

AMENDMENTS TO SENATE BILL NO. 48

Sponsor: REPRESENTATIVE SAYLOR

Printer's No. 1076

1 Amend Bill, page 1, line 22, by inserting after
2 "~~DECERTIFICATION~~"
3 and for voting systems bonds; establishing the County Voting
4 System Reimbursement Account
5 Amend Bill, page 1, line 30, by striking out "AND" and
6 inserting a comma

7 Amend Bill, page 1, line 31, by inserting after "BALLOTS"
8 and for public records

9 Amend Bill, page 16, line 23, by striking out "AN ARTICLE"
10 and inserting
11 articles

12 Amend Bill, page 20, by inserting after line 30

13 ARTICLE XI-C

14 VOTING SYSTEMS BONDS

15 Section 1101-C. Definitions.

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

19 "Account." The County Voting System Reimbursement Account
20 established under section 1106-C.

21 "Authority." The Pennsylvania Economic Development Financing
22 Authority.

23 "Bond." Any type of revenue obligation, including a bond or
24 series of bonds, note, certificate or other instrument, issued
25 by the authority for the benefit of the department under this
26 article.

27 "Bond administrative expenses." Expenses incurred to
28 administer bonds as provided under the Financing Law, or as
29 otherwise necessary to ensure compliance with applicable Federal
30 or State law.

31 "Bond obligations." The principal of a bond and any premium

1 and interest payable on a bond, together with any amount owed
2 under a related credit agreement or a related resolution of the
3 authority authorizing a bond.

4 "Credit agreement." A loan agreement, a revolving credit
5 agreement, an agreement establishing a line of credit, a letter
6 of credit or another agreement that enhances the marketability,
7 security or creditworthiness of a bond.

8 "Department." The Department of State of the Commonwealth.

9 "Electronic voting system." As defined in section 1101-A.

10 "Financing Law." The act of August 23, 1967 (P.L.251,
11 No.102), known as the Economic Development Financing Law.

12 "Voting apparatus." A kind or type of electronic voting
13 system that received the approval of the Secretary of the
14 Commonwealth under section 1105-A.

15 Section 1102-C. Bond issuance.

16 (a) Declaration of policy.--The General Assembly finds and
17 declares that funding the replacement of voting apparatuses,
18 including interest, through the authority, is in the best
19 interest of this Commonwealth.

20 (b) Authority.--Notwithstanding any other law, the following
21 shall apply:

22 (1) The department may be a project applicant under the
23 Financing Law and may apply to the authority for the funding
24 of the replacement of voting apparatuses.

25 (2) The authority may issue bonds under the Financing
26 Law, consistent with this article, to finance a project to
27 fund the replacement of county voting apparatuses or to
28 reimburse counties for their cost to purchase voting
29 apparatuses.

30 (3) Participation of an industrial and commercial
31 development authority shall not be required to finance the
32 replacement of voting apparatuses.

33 (c) Debt or liability.--

34 (1) Bonds issued under this article shall not be a debt
35 or liability of the Commonwealth and shall not create or
36 constitute any indebtedness, liability or obligation of the
37 Commonwealth.

38 (2) Bond obligations and bond administrative expenses
39 shall be payable solely from revenues or money pledged or
40 available for repayment as authorized under this article.
41 This paragraph shall include the proceeds of any issuance of
42 bonds.

43 (3) Each bond shall contain on its face a statement
44 that:

45 (i) the authority is obligated to pay the principal
46 or interest on the bonds only from the revenues or money
47 pledged or available for repayment as authorized under
48 this article;

49 (ii) neither the Commonwealth nor a county is
50 obligated to pay the principal or interest; and

51 (iii) the full faith and credit of the Commonwealth

1 or any county is not pledged to the payment of the
2 principal of or the interest on the bonds.

3 Section 1103-C. Criteria for bond issuance.

4 (a) Determination.--If the department decertifies a voting
5 apparatus in this Commonwealth that is in use in a county, the
6 department shall apply to the authority to issue bonds for
7 reimbursements to the county for the cost of procuring a new
8 voting apparatus.

9 (b) Terms.--

10 (1) The department, with the approval of the Office of
11 the Budget, shall specify in its application to the
12 authority:

13 (i) the maximum principal amount of the bonds for
14 each separate bond issue; and

15 (ii) the maximum term of the bonds consistent with
16 applicable law.

17 (2) The total principal amount of bonds outstanding
18 under this article for all bond issues may not exceed
19 \$90,000,000.

20 (3) The term of the bonds issued under this article may
21 not exceed 10 years.

22 Section 1104-C. Issuance of bonds and security.

23 (a) Issuance.--The authority shall consider issuance of
24 bonds upon application by the department. Bonds issued under
25 this article shall be subject to the provisions of the Financing
26 Law, unless otherwise specified under this article.

