

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2502 Session of 2020

INTRODUCED BY MIHALEK, MAY 12, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 18, 2020

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in powers and duties of the Department of State
22 and its departmental administrative board, providing for
23 report on implementation of 2020 general primary election.

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

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

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

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

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

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

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

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

30 (5) For each county and the sum for this Commonwealth, the

1 number of absentee ballots which were voted by the electors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (19) For each county and the sum for this Commonwealth, the
23 number of absentee ballots which were challenged under section
24 1302.2(c) of the Pennsylvania Election Code.

25 (20) For each county and the sum for this Commonwealth, the
26 number of mail-in ballots which were challenged under section
27 1302.2-D(a)(2) of the Pennsylvania Election Code.

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

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

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

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

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

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

16 (24) To the extent consistent with Federal and State law, a
17 review of any action taken by the Department of State, county
18 board of elections or registration commission in response to an
19 incident under paragraph ~~(22)~~ (23), including determinations <--
20 made on the incident, legal actions filed and referrals to law
21 enforcement.

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

27 (c) The Department of State shall develop a process to
28 collect data required to be included in the report under
29 subsection (b) from each county board of elections under Article
30 III of the Pennsylvania Election Code or registration commission

1 under 25 Pa.C.S. Pt. IV, as applicable. A county board of
2 elections or registration commission shall ~~timely~~ comply with <--
3 the process for submission of data under this subsection. NO <--
4 LATER THAN FORTY-FIVE DAYS AFTER THE 2020 GENERAL PRIMARY
5 ELECTION UNDER ARTICLE XVIII-B OF THE PENNSYLVANIA ELECTION
6 CODE.

7 Section 2. This act shall take effect immediately.