

JOINT STATE GOVERNMENT COMMISSION

General Assembly of the Commonwealth of Pennsylvania

ELECTION LAW IN PENNSYLVANIA

Fifth Annual

*REPORT OF THE ELECTION LAW ADVISORY BOARD
for the year ending June 30, 2025*

September 2025



*Serving the General Assembly of the
Commonwealth of Pennsylvania Since 1937*

REPORT

*2020 Act No. 12
Election Law in Pennsylvania*

Project Manager:

Yvonne Llewellyn Hursh, Counsel

Project Staff:

Wendy L. Baker, Office Manager/Executive Assistant

The report is also available at <http://jsg.legis.state.pa.us>

JOINT STATE GOVERNMENT COMMISSION	
Room 108 Finance Building 613 North Street Harrisburg, PA 17120	Telephone: 717-787-4397 Fax: 717-783-9380 E-mail: jntst02@legis.state.pa.us Website: http://jsg.legis.state.pa.us

The Joint State Government Commission was created in 1937 as the primary and central non-partisan, bicameral research and policy development agency for the General Assembly of Pennsylvania.¹

A fourteen-member Executive Committee composed of the leadership of both the House of Representatives and the Senate oversees the Commission. The seven Executive Committee members from the House of Representatives are the Speaker, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. The seven Executive Committee members from the Senate are the President Pro Tempore, the Majority and Minority Leaders, the Majority and Minority Whips, and the Majority and Minority Caucus Chairs. By statute, the Executive Committee selects a chairman of the Commission from among the members of the General Assembly. Historically, the Executive Committee has also selected a Vice-Chair or Treasurer, or both, for the Commission.

The studies conducted by the Commission are authorized by statute or by a simple or joint resolution. In general, the Commission has the power to conduct investigations, study issues, and gather information as directed by the General Assembly. The Commission provides in-depth research on a variety of topics, crafts recommendations to improve public policy and statutory law, and works closely with legislators and their staff.

A Commission study may involve the appointment of a legislative task force, composed of a specified number of legislators from the House of Representatives or the Senate, or both, as set forth in the enabling statute or resolution. In addition to following the progress of a particular study, the principal role of a task force is to determine whether to authorize the publication of any report resulting from the study and the introduction of any proposed legislation contained in the report. However, task force authorization does not necessarily reflect endorsement of all the findings and recommendations contained in a report.

Some studies involve an appointed advisory committee of professionals or interested parties from across the Commonwealth with expertise in a particular topic; others are managed exclusively by Commission staff with the informal involvement of representatives of those entities that can provide insight and information regarding the particular topic. When a study involves an advisory committee, the Commission seeks consensus among the members.² Although an advisory committee member may represent a particular department, agency, association, or group, such representation does not necessarily reflect the endorsement of the department, agency, association, or group of all the findings and recommendations contained in a study report.

¹ Act of July 1, 1937 (P.L.2460, No.459); 46 P.S. §§ 65–69.

² Consensus does not necessarily reflect unanimity among the advisory committee members on each individual policy or legislative recommendation. At a minimum, it reflects the views of a substantial majority of the advisory committee, gained after lengthy review and discussion.

Over the years, nearly one thousand individuals from across the Commonwealth have served as members of the Commission's numerous advisory committees or have assisted the Commission with its studies. Members of advisory committees bring a wide range of knowledge and experience to deliberations involving a particular study. Individuals from countless backgrounds have contributed to the work of the Commission, such as attorneys, judges, professors and other educators, state and local officials, physicians and other health care professionals, business and community leaders, service providers, administrators and other professionals, law enforcement personnel, and concerned citizens. In addition, members of advisory committees donate their time to serve the public good; they are not compensated for their service as members. Consequently, the Commonwealth receives the financial benefit of such volunteerism, along with their shared expertise in developing statutory language and public policy recommendations to improve the law in Pennsylvania.

