

Section 1113-A. Post Election Procedures.—\* \* \*

(i) In the event that district tabulation of votes is not provided for by the voting system, it shall be the responsibility of the county board of elections to make available to the public at the central tabulating center, the election results for each election district. [It shall be the further duty of the county board of elections to post such results in each election district no later than 5:00 p.m. of the second day following the election.]

\* \* \*

Section 6. Section 1210(a.4)(1) of the act, amended October 31, 2019 (P.L.552, No.77), is amended to read:

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—\* \* \*

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who appear to vote shall be required to produce proof of identification pursuant to subsection (a) and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot. [An elector who appears to vote on election day having requested an absentee ballot or mail-in ballot and who is not shown on the district register as having voted an absentee ballot or mail-in ballot shall be permitted to cast a provisional ballot.]

\* \* \*

Section 7. Section 1231(c)(2) of the act, added October 31, 2019 (P.L.552, No.77), is amended and the section is amended by adding a subsection to read:

Section 1231. Deadline for Receipt of Valid Voter Registration Application.—\* \* \*

(c) \* \* \*

[(2) No applications shall be received as follows:

(i) On Sundays.

(ii) On holidays.

(iii) On the day of the election.

(iv) During the fifteen days next preceding each general,

municipal and primary election except as provided under subsection (b).]

\* \* \*

(e) (1) An applicant shall be deemed a registered elector of the county immediately upon acceptance of the voter registration application by the commission under 25 Pa.C.S. § 1328(c)(1) or (2) (relating to approval of registration applications), and the commission shall enter the elector's registration information in the general register, with the elector's unique identification number entered as his or her SURE registration number.

(2) Notwithstanding 25 Pa.C.S. § 1328(b)(2), if an applicant presents his or her own application for voter registration under 25 Pa.C.S. § 1322 (relating to in-person voter registration), the commission shall immediately examine the application pursuant to 25 Pa.C.S. § 1328(a) and shall, while the applicant waits, promptly decide on said application by either accepting it, rejecting it or forwarding it pursuant to 25 Pa.C.S. § 1328(b) and, if accepted, process the application in accordance with 25 Pa.C.S. § 1328(c).

Section 8. Sections 1302(e.1) and (i)(1), 1302.2(c) and (e) and 1302.3(a), amended October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1302. Applications for Official Absentee Ballots.—\* \* \*

(e.1) Any qualified registered elector who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act

may at any time request, with the certification by his attending physician that he is permanently disabled[,] and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, to be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person otherwise eligible to receive one, by the first Monday in February each year, or within forty-eight hours of receipt of the request, whichever is later, so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section. Should any such person lose his disability he shall inform the county board of elections of the county of his residence. An absentee ballot application mailed to [a voter] an elector under this section, which is completed and timely returned by the [voter] elector, shall serve as an application for any and all primary, general or special elections to be held in the remainder of that calendar year and for all special elections to be held before the third Monday in February of the succeeding year. The transfer of a qualified registered elector on a permanently disabled absentee ballot list from one county to another county shall only be permitted upon the request of the qualified registered elector.

\* \* \*

(i) (1) Application for official absentee ballots shall be on physical and electronic forms prescribed by the Secretary of the Commonwealth. The application shall state that an elector who [receives and votes] applies for an absentee ballot pursuant to section 1301 shall not be eligible to vote at a polling place on election day.] unless the elector brings the elector's absentee ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect. Such physical application forms shall be made freely available to the public at county board of elections, municipal buildings and at such other locations designated by the secretary. Such electronic application forms shall be made freely available to the public through publicly accessible means. No written application or personal request shall be necessary to receive or access the application forms. Copies and records of all completed physical and electronic applications for official absentee ballots shall be retained by the county board of elections.

\* \* \*

Section 1302.2. Approval of Application for Absentee Ballot.—

\* \* \*

(c) The county board of elections, upon receipt of any application of a qualified elector required to be registered under the provisions of preceding section 1301, shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding, except that challenges may be made only on the ground that the applicant [did not possess the qualifications of an absentee] was not a qualified elector. Such challenges must be made to the county board of elections prior to [the applicable deadline for the absentee ballots to be received, as provided in section 1308(g)]. When so approved, the registration commission shall cause an absentee voter's temporary registration card to be inserted in the district register on top of and along with the permanent registration card. The absentee voter's temporary registration card shall be in the color and form prescribed in subsection (e) of this section:

