
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1059 Session of
2019

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WEBSTER, SCHWEYER, DALEY, MARSHALL, OTTEN, MADDEN, DAVIDSON
AND COMITTA, APRIL 5, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 5, 2019

AN ACT

1 Providing for elections conducted by mail.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Elections by
6 Mail Authorization Act.

7 Section 2. Definitions.

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

11 "Commission." A registration commission as established under
12 25 Pa.C.S. § 1203 (relating to commissions).

13 "County." A county of this Commonwealth. The term includes a
14 county within which is located a city of the first class or with
15 which a city of the first class is coextensive.

16 "County board." The county board of elections of a county in

1 this Commonwealth.

2 "District register." The cards containing all or any part of
3 the registry list of registered electors of the same election
4 district, as prepared by the appropriate commissions.

5 "Election." A general, municipal, primary or special
6 election as those terms are defined in section 102 of the
7 Election Code.

8 "Election Code." The act of June 3, 1937 (P.L.1333, No.320),
9 known as the Pennsylvania Election Code.

10 "Election district." A district, division or precinct
11 established under the Election Code, within which all registered
12 electors vote.

13 "Mail." A letter or other materials collected by the United
14 States Postal Service for delivery to the office of the county
15 board in accordance with this act.

16 "Mail ballot." An official election ballot mailed under this
17 act via United States Postal Service mail.

18 "Measures." Any of the following submitted to the electorate
19 for approval or rejection at an election:

20 (1) A proposed law or an act or part of an act of the
21 General Assembly.

22 (2) A revision of or an amendment to the Constitution of
23 Pennsylvania.

24 (3) Local, ordinance or municipal legislation.

25 (4) A ballot referendum or question.

26 "Municipality." A city, borough, town or township.

27 "Nonforwarding mail." Mail collected for delivery by the
28 United States Postal Service which cannot be forwarded or mailed
29 to an address other than the mailing address inscribed on the
30 materials mailed, regardless of whether a change of address has

1 been received and processed by the United States Postal Service,
2 and which is conspicuously stamped "DO NOT FORWARD" by the
3 sender.

4 "Party." As defined in 25 Pa.C.S. § 1102 (relating to
5 definitions).

6 "Place of deposit" or "places of deposit." A place or
7 location designated by the secretary or the county board with
8 the approval of the secretary where registered electors may
9 deposit mail ballots for collection by election officials. A
10 place of deposit may be a county election office, a public
11 building under the control of or supervised by the county or by
12 an agency of the Commonwealth or any other location in a county
13 designated by the county board as approved by the secretary.

14 "Polling place." The room provided in each election district
15 for voting at an election.

16 "Qualified elector." An applicant who possesses all of the
17 qualifications for voting prescribed by the Constitution of
18 Pennsylvania and the laws of this Commonwealth or who, being
19 otherwise qualified by continued residence in the election
20 district, obtains such qualifications before the next ensuing
21 election.

22 "Registered elector." A qualified elector who is registered
23 to vote in accordance with 25 Pa.C.S. (relating to elections).

24 "Replacement mail ballot." A duplicate or replacement ballot
25 provided to a registered elector in accordance with sections 5
26 and 6.

27 "Secretary." The Secretary of the Commonwealth.

28 "United States Postal Service." The agency of the United
29 States Government that is responsible for the collection and
30 delivery of classes of mail.

1 Section 3. Conduct of elections by mail.

2 (a) Authority of secretary.--Notwithstanding any provision
3 of the Election Code or any other act of the General Assembly to
4 the contrary, the secretary shall provide for the conduct of
5 elections held on the date of a Statewide primary, general or
6 special election in this Commonwealth by mail ballot. The
7 secretary shall adopt and promulgate regulations to govern the
8 uniform conduct of elections by mail ballot.

9 (b) Regulations.--The secretary shall adopt and promulgate
10 regulations to govern the uniform conduct of elections by mail
11 ballot in accordance with section 4(a).

12 (c) Authority of county board.--A county board may, in
13 consultation with the secretary, conduct municipal elections
14 administered by the county board by mail ballot. In deciding to
15 conduct an election by mail, the county board may consider
16 requests from the governing body of the county or a municipality
17 in the county and shall consider whether conducting the election
18 by mail will be economically and administratively feasible.

19 Section 4. Duties of secretary.

20 (a) Duties of secretary.--The following apply:

21 (1) In order to facilitate the speedy implementation of
22 this act, the secretary shall promulgate, adopt and use
23 guidelines to implement this act.