The Commission periodically reports its findings and recommendations, along with any proposed legislation, to the General Assembly. Certain studies have specific timelines for the publication of a report, as in the case of a discrete or timely topic; other studies, given their complex or considerable nature, are ongoing and involve the publication of periodic reports. Completion of a study, or a particular aspect of an ongoing study, generally results in the publication of a report setting forth background material, policy recommendations, and proposed legislation. However, the release of a report by the Commission does not necessarily reflect the endorsement by the members of the Executive Committee, or the Chair or Vice-Chair of the Commission, of all the findings, recommendations, or conclusions contained in the report. A report containing proposed legislation may also contain official comments, which may be used to construe or apply its provisions.³

Since its inception, the Commission has published over 450 reports on a sweeping range of topics, including administrative law and procedure; agriculture; athletics and sports; banks and banking; commerce and trade; the commercial code; crimes and offenses; decedents, estates, and fiduciaries; detectives and private police; domestic relations; education; elections; eminent domain; environmental resources; escheats; fish; forests, waters, and state parks; game; health and safety; historical sites and museums; insolvency and assignments; insurance; the judiciary and judicial procedure; labor; law and justice; the legislature; liquor; mechanics' liens; mental health; military affairs; mines and mining; municipalities; prisons and parole; procurement; state-licensed professions and occupations; public utilities; public welfare; real and personal property; state government; taxation and fiscal affairs; transportation; vehicles; and workers' compensation.

Following the completion of a report, subsequent action on the part of the Commission may be required, and, as necessary, the Commission will draft legislation and statutory amendments, update research, track legislation through the legislative process, attend hearings, and answer questions from legislators, legislative staff, interest groups, and constituents.

³ 1 Pa.C.S. § 1939.

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General Assembly of the Commonwealth of Pennsylvania
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Room 108 – Finance Building
Harrisburg, Pa 17120

717-787-4397
Fax 717-783-9380
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Glenn J. Pasewicz
Executive Director
Yvonne M. Hursh
Counsel

To the Members of the General Assembly of Pennsylvania:

We are pleased to release *Election Law in Pennsylvania, Fifth Annual Report of the Election Law Advisory Board*, as authorized by Act 12 of 2020. The Board last met in September 2023 when it agreed to a recommendation regarding the date of the Spring 2024 primary election (letter to Leadership included in Recommendation chapter). Since that meeting, the Board lost several members for a variety of reasons, including redistricting. Replacements have been neither appointed nor confirmed. The Board is thus left with only 10 congressional district representatives and, because district boundaries changed, there is ambiguity over which districts some of them represent. Commission staff felt it unwise to convene meetings, debate issues, and make recommendations with many of the districts not represented.

All previously adopted recommendations are reproduced along with updates on their status. Additionally, current issues arising in election law are discussed in detail.

We extend our thanks to Board members for their ongoing work with Commission staff in discussing and developing proposals to improve the electoral process and implement best practices as directed by Act 12.

The full report is available at <http://jsg.legis.state.pa.us>.

Respectfully submitted,

Glenn J. Pasewicz
Executive Director

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INTRODUCTION

NOTE: This report has not been reviewed or voted on by the Election Law Advisory Board. Due to a lack of quorum, the ELAB has not been able to meet during the 2024-2025 fiscal year. Accordingly, staff have prepared this update to simply provide information on the latest developments in election law on the state, national, and federal level.

The Constitution of the Commonwealth of Pennsylvania Article I, § 5. Elections.

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

The fundamental precept underlying Pennsylvania's election laws is the constitutional guarantee of free and equal elections. Pennsylvania's laws intended to protect that constitutional right can be found in the act of June 3, 1937 (P.L. 1333, No.320), known as the Pennsylvania Election Code (Election Code) and Title 25 of the Pennsylvania Consolidated Statutes, added by the act of January 31, 2002 (P.L. 18, No. 3) (Title 25). Read together, these two statutes form Pennsylvania's election law.⁴ Additionally, Article VII of the Pennsylvania Constitution provides further details relating to voting rights and procedures.

In 2019, revisions were made to the Election Code, most significant of which for this study are the elimination of straight ticket voting, the addition of mail-in voting, and the replacement of, and funding for, voting machines.⁵ These amendments were specifically intended to create a fairer, more free and equal election process. New voting machines allow for the use of paper ballots so a voter can see his or her completed ballot and verify its accuracy before casting their votes. Elimination of straight ticket voting focused voters' attention on the candidate, rather than the candidate's party. Each office and its candidates must be considered separately, which allows Independents and third-party candidates a greater ability to compete against the two major parties, prevents weaker candidates from being elected simply because of their party affiliation,

⁴ Pennsylvania does not have a complete formal statutory code. Laws are found in two places – the Pamphlet Laws and the Consolidated Statutes. A commercial vendor, Purdon's, has created a compilation with titles identified by topics which can aid the legal practitioner in locating specific laws, but they do not carry the weight of legal citations. If challenged in court and there is a conflict between Purdon's and the Pamphlet Law or Consolidated Statutes, the Pamphlet Laws or Consolidated Statutes will triumph. In 1972, Pennsylvania began a consolidation process in the which the Pamphlet Laws, which address single topics only and are organized chronologically, are reorganized and codified by topic in the Consolidated Statutes. The process is on-going and more Pamphlet Laws are consolidated each year, and many new enactments are added directly to the Consolidated Statutes at the time of enactment.