27 (b) Service agreement authorized.--The authority and the
28 department may enter into an agreement or service agreement to
29 effectuate this article, including an agreement to secure bonds
30 issued for the purposes under section 1102-C(b), pursuant to
31 which the department shall agree to pay the bond obligations and
32 bond administrative expenses to the authority in each fiscal
33 year that the bonds or refunding bonds are outstanding in
34 amounts sufficient to timely pay in full the debt service and
35 any other financing costs due on the bonds issued for the
36 purposes under section 1102-C(b). The department's payment of
37 the service charges shall be subject to and dependent upon the
38 appropriation of funds by the General Assembly to the department
39 for payment of the service charges. The service agreement may be
40 amended or supplemented by the authority and the department in
41 connection with the issuance of any series of bonds or refunding
42 bonds authorized under this section.

43 (c) Security.--Bond obligations and bond administrative
44 expenses are secured, for the benefit of the holders of the
45 bonds and the obligees under credit agreements or the agreements
46 under subsection (b), by pledge of a security interest in and
47 first lien on the following:

48 (1) Money deposited into the account, including
49 investment income on money in the account.

50 (2) Money relating to the bonds held on deposit in any
51 other fund or account under an instrument or agreement

1 pertaining to the bonds, including bond reserves and interest
2 income on the money.

3 (3) The security provided under this subsection shall
4 not apply to money in any fund relating to arbitrage rebate
5 obligations.

6 Section 1105-C. Sale of bonds.

7 The authority shall offer the bonds for sale by means of a
8 public, competitive sale or by means of a negotiated sale based
9 on the authority's determination of which method will produce
10 the most benefit to counties and the Commonwealth.

11 Section 1106-C. Deposit of bond proceeds.

12 The net proceeds of bonds, other than refunding bonds,
13 exclusive of costs of issuance, reserves and any other financing
14 charges, shall be transferred by the authority to the State
15 Treasurer for deposit into a restricted account established in
16 the State Treasury and held solely for the purposes under
17 section 1102-C(b) to be known as the County Voting System
18 Reimbursement Account. The department shall pay out the bond
19 proceeds to the counties from the account in accordance with
20 this article.

21 Section 1107-C. Payment of bond-related obligations.

22 For each fiscal year in which bond obligations and bond
23 administrative expenses will be due, the authority shall notify
24 the department of the amount of bond obligations and the
25 estimated amount of bond administrative expenses in sufficient
26 time, as determined by the department, to permit the department
27 to request an appropriation sufficient to pay bond obligations
28 and bond administrative expenses that will be due and payable in
29 the following fiscal year. The authority's calculation of the
30 amount of bond obligations and bond administrative expenses that
31 will be due shall be subject to verification by the department.

32 Section 1108-C. Commonwealth not to impair bond-related
33 obligations.

34 The Commonwealth pledges that it shall not do any of the
35 following:

36 (1) Limit or alter the rights and responsibilities of
37 the authority or the department under this article, including
38 the responsibility to:

39 (i) pay bond obligations and bond administrative
40 expenses; and

41 (ii) comply with any other instrument or agreement
42 pertaining to bonds.

43 (2) Alter or limit the service agreement under section
44 1104-C(b).

45 (3) Impair the rights and remedies of the holders of
46 bonds, until each bond issued at any time and the interest on
47 the bond, are fully met and discharged.

48 Section 1109-C. (Reserved).

49 Section 1110-C. Personal liability.

50 The members, directors, officers and employees of the
51 department and the authority shall not be personally liable as a

1 result of good faith exercise of the rights and responsibilities
2 granted under this article.

3 Section 1111-C. Annual report.

4 No later than March 1 of the year following the first full
5 year in which bonds have been issued under this article and for
6 each year thereafter in which bond obligations existed in the
7 prior year, the department shall submit an annual report to the
8 chair and minority chair of the State Government Committee of
9 the Senate and to the chair and minority chair of the State
10 Government Committee of the House of Representatives providing
11 all data available on bonds issued or existing in the prior
12 year. The report shall include existing and anticipated bond
13 principal, interest and administrative costs, revenue,
14 repayments, refinancing, overall benefits to counties and any
15 other relevant data, facts and statistics that the department
16 believes necessary in the content of the report.

17 Section 1112-C. Reimbursement of county voting apparatus
18 expenses.

19 (a) Application.--A county may apply to the department to
20 receive funding to replace the county's voting apparatuses or to
21 reimburse the county's cost to purchase voting apparatuses. Each
22 county shall submit an application for funding on a form
23 containing information and documentation prescribed by the
24 department no later than December 31, 2019.

25 (b) Documentation for prior purchase.--If a county seeks
26 reimbursement of the county's cost to purchase a voting
27 apparatus that the county purchased before the date that the
28 county submits its application to the department, the county's
29 application shall include documentation prescribed by the
30 department to substantiate the county's cost to purchase the
31 voting apparatus, including copies of fully executed voting
32 apparatus contracts, invoices and proof of payment to the vendor
33 of the voting apparatus.