24 (2) The secretary shall transmit notice of the
25 guidelines under paragraph (1) to the Legislative Reference
26 Bureau for publication in the Pennsylvania Bulletin.

27 (3) The guidelines under paragraph (1) shall be subject
28 to review under section 205 of the act of July 31, 1968

29 (P.L.769, No.240), referred to as the Commonwealth Documents
30 Law, and sections 204(b) and 301(10) of the act of October

1 15, 1980 (P.L.950, No.164), known as the Commonwealth
2 Attorneys Act.

3 (4) The guidelines shall not be subject to review under
4 the act of June 25, 1982 (P.L.633, No.181), known as the
5 Regulatory Review Act.

6 (5) The guidelines shall be effective for a period of
7 not more than two years from the effective date of this act.

8 (6) After the expiration of the two-year period, the
9 guidelines shall expire and shall be replaced by regulations
10 which shall have been promulgated, adopted and published as
11 provided by law. The regulations shall include, but not be
12 limited to, requirements and criteria to govern the
13 following:

14 (i) The conduct of mail balloting, including
15 instructions for registered electors.

16 (ii) Any challenge of and by registered electors.

17 (iii) The proper handling and safeguarding of mail
18 ballots to ensure the integrity of the election.

19 (iv) The designation of places of deposit for mail
20 ballots cast in elections conducted by mail. The
21 secretary shall collaborate with county boards in
22 designating places of deposit.

23 (v) The dates and time the places of deposit shall
24 be open for receipt of mail ballots.

25 (vi) The security requirements for the places of
26 deposit.

27 (vii) The requirements for a sign or signs to
28 advertise the location of places of deposit. At each
29 place of deposit designated by the secretary under this
30 subsection, the secretary shall cause to be prominently

1 displayed a sign or signs stating that the location is an
2 official mail ballot place of deposit.

3 (viii) The preparation and publication of all
4 notices and advertisements that may be required in
5 connection with conduct of elections by mail.

6 (ix) Notice requirements.

7 (x) Any other procedure, requirement or criteria the
8 secretary determines will facilitate the implementation
9 of this act.

10 (b) Duties of election board.--For an election proposed to
11 be conducted by mail under this act, the county board shall
12 notify each registered elector by mail that voting in the
13 voter's election district may be conducted by mail ballot. The
14 notice shall be made no later than 60 days preceding the date of
15 the election. If the county board conducts an election by mail,
16 the county board shall:

17 (1) Mail, by nonforwarding mail, a mail ballot with a
18 return identification envelope and a secrecy envelope to each
19 registered elector of the election district as of the 30th
20 day before the date of the election. The mail ballot shall be
21 mailed to registered electors no sooner than the 21st day
22 before the date of an election conducted by mail and no later
23 than the 14th day before the date of the election.

24 (2) Notwithstanding paragraph (1), if the election board
25 determines that a registered elector of the election district
26 as of the 30th day before the date of the election does not
27 receive daily mail from the United States Postal Service, the
28 election board shall mail, by nonforwarding mail, a mail
29 ballot with a return identification envelope and a secrecy
30 envelope to the registered elector not sooner than the 25th

1 day before the date of an election conducted by mail and not
2 later than the 20th day before the date of the election.

3 (3) Number, in chronological order, the application for
4 a replacement mail ballot, which number shall likewise appear
5 legibly and in a conspicuous place on the replacement mail
6 ballot issued to the registered elector for an election
7 conducted by mail in accordance with section 6. Before a
8 replacement mail ballot is distributed, the county board
9 shall remove the number on the mail ballot. The removed
10 number shall be inserted in and shall become a part of the
11 registered elector's file.

12 (4) In the case of registered electors determined to be
13 inactive, the county board may forward an inactive registered
14 elector either a mail ballot or an application to receive a
15 mail ballot. If the inactive registered elector returns a
16 voted mail ballot, the mail ballot shall be counted and the
17 registered elector's status restored to active. If the
18 inactive voter completes and returns an application, a mail
19 ballot shall be sent and the voter's status restored to
20 active. The mail ballot or the application for a mail ballot
21 shall be forwarded in the manner and within the period of
22 time prescribed under paragraphs (1) and (2).

23 Section 5. Procedures for conducting election by mail.

24 (a) Primary elections conducted by mail.--For a primary
25 election conducted by mail, the following shall apply:

26 (1) The county board shall mail the mail ballot of a
27 party to each registered elector who is duly registered and
28 enrolled as a member of a party as of the 30th day preceding
29 the date of the primary election. The mail ballot shall be
30 mailed to registered electors no sooner than the 21st day

1 before the date of the primary election conducted by mail and
2 no later than the 14th day before the election.