⁵ Act of October 31, 2019 (P.L. 552, No. 77), amending the Election Code (Act 77).

and encourages voters review the entire ballot, which may increase voting on ballot initiatives, constitutional amendments and referenda. Mail-in balloting similarly achieves the goals of a more deliberative voting process, as the voter using a mail-in ballot has ample time to research candidates, review the entire ballot, and vote from a more informed stance. Additionally, persons with transportation issues, including the elderly and persons with physical disabilities, and persons whose hours of employment and family responsibilities prevent them from reaching their polling place in the allotted hours for voting can vote from home on a schedule that is convenient to them.⁶

Amendments in 2020 were enacted to provide for temporary emergency general 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),⁷ a permanent body within the Joint State Government Commission and directed to:

- Study the election law and identify statutory language to repeal, modify or update.
- Collaborate with other agencies and political subdivisions of the Commonwealth to study election-related issues.
- Study the development of new election technology and voting machines.
- Evaluate and make recommendations on:
 - improving the electoral process in this Commonwealth by amending the election law or through regulations promulgated by the Department of State; 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.⁸

Originally, membership of on the board consists of House and Senate leadership and the Secretary of the Commonwealth or their designees, and 18 individuals appointed by the Governor and confirmed by the Senate, one from each Congressional district in Pennsylvania. The gubernatorial appointees were to include members who represent the following groups: those advocating for individuals with disabilities, those advocating for voting rights, and those representing county commissioners or county election officials. No more than half of the appointees could be registered with the same political party.⁹

⁶ Floor debate on Senate Bill 421 (2019), which became Act 77: *see* Senate Legislative Journal June 25, 2019, pp. 721-722; House Legislative Journal October 28, 2019, pp. 1689-1713; House Legislative Journal October 29, 2019, pp. 1738-1741; and Senate Legislative Journal, October 29, 2019, pp. 999-1003.

⁷ Act of March 27, 2020 (P.L. 41, No. 12), amending the 1937 Election Code (Act 12).

⁸ § 1302-E(c) of Act 12.

⁹ § 1302-E(b) of Act 12.

There are currently 17 congressional districts in Pennsylvania, making the total membership of the Board is 22 if all appointees are seated. The Board last met on September 22, 2023, with a majority of the members present. Other issues were discussed, but no additional recommendations were made pending further research by Joint State staff. However, between October and December 2023, the Board lost five members for a variety of reasons. The loss of the state's 18th congressional district and the ensuing redistricting caused some members to no longer live in the district they were originally appointed from. Others moved, and others left positions with advocacy groups and county posts. Another member moved and resigned from his county commissioner position and thus became ineligible to remain on the board. A sixth member resigned in March 2025 because of employment conflicts. While the Governor's Office has initiated a search for replacements, they have not yet been appointed and confirmed. This has left the Board with only 10 congressional district representatives remaining. Staff had concerns about the ability to convene a quorum with the reduced numbers, but even more importantly, felt it was unfair to debate issues and make recommendations with more than one-third of the district representatives not yet appointed or confirmed.

All previously adopted recommendations are reproduced. Additionally, this report also provides updates on activities affecting the board's previous recommendations and current issues arising in election law.

The Board has been mindful of three guiding principles throughout this process: (1) the Commonwealth is diverse, and absolute uniformity across all counties would be difficult to achieve and maintain; (2) that any procedural changes would require funding; and (3) that county election officials need significant lead time to implement any changes made.

While the recommendations reproduced in this report are the consensus of the members of the ELAB, it should not be assumed by the reader that agreement was unanimous. Some provisions were the subject of much debate and concerns are noted in context.

UPDATE OF INFORMATION FROM PREVIOUS REPORTS

The Board has made numerous recommendations in its previous reports. As of this writing the Board has not changed the proposals set forth, and they are included in their entirety as Appendix B. To the extent there is new information available regarding any of the recommendations or the research supporting them, this chapter will provide an update.

