

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 470 Session of 2021

INTRODUCED BY CARROLL, RABB, SANCHEZ, ZABEL, BRIGGS, McNEILL,
PASHINSKI AND DeLUCA, FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 9, 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," in preparation for and conduct of primaries and
 12 elections, further providing for deadline for receipt of
 13 valid voter registration application; in voting by qualified
 14 absentee electors, further providing for date of application
 15 for absentee ballot, for envelopes for official absentee
 16 ballots, for voting by absentee electors and for canvassing
 17 of official absentee ballots and mail-in ballots and
 18 providing for prohibition on absentee ballot curing; and, in
 19 voting by qualified mail-in electors, further providing for
 20 date of application for mail-in ballot, for envelopes for
 21 official mail-in ballots and for voting by mail-in electors
 22 and providing for prohibition on mail-in ballot curing.

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

25 Section 1. Sections 1231(b)(1), (3) and (4), 1302.1(a)
 26 introductory paragraph and (a.3) of the act of June 3, 1937
 27 (P.L.1333, No.320), known as the Pennsylvania Election Code,
 28 amended or added October 31, 2019 (P.L.552, No.77), is amended

1 to read:

2 Section 1231. Deadline for Receipt of Valid Voter
3 Registration Application.--* * *

4 (b) In the administration of voter registration, each
5 commission shall ensure that an applicant who is a qualified
6 elector is registered to vote in an election when the applicant
7 has met any of the following conditions:

8 (1) In the case of voter registration with a motor vehicle
9 driver's license application under 25 Pa.C.S. § 1323 (relating
10 to application with driver's license application), if the valid
11 voter registration application is received by the appropriate
12 commission not later than [fifteen] thirty days before the
13 election.

14 * * *

15 (3) In the case of voter registration at a voter
16 registration agency under 25 Pa.C.S. § 1325 (relating to
17 government agencies), if the valid voter registration
18 application is received by the appropriate commission not later
19 than [fifteen] thirty days before the election.

20 (4) In any other case, if the valid voter registration
21 application of the applicant is received by the appropriate
22 commission not later than [fifteen] thirty days before the
23 election.

24 (c) (1) In the case of a special election within a
25 congressional, senatorial or representative district held on a
26 day other than the day of a primary, general or municipal
27 election, the registration application forms shall not be
28 processed in the wards and election districts comprising the
29 district for the [fifteen] thirty days prior to the special
30 election for such election.

1 * * *

2 Section 1302.1. Date of Application for Absentee Ballot.--

3 (a) Except as provided in subsection (a.3), applications for
4 absentee ballots shall be received in the office of the county
5 board of elections not earlier than fifty (50) days before the
6 primary or election, except that if a county board of elections
7 determines that it would be appropriate to its operational
8 needs, any applications for absentee ballots received more than
9 fifty (50) days before the primary or election may be processed
10 before that time. Applications for absentee ballots shall be
11 processed if received not later than five o'clock P.M. of the
12 [first Tuesday] twenty-first day prior to the day of any primary
13 or election.

14 (a.3) (1) The following categories of electors may apply
15 for an absentee ballot under this subsection, if otherwise
16 qualified:

17 (i) An elector whose physical disability or illness
18 prevented the elector from applying for an absentee ballot
19 before five o'clock P.M. on the [first Tuesday] twenty-first day
20 prior to the day of the primary or election.

21 (ii) An elector who, because of the elector's business,
22 duties or occupation, was unable to apply for an absentee ballot
23 before five o'clock P.M. on the [first Tuesday] twenty-first day
24 prior to the day of the primary or election.

25 (iii) An elector who becomes so physically disabled or ill
26 after five o'clock P.M. on the [first Tuesday] twenty-first day
27 prior to the day of the primary or election that the elector is
28 unable to appear at the polling place on the day of the primary
29 or election.

30 (iv) An elector who, because of the conduct of the elector's

1 business, duties or occupation, will necessarily be absent from
2 the elector's municipality of residence on the day of the
3 primary or election, which fact was not and could not reasonably
4 be known to the elector on or before five o'clock P.M. on the
5 [first Tuesday] twenty-first day prior to the day of the primary
6 or election.

7 (2) An elector described in paragraph (1) may submit an
8 application for an absentee ballot at any time up until the time
9 of the closing of the polls on the day of the primary or
10 election. The application shall include a declaration describing
11 the circumstances that prevented the elector from applying for
12 an absentee ballot before five o'clock P.M. on the [first
13 Tuesday] twenty-first day prior to the day of the primary or
14 election or that prevent the elector from appearing at the
15 polling place on the day of the primary or election, and the
16 elector's qualifications under paragraph (1). The declaration
17 shall be made subject to the provisions of 18 Pa.C.S. § 4904
18 (relating to unsworn falsification to authorities).

