

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 34 Session of 2021

INTRODUCED BY DAY, R. BROWN, HAMM, MOUL, ZIMMERMAN, JONES AND
TWARDZIK, JUNE 22, 2021AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 20, 2022

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in preparation for and conduct of primaries and
12 elections, providing for ~~cargo~~ BALLOT securement. <--

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

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
16 as the Pennsylvania Election Code, is amended by adding a
17 section to read:

18 Section 1234. ~~Cargo~~ BALLOT Securement.--(a) Each county <--
19 board shall ~~use a cargo securement procedure~~ ADOPT BALLOT <--
20 SECURITY PROCEDURES, in accordance with this section, to ensure
21 that ballots cast in an election are not tampered with or
22 counted erroneously.

1 (b) Ballots cast in an election shall be secured in a
2 transportation container ~~with~~ DURING ANY POINT IN WHICH THE <--
3 BALLOTS ARE NOT AT A VOTING PRECINCT OR COUNTY BOARD OF
4 ELECTIONS, UNLESS IN CUSTODY OF THE UNITED STATES POSTAL
5 SERVICE. THE TRANSPORTATION CONTAINER SHALL POSSESS a numbered
6 security tag that seals the transportation container and
7 includes an individually identifiable number.

8 (c) The following apply to a bill of lading FOR BALLOTS <--
9 OUTSIDE OF A VOTING PRECINCT OR COUNTY BOARD OF ELECTIONS:

10 (1) ~~The cargo securement procedures~~ BALLOT SECURITY <--
11 PROCEDURE under this section shall include a bill of lading
12 sealed within each transportation container described in
13 subsection (b), which shall accompany the ballots cast in the
14 election:

15 (i) at the location that the ballots are initially
16 collected;

17 (ii) while the ballots are in transit; and

18 (iii) at any storage location for the ballots UNTIL THE <--
19 BALLOTS ARE PRECANVASSED OR CANVASSED.

20 (2) The bill of lading shall include the location, date and
21 time that the ballots cast in the election were collected, along
22 with the numbered security tag number.

23 (3) ~~The bill of lading shall remain with the ballots cast in~~ <--
24 ~~the election, with or without the accompanying security~~
25 ~~envelopes for the ballots, through the final ballot storage~~
26 ~~location.~~ ANY BILLS OF LADING THAT ARE NOT SEALED IN A <--
27 TRANSPORTATION OR STORAGE CONTAINER SHALL BE KEPT IN ACCORDANCE
28 WITH THE COUNTY'S BALLOT SECURITY PROCEDURES AND SHALL BE
29 AVAILABLE FOR INSPECTION BY A POLL WATCHER.

30 (d) If the numbered security tag is broken, IT SHOULD BE <--

1 STORED WITH THE BILL OF LADING AND the bill of lading shall be
2 marked with the:
3 (1) location, date and time regarding the incident;
4 (2) reason for the incident;
5 (3) broken numbered security tag number; and
6 (4) newly affixed numbered security tag number.
7 (e) If a ~~ballot storage location is monitored by staff, the~~ <--
8 ~~staff~~ TRANSPORTATION CONTAINER CONTAINING BALLOTS IS MOVED, <--
9 DOCUMENTATION SHALL BE KEPT WITH THE CONTAINER, INCLUDING THE
10 NAME OF THE INDIVIDUAL WHO HANDLED OR HAD CUSTODY OF THE
11 TRANSPORTATION CONTAINER. THE INDIVIDUAL shall record the
12 location, date, time and numbered security tag number regarding
13 the ballots cast in the election. STORAGE AND MAINTENANCE OF <--
14 CHAIN OF CUSTODY OF DOCUMENTS SHALL BE PRESCRIBED IN THE
15 COUNTY'S BALLOT SECURITY PROCEDURES.
16 (f) A poll watcher shall be entitled to know the ~~numbered~~ <--
17 ~~security tag numbers and location of the stored ballots cast in~~
18 ~~the election,~~ NUMBER OF TRANSPORTATION AND STORAGE CONTAINERS <--
19 CONTAINING BALLOTS IN A GIVEN ELECTION, which are waiting to be
20 ~~counted~~ PRECANVASSED, CANVASSED or stored after counting. <--
21 Section 2. This act shall take effect in 60 days.