



General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
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Short summary in response to Act 12 of 2020
ELECTION LAW IN PENNSYLVANIA
Report of the Election Law Advisory Board for the Fiscal Year 2021-2022

In 2019, revisions were made to the Election Code, including the elimination of straight ticket voting, the addition of mail-in voting, and the replacement of, and funding for, voting machines. These amendments were specifically intended to create a fairer, more free and equal election process. Amendments in 2020 were enacted to provide for temporary emergency general and primary election procedures in response to the COVID-19 pandemic, additional revisions to the mail-in voting provisions, and creation of the Election Law Advisory Board (ELAB), a permanent body within the Joint State Government Commission.

Among the board's responsibilities is the directive to evaluate and make recommendations on improving the electoral process in this Commonwealth by amending the election law, and implementing best practices identified to ensure the integrity and efficiency of the electoral process in this Commonwealth. By the end of each fiscal year, extensive and detailed findings are to be published on the Joint State Government Commission's publicly accessible Internet website and made available in electronic format to the Office of the Governor and members of the General Assembly.

The 2021-2022 report makes recommendations regarding the following:

- Updating Pennsylvania's election law to provide for the use of national databases to ensure that the Commonwealth's statewide voter registration system is up to date. Specifically, additional sources that verify that a voter is deceased would be available to maintain voter registration lists.
- Pennsylvania's current voter registration law regarding the voting rights of formerly incarcerated persons has been held to be unconstitutional in parts. Amendments to codify the constitutional requirements and repeal the unconstitutional ones would add clarity to the election law.

- In a similar vein, Pennsylvania's current voter identification law has been held to be unconstitutional in parts. Amendments to codify the constitutional requirements and repeal the unconstitutional ones would also add clarity to the election law.
- Additional election official and poll worker training is recommended in light of the many changes to Pennsylvania's election laws in the past few years. The Election Law Advisory Board believes that this is best accomplished by a collaborative effort by the Department of State, county commissioners, and county election directors.
- As recommended in its 2020-2021 report, ELAB continues to recommend that county election boards be permitted to pre-canvass mail-in ballots.

Supporting information drawn from the experiences of the ELAB members, national resources, and case law are included in the substantive chapters of the report. Proposals that were considered and not recommended for enactment are also set forth in the substantive chapters. Additionally, the report provides updates on current Pennsylvania and federal legislative activities.

A final chapter includes preliminary research on topics that will be explored at a later date.

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