19 * * *

20 Section 2. Section 1304 of the act, amended March 27, 2020
21 (P.L.41, No.12), is amended to read:

22 Section 1304. Envelopes for Official Absentee Ballots.--

23 The county boards of election shall provide [two additional
24 envelopes] an additional envelope for each official absentee
25 ballot of such size and shape as shall be prescribed by the
26 Secretary of the Commonwealth, in order to permit the placing of
27 [one within the other and both] the envelope within the mailing
28 envelope. [On the smaller of the two envelopes to be enclosed in
29 the mailing envelope shall be printed, stamped or endorsed the
30 words "Official Election Ballot," and nothing else. On the

1 larger of the two envelopes,] On the envelope to be enclosed
2 within the mailing envelope, shall be printed the form of the
3 declaration of the elector, and the name and address of the
4 county board of election of the proper county. The [larger]
5 envelope shall also contain information indicating the local
6 election district of the absentee voter. Said form of
7 declaration and envelope shall be as prescribed by the Secretary
8 of the Commonwealth and shall contain among other things a
9 statement of the electors qualifications, together with a
10 statement that such elector has not already voted in such
11 primary or election. The mailing envelope addressed to the
12 elector shall contain the [two envelopes] additional envelope
13 specified under this section, the official absentee ballot,
14 lists of candidates, when authorized by section 1303 subsection
15 (b) of this act, the uniform instructions in form and substance
16 as prescribed by the Secretary of the Commonwealth and nothing
17 else.

18 Section 3. Section 1306(a) introductory paragraph of the
19 act, amended March 27, 2020 (P.L.41, No.12), is amended and the
20 section is amended by adding a subsection to read:

21 Section 1306. Voting by Absentee Electors.--(a) Except as
22 provided in paragraphs (2) and (3), at any time after receiving
23 an official absentee ballot, but on or before eight o'clock P.M.
24 the day of the primary or election, the elector shall, in
25 secret, proceed to mark the ballot only in black lead pencil,
26 indelible pencil or blue, black or blue-black ink, in fountain
27 pen or ball point pen, and then fold the ballot, enclose and
28 securely seal the same in the envelope [on which is printed,
29 stamped or endorsed "Official Election Ballot." This envelope
30 shall then be placed in the second one,] on which is printed the

1 form of declaration of the elector, and the address of the
2 elector's county board of election and the local election
3 district of the elector. The elector shall then fill out, date
4 and sign the declaration printed on such envelope. Such envelope
5 shall then be securely sealed and the elector shall send same by
6 mail, postage prepaid, except where franked, or deliver it in
7 person to said county board of election.

8 * * *

9 (d) (1) In addition to the other means to submit an
10 absentee ballot under this article, a county board of elections
11 shall establish ballot drop-boxes in accordance with this
12 subsection.

13 (2) A county board of elections shall provide one ballot
14 drop box for every thirty-thousand (30,000) registered electors
15 in the county.

16 (3) A county board of elections shall ensure ballot drop-
17 boxes comply with all of the following criteria:

18 (i) Ballot drop-boxes shall be equitably distributed across
19 the county to provide electors with convenient options.

20 (ii) Ballot drop-boxes shall be located in places that will
21 be convenient for the largest number of electors based on the
22 location of residences and places of employment in the
23 determined area.

24 (iii) Ballot drop-boxes shall be accessible for individuals
25 with disabilities.

26 (iv) Ballot drop-boxes shall be conspicuous and known to
27 electors in the county.

28 (v) Ballot drop-boxes shall be secure.

29 (vi) Ballot drop-boxes shall be locked from accepting an
30 absentee ballot after eight o'clock P.M. on the day of the

1 primary or election.

2 (4) As used in this subsection, the term "ballot drop-box"
3 means a stand-alone drop-off location for the purpose of
4 allowing electors to deposit their completed absentee ballots.

5 Section 4. Section 1308(g)(1.1) and (4)(ii) of the act,
6 amended March 27, 2020 (P.L.41, No.12), are amended to read:

7 Section 1308. Canvassing of Official Absentee Ballots and
8 Mail-in Ballots.--* * *

9 (g) * * *

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

23 * * *

24 (4) All absentee ballots which have not been challenged
25 under section 1302.2(c) and all mail-in ballots which have not
26 been challenged under section 1302.2-D(a)(2) and that have been
27 verified under paragraph (3) shall be counted and included with
28 the returns of the applicable election district as follows:

29 * * *

30 [(ii) If any of the envelopes on which are printed, stamped

1 or endorsed the words "Official Election Ballot" contain any
2 text, mark or symbol which reveals the identity of the elector,
3 the elector's political affiliation or the elector's candidate
4 preference, the envelopes and the ballots contained therein
5 shall be set aside and declared void.]

6 * * *

7 Section 5. The act is amended by adding a section to read:

8 Section 1308.1. Prohibition on Absentee Ballot Curing.--(a)

9 After an elector casts and submits an absentee ballot, the
10 elector may not alter, change, correct or cure the ballot for
11 any reason.

12 (b) After a county board of elections receives an absentee
13 ballot, the county board of elections may not contact the
14 elector who cast and submitted the ballot for the purpose of
15 allowing the elector to alter, change, correct or cure the
16 ballot.