Provided, however, That the duties of the county boards of elections and the registration commissions with respect to the insertion of the absentee voter's temporary registration card of any elector from the district register as set forth in section 1302.2 shall include only such applications and emergency applications as are received on or before the first Tuesday prior to the primary or election. In all cases where

applications are received after the first Tuesday prior to the primary or election and before eight o'clock P.M. on the day of the primary or election, the county board of elections shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's duplicate registration card on file in the General Register (also referred to as the Master File) in the office of the Registration Commission and shall cause the name and residence (and at primaries, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3, subsection (b).] five o'clock p.m. on the Friday prior to the election, or during the pre-canvassing of an elector's absentee ballot, whichever is earlier: Provided, however, That a challenge to an application for an absentee ballot shall not be permitted on the grounds that the elector used an application for an absentee ballot instead of an application for a mail-in ballot or on the grounds that the elector used an application for a mail-in ballot instead of an application for an absentee ballot.

\* \* \*

(e) The absentee voter's temporary registration card shall be in duplicate and the same size as the permanent registration card, in a different and contrasting color to the permanent registration card and shall contain the absentee voter's name and address and shall conspicuously contain the words "Absentee Voter."

\* \* \*

Section 1302.3. Absentee and Mail-in Electors Files and Lists.—

[(a) The county board of elections shall maintain at its office a file containing the duplicate absentee voter's temporary registration cards of every registered elector to whom an absentee ballot has been sent. Such duplicate absentee voter's temporary registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards and the registration cards under section 1302.3-D so filed shall constitute the Registered Absentee and Mail-in Voters File for the Primary or Election of (date of primary or election) and shall be kept on file for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations.]

\* \* \*

Section 9. Section 1303(a) and (e), amended October 31, 2019 (P.L.552, No.77) and November 27, 2019 (P.L.673, No.94), are amended to read:

Section 1303. Official Absentee Voters Ballots.—(a) In districts in which ballots are used, the ballots for use by such absentee electors under the provisions of this act shall be the official ballots printed in accordance with sections 1002 and 1003: Provided, however, That the county board of elections when [detaching] preparing the official ballots for absentee electors shall be required to track the name of the applicant to which a ballot is being sent. The county board of elections shall also be required to print, stamp or endorse [in red color] upon such official ballots the words, Official Absentee Ballot. Such ballots shall be distributed by such boards as hereinafter provided.

\* \* \*

(e) The official absentee voter ballot shall state that [a voter] an elector who receives an absentee ballot pursuant to section 1301 and whose voted ballot is not timely received by the commission and who, on election day, is capable of voting at the appropriate polling place may only vote on election day by provisional ballot[.] unless the elector brings the elector's absentee ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect.

Section 10. Section 1304 of the act is amended to read:

Section 1304. Envelopes for Official Absentee Ballots.—

The county boards of election shall provide two additional

envelopes for each official absentee ballot of such size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official [Absentee] Election Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector, and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the absentee voter. Said form of declaration and envelope shall be as prescribed by the Secretary of the Commonwealth and shall contain among other things a statement of the electors qualifications, together with a statement that such elector has not already voted in such primary or election. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, lists of candidates, when authorized by section 1303 subsection (b) of this act, the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else. Provided, however, That envelopes for electors qualified under preceding section 1301, subsections (a) to (h), inclusive, shall have printed across the face of each transmittal or return envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed, in the upper right corner of each such envelope in a box, the words "Free of U. S. Postage, Including Air Mail;" that all printing on the face of each such envelope be in red, and that there be printed in red, in the upper left corner of each such envelope, the name and address of the county board of elections of the proper county or blank lines for return address of the sender:

Provided further, That the aforesaid envelope addressed to the elector may contain absentee registration forms where required, and shall contain detailed instructions on the procedures to be observed in casting an absentee ballot as prescribed by the Secretary of the Commonwealth, together with return envelope upon which is printed the name and address of the registration commission of the proper county, which envelope shall have printed across the face two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed in the upper right corner of each such envelope in a box the words "Free of U. S. Postage, Including Air Mail," and, in the upper left corner of each such envelope, blank lines for return address of the sender; that all printing on the face of each such envelope be in red.]

Section 11. Sections 1306(a) introductory paragraph and (b), 1308(g) and 1309(c) of the act, amended or added October 31, 2019 (P.L.552, No.77), are amended to read::

Section 1306. Voting by Absentee Electors.--(a) Except as provided in paragraphs (2) and (3), at any time after receiving an official absentee ballot, but on or before eight o'clock P.M. the day of the primary or election, the elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official [Absentee] Election Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

\*\*\*

(b) (1) Any elector who receives and votes an absentee ballot

pursuant to section 1301 shall not be eligible to vote at a polling place on election day. The district register at each polling place shall clearly identify electors who have received and voted absentee ballots as ineligible to vote at the polling place, and district election officers shall not permit electors who voted an absentee ballot to vote at the polling place.

