

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 282 Session of 2023

INTRODUCED BY WEBSTER, KENYATTA, MADDEN, FIEDLER, HOHENSTEIN, HILL-EVANS, VENKAT, SANCHEZ, KHAN, N. NELSON, DELLOSO, D. WILLIAMS AND O'MARA, MARCH 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2023

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, for
 13 date of application for absentee ballot, for envelopes for
 14 official absentee ballots and for voting by absentee electors
 15 and providing for secure ballot return receptacles; and, in
 16 voting by qualified mail-in electors, further providing for
 17 applications for official mail-in ballots, for date of
 18 application for mail-in ballot, for approval of application
 19 for mail-in ballot, for envelopes for official mail-in
 20 ballots and for voting by mail-in electors.

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

23 Section 1. Sections 1302(e.1) and (k), 1302.1(a), 1304 and
 24 1306(a) introductory paragraph of the act of June 3, 1937
 25 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
 26 amended to read:

1 Section 1302. Applications for Official Absentee Ballots.--*

2 * *

3 (e.1) Any qualified registered elector who is unable because
4 of illness or physical disability to attend his or her polling
5 place on the day of any primary or election or operate a voting
6 machine and state distinctly and audibly that he or she is
7 unable to do so as required by section 1218 of this act may at
8 any time request, with the certification by his or her attending
9 physician that he or she is permanently disabled and physically
10 unable to attend the polls or operate a voting machine and make
11 the distinct and audible statement required by section 1218
12 appended to the application hereinbefore required, to be placed
13 on [a permanently] an annual disabled absentee ballot list file.
14 An absentee ballot application shall be mailed to every [such]
15 person otherwise eligible to receive one, by the first Monday in
16 February each year, or within forty-eight hours of receipt of
17 the request, whichever is later, so long as he or she does not
18 lose his or her voting rights by failure to vote as otherwise
19 required by this act. [Such] The person shall not be required to
20 file a physician's certificate of disability with each
21 application as required in subsection (e) of this section.
22 Should [any such] a person lose his or her disability he or she
23 shall inform the county board of elections of the county of his
24 or her residence. An absentee ballot application mailed to an
25 elector under this section, which is completed and timely
26 returned by the elector, shall serve as an application for any
27 and all primary, general or special elections to be held in the
28 remainder of that calendar year and for all special elections to
29 be held before the third Monday in February of the succeeding
30 year. The transfer of a qualified registered elector on [a

1 permanently] an annual disabled absentee ballot list from one
2 county to another county shall only be permitted upon the
3 request of the qualified registered elector.

4 * * *

5 (k) The Secretary of the Commonwealth may develop an
6 electronic system through which all qualified electors may apply
7 for an absentee ballot and request [permanent] annual absentee
8 voter status under subsection (e.1), provided the system is able
9 to capture a digitized or electronic signature of the applicant.
10 A county board of elections shall treat any application or
11 request received through the electronic system as if the
12 application or request had been submitted on a paper form or any
13 other format used by the county.

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

15 (a) Except as provided in subsection (a.3), applications for
16 absentee ballots shall be received in the office of the county
17 board of elections not earlier than fifty (50) days before the
18 primary or election, except that if a county board of elections
19 determines that it would be appropriate to its operational
20 needs, any applications for absentee ballots received more than
21 fifty (50) days before the primary or election may be processed
22 before that time. Applications for absentee ballots that are
23 made in person at a county board of elections office shall be
24 processed if received not later than five o'clock P.M. of the
25 first Tuesday prior to the day of any primary or election. All
26 other applications for absentee ballots shall be processed if
27 received not later than the twelfth (12th) day prior to the day
28 of any primary election.

