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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1270 Session of  
2021

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INTRODUCED BY WEBSTER, SANCHEZ, BROOKS, N. NELSON, BURNS,  
KINSEY, HILL-EVANS, ISAACSON, WARREN AND NEILSON,  
APRIL 23, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 23, 2021

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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 voting by qualified absentee electors, further  
12 providing for applications for official absentee ballots;  
13 and, in voting by qualified mail-in electors, further  
14 providing for applications for official mail-in ballots.

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

17 Section 1. Section 1302(i) of the act of June 3, 1937  
18 (P.L.1333, No.320), known as the Pennsylvania Election Code, is  
19 amended by adding a paragraph to read:

20 Section 1302. Applications for Official Absentee Ballots.--\*

21 \* \*

22 (i) \* \* \*

23 (1.1) No private organization or individual, other than the

1 Secretary of the Commonwealth, may send an application for an  
2 absentee ballot to a qualified registered elector by mail or  
3 electronic means.

4 \* \* \*

5 Section 2. Section 1302-D(f) and (g) of the act, amended  
6 March 27, 2020 (P.L.41, No.12), are amended to read:

7 Section 1302-D. Applications for official mail-in ballots.

8 \* \* \* \*

9 (f) Form.--

10 (1) Application for an official mail-in ballot shall be  
11 on physical and electronic forms prescribed by the Secretary  
12 of the Commonwealth. The application shall state that a voter  
13 who applies for a mail-in ballot under section 1301-D shall  
14 not be eligible to vote at a polling place on election day  
15 unless the elector brings the elector's mail-in ballot to the  
16 elector's polling place, remits the ballot and the envelope  
17 containing the declaration of the elector to the judge of  
18 elections to be spoiled and signs a statement subject to the  
19 penalties under 18 Pa.C.S. § 4904 (relating to unsworn  
20 falsification to authorities) to the same effect.

21 (2) The physical application forms shall be made freely  
22 available to the public at county board of elections,  
23 municipal buildings and at other locations designated by the  
24 Secretary of the Commonwealth. The electronic application  
25 forms shall be made freely available to the public through  
26 publicly accessible means. No written application or personal  
27 request shall be necessary to receive or access the  
28 application forms.

29 (3) No private organization or individual, other than  
30 the Secretary of the Commonwealth, may send an application

1 for an official mail-in ballot to an elector by mail or  
2 electronic means.

3 (4) Copies and records of all completed physical and  
4 electronic applications for official mail-in ballots shall be  
5 retained by the county board of elections.

6 (g) Permanent mail-in voting list.--

7 (1) [Any] All qualified registered [elector may request  
8 to] electors shall be placed on a permanent mail-in ballot  
9 list file at any time during the calendar year. A mail-in  
10 ballot application shall be mailed by the Secretary of the  
11 Commonwealth to every person otherwise eligible to receive a  
12 mail-in ballot application by the first Monday in February  
13 each year or within 48 hours of receipt [of the request] and  
14 approval of an application for voter registration, whichever  
15 is later, so long as the person does not lose the person's  
16 voting rights by failure to vote as otherwise required by  
17 this act. A mail-in ballot application mailed to an elector  
18 under this section, which is completed and timely returned by  
19 the elector, shall serve as an application for any and all  
20 primary, general or special elections to be held in the  
21 remainder of that calendar year and for all special elections  
22 to be held before the third Monday in February of the  
23 succeeding year.

24 (1.1) A qualified registered elector shall be removed  
25 from the permanent mail-in voter list file upon the request  
26 of the qualified registered elector.

27 (2) The Secretary of the Commonwealth may develop an  
28 electronic system through which all qualified electors may  
29 apply for a mail-in ballot and request permanent mail-in  
30 voter status under this section, provided the system is able

1 to capture a digitized or electronic signature of the  
2 applicant.

3 (2.1) A county board of elections shall treat an  
4 application or request received through the electronic system  
5 as if the application or request had been submitted on a  
6 paper form or any other format used by the county.

7 [(3) The transfer of a qualified registered elector on a  
8 permanent mail-in voting list from one county to another  
9 county shall only be permitted upon the request of the  
10 qualified registered elector.]

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