(2) An elector who requests an absentee ballot and who is not shown on the district register as having voted the ballot may vote by provisional ballot under section 1210(a.4)(1).

(3) Notwithstanding paragraph (2), an elector who requests an absentee ballot and who is not shown on the district register as having voted the ballot may vote at the polling place if the elector remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and the elector signs a statement subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) in substantially the following form:

I hereby declare that I am a qualified registered elector who has obtained an absentee ballot or mail-in ballot. I further declare that I have not cast my absentee ballot or mail-in ballot, and that instead I remitted my absentee ballot or mail-in ballot and the envelope containing the declaration of the elector to the judge of elections at my polling place to be spoiled and therefore request that my absentee ballot or mail-in ballot be voided.

(Date)

(Signature \_\_\_\_\_ of \_\_\_\_\_ Elector)

.....  
(Address of Elector)

(Local Judge of Elections)

\*\*\*

Section 1308. Canvassing of Official Absentee Ballots and Mail-in Ballots.--\*\*\*

(g) (1) (i) An absentee ballot cast by any absentee elector as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h) shall be canvassed in accordance with this subsection if the ballot is cast, submitted and received in accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters).

(ii) An absentee ballot cast by any absentee elector as defined in section 1301(i), (j), (k), (l), (m) and (n), an absentee ballot under section 1302(a.3) or a mail-in ballot cast by a mail-in elector shall be canvassed in accordance with this subsection if the absentee ballot or mail-in ballot is received in the office of the county board of elections no later than eight o'clock P.M. on the day of the primary or election.

(1.1) The county board of elections shall meet at least once before an election to pre-canvass all ballots received prior to the meeting.

(i) A county board of elections that meets to pre-canvass absentee ballots and mail-in ballots may complete the tasks described in paragraph (4)(i), (ii) and (iii) at any point during the period beginning twenty-one days prior to the election and up to and including the day before the election, provided that the board completes a pre-canvass of all absentee ballots or mail-in ballots received prior to the Friday before the election.

(ii) A county board of elections shall provide at least forty-eight hours' notice of a pre-canvass meeting by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are pre-canvassed. No person observing, attending or participating in a pre-canvass meeting may disclose the results of any portion of any pre-canvass meeting prior to the close of the polls.

(2) The county board of elections shall meet no earlier than [the close of polls] seven o'clock a.m. and no later than eight o'clock p.m. on the day of the election [and no later than the third day following the election] to begin canvassing [the] absentee ballots and mail-in ballots received [under this subsection and subsection (h)(2).] following the final pre-canvass meeting and any ballots received prior to the completion of the final pre-canvass meeting, but not included in the pre-canvass process. The meeting under this paragraph shall continue until

all absentee ballots and mail-in ballots received prior to the close of the polls have been canvassed. The county board of elections shall not record or publish any votes reflected on the ballots prior to the close of the polls. The canvass process shall continue through the eighth day following the election[.] for valid military-overseas ballots timely received under 25 Pa.C.S. § 3511 (relating to receipt of voted ballot). A county board of elections shall provide at least forty-eight hours' notice of a canvass meeting by publicly posting a notice of a pre-canvass meeting on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are canvassed. [Representatives shall be permitted to challenge any absentee elector or mail-in elector in accordance with the provisions of paragraph (3).] No person observing, attending or participating in a canvass meeting may disclose the results of any portion of a canvass meeting prior to the close of the polls.

(3) When the county board meets to pre-canvass or canvass absentee ballots and mail-in ballots under [paragraph] paragraphs (1), (1.1) and (2), the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board has verified the proof of identification as required under this act and is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall [announce the name of the elector and shall give any candidate representative or party representative present an opportunity to challenge any absentee elector or mail-in elector upon the ground or grounds: (i) that the absentee elector or mail-in elector is not a qualified elector; or (iii) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein, the board shall mark "challenged" on the envelope together with the reasons therefor, and the same shall be set aside unopened pending final determination of the challenge according to the procedure described in paragraph (5).] provide a list of the names of electors whose absentee ballots or mail-in ballots are to be pre-canvassed or canvassed.

(4) All absentee ballots [and mail-in ballots not challenged for any of the reasons provided in] which have not been challenged under section 1302.2(c) and all mail-in ballots which have not been challenged under section 1302.2-D(a)(2) and that have been verified under paragraph (3) shall be counted and included with the returns of the applicable election district as follows:

(i) The county board shall open the envelope of every unchallenged absentee elector and mail-in elector in such manner as not to destroy the declaration executed thereon.

