
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 878 Session of
2021

INTRODUCED BY ARGALL, STREET, BOSCOLA, GORDNER, STEFANO, DUSH,
MENSCH, COMITTA, BARTOLOTTA, SCHWANK AND LANGERHOLC,
SEPTEMBER 17, 2021

REFERRED TO STATE GOVERNMENT, SEPTEMBER 17, 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 the Secretary of the Commonwealth, further
12 providing for powers and duties of the Secretary of the
13 Commonwealth; in voting by qualified absentee electors,
14 further providing for voting by absentee electors and for
15 canvassing of official absentee ballots and mail-in ballots;
16 and, in voting by qualified mail-in electors, further
17 providing for applications for official mail-in ballots, for
18 date of application for mail-in ballot and for voting by
19 mail-in electors.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Section 201(f.1) of the act of June 3, 1937
23 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
24 repealed and the section is amended by adding subsections to
25 read:

26 Section 201. Powers and Duties of the Secretary of the

1 Commonwealth.--The Secretary of the Commonwealth shall exercise
2 in the manner provided by this act all powers granted to him by
3 this act, and shall perform all the duties imposed upon him by
4 this act, which shall include the following:

5 * * *

6 [(f.1) To develop a voluntary professional certification and
7 poll worker training program for county election officials in
8 consultation with county boards of elections.]

9 * * *

10 (i) To obtain and maintain uniformity in the interpretation
11 and implementation of election laws, which shall be posted on
12 the Department of State's publicly accessible Internet website
13 and shall provide citations to relevant provisions of this act
14 and include:

15 (1) Official instructions and procedures manual that shall
16 prescribe rules for all counties to achieve and maintain the
17 maximum degree of correctness, impartiality, uniformity and
18 efficiency on the procedures for voting and of producing,
19 distributing, collecting, counting, tabulating and storing
20 ballots.

21 (2) Department directives that provide official or
22 authoritative instructions to all counties that direct, guide
23 and impel action or defined goals.

24 (3) Guidance documents that provide advice or information
25 aimed at resolving a problem or difficulty.

26 (j) To establish rules submitted to the Legislative
27 Reference Bureau for publication in the Pennsylvania Bulletin by
28 December 31 of each odd-numbered year regarding the transmittal
29 of unvoted ballots, ballot requests, voted ballots and other
30 election materials to and from polling places. Each rule shall

1 provide citations to relevant provisions of this act.

2 (k) To provide technical assistance and reimbursement to
3 county election officials for free-of-charge poll-worker and
4 election-observer training, which shall include:

5 (1) Voter rights and responsibilities.

6 (2) Distribution of sample ballots.

7 (3) Election observer rights and responsibilities.

8 (1) To reimburse counties for the cost of the annual
9 training required under this section.

10 (m) To create and maintain a tracking system for each
11 qualified mail-in or absentee ballot, the date on which an
12 elector's ballot is received and the date on which an elector's
13 ballot is pre-canvassed or canvassed.

14 (n) In addition to the requirements of 25 Pa.C.S. Ch. 15
15 (relating to changes in records), to seek a record of all deaths
16 among residents of this Commonwealth, and each month to compare
17 the records with the list of electors in the Statewide Uniform
18 Registry of Electors, and for any elector found to be deceased,
19 to notify the elector's county of residence to allow counties to
20 cancel the registration of a registered elector reported dead by
21 the Department of Health or other sources, including published
22 newspaper obituaries, letters testamentary or letters of
23 administration issued by the office of the register of wills to
24 cancel and remove registration of an elector, if the removals
25 are uniform, nondiscriminatory and in compliance with the Voting
26 Rights Act of 1965 (Public Law 89-110, 52 U.S.C. § 10301 et
27 seq.). Two weeks prior to a primary or election, the
28 notification shall be daily.

29 (o) In addition to the requirements of 25 Pa.C.S. Ch. 15, to
30 fully participate in the Electronic Registration Information

1 Center and to utilize all available information received through
2 that system and through the National Change of Address system to
3 ensure the accuracy of the Statewide Uniform Registry of
4 Electors and the continued eligibility of all registered
5 electors in this Commonwealth.

6 (p) To provide uniform standards for the proper, accurate
7 and uniform implementation of drop boxes as provided by section
8 1306, including:

9 (1) Providing technical assistance to election directors in
10 the establishment of drop boxes.

11 (2) Publishing on the department's publicly accessible
12 Internet website the list of drop box locations in each county
13 and Statewide, at least 14 days prior to an election.