17 Section 6. Section 1302.1-D(a) of the act, added October 31,
18 2019 (P.L.552, No.77), is amended to read:

19 Section 1302.1-D. Date of application for mail-in ballot.

20 (a) General rule.--Applications for mail-in ballots shall be
21 received in the office of the county board of elections not
22 earlier than 50 days before the primary or election, except that
23 if a county board of elections determines that it would be
24 appropriate to the county board of elections' operational needs,
25 any applications for mail-in ballots received more than 50 days
26 before the primary or election may be processed before that
27 time. Applications for mail-in ballots shall be processed if
28 received not later than five o'clock P.M. of the [first Tuesday]
29 twenty-first day prior to the day of any primary or election.

30 * * *

1 Section 7. Section 1304-D(a) and (c) of the act, amended or
2 added October 31, 2019 (P.L.552, No.77) and March 27, 2020
3 (P.L.41, No.12), are amended to read:

4 Section 1304-D. Envelopes for official mail-in ballots.

5 (a) Additional envelopes.--The county boards of election
6 shall provide [~~two additional envelopes~~] an additional envelope
7 for each official mail-in ballot of a size and shape as shall be
8 prescribed by the Secretary of the Commonwealth, in order to
9 permit the placing of [~~one within the other and both~~] the
10 envelope within the mailing envelope. [~~On the smaller of the two~~
11 ~~envelopes to be enclosed in the mailing envelope shall be~~
12 ~~printed, stamped or endorsed the words "Official Election~~
13 ~~Ballot," and nothing else. On the larger of the two envelopes,~~
14 On the envelope to be enclosed within the mailing envelope,
15 shall be printed the form of the declaration of the elector and
16 the name and address of the county board of election of the
17 proper county. The [~~larger~~] envelope shall also contain
18 information indicating the local election district of the mail-
19 in voter.

20 * * *

21 (c) Mailing envelope.--The mailing envelope addressed to the
22 elector shall contain the [~~two envelopes~~] additional envelope
23 specified under subsection (a), the official mail-in ballot,
24 lists of candidates, when authorized by section 1303-D(b), the
25 uniform instructions in form and substance as prescribed by the
26 Secretary of the Commonwealth and nothing else.

27 * * *

28 Section 8. Section 1306-D(a) of the act, amended March 27,
29 2020 (P.L.41, No.12), is amended and the section is amended by
30 adding a subsection to read:

1 Section 1306-D. Voting by mail-in electors.

2 (a) General rule.--At any time after receiving an official
3 mail-in ballot, but on or before eight o'clock P.M. the day of
4 the primary or election, the mail-in elector shall, in secret,
5 proceed to mark the ballot only in black lead pencil, indelible
6 pencil or blue, black or blue-black ink, in fountain pen or ball
7 point pen, and then fold the ballot, enclose and securely seal
8 the same in the envelope [on which is printed, stamped or
9 endorsed "Official Election Ballot." This envelope shall then be
10 placed in the second one,] on which is printed the form of
11 declaration of the elector, and the address of the elector's
12 county board of election and the local election district of the
13 elector. The elector shall then fill out, date and sign the
14 declaration printed on such envelope. Such envelope shall then
15 be securely sealed and the elector shall send same by mail,
16 postage prepaid, except where franked, or deliver it in person
17 to said county board of election.

18 * * *

19 (d) Ballot drop-boxes.--The following apply:

20 (1) In addition to the other means to submit a mail-in
21 ballot under this act, a county board of elections shall
22 establish ballot drop-boxes in accordance with this
23 subsection.

24 (2) A county board of elections shall provide one ballot
25 drop-box for every 30,000 registered electors in the county.

26 (3) A county board of elections shall ensure ballot
27 drop-boxes comply with all of the following criteria:

28 (i) Ballot drop-boxes shall be equitably distributed
29 across the county to provide electors with convenient
30 options.

1 (ii) Ballot drop-boxes shall be located in places
2 that will be convenient for the largest number of
3 electors based on the location of residences and places
4 of employment in the determined area.

5 (iii) Ballot drop-boxes shall be accessible for
6 individuals with disabilities.

7 (iv) Ballot drop-boxes shall be conspicuous and
8 known to electors in the county.

9 (v) Ballot drop-boxes shall be secure.

10 (vi) Ballot drop-boxes shall be locked from
11 accepting a mail-in ballot after eight o'clock P.M. on
12 the day of the primary or election.

13 (4) As used in this subsection, the term "ballot drop-
14 box" means a stand-alone drop-off location for the purpose of
15 allowing electors to deposit their completed absentee
16 ballots.

17 Section 8. The act is amended by adding a section to read:
18 Section 1309-D. Prohibition on mail-in ballot curing.

19 (a) Elector curing.--After an elector casts and submits a
20 mail-in ballot, the elector may not alter, change, correct or
21 cure the ballot for any reason.

22 (b) Board curing.--After a county board of elections
23 receives a mail-in ballot, the county board of elections may not
24 contact the elector who cast and submitted the ballot for the
25 purpose of allowing the elector to alter, change, correct or
26 cure the ballot.

27 Section 9. This act shall apply to elections held at least
28 180 days after the effective date of this section.

29 Section 10. This act shall take effect immediately.