(ii) If any of the envelopes on which are printed, stamped or endorsed the words "Official [Absentee] Election Ballot" [or "Official Mail-in Ballot"] contain any [extraneous marks or identifying symbols,] text, mark or symbol which reveals the identity of the elector, the elector's political affiliation or the elector's candidate preference, the envelopes and the ballots contained therein shall be set aside and declared void.

(iii) The county board shall then break the seals of such envelopes, remove the ballots and [record the votes.] count, compute and tally the votes.

(iv) Following the close of the polls, the county board shall record and publish the votes reflected on the ballots.

(5) [With respect to the challenged ballots, they] Ballots received whose applications have been challenged and ballots which have been challenged shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a

time and place for a formal hearing of all such challenges, and notice shall be given where possible to all absentee electors and mail-in electors thus challenged and to every individual who made a challenge. The time for the hearing shall not be later than [five (5)] seven (7) days after the [date of the challenge] deadline for all challenges to be filed. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges, and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(6) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. The appeal shall be taken, within two (2) days after the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(7) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots received under this subsection irrespective of whether or not appeal was taken from the county board's decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots that have been finally determined to be valid shall be added to the other votes cast within the county.

\* \* \*

Section 1309. Public Records.—\* \* \*

(c) The county board shall compile the records listed under subsection (b) and make the records publicly available upon request within forty-eight hours of the request.

Section 12. Section 1331 of the act is repealed:

[Section 1331. Violation of Provisions Relating to Absentee Voting.—(a) Except as provided in subsection (b), any person who shall violate any of the provisions of this act relating to absentee voting shall, unless otherwise provided, be subject to the penalties provided for in section 1850 of this act.

(b) Any person who knowingly assists another person who is not a qualified absentee elector in filling out an absentee ballot application or absentee ballot commits a misdemeanor of the third degree.]

Section 12.1. Sections, 1301-D(a), 1302-D(f) and (g), 1302.2-D(a)(2), (3), (4) and (5), (b) and (d) and 1302.3-D of the act, added October 31, 2019 (P.L.552, No.77), are amended to read:  
Section 1301-D. Qualified mail-in electors.

(a) General rule.—[The following individuals] A qualified mail-in elector shall be entitled to vote by an official mail-in ballot in any primary or election held in this Commonwealth in the manner provided under this article[.]:

(1) Any qualified elector who is not eligible to be a qualified absentee elector under Article XIII.

(2) (Reserved).]

\* \* \*

Section 1302-D. Applications for official mail-in ballots.

\* \* \*

(f) Form.—Application for an official mail-in ballot shall be on physical and electronic forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who [receives and votes] applies for a mail-in ballot under section 1301-D shall not be eligible to vote at a polling place on election day[.] unless the elector brings the elector's mail-in ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect. The physical application forms shall be made freely available to the public at county board of elections, municipal buildings and at other locations designated by the Secretary of the Commonwealth. The electronic application forms shall be made freely available to the public through publicly accessible means. No written application or personal request shall be necessary to

receive or access the application forms. Copies and records of all completed physical and electronic applications for official mail-in ballots shall be retained by the county board of elections.

(g) Permanent mail-in voting list.—

(1) Any qualified registered elector may request to be placed on a permanent mail-in ballot list file at any time during the calendar year. A mail-in ballot application shall be mailed to every person otherwise eligible to receive a mail-in ballot application by the first Monday in February each year or within 48 hours of receipt of the request, whichever is later, so long as the person does not lose the person's voting rights by failure to vote as otherwise required by this act. A mail-in ballot application mailed to [a voter] an elector under this section, which is completed and timely returned by the [voter] elector, shall serve as an application for any and all primary, general or special elections to be held in the remainder of that calendar year and for all special elections to be held before the third Monday in February of the succeeding year.

(2) The Secretary of the Commonwealth may develop an electronic system through which all qualified electors may apply for a mail-in ballot and request permanent mail-in voter status under this section, provided the system is able to capture a digitized or electronic signature of the applicant. A county board of elections shall treat an application or request received through the electronic system as if the application or request had been submitted on a paper form or any other format used by the county.

(3) The transfer of a qualified registered elector on a permanent mail-in voting list from one county to another count shall only be permitted upon the request of the qualified registered elector.

\* \* \*

Section 1302.2-D. Approval of application for mail-in ballot.

(a) Approval process.—The county board of elections, upon receipt of any application of a qualified elector under section 1301-D, shall determine the qualifications of the applicant by verifying the proof of identification and comparing the information provided on the application with the information contained on the applicant's permanent registration card. The following shall apply:

\* \* \*

(2) The approval decision shall be final and binding, except that challenges may be made only on the grounds that the applicant [did not possess the qualifications of a mail-in] was not a qualified elector.