29 * * *

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

1 The county boards of election shall provide two additional
2 envelopes for each official absentee ballot of [such] a size and
3 shape as shall be prescribed by the Secretary of the
4 Commonwealth, in order to permit the placing of one within the
5 other and both within the mailing envelope. On the smaller of
6 the two envelopes to be enclosed in the mailing envelope shall
7 be printed, stamped or endorsed the words "Official Election
8 Ballot," and nothing else. On the larger of the two envelopes,
9 to be enclosed within the mailing envelope, shall be printed the
10 form of the declaration of the elector, and the name and address
11 of the county board of election of the proper county. The larger
12 envelope shall also contain information indicating the local
13 election district of the absentee voter. [Said] The form of
14 declaration and envelope shall be as prescribed by the Secretary
15 of the Commonwealth and shall contain among other things a
16 statement of the electors qualifications, together with a
17 statement that [such] the elector has not already voted in
18 [such] the primary or election. The mailing envelope addressed
19 to the elector shall contain the two envelopes, the official
20 absentee ballot, lists of candidates, when authorized by section
21 1303 subsection (b) of this act, the uniform instructions in
22 form and substance as prescribed by the Secretary of the
23 Commonwealth and nothing else. Use of the inner envelope shall
24 be in the discretion of the voter. Failure to use the inner
25 envelope may not be a valid reason for disqualification of the
26 ballot.

27 Section 1306. Voting by Absentee Electors.--(a) Except as
28 provided in paragraphs (2) and (3), at any time after receiving
29 an official absentee ballot, but on or before eight o'clock P.M.
30 the day of the primary or election, the elector shall, in

1 secret, proceed to mark the ballot only in black lead pencil,
2 indelible pencil or blue, black or blue-black ink, in fountain
3 pen or ball point pen, and then fold the ballot, enclose and
4 securely seal the same in the envelope on which is printed,
5 stamped or endorsed "Official Election Ballot." This envelope
6 shall then be placed in the second one, on which is printed the
7 form of declaration of the elector, and the address of the
8 elector's county board of election and the local election
9 district of the elector. The elector shall then fill out, date
10 and sign the declaration printed on [such] the envelope. [Such]
11 The date written on the envelope shall be the date the elector
12 has signed the declaration. Failure to sign the envelope or
13 signing the envelope with a date that is not within the time
14 period between the date the ballot was received by the voter and
15 when the ballot was received by the county board of election
16 shall not disqualify the ballot if the declaration is otherwise
17 properly executed. The envelope shall then be securely sealed
18 and the elector shall send same by mail, postage prepaid, except
19 where franked, or deliver it in person to said county board of
20 election.

21 * * *

22 Section 2. The act is amended by adding a section to read:

23 Section 1308.1. Secure Ballot Return Receptacles.--(a) A
24 county board of elections may establish secure ballot return
25 receptacles in which voters may return an absentee or mail-in
26 ballot subject to the terms and conditions of this section.

27 (b) If a county board of elections establishes a secure
28 ballot return receptacle, the board shall provide notice to the
29 electors within the county at least thirty days prior to the
30 election by:

1 (1) A poster in the county elections office.

2 (2) The county's publicly accessible Internet website in a
3 highly visible location.

4 (3) Posters in locations in the county where voters may
5 congregate, such as the county courthouse, other county offices,
6 student centers at local universities and colleges, senior
7 citizen centers, retirement and nursing home community rooms and
8 other similar locations.

9 (4) Information included in absentee or mail-in voting
10 materials sent to a voter.

11 (c) Notices issued under subsection (b) shall include:

12 (1) The ballot return deadline.

13 (2) A list of county election offices and secure ballot
14 return receptacles, including building names and street
15 addresses.

16 (3) The days and hours of operation of secure ballot return
17 receptacles, including election day hours and if a secure ballot
18 return receptacle will be available twenty-four hours per day,
19 seven days per week.

20 (4) Contact information for the county board of elections.

21 (5) Accessibility information.

22 (d) A secure ballot return receptacle shall be fully ADA
23 compliant and in a well-lit, fixed location.

24 (e) The county board of elections shall determine the hours
25 of operation, which shall begin no later than thirty days prior
26 to the election and include election day. Hours of operation
27 shall include at a minimum one weeknight and one weekend time
28 period during the five days prior to the primary or election.

29 (f) A secure ballot return receptacle shall be tamper-
30 resistant, locked and secured to ensure immobility while in use.

1 (g) Staff authorized by the county board of elections shall
2 monitor the secure ballot return receptacle during hours of
3 operation, either in person or via video surveillance. Video
4 recording shall be retained for one year from recording.

5 (h) A secure ballot return receptacle shall have a sign
6 posted on or near the receptacle that includes:

7 (1) A label that states "Official Ballot Return Site."

