

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 366 Session of 2021

INTRODUCED BY KENYATTA, KOSIEROWSKI, FREEMAN, HANBIDGE, SCHLOSSBERG, KINSEY, HOWARD, DALEY, SANCHEZ, SHUSTERMAN, GALLOWAY, HILL-EVANS, D. WILLIAMS, CIRESI, CONKLIN, SIMS, NEILSON, O'MARA, ISAACSON, WEBSTER, McCLINTON, WARREN, STURLA AND LEE, FEBRUARY 3, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 3, 2021

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," providing for early in-person voting in
 12 elections; and, in voting by qualified absentee electors,
 13 further providing for canvassing of official absentee ballots
 14 and mail-in ballots.

15 The General Assembly of the Commonwealth of Pennsylvania
 16 hereby enacts as follows:

17 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
 18 as the Pennsylvania Election Code, is amended by adding an
 19 article to read:

20 ARTICLE XII-A

21 EARLY IN-PERSON VOTING IN ELECTIONS

22 Section 1201-A. Period for early in-person voting.

1 Notwithstanding any other provision of this act, a county
2 board shall provide for early in-person voting, which shall
3 begin 30 days prior to the date of each election established
4 under Article VI. The early in-person voting period shall
5 continue through the end of the day before the date of the
6 election established under Article VI.

7 Section 1202-A. Polling places for early in-person voting.

8 (a) Designation.--A county board shall designate polling
9 places for early in-person voting where electors may cast
10 ballots during the early in-person voting period established
11 under section 1201-A. The polling places may include the main
12 office of the county board and any other site designated by the
13 county board.

14 (b) Equipment and staff.--At each polling place designated
15 for early in-person voting, a county board shall:

16 (1) Make available the same equipment under Article XI
17 as would be used on the day of the election.

18 (2) Provide the same level of staff as would be provided
19 on the day of the election.

20 (c) Number.--During each election:

21 (1) A county board in a county with a population of
22 500,000 or more shall establish at least four permanent
23 polling places for early in-person voting.

24 (2) A county board in a county with a population of
25 250,000 or more but less than 500,000 shall establish at
26 least three permanent polling places for early in-person
27 voting.

28 (3) A county board in a county with a population of
29 100,000 or more but less than 250,000 shall establish at
30 least two permanent polling places for early in-person

1 voting.

2 (4) A county board in a county with a population of less
3 than 100,000 shall establish at least one permanent polling
4 place for early in-person voting.

5 (d) Location.--

6 (1) The polling places designated for early in-person
7 voting shall be geographically located to provide electors in
8 the election district an equal opportunity to cast a ballot.

9 (2) A polling place designated for early in-person
10 voting within a county shall not be located within two miles
11 of another polling place designated for early in-person
12 voting within the county unless the polling place is within a
13 county with a population of 500,000 or more.

14 (e) Population figures.--All population figures enumerated
15 in this section shall be determined by the most recent Federal
16 decennial census.

17 Section 1203-A. Days and times for early in-person voting.

18 A county board shall designate the days and hours that
19 polling places designated for early in-person voting shall be
20 open. The polling places shall:

21 (1) Have uniform days and hours.

22 (2) Be open eight hours each weekday.

23 (3) Be open a minimum of an aggregate eight hours each
24 weekend.

25 (4) Not open prior to 7:00 a.m., Eastern Standard Time.

26 (5) Not close prior to 7:00 p.m., Eastern Standard Time.

27 Section 1204-A. Notice of early in-person voting.

28 During the week immediately preceding the commencement of
29 early in-person voting, a county board shall give notice of
30 early in-person voting by newspaper publication in the county in

1 accordance with the provisions of section 106. The following
2 apply:

3 (1) The notice shall be published twice in counties of
4 the first class and once in all other counties.

5 (2) The county board shall post the notice on the county
6 board's publicly accessible Internet website.

7 (3) The notice shall be made available at the main
8 office of the county board.

9 Section 1205-A. Notice to Secretary of the Commonwealth.

10 At least 10 days before the commencement of early in-person
11 voting, each county board shall provide the Secretary of the
12 Commonwealth with a list of all polling places designated for
13 early in-person voting and the hours that each polling place
14 will be open for early in-person voting.

15 Section 1206-A. Voter's certificate.

16 As provided under section 1203, a county board shall prepare
17 a suitable number of voter's certificates at each polling place
18 designated for early in-person voting.

19 Section 1207-A. Proof of identification.

20 An elector who appears to vote at a polling place designated
21 for early in-person voting shall complete a voter's certificate
22 and shall present to an election officer proof of identification
23 as provided under section 1210.

24 Section 1208-A. Voting check list.

25 A county board shall maintain a voting check list as provided
26 under section 1212 in a manner to ensure that each elector is
27 prohibited from casting an additional ballot at a polling place
28 designated for early in-person voting or on the day of an
29 election at the elector's precinct.

30 Section 1209-A. Disposition of returns.

1 A county board shall track votes by precinct but may not
2 tabulate votes prior to the close of the polls on election day.

3 Section 2. Section 1308(g)(1.1) of the act, added March 27,
4 2020 (P.L.41, No.12), is amended to read:

5 Section 1308. Canvassing of Official Absentee Ballots and
6 Mail-in Ballots.--* * *

7 (g) * * *

8 (1.1) The county board of elections shall meet no earlier
9 than [seven o'clock A.M. on] fourteen (14) days before election
10 day to pre-canvass all ballots received prior to the meeting. A
11 county board of elections shall provide at least forty-eight
12 hours' notice of a pre-canvass meeting by publicly posting a
13 notice of a pre-canvass meeting on its publicly accessible
14 Internet website. One authorized representative of each
15 candidate in an election and one representative from each
16 political party shall be permitted to remain in the room in
17 which the absentee ballots and mail-in ballots are pre-
18 canvassed. No person observing, attending or participating in a
19 pre-canvass meeting may disclose the results of any portion of
20 any pre-canvass meeting prior to the close of the polls.

21 * * *

22 Section 3. This act shall take effect in 60 days.