Audits

Pennsylvania has different types of audits to verify election results including post-election statistical analysis and risk-limiting audits. Two recount provisions can also be found. By order of the Secretary of the Commonwealth a recount, may be conducted if a candidate for a statewide office or a statewide ballot initiative is defeated, based on unofficial returns, by one-half of one percent or less of the votes cast.¹⁰ Additionally, recounts may be ordered by a county court of common pleas upon the petition of a sufficient number of electors. For example, three electors must file a petition in each district where votes for the relevant office were cast, verified by affidavit and alleging that they believe fraud or error, although not manifest on the general return of votes, was committed. Electors can seek a recount of only a single district's votes but must allege a particular act of fraud or error and support their allegations with prima facie evidence.¹¹

Post-Election Statistical Analysis

Under the provisions of the Election Code of 1937, the county board of elections is required to conduct a statistical recount of a random sample of ballots. The sample must include at least two percent of the votes cast or 2,000 votes, whichever is smaller. Additionally, the recount must use manual, mechanical, or electronic devices of a type different from those used for that specific election.¹²

¹⁰ Election Code of 1937, §§ 1404(g) and (h); 25 P.S. 3154(g) and (h). See also Pennsylvania Department of State, “Directive and Procedures for Statewide Returns and Recounts Under §1404(e); Directive 5 of 2023, September 23, 2023. <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2023-Statewide-Return-and-Recount-Directive.pdf>

¹¹ Election Code of 1937, Article XVII, § 1701 et seq.; 25 P.S. 3261 et seq.

¹² Election Code of 1937, § 1117-A; 25 P.S. § 3031.17.

Risk-Limiting Audits

The Department of State conducted pilot audits during the years 2019-2021. In September 2022, the department directed all Pennsylvania counties to participate in a statewide risk-limiting audit for every primary and general election beginning November 8, 2022.¹³ Each audit looks at a different contest, and counties and batches of ballots are randomly selected. The scope of the audit is determined statistically based on the number of votes separating the candidates in the chosen race; in other words, the audit of a closer race will involve a greater sample of ballots in order to provide sufficient data.

Table 1 Statewide Risk-Limiting Audits in Pennsylvania 2022-2025				
Election Date	Contest	No. of Counties	No. of Ballots	No. of Variations
November 8, 2022	Governor	15	10,209	7 discrepancies
May 16, 2023	Supreme Court	14	2,637	No variations
November 7, 2023	Superior Court	33	201,715	24 discrepancies
April 23, 2024	State Treasurer	27	14,000+	2 discrepancies
November 5, 2024	State Treasurer	32	38,041	7 discrepancies
May 20, 2025	Commonwealth Court Judge (D)	17	4,894	No discrepancies

Source: Pa. Department of State, Auditing Election Results, <https://www.pa.gov/en/agencies/vote/elections/post-election-audits.html> and “Secretary of the Commonwealth Certifies 2024 Primary Election Results; Post-Election Audits Confirm Election’s Accuracy,” June 3, 2024, <https://www.pa.gov/en/agencies/dos/newsroom/secretary-of-the-commonwealth-certifies-2024-primary-election-re.html>.

¹³ Pennsylvania Department of State, Risk Limiting Audit Directive, Directive 1 of 2022, September 30, 2022. 2022-09-30-Risk-Limiting-Audit-Directive.pdf (pa.gov). The directive was issued under the Department’s authority in the Election Code of 1937 to ensure accuracy and reliability of voting systems, and to require specific reports on issues as the Secretary determines. §§201e and 1105-A(a); 25 P.S. 2621(e) and 3031.5.

Election Administration

Equipment

Electronic voting systems proposed for use in Pennsylvania must be approved by the United States Election Assistance Commission. The Secretary of the Commonwealth is required to examine the electronic voting system and shall file a report, as to his/her opinion, that the system can be safely used by voters at elections and meets all the requirements set forth in the Election Code of 1937. Further, upon petition of 10 or more qualified voters, or at any time in the Secretary's discretion, the Secretary may reexamine any system.¹⁴ In 2024, county boards of elections have 15 different electronic voting systems options they may use.¹⁵