8 (2) A notice that the voter should return only his or her
9 own ballot and that third-party return of ballots, including
10 those of family members, is prohibited unless the individual is
11 officially authorized to return another individual's ballot.

12 (3) The penalties for tampering with the secure ballot
13 return receptacles and intimidating voters, including forging or
14 destroying ballots.

15 (i) Ballots shall be collected at the end of operating hours
16 of each day that a secure ballot return receptacle is available
17 for use. Ballots shall be collected at the same time each day,
18 as determined by the county elections office, if the secure
19 ballot return receptacle is available for use on a twenty-four
20 hours per day, seven days per week schedule. Two county employes
21 shall be appointed to collect ballots. At least one shall be an
22 employe assigned to the board of elections and the other may be
23 a member of law enforcement, including a constable. The county
24 board of elections shall use a chain of custody log approved by
25 the department and deposit collected ballots in a secure
26 container within the county board of elections office.

27 Section 3. Sections 1302-D(g), 1302.1-D(a), 1302.2-D(b),
28 1304-D(a) and 1306-D(a) of the act are amended to read:

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

30 * * *

1 (g) [Permanent] Annual mail-in voting list.--

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

17 (2) The Secretary of the Commonwealth may develop an
18 electronic system through which all qualified electors may
19 apply for a mail-in ballot and request [permanent] annual
20 mail-in voter status under this section, provided the system
21 is able to capture a digitized or electronic signature of the
22 applicant. A county board of elections shall treat an
23 application or request received through the electronic system
24 as if the application or request had been submitted on a
25 paper form or any other format used by the county.

26 (3) The transfer of a qualified registered elector on a
27 [permanent] annual mail-in voting list from one county to
28 another county shall only be permitted upon the request of
29 the qualified registered elector.

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

1 (a) General rule.--Applications for mail-in ballots shall be
2 received in the office of the county board of elections not
3 earlier than 50 days before the primary or election, except that
4 if a county board of elections determines that it would be
5 appropriate to the county board of elections' operational needs,
6 any applications for mail-in ballots received more than 50 days
7 before the primary or election may be processed before that
8 time. Applications for mail-in ballots that are made in person
9 at the county board of elections office shall be processed if
10 received not later than five o'clock P.M. of the first Tuesday
11 prior to the day of any primary or election. All other
12 applications for mail-in ballots that are received via United
13 States mail or online shall be processed if received not later
14 than the twelfth day prior to the day of any primary or
15 election.

16 * * *

17 Section 1302.2-D. Approval of application for mail-in ballot.

18 * * *

19 (b) Duties of county boards of elections and registration
20 commissions.--The duties of the county boards of elections and
21 the registration commissions with respect to the insertion of
22 the mail-in voter's record shall include only the applications
23 as are received in person on or before the first Tuesday prior
24 to the primary or election and applications as are received via
25 United States mail or online on or before the twelfth day prior
26 to the primary or election.

27 * * *

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

29 (a) Additional envelopes.--The county boards of election
30 shall provide two additional envelopes for each official mail-in

1 ballot of a size and shape as shall be prescribed by the
2 Secretary of the Commonwealth, in order to permit the placing of
3 one within the other and both within the mailing envelope. On
4 the smaller of the two envelopes to be enclosed in the mailing
5 envelope shall be printed, stamped or endorsed the words
6 "Official Election Ballot," and nothing else. On the larger of
7 the two envelopes, to be enclosed within the mailing envelope,
8 shall be printed the form of the declaration of the elector and
9 the name and address of the county board of election of the
10 proper county. The larger envelope shall also contain
11 information indicating the local election district of the mail-
12 in voter. Use of the inner envelope shall be in the discretion
13 of the voter. Failure to use the inner envelope may not be a
14 valid reason for disqualification of the ballot.

15 * * *

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

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

1 the declaration. Failure to sign the envelope or signing the
2 envelope with a date that is not within the time period between
3 the date the ballot was received by the voter and when the
4 ballot was received by the county board of election shall not
5 disqualify the ballot if the declaration is otherwise properly
6 executed. The envelope shall then be securely sealed and the
7 elector shall send same by mail, postage prepaid, except where
8 franked, or deliver it in person to said county board of
9 election.

10 * * *

11 Section 4. This act shall take effect in 60 days.