

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1235 Session of 2025

INTRODUCED BY BURNS, K.HARRIS, HANBIDGE, STEELE, OTTEN, MERSKI,
M. MACKENZIE, NEILSON, KUZMA, HADDOCK, DONAHUE AND CIRESI,
APRIL 15, 2025

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 15, 2025

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 electronic voting systems, further providing
12 for definitions and for supplies and preparation of the
13 voting system and of polling places and providing for pre-
14 election logic and accuracy testing.

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

17 Section 1. Section 1101-A of the act of June 3, 1937
18 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
19 amended by adding definitions to read:

20 Section 1101-A. Definitions.--As used in this article:

21 * * *

22 "Ballot set" means one of any number of ballot types each
23 used for a particular method of voting, including absentee

ballot voting, mail-in ballot voting, voting in-person at a
polling place and voting by emergency paper ballot.

"Ballot style" means a ballot's particular array of election
contests and candidates specific to an election district. Each
ballot set shall comprise ballots with various ballot styles.

* * *

Section 2. Section 1110-A(d) and (e) of the act are amended
to read:

Section 1110-A. Supplies; Preparation of the Voting System
and of Polling Places.--* * *

[(d) On or before the fortieth day preceding any election,
the county board of elections shall mail to the chairman of the
county committee of each political party which shall be entitled
under existing laws to participate in primary elections within
the county, and to the chairman or presiding officer of any
organization of citizens within the county which has as its
purpose or among its purposes the investigation or prosecution
of election frauds and which has registered its name and address
and the names of its principal officers with the county board of
elections at least fifty days before the election, a written
notice stating the times when and the place or places where
preparation of the system and its components for use in the
several election districts in the county or municipality will be
started. One representative of each such political party,
certified by the respective chairman of the county committee of
such party, and one representative of each such organization of
citizens, certified by the respective chairman or presiding
officer of such organization shall be entitled to be present
during the preparation of the voting system and its components
and to see that they are properly prepared and are in proper

1 condition and order for use. Such representatives shall not
2 interfere with the preparation of the system and its components,
3 and the county board may make reasonable rules and regulations
4 governing the conduct of such representatives.

5 (e) Prior to the delivery of any automatic tabulating
6 equipment to any election district the county board of elections
7 shall examine or cause to have examined such equipment and shall
8 make a certificate stating:

9 (1) the identifying number and election district designation
10 of the equipment;

11 (2) that the equipment is suitable for use in the particular
12 election district designated;

13 (3) that the equipment has been tested to ascertain that it
14 will accurately compute the votes cast for all offices and all
15 questions;

16 (4) that the offices and questions on the official ballot
17 correspond in all respects with the ballot labels assigned to
18 such particular election district;

19 (5) that the public counter and the counters for each
20 candidate position and each question are all set at zero and
21 that element that generates a printed record of the results of
22 the election is functioning correctly; and

23 (6) the number on the seal with which the equipment is
24 sealed.]

25 * * *

26 Section 3. The act is amended by adding a section to read:

27 Section 1110.1-A. Pre-Election Logic and Accuracy Testing.--

28 (a) Prior to an election in which an electronic voting system
29 is to be used, the county board of elections shall complete
30 logic and accuracy testing for the electronic voting system in

accordance with this section to ensure that voting equipment functions as expected and votes are accurately tabulated.

(b) Logic and accuracy testing shall be sufficient to determine that:

(1) The electronic voting system is properly programmed.

(2) The election is correctly defined on the electronic voting system.

(3) All of the input, output and communication devices for the electronic voting system are working properly.

(c) (1) Except as provided in paragraph (2), logic and accuracy testing shall be completed as soon as ballots are available.

(2) If a proceeding is pending in a Federal or State court that would affect the contents of a ballot, logic and accuracy testing shall be completed no later than the eleventh day prior to the election.

(d) During logic and accuracy testing, the county board of elections shall:

(1) For each voting device that will or may be used in the upcoming election:

(i) Generate a report that shows the contest order and confirm that the contest order as reported matches the expected contest order.

(ii) Mark, in all available languages using the touchscreen and any other assistive device provided by the manufacturer, and print ballots for each ballot style using a predetermined voting pattern designed such that each contest, and each choice within each contest, is given a unique number of votes.

(iii) Review the printed ballots to ensure that the ballots were accurately printed and the votes contained on the printed

1 ballot match the choices designated by the tester.

2 (iv) Scan the printed ballots to ensure that the ballots
3 will scan and generate the expected results.

4 (v) Shut down, lock and seal the voting device.

5 (vi) Execute a written statement specifying:

6 (A) The electronic voting devices tested.

7 (B) The results of the testing.

8 (C) The protective counter numbers, if applicable, of each
9 tabulation device.