A dispute arose between Fulton County and the Department of State over the ability of counties to allow third-party organizations to access voting equipment and the Secretary of the Commonwealth's authority to decertify equipment. Fulton County was found to have ignored an injunction and sanctions were imposed by the Pennsylvania Supreme Court.¹⁶ Fulton County filed an appeal with the U.S. Supreme Court on May 24, 2024, and the petition was denied October 7, 2024.¹⁷ Fulton County further challenged the Department of State for refusing to reimburse the county for replacement voting equipment it had to acquire after the original equipment was decertified. The Pennsylvania Commonwealth Court found that the Secretary of State was not obligated to reimburse Fulton County in a decision rendered December 31, 2024.¹⁸

Poll Security

The security of poll workers and election officials continues to be an important issue. The Federal Justice Department's Election Threats Task Force was formed in 2021 to investigate and prosecute instances of threats against election administrators and election-related intimidation. Threats are to be reported to local FBI field offices. As of October 2024, the task force had initiated 20 enforcement actions in 12 states. The list of actions did not include cases where an acquittal was entered. On October 21, 2024, a Philadelphia resident was indicted and charged with communicating an interstate threat for sending text messages containing a true threat to a state political party employee.¹⁹ The case is still in the motions stage as of September 15, 2025.²⁰

In February 2024, Governor Shapiro created the Pennsylvania Election Threats Task Force to "mitigate threats to the election process, protect voters from intimidation, and provide voters

¹⁴ § 1105-A, Election Code of 1937.

¹⁵ Commonwealth of Pennsylvania, Voting Systems in Pennsylvania, Certified Voting Systems, website visited August 8, 2024.

<https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/voting-systems.html>

¹⁶ *County of Fulton et al. v. Secretary of the Commonwealth (Fulton County II)*, 292 A.3d 974 (Pa. 2023).

¹⁷ *County of Fulton et al. v. Al Schmidt, Secretary of Pennsylvania, et al.*, No.23-1237 (*cert. denied* U.S. 2024).

¹⁸ *County of Fulton et al. v. Secretary of the Commonwealth*, No. 277 M.D. 2021, argued May 8, 2024, opinion filed December 31, 2024. https://www.pacourts.us/assets/opinions/Commonwealth/out/277MD21_12-31-24.pdf

¹⁹ U.S. Department of Justice, Election Threats, updated May 5, 2025. <https://www.justice.gov/voting/election-threats#report>. *United States v John Courtney Pollard*, No. 1:24-cr-00031 (W.D. PA 2024).

²⁰ Docket Entries, *United States v Pollard*, <https://www.courtlistener.com/docket/69280756/united-states-v-pollard/>

with accurate, trusted election information.” The task force consists of federal, state, and local security, law enforcement, and election administration representatives.²¹ In July 2024, the Shapiro administration announced the creation of a new telephone hotline, 1-877-VOTESPA to report voter intimidation, election fraud, or other election crimes.²²

Federal funding is available for election security from several sources.²³ For the 2023-2024 fiscal year, Pennsylvania received \$1 million in Helping America Vote Act (HAVA) election security grants. The grants are intended to assist states to improve federal election administration, including enhancing technology and making election security improvements.²⁴ The 2024 federal budget allocated \$55 million for HAVA grants, a decrease of \$20 million from the levels allocated in 2022 and 2023. Efforts have been made by some members of Congress to eliminate the program.²⁵ In March 2025, funding was further decreased to \$15 million, a 73 percent drop from 2024.²⁶

The Department of Homeland Security, through the Federal Emergency Management Agency (FEMA), provides grants under its Homeland Security Grant Program, including its Urban Area Security Initiative (UASI). Of the \$553.5 million allocated for the UASI program for 2024, Pennsylvania was authorized to receive grants for its two largest urban areas. The Philadelphia area grant allocation was \$14,941,233 and the Pittsburgh area grant allocation was \$1,476,785.²⁷ Of those allocations, 30 percent of the awards must address the six priority areas of cybersecurity, soft target and crowded places, information and intelligence sharing, domestic violent extremism, community preparedness and resilience, and election security, with at least three percent allocated to election security.²⁸ Additionally, the State Homeland Security Program (SHSP) was allocated \$373.5 million for the fiscal year and Pennsylvania received \$7,322,627 of that money.

