

ADMINISTRATIVE CODE OF 1929 - REPORT ON IMPLEMENTATION OF 2020
GENERAL PRIMARY ELECTION

Act of Jun. 17, 2020, P.L. 259, No. 35

Cl. 71

Session of 2020

No. 2020-35

HB 2502

AN ACT

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in powers and duties of the Department of State and its departmental administrative board, providing for report on implementation of 2020 general primary election.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 815. Report on Implementation of 2020 General Primary Election.--(a) No later than sixty days after the 2020 general primary election under Article XVIII-B of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, the Department of State shall issue a report to the chairperson and minority chairperson of the State Government Committee of the Senate and the chairperson and minority chairperson of the State Government Committee of the House of Representatives. A copy of the report shall also be made available on the Department of State's publicly accessible Internet website.

(b) The report under subsection (a) shall include all of the following relating to the administration of the 2020 general primary election by the Department of State, a county board of elections under Article III of the Pennsylvania Election Code or a registration commission established under 25 Pa.C.S. § 1203 (relating to commissions):

(1) For each county and the sum for this Commonwealth, the number of applications for an absentee ballot which were received by the county board of elections.

(2) For each county and the sum for this Commonwealth, the number of applications for a mail-in ballot which were received by the county board of elections.

(3) For each county and the sum for this Commonwealth, the number of applications for an absentee ballot which were approved by the county board of elections.

(4) For each county and the sum for this Commonwealth, the number of applications for a mail-in ballot which were approved by the county board of elections.

(5) For each county and the sum for this Commonwealth, the number of absentee ballots which were voted by the electors.

(6) For each county and the sum for this Commonwealth, the number of mail-in ballots which were voted by the electors.

(7) For each county and the sum for this Commonwealth, the number of qualified electors voting by a provisional ballot under section 1306(b)(2) of the Pennsylvania Election Code.

(8) For each county and the sum for this Commonwealth, the number of qualified electors voting by provisional ballot under section 1306-D(b)(2) of the Pennsylvania Election Code.

(9) For each county and the sum for this Commonwealth, the number of applications for an absentee ballot by an individual who was not a registered elector at the time of the application and for whom a voter registration application was timely received after the application for an absentee ballot was received.

(10) For each county and the sum for this Commonwealth, the number of applications for a mail-in ballot by an individual who was not a registered elector at the time of the application and for whom a voter registration application was timely received.

(11) For each county and the sum for this Commonwealth, the number of voter registration applications under section 1231 of the Pennsylvania Election Code and 25 Pa.C.S. Pt. IV (relating to voter registration) which were received:

(i) Fewer than thirty days before the 2020 general primary election.

(ii) Fewer than fifteen days before the 2020 general primary election.

(12) For each county and the sum for this Commonwealth, the number of election officers appointed under section 1801-B of the Pennsylvania Election Code.

(13) For each county and the sum for this Commonwealth, the number of polling places consolidated under section 1802-B of the Pennsylvania Election Code.

(14) For each county and the sum for this Commonwealth, the number of polling places consolidated under section 1802-B of the Pennsylvania Election Code which required approval of the Department of State under section 1802-B(a)(3) of the Pennsylvania Election Code.

(15) For each county and the sum for this Commonwealth, the number of polling places located in a location permitted under section 1803-B of the Pennsylvania Election Code.

(16) For each county and the sum for this Commonwealth, the number of polling places in school buildings.

(17) For each county, the date and time that the county board of elections began pre-canvassing absentee ballots and mail-in ballots under section 1308(g)(2) of the Pennsylvania Election Code.

(18) For each county, the date and time that the county board of elections began canvassing absentee ballots and mail-in ballots under section 1308(g)(2) of the Pennsylvania Election Code.

(19) For each county and the sum for this Commonwealth, the number of absentee ballots which were challenged under section 1302.2(c) of the Pennsylvania Election Code.

(20) For each county and the sum for this Commonwealth, the number of mail-in ballots which were challenged under section 1302.2-D(a)(2) of the Pennsylvania Election Code.

(21) For each county and the sum for this Commonwealth, the number of absentee ballots subject to challenges under paragraph (19) which were not canvassed.

(22) For each county and the sum for this Commonwealth, the number of mail-in ballots subject to challenges under paragraph (20) which were not canvassed.

(23) The number of incidents known to the Department of State, county board of elections or registration commission relating to each of the following categories:

(i) An absentee ballot or mail-in ballot which was sent to the wrong individual or wrong address.

(ii) An absentee ballot or mail-in ballot which was voted by an individual other than the individual who applied for the absentee ballot or mail-in ballot.

(iii) An absentee ballot or mail-in ballot which was returned to the county board of elections by a means other than the elector sending the absentee ballot or mail-in ballot by mail or delivery in person.

(24) To the extent consistent with Federal and State law, a review of any action taken by the Department of State, county board of elections or registration commission in response to an incident under paragraph (23), including determinations made on the incident, legal actions filed and referrals to law enforcement.

(25) A review of issues or incidents encountered with an electronic voting system that received the approval of the Secretary of the Commonwealth under section 1105-A of the Pennsylvania Election Code, including any technical issues encountered in polling places.

(c) The Department of State shall develop a process to collect data required to be included in the report under subsection (b) from each county board of elections under Article III of the Pennsylvania Election Code or registration commission under 25 Pa.C.S. Pt. IV, as applicable. A county board of elections or registration commission shall comply with the process for submission of data under this subsection no later than forty-five days after the 2020 general primary election under Article XVIII-B of the Pennsylvania Election Code.

Section 2. This act shall take effect immediately.

APPROVED--The 17th day of June, A.D. 2020.

TOM WOLF