10 (D) The number of the seal securing each tabulation device
11 at the conclusion of testing.

12 (E) Any problems reported to the county board of elections
13 as a result of the testing.

14 (F) The identifying number and election district designation
15 of the device.

16 (G) Whether each device tested is satisfactory or
17 unsatisfactory.

18 (2) For each piece of automatic tabulating equipment that
19 will or may be used in the upcoming election:

20 (i) Generate a report that shows the total number of votes
21 for all contests and candidates and confirm that the totals show
22 as zero for all contests and candidates.

23 (ii) Scan premarked ballots for each ballot style using a
24 predetermined voting pattern designed such that each contest,
25 and each choice within each contest, is given a unique number of
26 votes.

27 (iii) Generate a report that shows the vote totals for each
28 contest and candidate and compare the reported results to the
29 expected results to ensure that the automatic tabulating
30 equipment will generate the expected results.

1 (iv) Reset all vote totals, shut down, lock and seal the
2 automated tabulating equipment.

3 (v) Execute a written statement specifying:

4 (A) The automatic tabulation equipment tested.

5 (B) The results of the testing.

6 (C) The protective counter numbers, if applicable, of each
7 tabulation device.

8 (D) The number of the seal securing each tabulation device
9 at the conclusion of testing.

10 (E) Any problems reported to the county board of elections
11 as a result of the testing.

12 (F) Whether each device tested is satisfactory or
13 unsatisfactory.

14 (e) The Secretary of the Commonwealth may:

15 (1) Prescribe additional requirements relating to logic and
16 accuracy testing as the Secretary of the Commonwealth deems
17 appropriate.

18 (2) Issue directives and instructions for the implementation
19 and administration of this section, but only if the directives
20 and instructions do not conflict with the requirements of this
21 section.

22 (f) No later than seven days prior to beginning logic and
23 accuracy testing, the county board of elections shall give
24 notice of the times and places in which the logic and accuracy
25 testing will be conducted as follows:

26 (1) The county board of elections shall mail the notice to:

27 (i) The chairperson of the county committee of each
28 political party that is entitled to participate in primary
29 elections within the county.

30 (ii) The chairperson or presiding officer of each

organization within the county whose purpose includes the investigation or prosecution of election frauds and that has registered its name and address and the names of its principal officers with the county board of elections by the first Monday in February of the year.

(2) The county board of elections shall post the notice on its publicly accessible Internet website.

(3) The county board of elections shall publish the notice in accordance with section 106, with the notice to be published once.

(g) The county board of elections shall allow in-person observation of logic and accuracy testing in accordance with the following procedures:

(1) One representative from each political party whose chairperson is entitled to receive notice under subsection (f)(1)(i) may observe the logic and accuracy testing, if the representative is certified by the chairperson of the county committee of the party.

(2) One representative of each organization entitled to receive notice under subsection (f)(1)(ii) may observe the logic and accuracy testing if the representative is certified by the chairperson or presiding officer of the organization.

(3) A registered elector of the county who gives the county board of elections at least twenty-four hours' notice may observe the logic and accuracy testing.

(4) A representative or a registered elector who observes the logic and accuracy testing may not interfere with the testing.

(5) The county board of elections may make reasonable rules and regulations governing the conduct of the representatives and

1 registered electors during the logic and accuracy testing. The
2 rules and regulations must be published as part of the notice
3 required under subsection (f).

4 (h) No later than five days after completing logic and
5 accuracy testing, the county board of elections shall certify
6 compliance with the requirements of this section to the
7 Secretary of the Commonwealth in a manner and on a form as
8 prescribed by the Secretary of the Commonwealth. The Department
9 of State shall post each certification received by the Secretary
10 of the Commonwealth under this subsection to its publicly
11 accessible Internet website.

12 (i) If the county board of elections fails to comply with
13 this section or with any directive or instruction issued by the
14 Secretary of the Commonwealth under this section, the following
15 shall apply:

16 (1) Except as provided in paragraph (2), the failure shall
17 not constitute competent evidence in any administrative,
18 legislative or judicial proceeding, including any petition for
19 recount under section 1404(e), 1701, 1702 or 1703.

20 (2) Notwithstanding paragraph (1), the Secretary of the
21 Commonwealth may bring an action to enforce this section and may
22 introduce as evidence the failure of the county board of
23 elections to comply with this section or any directive or
24 instruction issued by the Secretary of the Commonwealth under
25 this section.

26 (3) The failure shall not be cause or justification for
27 delaying or refusing to perform any duty assigned under this
28 act, including the county board of elections' duty to receive,
29 canvass, compute or certify the returns of each election under
30 section 302(k).

1 Section 4. This act shall take effect immediately.