²¹ Commonwealth of Pennsylvania, Governor’s Office, Press Release, “Governor Shapiro Launches Pennsylvania Election Threats Task Force to Ensure Safe, Secure, Free, & Fair Election this November,” February 29, 2024. <https://www.pa.gov/en/governor/newsroom/2024-press-releases/governor-shapiro-launches-pennsylvania-election-threats-task-for.html>

²² Commonwealth of Pennsylvania, Governor’s Office, Press Release, “Shapiro Administration Makes Election Hotline Available to Support Pennsylvanians’ Right to Peacefully, Safely Participate in Democratic Process,” July 19, 2024. <https://www.pa.gov/en/governor/newsroom/2024-press-releases/shapiro-administration-makes-election-hotline-available-to-suppo.html>

²³ Chris Teale, “These federal grants can help ease multiply election threats,” *Route Fifty*, May 16, 2024. <https://www.route-fifty.com/infrastructure/2024/05/these-federal-grants-can-help-ease-multiplying-election-threats/396649/>

²⁴ United States Election Assistance Commission, Election Security Grants, July 16, 2024. <https://www.eac.gov/sites/default/files/2024-04/State%20by%20State%20Allocation%20FY%202024.pdf>

²⁵ Jennifer Shutt, “States struggle with unreliable federal funding for making sure elections are secure,” *Stateline*, June 1, 2024. <https://stateline.org/2024/06/19/states-struggle-with-unreliable-federal-funding-for-making-sure-elections-are-secure/>

²⁶ Breanna Nelson, “as Federal Support for Elections Evolves, States Adapt to Close Emerging Gaps,” National Conference of State Legislatures, State Legislature News, July 31, 2025. (NCSL Security). <https://www.ncsl.org/state-legislatures-news/details/as-federal-support-for-elections-evolves-states-adapt-to-close-emerging-gaps#:~:text=First%2C%20CISA%20this%20year%20has,piece%20of%20a%20larger%20puzzle.>

²⁷ Department of Homeland Security, Notice of Funding Opportunity Fiscal Year 2024 Homeland Security Grant Program, April 16, 2024. <https://www.fema.gov/grants/preparedness/homeland-security/fy-24-nofo>

²⁸ Homeland Security, “DHS Announces \$1.8 Billion in Preparedness Grants,” April 16, 2024. <https://www.dhs.gov/news/2024/04/16/dhs-announces-18-billion-preparedness-grants>

The Notice of Funding Opportunity (NOFO) for the 2025 fiscal year SHSP grants includes requirements that to receive some of the grants, election agencies must comply with the requirements of President Trump's Executive Order No. 14248, which was issued in March 2025.²⁹ The executive order includes federal directives to states regarding election issues that have been traditionally reserved to the states, including proof of citizenship requirements, review of state registration lists, requirement that all absentee/mail ballots be received by Election Day, and amending the Voluntary Voting System Guidelines. At least five lawsuits have been filed opposing this order. This Executive Order will be discussed later in this chapter under voting lists.³⁰

Also housed within the Department of Homeland Security is the Center for Internet Security which operated the Cybersecurity and Infrastructure Security Agency (CISA). In early 2025, the CISA experienced a significant staff reduction and funding for the Election Infrastructure Information and Sharing and Analysis Center was cut. Some services for state and local election offices, such as threat briefing, assessments, and vulnerability scanning ceased or put on hold.³¹ Further, the FBI's Foreign Influence Task Force was disbanded.³²

The Brennan Center for Justice has issued a guidance document that makes recommendations on cybersecurity and physical security in the areas of preparation, deterrence, prevention and detention, and response and recovery.³³

Mail-In and Absentee Ballots

The litigation history of the topics in this section can be found in the Commission's August 2024 Report:

Election Law in Pennsylvania:
Fourth Annual Report of the Election Law Advisory Board

[https://jsg.legis.state.pa.us/resources/documents/ftp/publications/2024-08-29%202024%20\(ACT%2012\)%20ELAB%20web%208.29.24%202pm.pdf](https://jsg.legis.state.pa.us/resources/documents/ftp/publications/2024-08-29%202024%20(ACT%2012)%20ELAB%20web%208.29.24%202pm.pdf)

²⁹ The U. S. Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year 2025 Homeland Security Grant Program, July 28, 2025. <https://www.fema.gov/grants/preparedness/homeland-security/fy-25-nofa#program>

³⁰ National Conference of State Legislatures, Brief, "Executive Order on Elections: Implications for States," April 25, 2025. <https://www.ncsl.org/elections-and-campaigns/executive-order-on-elections-implications-for-states>

³¹ NCSL Security.