(3) Challenges must be made to the county board of elections prior to [the applicable deadline for the mail-in ballots to be received, as provided in section 1308(g).] five o'clock p.m. on the Friday prior to the election, or during the pre-canvassing of an elector's mail-in ballot, whichever is earlier: Provided, however, That a challenge to an application for a mail-in ballot shall not be permitted on the grounds that the elector used an application for a mail-in ballot instead of an application for an absentee ballot or on the grounds that the elector used an application for an absentee ballot instead of an application for a mail-in ballot.

(4) When approved, the registration commission shall cause a mail-in voter's [temporary registration card] record to be inserted in the district register [on top of and along with the permanent registration card] as prescribed by the Secretary of the Commonwealth.

[5) The mail-in voter's temporary registration card shall be in the color and form prescribed under subsection (d).]

(b) Duties of county boards of elections and registration commissions.—The duties of the county boards of elections and the registration commissions with respect to the insertion of the mail-in voter's [temporary registration card of any elector from the district register as provided under this section] record shall include only the applications as are received on or before the first Tuesday prior to the

primary or election.

\* \* \*

(d) Temporary registration card.—The mail-in voter's temporary registration card shall be in duplicate and the same size as the permanent registration card, in a different and contrasting color to the permanent registration card and shall contain the mail-in voter's name and address and shall conspicuously contain the words "Mail-in Voter."

[Section 1302.3-D. Mail-in electors files and lists.

The county board of elections shall maintain at its office a file containing the duplicate mail-in voter's temporary registration cards of every registered elector to whom a mail-in ballot has been sent. The duplicate mail-in voter's temporary registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards filed shall be included in the Registered Absentee and Mail-in Voters File for the Primary or Election of (date of primary or election) under section 1302.3(a).]

Section 13. Section 1303-D(a.1) and (e), amended or added October 31, 2019 (P.L.552, No.77) and November 27, 2019 (P.L.673, No.94), are amended to read:

Section 1303-D. Official mail-in elector ballots.

\* \* \*

(a.1) Duties of county boards of elections.—The county board of elections, when [detaching] preparing the official ballots for mail-in voters, shall be required to indicate on [the stub of each detached ballot the name of the applicant to which that precise ballot is being sent.] the voter's record the identification number of specific ballot envelope into which the voter's ballot is inserted. The county board of elections shall also [remove the numbered stub from each ballot and shall] print, stamp or endorse [in red color] on the official ballots the words, "Official Mail-in Ballot." The ballots shall be distributed by a board as provided under this section.

\* \* \*

(e) Notice.—The official mail-in voter ballot shall state that a voter who receives a mail-in ballot under section 1301-D and whose voted mail-in ballot is not timely received may only vote on election day by provisional ballot[.] unless the elector brings the elector's mail-in ballot to the elector's polling place, remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and signs a statement subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) to the same effect.

Section 14. Sections 1304-D(a), 1305-D, 1306-D(a) and (b) and 1307-D(c) of the act, added October 31, 2019 (P.L.552, No.77), are amended to read:

Section 1304-D. Envelopes for official mail-in ballots.

(a) Additional envelopes.—The county boards of election shall provide two additional envelopes for each official mail-in ballot of a size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official [Mail-in] Election Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the mail-in voter.

\* \* \*

Section 1305-D. Delivering or mailing ballots.

The county board of elections, upon receipt and approval of an application filed by a qualified elector under section 1301-D, shall commence to deliver or mail official mail-in ballots as soon as a ballot is certified and the ballots are available. While any proceeding is pending in a Federal or State court which would affect the contents of any ballot, the county board of elections may await a resolution of that proceeding but in any event, shall commence to deliver or mail official [absentee] mail-in ballots not later than the second Tuesday prior to the

primary or election. For applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send the notice required under section 1302.2-D(c) with the mail-in ballot. As additional applications are received and approved, the board shall deliver or mail official mail-in ballots to the additional electors within 48 hours.

Section 1306-D. Voting by mail-in electors.

(a) General rule.—At any time after receiving an official mail-in ballot, but on or before eight o'clock P.M. the day of the primary or election, the mail-in elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official [Mail-in] Election Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

\*\*\*

(b) Eligibility.—

(1) Any elector who receives and votes a mail-in ballot under section 1301-D shall not be eligible to vote at a polling place on election day. The district register at each polling place shall clearly identify electors who have received and voted mail-in ballots as ineligible to vote at the polling place, and district election officers shall not permit electors who voted a mail-in ballot to vote at the polling place.

