

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 48 Session of 2019

INTRODUCED BY GORDNER, FOLMER, LANGERHOLC, MARTIN, HUTCHINSON, DISANTO, YAW, BARTOLOTTA, K. WARD, WHITE, STEFANO AND J. WARD, JANUARY 11, 2019

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, APRIL 9, 2019

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
2 Statutes, in conduct of elections, providing for voting
3 systems.

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

6 Section 1. Part IX of Title 25 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 31

9 VOTING SYSTEMS

10 Subchapter

11 A. Preliminary Provisions

12 B. Voting Machines (Reserved)

13 C. Electronic Voting Systems (Reserved)

14 SUBCHAPTER A

15 PRELIMINARY PROVISIONS

16 Sec.

17 3101. Definitions.

18 3102. Decertification.

1 § 3101. Definitions.

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

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

7 "Electronic voting system." As defined in section 1101-A of  
8 the Election Code.

9 "Voting apparatus." A kind or type of any of the following:

10 (1) An electronic voting system.

11 (2) A voting machine.

12 "Voting machine." A voting machine as described under  
13 Article XI of the Election Code.

14 § 3102. Decertification.

15 (a) Prohibition.--The Commonwealth may not disapprove of or  
16 decertify voting apparatuses in 50% or more counties until the  
17 requirements of this subchapter have been met.

18 (b) Plan.--If the Commonwealth intends to disapprove or  
19 decertify voting apparatuses in 50% or more counties, the  
20 Department of State must submit a written plan to the President  
21 Pro Tempore of the Senate and the Speaker of the House of  
22 Representatives at least 180 days prior to the effective date of  
23 replacement, containing each of the following:

24 (1) The reason for disapproval or decertification.

25 (2) The estimated cost to replace the disapproved or  
26 decertified voting apparatuses and the plan for how funding  
27 is anticipated to be obtained.

28 (3) A plan for replacing the disapproved or decertified  
29 voting apparatuses.

30 (4) The effective date of replacement.

1 (c) Voting System Decertification Commission.--

2 (1) Within 10 days of receipt of the written plan under  
3 subsection (b) by the President Pro Tempore of the Senate and  
4 the Speaker of the House of Representatives, a commission  
5 shall be established. The commission shall, within 90 days of  
6 establishment, do all of the following:

7 (i) Review the written plan.

8 (ii) Hold at least two public hearings on the  
9 matter, including the plan submitted under subsection  
10 (b).

11 (iii) Issue a written report consistent with  
12 subparagraph (iv) to each of the following:

13 (A) The President Pro Tempore of the Senate.

14 (B) The Majority Leader of the Senate

15 (C) The Minority Leader of the Senate.

16 (D) The Speaker of the House of Representatives.

17 (E) The Majority Leader of the House of  
18 Representatives.

19 (F) The Minority Leader of the House of  
20 Representatives.

21 (G) The majority and minority chair of the State  
22 Government Committee of the Senate and the majority  
23 and minority chair of the State Government Committee  
24 of the House of Representatives.

25 (iv) The written report shall include all of the  
26 following:

27 (A) An estimated cost for the written plan and  
28 estimated costs for the implementation of other  
29 voting apparatuses and how the costs will be divided.

30 (B) Written justification for disapproval or

1           decertification.

2           (C) EACH DISSENTING OPINION OF A MEMBER OF THE <--  
3           COMMISSION.

4           ~~(C)~~ (D) Recommended legislative action, if <--  
5           necessary, including draft legislation.

6           (2) The commission shall be composed of the following  
7           members:

8           (i) Two members appointed by the Governor, one of  
9           whom shall be a county commissioner AND ONE OF WHOM SHALL <--  
10           BE A COUNTY ELECTION OFFICER at the time of appointment.

11           (ii) The Secretary of State THE COMMONWEALTH OR A <--  
12           DESIGNEE.

13           ~~(iii) A member appointed by the President Pro~~ <--  
14           ~~Tempore of the Senate.~~

15           ~~(iv) A member appointed by the Minority Leader of~~  
16           ~~the Senate.~~

17           ~~(v) A member appointed by the Speaker of the House~~  
18           ~~of Representatives.~~

19           ~~(vi) A member appointed by the Minority Leader of~~  
20           ~~the House of Representatives.~~

21           (III) THE CHAIR AND MINORITY CHAIR OF THE STATE <--  
22           GOVERNMENT COMMITTEE OF THE SENATE AND THE CHAIR AND  
23           MINORITY CHAIR OF THE STATE GOVERNMENT COMMITTEE OF THE  
24           HOUSE OF REPRESENTATIVES OR THEIR DESIGNEES.

25           (IV) ONE LEGISLATOR FROM EACH OF THE FOUR  
26           LEGISLATIVE CAUCUSES, TO BE APPOINTED BY THE PRESIDENT  
27           PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
28           REPRESENTATIVES, IN CONSULTATION WITH THE MAJORITY LEADER  
29           AND MINORITY LEADER OF THE SENATE AND THE MAJORITY LEADER  
30           AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES OR

1           THEIR DESIGNEES.

2           (3) THE COMMISSION SHALL APPOINT A MEMBER TO SERVE AS  
3 CHAIR OF THE COMMISSION.

4           (4) THE COMMISSION SHALL HOLD MEETINGS AT THE CALL OF  
5 THE CHAIR.

6           (5) THE GENERAL ASSEMBLY SHALL PROVIDE ADMINISTRATIVE  
7 SUPPORT, MEETING SPACE AND ANY OTHER ASSISTANCE REQUIRED BY  
8 THE COMMISSION TO CARRY OUT ITS DUTIES UNDER THIS SECTION IN  
9 COOPERATION WITH THE DEPARTMENT.

10           (6) A MEMBER MAY NOT RECEIVE COMPENSATION FOR THE  
11 MEMBER'S SERVICES, BUT SHALL BE REIMBURSED FOR NECESSARY  
12 TRAVEL AND OTHER REASONABLE EXPENSES INCURRED IN CONNECTION  
13 WITH THE PERFORMANCE OF THE MEMBER'S DUTIES AS MEMBERS OF THE  
14 COMMISSION.

15                           SUBCHAPTER B

16                           VOTING MACHINES

17                           (Reserved)

18                           SUBCHAPTER C

19                           ELECTRONIC VOTING SYSTEMS

20                           (Reserved)

21           Section 2. This act shall take effect immediately.