3 (2) In the case of registered electors with no party
4 affiliation, if the primary election ballot provides for a
5 measure or question, each registered elector shall be mailed
6 a mail ballot limited to those measures or questions for
7 which the registered elector is eligible to vote.

8 (b) Registration, modifications or changes.--If a registered
9 elector modifies or changes the registered elector's
10 registration after the deadline for registration provided under
11 25 Pa.C.S. (relating to elections), the county board shall make
12 the mail ballot, the return identification envelope and the
13 secrecy envelope available either by nonforwarding mail, at the
14 county board's office or at another place designated by the
15 county board.

16 (c) Ballots.--

17 (1) All mail ballots for an election conducted by mail
18 shall be paper ballots and shall conform with the
19 requirements of Article X of the Election Code.

20 (2) In addition to the requirements of the Election
21 Code, the mail ballot for an election conducted by mail shall
22 contain a warning conspicuously placed in boldface type as
23 follows:

24 Any person, who, by use of force or other means,
25 unduly influences a registered elector to vote in a
26 particular manner or to refrain from voting, may be
27 subject, upon conviction, to imprisonment or to a
28 fine, or both.

29 (d) Procedures for registered electors.--Upon receipt of a
30 mail ballot, the registered elector shall do all of the

1 following:

2 (1) Mark the mail ballot, sign the return identification
3 envelope supplied with the mail ballot and comply with the
4 instructions outlined in the mail ballot.

5 (2) Return the marked mail ballot to the offices of the
6 county board by first class United States Postal Service
7 mail, by depositing the mail ballot at the office of the
8 county board, at a place of deposit or at any other place
9 designated to receive mail ballots on the day of the election
10 as approved and designated by the secretary or the county
11 board.

12 (3) Return the mail ballot in the return identification
13 envelope. If a registered elector returns a mail ballot by
14 United States Postal Service mail, the registered elector
15 shall provide first class postage and the mail ballot shall
16 be postmarked not later than the date of the election, except
17 that the mail ballot must be received at the office of the
18 county board, the designated place of deposit or at any other
19 location approved by the secretary no later than the official
20 close of polling places on the day of the election conducted
21 by mail, unless the time for receiving mail ballots is
22 extended by the secretary due to extenuating circumstances.

23 (e) Voting at polling places.--Notwithstanding any other
24 provision of law to the contrary, a registered elector who has
25 obtained a mail ballot under this act may appear in person at
26 any polling place in the registered elector's election district
27 for the purpose of marking and returning the mail ballot. The
28 county board shall provide, at polling places in election
29 districts, at least three suitable compartments, shelves or
30 tables at which registered electors with mail ballots may mark

1 and return the mail ballots. The compartments, shelves or tables
2 shall be arranged in a manner as to ensure that the registered
3 elector may conveniently mark the registered elector's mail
4 ballot with absolute privacy. It shall be the duty of the county
5 board to advertise the location of the polling places.

6 (f) Replacement mail ballot.--A registered elector may
7 obtain a replacement mail ballot if the original mail ballot is
8 destroyed, defaced, damaged, lost or not received by the
9 registered elector. Replacement mail ballots shall be issued and
10 processed in accordance with section 6. The county board shall
11 keep a record of each replacement mail ballot provided under
12 this subsection. Notwithstanding the deadline for mailing mail
13 ballots provided under section 4, a replacement mail ballot may
14 be mailed, made available in the office of the county board or
15 made available at a central location in the election district in
16 which the election by mail is conducted. The county board shall
17 designate the central location. The county board shall not be
18 required to mail a replacement mail ballot after the fifth day
19 preceding the date of the election.

20 (g) Ballot canvassing.--A mail ballot shall be counted only
21 if:

22 (1) It is returned in the return identification
23 envelope.

24 (2) The envelope is signed by the registered elector to
25 whom the mail ballot is issued.

26 (3) The signature of the registered elector is verified
27 as provided in subsection (h).

28 (h) Verification of signatures.--The county board shall
29 verify the signature of each registered elector on the return
30 identification envelope with the signature on the registered

1 elector's registration card and may give a registered elector
2 the opportunity to update a signature, according to the
3 procedures provided by regulations adopted by the secretary. If
4 the county board determines that a registered elector to whom a
5 replacement mail ballot has been issued has voted more than
6 once, the county board shall count only one mail ballot cast by
7 that registered elector.