(2) An elector who requests a mail-in ballot and who is not shown on the district register as having voted may vote by provisional ballot under section 1210(a.4)(1).

(3) Notwithstanding paragraph (2), an elector who requests a mail-in ballot and who is not shown on the district register as having voted the ballot may vote at the polling place if the elector remits the ballot and the envelope containing the declaration of the elector to the judge of elections to be spoiled and the elector signs a statement subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) which shall be in substantially the following form:

I hereby declare that I am a qualified registered elector who has obtained an absentee ballot or mail-in ballot. I further declare that I have not cast my absentee ballot or mail-in ballot, and that instead I remitted my absentee ballot or mail-in ballot to the judge of elections at my polling place to be spoiled and therefore request that my absentee ballot or mail-in ballot be voided.

(Date)

(Signature of Elector)

.....  
(Address of Elector)

(Local Judge of Elections)

\*\*\*

Section 1307-D. Public records.

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(c) Compilation.—The county board shall compile the records listed under subsection (b) and make the records publicly available upon request within 48 hours of the request.

Section 14.1. Section 1308-D of the act is repealed:

[Section 1308-D. Violation of provisions relating to mail-in voting.

(a) Penalties.—Except as provided under subsection (b), a person who violates any of the provisions of this act relating to mail-in voting shall, unless otherwise provided, be subject to the penalties provided under section 1850.

(b) Persons not qualified as mail-in voters.—A person who knowingly assists another person who is not a qualified mail-in voter in filling out a mail-in ballot application or mail-in ballot commits a

misdemeanor of the third degree.]

Section 15. The act is amended by adding an article to read:

ARTICLE XIII-E

Pennsylvania Election Law Advisory Board

Section 1301-E. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pennsylvania Election Law Advisory Board established under section 1302-E(a).

Section 1302-E. Pennsylvania Election Law Advisory Board.

(a) Establishment.—The Pennsylvania Election Law Advisory Board is established within the Joint State Government Commission.

(b) Members.—The board shall be comprised of the following members:

(1) The Secretary of the Commonwealth or a designee.

(2) The President pro tempore of the Senate or a

designee.

(3) The Minority Leader of the Senate or a designee.

(4) The Speaker of the House of Representatives or a

designee.

(5) The Minority Leader of the House of Representatives or a designee.

(6) One member from each congressional district, of

whom no more than half may be registered with the same political party, appointed by the Governor and confirmed by the Senate and which shall include members who:

(i) represent groups advocating for individuals with disabilities;

(ii) represent groups advocating for voting rights; and

(iii) represent county commissioners or county election officials.

(c) Duties.—The board shall have the following duties:

(1) Study this act and identify statutory language to repeal, modify or update.

(2) Collaborate with other agencies and political subdivisions of the Commonwealth to study election-related issues.

(3) Study the development of new election technology and voting machines.

(4) Evaluate and make recommendations on:

(i) improving the electoral process in this Commonwealth by amending this act or through regulations promulgated by the Department of State; and

(ii) implementing best practices identified to ensure the integrity and efficiency of the electoral process in this Commonwealth.

(5) By the end of each fiscal year, publish extensive and detailed findings on the Joint State Government Commission's publicly accessible Internet website and make them available in electronic format to the Office of the Governor and members of the General Assembly.

(d) Quorum.—A majority of appointed members shall constitute a quorum for the purpose of conducting business.

(e) Chairperson and vice chairperson.—The members shall select a member to be chairperson and another member to be vice chairperson.

(f) Transparency and ethics.—The board shall be subject to the following laws:

(1) The act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

(2) The act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law.

(3) The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(4) 65 Pa.C.S. Ch. 7 (relating to open meetings).

(g) Information gathering.—The board may conduct hearings and

otherwise gather relevant information and analysis that it considers appropriate and necessary to fulfill its duties.

(h) Reimbursement.—Members of the board shall be reimbursed for reasonable expenses.

Section 15.1. Section 1853 of the act is amended to read:

Section 1853. Violations of Provisions Relating to Absentee [Electors] and Mail-in Ballots.—If any person shall sign an application for absentee ballot, mail-in ballot or declaration of elector on the forms prescribed knowing any matter declared therein to be false, or shall vote any ballot other than one properly issued to [him] the person, or vote or attempt to vote more than once in any election for which an absentee ballot or mail-in ballot shall have been issued to [him] the person, or shall violate any other provisions of Article XIII or Article XIII-D of this act, [he] the person shall be guilty of a misdemeanor of the [first] third degree, and, upon conviction, shall be sentenced to pay a fine not exceeding [ten thousand dollars (\$10,000)] two thousand five hundred (\$2,500), or be imprisoned for a term not exceeding [five (5)] two (2) years, or both, at the discretion of the court.