14 Section 2. Section 1306(a) introductory paragraph of the
15 act, amended March 27, 2020 (P.L.41, No.12), is amended and the
16 section is amended by adding a subsection to read:

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

1 envelope shall then be securely sealed and the elector shall
2 send same by mail, postage prepaid, except where franked, or
3 deliver it in person to said county board of election.]

4 * * *

5 (a.1) At any time after receiving an official absentee
6 ballot, on or before eight o'clock P.M. the day of the primary
7 or election, the mail-in elector shall, in secret, proceed to
8 make the ballot only in black lead pencil, indelible pencil or
9 blue, black or blue-black ink, in fountain pen or ball point
10 pen, and then fold the ballot, enclose and securely seal the
11 ballot in the envelope on which is printed, stamped or endorsed
12 "Official Election Ballot." The envelope shall then be placed in
13 the second one, on which is printed the form of declaration of
14 the elector, and the address of the elector's county board of
15 election and the local election district of the elector. The
16 elector shall then fill out, date and sign the declaration
17 printed on the envelope. The envelope shall then be securely
18 sealed and the elector shall return the completed absentee
19 ballot by one of the following methods only:

20 (1) Delivery through the United States Postal Service to the
21 offices of his or her county board of elections.

22 (2) Delivery in person to the offices of his or her county
23 board of elections during its regular hours of operation.

24 (3) Delivery to a ballot drop box that may be established by
25 a county board of elections as necessary. The following shall
26 apply:

27 (i) Ballot drop boxes shall be monitored during each hour of
28 operation. If monitored by video recording, the recording must
29 be made available for public inspection upon the completion of
30 the count and tabulation of the votes cast and in accordance

1 with the act of February 14, 2008 (P.L.6, No.3), known as the
2 Right-to-Know Law, and retained for a period of two years.

3 (ii) Ballots returned to a drop box location established
4 under this section shall be promptly collected and secured each
5 evening after eight o'clock P.M., or immediately upon being
6 closed for the day, whichever is earlier.

7 (iii) Each ballot drop box location intended to be
8 established in an election must be publicly announced at least
9 thirty days prior to establishment in accordance with 65 Pa.C.S.
10 (relating to public officers).

11 (iv) Each ballot drop box shall be considered a polling
12 place for the requirements of this act, including accessibility,
13 access of observers and restriction of political activity.

14 (v) Ballot drop boxes must be established at a fixed
15 location for the duration of an election.

16 * * *

17 Section 3. Section 1308(g) (1.1) and (2) of the act, amended
18 March 27, 2020 (P.L.41, No.12), are amended and the subsection
19 is amended by adding a paragraph to read:

20 Section 1308. Canvassing of Official Absentee Ballots and
21 Mail-in Ballots.--* * *

22 (g) * * *

23 (1.1) The county board of elections shall meet [no earlier
24 than seven o'clock A.M. on election day] at least once before
25 election day at the county courthouse or the offices of the
26 county board of elections to pre-canvass all ballots received
27 prior to the meeting.

28 (1.2) A county board of elections that meets to pre-canvass
29 absentee ballots and mail-in ballots may begin the tasks
30 described in paragraph (4) (i), (ii) and (iii) after eight

1 o'clock A.M. the Saturday before the election. A county board of
2 elections shall provide at least forty-eight hours' notice of a
3 pre-canvass meeting by publicly posting a notice of a pre-
4 canvass meeting on its publicly accessible Internet website. One
5 authorized representative of each candidate in an election and
6 one representative from each political party shall be permitted
7 to remain in the room in which the absentee ballots and mail-in
8 ballots are pre-canvassed. No person observing, attending or
9 participating in a pre-canvass meeting may disclose the results
10 of any portion of any pre-canvass meeting prior to the close of
11 the polls. The proceedings of the pre-canvassing shall be live-
12 streamed for public viewing and the individuals allowed to watch
13 the pre-canvassing shall be permitted to be in an area which is
14 within audio range and has a clear line of sight to view the
15 proceedings.