34 (c) Documentation for subsequent purchase.--If a county
35 seeks funding to purchase a voting apparatus that the county
36 will purchase after the date that the county submits its
37 application to the department, the county's application shall
38 include documentation prescribed by the department to
39 substantiate the county's estimate to purchase the voting
40 apparatus including copies of fully executed voting apparatus
41 contracts, bids or price quotes submitted to the county by
42 voting apparatus vendors and other price estimates or cost
43 proposals.

44 (d) Review.--The department shall review each county
45 application on a rolling basis and shall either approve or deny
46 each county's application within 90 days of the date the
47 application is received by the department. A county may
48 supplement or amend submitted applications during the 90-day
49 review period in consultation with the department.

50 (e) Approval for prior purchase.--If the department approves
51 a county's application submitted under subsection (b), the

1 department and the county shall enter into a written grant
2 agreement through which the department shall reimburse the
3 county at the amount approved by the department.

4 (f) Approval for subsequent purchase.--If the department
5 approves a county's application under subsection (c), the
6 department and the county shall enter into a written grant
7 agreement through which the department will provide funding to
8 reimburse the county's cost to purchase a voting apparatus at
9 the amount approved by the department. The county shall hold the
10 grant money in an account of the county that is separate from
11 each other county account. The county shall deliver quarterly
12 reports to the department of the voting apparatus costs paid
13 from the grant money in a form prescribed by the department. The
14 county shall return any unspent grant money to the department
15 within 30 days of the expiration of the grant agreement.

16 (g) Payments.--

17 (1) A county shall only receive grant payments under
18 this section to the extent that the department has bond
19 proceeds available in the account from which to make
20 payments.

21 (2) A county may not receive amounts greater than 60% of
22 the total cost to purchase a voting apparatus.

23 (3) If the total amount of costs incurred to purchase
24 voting apparatuses under subsections (b) and (c) exceeds the
25 total amount available, then each county shall receive a pro
26 rata amount of the total amount available.

27 (h) Certification.--For each year in which a county is
28 eligible to receive reimbursement or funding under this article,
29 a county shall only receive the reimbursement or funding after
30 making a certification to the department, the President pro
31 tempore of the Senate, the Speaker of the House of
32 Representatives, the Minority Leader of the Senate, the Minority
33 Leader of the House of Representatives, the chair and minority
34 chair of the Appropriations Committee of the Senate, the chair
35 and minority chair of the Appropriations Committee of the House
36 of Representatives, the chair and minority chair of the State
37 Government Committee of the Senate and the chair and minority
38 chair of the State Government Committee of the House of
39 Representatives that the county has completed a program under 25
40 Pa.C.S. § 1901(b)(1) (relating to removal of electors) and
41 mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the
42 prior 12 months. The certification shall include information on
43 whether the county has undertaken a canvass under 25 Pa.C.S. §
44 1901(b)(2).

45 (i) Department application.--The department shall apply to
46 the authority for funding under section 1102-C only if the
47 department has approved county applications under this article
48 which total at least \$50,000,000.

49 Amend Bill, page 38, lines 25 and 26, by striking out all of

1 said lines and inserting

2 Section 5. Sections 1308(a), (b.1), (e), (f) and (g)(1), (2)
3 and (4) and 1309 of the act are amended to read:

4 Amend Bill, page 42, line 18, by inserting a bracket before
5 "IN"

6 Amend Bill, page 42, line 19, by striking out the bracket
7 before "LOCAL"

8 Amend Bill, page 42, line 19, by striking out "] COUNTY"

9 Amend Bill, page 42, line 21, by striking out the bracket
10 before "HE"

11 Amend Bill, page 42, line 21, by striking out "] THE PERSON"

12 Amend Bill, page 42, line 22, by inserting a bracket after
13 "MADE,"

14 Amend Bill, page 45, by inserting between lines 4 and 5

15 Section 1309. Public Records.--(a) All official absentee
16 ballots, files, applications for such ballots and envelopes on
17 which the executed declarations appear, and all information and
18 lists are hereby designated and declared to be public records
19 and shall be safely kept for a period of two years, except that
20 no proof of identification shall be made public, nor shall
21 information concerning a military elector be made public which
22 is expressly forbidden by the Department of Defense because of
23 military security.

24 (b) For each election, the county board shall maintain a
25 record of the following information, if applicable, for each
26 elector who makes application for an absentee ballot:

27 (1) The elector's name and voter registration address.

28 (2) The date on which the elector's application is received
29 by the county board.

30 (3) The date on which the elector's application is approved
31 or rejected by the county board.

32 (4) The date on which the county board mails or delivers the
33 absentee ballot to the elector.

34 (5) The date on which the elector's completed absentee
35 ballot is received by the county board.

36 (6) The date of the postmark on the mailing envelope of the
37 elector's completed absentee ballot.

38 (c) The county board shall compile the records listed in

1 subsection (b) and make the records publicly available upon
2 request within 48 hours.

3 Amend Bill, page 45, line 10, by striking out "THIS" and
4 inserting

5 the

6 Amend Bill, page 45, line 28, by striking out "IMMEDIATELY."
7 and inserting

8 as follows:

9 (1) The amendment of section 1309 of the act shall take
10 effect in 60 days.

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