If any chief clerk or member of a board of elections, member of a return board or member of a board of registration commissioners, shall neglect or refuse to perform any of the duties prescribed by Article XIII or Article XIII-D of this act, or shall reveal or divulge any of the details of any ballot cast in accordance with the provisions of Article XIII or Article XIII-D of this act, or shall count an absentee ballot or mail-in ballot knowing the same to be contrary to Article XIII or Article XIII-D, or shall reject an absentee ballot or mail-in ballot without reason to believe that the same is contrary to Article XIII or Article XIII-D, or shall permit an elector to cast [his] the elector's ballot at a polling place knowing that there has been issued to the elector an absentee ballot, [he] the elector shall be guilty of a felony of the third degree, and, upon conviction, shall be punished by a fine not exceeding fifteen thousand dollars (\$15,000), or be imprisoned for a term not exceeding seven (7) years, or both, at the discretion of the court.

Section 16. The act is amended by adding an article to read:

#### ARTICLE XVIII-B

#### EMERGENCY PROVISIONS FOR 2020 GENERAL PRIMARY ELECTION

Section 1801-B. Election officers.

(a) Requirement.—

(1) Except as provided under paragraph (2), and notwithstanding section 402 or any other law of this Commonwealth, an election officer must be a qualified registered elector of the county in which the polling place is located.

(2) An election officer shall not be required to be a qualified registered elector in the election district in which the election officer is appointed.

(b) (Reserved).

Section 1802-B. Polling place.

(a) Consolidation of polling places.—

(1) A county board of elections may, not less than 20 days prior to the election, select and designate as the polling place for an election district any public or private building situated in another election district within the county, notwithstanding if the building is located in an election district which is not immediately adjacent to the boundary of the election district for which the building is to be a polling place.

(2) A polling place may be selected and designated under this subsection without the approval of a court.

(3) Two or more polling places may be consolidated, except that the consolidation of polling places may not result in more than a 60% reduction of polling place locations in the county, except for necessitous circumstances and as approved by the Department of State. Two or more polling places may be located in the same building.

(4) A polling place selected and designated under this subsection must be directly accessible by a public street or thoroughfare.

(b) Posting.—A county board of elections shall, not less than 15

days prior to the election under section 1804-B, post in a conspicuous place at the office of the county board of elections, a list of each place at which the election is to be held in each election district of the county. The list shall be available for public inspection at the office of the county board of elections and posted on the county's publicly accessible Internet website.

Section 1803-B. Permissible polling place locations.

(a) Service.—Subject to subsection (b) and notwithstanding section 529(a) and (b) or any other law of this Commonwealth, malt or brewed beverages and liquors may be served in a building where a polling place is located during the hours that the polling place is open, except that an election may not be held in a room where malt or brewed beverages or liquors are dispensed.

(b) Accessibility.—A polling place under subsection (a) must be accessible from an outside entrance that does not require passageway through the room where malt or brewed beverages or liquors are dispensed.

Section 1804-B. General primary election.

(a) Time.—Notwithstanding section 603 or any law of this Commonwealth, the general primary election shall occur throughout this Commonwealth on June 2, 2020.

(b) Calculation.—The following shall apply:

(1) Except for the deadline relating to the nomination of a candidate under Article IX, any date or deadline in this act, 25 Pa.C.S. Pt. IV (relating to voter registration) or 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters) that depends on, or is contingent on, the date of the general primary election, shall be calculated based on the June 2, 2020, date for the general primary election.

(2) Notwithstanding subsection (a), the due date for the sixth Tuesday pre-primary cycle 1 campaign finance report shall be March 17, 2020.

(c) Nonapplicability.—This section shall not be construed to apply to the nominating petition process.

(d) Ballots.—A ballot for the general primary 2020 which has been purchased, printed or acquired prior to the effective date of this section and shows an election date of April 28, 2020, shall not be deemed to be invalid because of the date.

Section 1805-B. Expiration.

This article shall expire on July 3, 2020.

Section 17. This act shall apply as follows:

(1) The amendment or addition of the following shall apply to elections occurring on or after June 2, 2020:

- (i) Section 102(a.1),(g.1) and (z.6).
- (ii) Section 1302.2(c).
- (iii) Section 1308(g).
- (iv) Section 1301-D(a).
- (v) Section 1302.2-D(a).

(2) The amendment or addition of the following shall apply to elections occurring on or after November 2, 2020:

- (i) Section 302(p).
- (ii) Section 1302(i)(1).
- (iii) Section 1303(e).
- (iv) Section 1306(b).
- (v) Section 1302-D(f).
- (vi) Section 1303-D(e).
- (vii) Section 1306-D(b).