8 (i) Right to cast vote.--At the official close of polling
9 places on the day of an election conducted by mail, a registered
10 elector who is at the polling place, at a site designated as a
11 place of deposit or at any other location designated by the
12 secretary or county board to receive mail ballots under this
13 act, and who is in line waiting to mark and return or to deposit
14 a voted mail ballot shall be considered to have begun the
15 process of voting and shall not be refused the right to vote.

16 Section 6. Replacement mail ballots.

17 (a) Authority to issue.--In an election conducted by mail, a
18 registered elector may be issued a replacement mail ballot under
19 section 5(f). A request for a replacement mail ballot may be
20 made electronically, by telephone, in writing, in person or by
21 other means designated by regulation of the secretary. To vote
22 using a replacement mail ballot, the registered elector must
23 complete and sign a replacement mail ballot request form
24 attesting that the registered elector's original mail ballot was
25 lost, destroyed, damaged, defaced or not received.

26 (b) Requirements.--All of the following shall apply to
27 voting by replacement mail ballot in an election conducted by
28 mail:

29 (1) To vote using a replacement mail ballot, a
30 registered elector must complete and sign a replacement mail

1 ballot request form.

2 (2) The replacement mail ballot request form shall be
3 mailed or made available to the registered elector along with
4 the replacement mail ballot.

5 (3) Upon receiving a request for a replacement mail
6 ballot, the county board shall:

7 (i) Verify the registration of the registered
8 elector and ensure that another mail ballot has not been
9 returned by the registered elector.

10 (ii) Note in the district register that the
11 registered elector has requested a replacement mail
12 ballot and transcribe the number of the replacement mail
13 ballot provided to the registered elector in the district
14 register.

15 (iii) Note the replacement mail ballot number and
16 mark the return identification envelope clearly so that
17 it may be readily identified as a replacement mail
18 ballot.

19 (iv) Issue the replacement mail ballot by mail or by
20 any other means approved by the secretary.

21 (c) Verification of receipt of replacement mail ballot.--

22 Upon receipt of a voted replacement mail ballot, the county
23 board shall verify that a completed and signed replacement mail
24 ballot request form has been received by the county board or is
25 included with the voted replacement mail ballot. If a request
26 form has been completed and signed by a registered elector and
27 received by the county board, the county board shall process the
28 mail ballot. If the request form is not completed or signed by a
29 registered elector or received by the county board, the county
30 board shall not process the mail ballot. Nothing in this section

1 shall be construed to prevent or prohibit a registered elector
2 whose replacement mail ballot is rejected from voting at the
3 registered elector's polling place on the day of the election.

4 Section 7. Personnel for counting mail ballots at election
5 conducted by mail.

6 The county board may employ personnel as necessary to open
7 envelopes, prepare mail ballots for counting and count mail
8 ballots. Personnel shall not all be members of the same
9 political party or a person who is a candidate on the ballot at
10 an election. A person who is a relative, including the parent,
11 spouse, child, sibling, son-in-law, daughter-in-law, mother-in-
12 law, father-in-law, brother-in-law, sister-in-law, aunt, uncle,
13 niece, nephew, cousin, stepparent or stepchild, of a candidate
14 on the ballot at an election or any other person affiliated with
15 the candidate's nomination or campaign for election shall not be
16 employed or serve as a volunteer in the capacity described under
17 this section.

18 Section 8. Preparation for counting mail ballots delivered by
19 mail.

20 Not sooner than the seventh day before the date of an
21 election, in preparation for counting mail ballots delivered by
22 mail, the county board may begin opening return identification
23 and secrecy envelopes of mail ballots delivered to the offices
24 of the county board, and may take any other actions necessary to
25 allow the counting of mail ballots delivered by mail to begin on
26 Election Day.

27 Section 9. Reports.

28 The secretary shall conduct a study of and report on the
29 initial election conducted by mail under this act. The report
30 shall be submitted to the General Assembly no later than six

1 months following the date on which the secretary certifies the
2 results of the election. The study and report shall:

3 (1) Include a statistical analysis of the impact on
4 voter participation.

5 (2) Determine whether irregularities occurred as a
6 result of the election.

7 (3) Assess the feasibility of making elections by mail
8 the primary means of conducting elections in this
9 Commonwealth.

10 (4) Any other information or recommendations the
11 secretary may deem warranted.

12 Section 10. Applicability of Election Code.

13 The Election Code is applicable to elections conducted by
14 mail and mail balloting of paper ballots except as provided
15 under this act or under guidelines and regulations adopted by
16 the secretary.

17 Section 11. Repeals.

18 All acts and parts of acts are repealed insofar as they are
19 inconsistent with this act.

20 Section 12. Effective date.

21 This act shall take effect immediately.