16 (2) The county board of elections shall meet no earlier than
17 the close of polls on the day of the election and no later than
18 the third day following the election to begin canvassing
19 absentee ballots and mail-in ballots not included in the pre-
20 canvass meeting. The meeting under this paragraph shall continue
21 until all absentee ballots and mail-in ballots received prior to
22 the close of the polls have been canvassed. The county board of
23 elections shall not record or publish any votes reflected on the
24 ballots prior to the close of the polls. The canvass process
25 shall continue through the eighth day following the election for
26 valid military-overseas ballots timely received under 25 Pa.C.S.
27 § 3511 (relating to receipt of voted ballot). A county board of
28 elections shall provide at least forty-eight hours' notice of a
29 canvass meeting by publicly posting a notice on its publicly
30 accessible Internet website. One authorized representative of

1 each candidate in an election and one representative from each
2 political party shall be permitted to remain in the room in
3 which the absentee ballots and mail-in ballots are canvassed.
4 The proceedings of the canvassing shall be live-streamed for
5 public viewing and the individuals allowed to watch the
6 canvassing shall be permitted to be in an area which is within
7 audio range and has a clear line of sight to view the
8 proceedings.

9 * * *

10 Section 4. Section 1302-D(g) (1), amended March 27, 2020
11 (P.L.41, No.12), is amended to read:

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

13 * * *

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

15 (1) [Any qualified registered elector may request to be
16 placed on a permanent mail-in ballot list file at any time
17 during the calendar year. A mail-in ballot application shall
18 be mailed to every person otherwise eligible to receive a
19 mail-in ballot application by the first Monday in February
20 each year or within 48 hours of receipt of the request,
21 whichever is later, so long as the person does not lose the
22 person's voting rights by failure to vote as otherwise
23 required by this act. A mail-in ballot application mailed to
24 an elector under this section, which is completed and timely
25 returned by the elector, shall serve as an application for
26 any and all primary, general or special elections to be held
27 in the remainder of that calendar year and for all special
28 elections to be held before the third Monday in February of
29 the succeeding year.] Neither the department nor the county
30 shall maintain a permanent mail-in voting list. A qualified

1 elector must separately request a mail-in ballot for each
2 election in which the qualified elector chooses to vote by
3 mail, including for each election held within the same
4 calendar year.

5 * * *

6 Section 5. Section 1302.1-D(a) of the act is amended to
7 read:

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

9 (a) General rule.--Applications for mail-in ballots shall be
10 received in the office of the county board of elections not
11 earlier than 50 days and not later than 14 days before the
12 primary or election, except [that]:

13 (1) That if a county board of elections determines that
14 it would be appropriate to the county board of elections'
15 operational needs, any applications for mail-in ballots
16 received more than 50 days before the primary or election may
17 be processed before that time. [Applications for mail-in
18 ballots shall be processed if received not later than five
19 o'clock P.M. of the first Tuesday prior to the day of any
20 primary or election.]

21 (2) A voter who presents the voter's own application for
22 an absentee or mail-in ballot within the office of the county
23 board of elections during regular business hours may request
24 to receive the voter's absentee or mail-in ballot while the
25 voter is at the office. The request may be made orally or in
26 writing but no later than five o'clock P.M. of the first
27 Tuesday prior to the day of a primary or election. Upon
28 presentation of the application and the making of the request
29 and upon approval under sections 1302.2 or 1302.2-D, the
30 county board of elections shall promptly present the voter

1 with the voter's absentee or mail-in ballot. If a voter
2 presents the voter's application within the county board of
3 election's office in accordance with this section, a county
4 board of elections may not deny the voter's request to have
5 the ballot presented to the voter while the voter is at the
6 office unless there is a bona fide objection to the absentee
7 or mail-in ballot application.

8 * * *

9 Section 6. Section 1306-D(a) of the act, amended March 27,
10 2020 (P.L.41, No.12), is amended to read:

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

12 (a) General rule.--At any time after receiving an official
13 mail-in ballot, but on or before eight o'clock P.M. the day of
14 the primary or election, the mail-in elector shall, in secret,
15 proceed to mark the ballot only in black lead pencil, indelible
16 pencil or blue, black or blue-black ink, in fountain pen or ball
17 point pen, and then fold the ballot, enclose and securely seal
18 the same in the envelope on which is printed, stamped or
19 endorsed "Official Election Ballot." This envelope shall then be
20 placed in the second one, on which is printed the form of
21 declaration of the elector, and the address of the elector's
22 county board of election and the local election district of the
23 elector. The elector shall then fill out, date and sign the
24 declaration printed on such envelope. Such envelope shall then
25 be securely sealed and the elector shall [send same by mail,
26 postage prepaid, except where franked, or deliver it in person
27 to said county board of election.] return the completed mail-in
28 ballot by one of the methods only as provided in section 1306.

29 * * *

30 Section 7. This act shall take effect as follows:

1 (1) The addition of section 201(m) of the act shall take
2 effect January 1, 2023.

3 (2) The remainder of this act shall take effect
4 immediately.