(3) The amendment or addition of the following shall apply to envelopes and ballots purchased, printed or acquired after the effective date of this section:

- (i) Section 1004.
- (ii) Section 1109-A(b) and (e).
- (iii) Section 1112-A(b)(2),(3) and (4).
- (iv) Section 1303(a).
- (v) Section 1304.
- (vi) Section 1306(a).
- (vii) Section 1303-D(a.1).
- (viii) Section 1304-D(a).

(ix) Section 1306-D(a).

Section 18. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment or addition of section 1231(c)(2) and (e).

(2) 25 Pa.C.S. § 1328(c)(4) and (5) are repealed.

Section 19. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

#### AMENDMENTS WITHDRAWN

The SPEAKER. Representative Everett, on the – no. Okay. Waives off.

Oh, that amendment is withdrawn. That amendment is withdrawn. Okay.

Representative Everett, is amendment 4858 withdrawn too? Okay. Thank you.

There are no further amendments on SB 422, PN 399, that is page 7.

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

Members, we do not have any further votes today.

#### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. But at this time the Chair is going to call upon the majority Appropriations chairman, Representative Stan Saylor, for a committee announcement.

Mr. SAYLOR. Mr. Speaker, the Appropriations Committee will meet immediately at the recess or the adjournment today in the majority caucus room.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Chairman. Thank you very much.

The Appropriations Committee will meet immediately in the majority caucus room.

So at this time there are no further votes. I am going to be doing some housekeeping here at the rostrum as Speaker.

Members, we will be here – I have to keep the desk open – we will be here tomorrow, March 25, Wednesday, at 11 a.m. We will be in session tomorrow at 11 a.m. on the House floor. Members, of course, may vote from their Capitol offices or from their district offices.

#### BILLS RECOMMITTED

The SPEAKER. The majority leader moves that the following bills be recommitted to the Committee on Appropriations:

HB 1564;

SB 327; and

SB 422.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILLS REMOVED FROM TABLE

The SPEAKER. The majority leader moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 333;

HB 896;

HB 1189;

HB 1822;

HB 2009; and

SB 352.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 122, PN 1012**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in home inspections, further providing for home inspection reports.

On the question,

Will the House agree to the bill on second consideration?

#### BILL TABLED

The SPEAKER. The majority leader moves that HB 122 be removed from the active calendar and placed on the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HB 122 be removed from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1316, PN 1535**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance, providing for spending limitations on the Commonwealth.

On the question,  
Will the House agree to the bill on third consideration?

### BILL TABLED

The SPEAKER. The majority leader moves that HB 1316 be removed from the active calendar and placed on the tabled calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILL REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HB 1316 be removed from the tabled calendar and placed on the active calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### RESOLUTION

Mr. CUTLER called up **HR 74, PN 392**, entitled:

A Concurrent Resolution declaring that the General Assembly of the Commonwealth of Pennsylvania is committed to equal rights for individuals with cognitive disabilities to technology and information access and calling for implementation of these rights with deliberate speed.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 74 be removed from the active calendar and placed on the tabled calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 74 be removed from the tabled calendar and placed on the active calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 502, PN 1424**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, in preliminary provisions, further providing for definitions; in crime victims, further providing for rights, for responsibilities of victims of crime under basic bill of rights, for responsibilities of State and local law enforcement agencies and for responsibilities of prosecutor's office; in administration, further providing for office, for powers and duties of victim advocate and for powers and duties of Office of Victims' Services; in parole advocacy, further providing for preparole notification to victim and for petitions to deny parole upon expiration of minimum sentence; in compensation, further providing for persons eligible for compensation, for filing of claims for compensation, for minimum allowable claim, for determination of claims, for emergency awards, for awards and for confidentiality of records; in services, further providing for eligibility of victims; in financial matters, further providing for costs and for costs for offender supervision programs; and, in enforcement, further providing for subrogation.

On the question,  
Will the House agree to the bill on second consideration?

### BILL TABLED

The SPEAKER. The majority leader moves that SB 502 be removed from the active calendar and placed on the tabled calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILL REMOVED FROM TABLE

The SPEAKER. The majority leader moves that SB 502 be removed from the tabled calendar and placed on the active calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

### BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

### ADJOURNMENT

The SPEAKER. Chairman Chris Sainato, who is here from Lawrence County, moves that the House be adjourned until Wednesday, March 25, 2020, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

So, members, we will be on the floor tomorrow at 11 a.m. Thank you.

And of course, members can vote remotely from their Capitol office or from their district office.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:10 p.m., e.d.t., the House adjourned.