³² United States Department of Justice, Office of the Attorney General, Memorandum to All Department Employees, "General Policy Regarding Charging, Plea Negotiations, and Sentencing," February 5, 2025. <https://www.justice.gov/ag/media/1388541/dl>

³³ Derek Tisler and Chris McIsaac, "A State Agenda for Election Security and Resiliency," Brennan Center for Justice, July 24, 2025. <https://www.brennancenter.org/our-work/policy-solutions/state-agenda-election-security-and-resiliency>

Dating Mail-In Ballots

The argument over whether or not undated mail-in ballots should be counted continued unabated into 2025.

In May 2024 an alliance of advocacy groups filed suit in Commonwealth Court challenging the dating requirement on the grounds that the requirement violates the Pennsylvania constitutional guarantee of free and equal elections.

As multiple courts have found in recent prior lawsuits, the voter written date is meaningless, necessary neither to establish voter eligibility or timely ballot receipt. While the date requirement has nevertheless survived previous court challenges, none of the lawsuits thus far have tested the date requirement under the Pennsylvania Constitution's Free and Equal Elections Clause, Pa. Const. art. I, § 5. Until now.³⁴

The Commonwealth Court found that the dating requirement was unconstitutional in an opinion dated August 30, 2024. However, upon appeal, the Pennsylvania Supreme Court ruled that the Commonwealth Court did not have original subject matter jurisdiction and vacated the lower court order on September 19, 2024. On September 20, 2024, the Commonwealth Court dismissed the case.³⁵ In a similar case involving 69 undated and misdated mail-in ballots received for a special election held in Philadelphia County on September 17, 2024, the Commonwealth Court again ruled that undated mail-in votes should be counted.³⁶ The case has subsequently been appealed to the Pennsylvania Supreme Court and oral arguments were heard in early September 2025.³⁷

This dispute has evolved into essentially a battle between the Pennsylvania Supreme Court, that asserts that the Election Code of 1937 plainly requires voters to date their ballots, and the U.S. Third Circuit Court of Appeals, which has declared that the dating requirements violated a voter's civil rights, in particular the first and 14th amendments. The Pennsylvania Supreme Court ordered in November 2024 that undated mail-in ballots should not be counted.³⁸ A case challenging the

³⁴ *Black Political Empowerment Project et al., v. Schmidt et al.*, 283 MD 2024 (Pa. Cmwlth). Petition to Review, Summary of Lawsuit, Item 6.

³⁵ Protect the Vote, <https://protectthevote.com/litigation/black-political-empowerment-project-v-schmidt/> and Docket Sheet, *Black Political Empowerment Project v Schmidt*, pp 48-53. Accessed July 2, 2025. <https://ujportal.pacourts.us/Report/PacDocketSheet?docketNumber=283%20MD%202024&dnh=7jREXnc7c%2F5Krb510%2F5kPQ%3D%3D>

³⁶ *Baxter and Kinniry v. Philadelphia Board of Elections et al.*, No. 1309 C.D. 2024 (Pa. Cmwlth). Unreported opinion, October 30, 2024. See also, Peter Hall, "Pennsylvania appeals court rules (again) that undated vote-by-mail ballots must be counted," *Pennsylvania Capitol-Star*, October 30, 2024. <https://penncapital-star.com/election-2024/pennsylvania-appeals-court-rules-again-that-undated-vote-by-mail-ballots-must-be-counted/>

³⁷ Peter Hall, "Pa. justices hear arguments on constitutionality of requirement to date mail-in ballots," *Pennsylvania Capitol-Star*, September 10, 2025. <https://penncapital-star.com/government-politics/pa-justices-hear-arguments-on-constitutionality-of-requirement-to-date-mail-in-ballots/>

³⁸ *The Republican National Committee and the Republic Party of Pennsylvania v.v. All 67 County Boards of Election*, 136 MM 2024 (Pa.).

dating requirement that arose in Erie County reached the U.S. Third Circuit Court of Appeals and again, in August 2025, that court ruled that the dating requirement is unconstitutional.³⁹

Ballot Curing

Rejection of mail-in ballots for lack of a date has been challenged in Washington County as an unconstitutional disenfranchisement because no opportunity to cure the ballot has been offered.⁴⁰ Ballot curing is the practice of notifying a voter if their mail-in or absentee ballots have disqualifying errors and is not specifically addressed in the Election Code of 1937. Whether a voter can cure a defective ballot or not is decided on a county-by-county basis. It has been reported that approximately 38 Pennsylvania counties allow ballot curing in some form.⁴¹ On August 23, 2024, Judge Brandon P. Neuman of the Washington County Court of Common Pleas released an opinion and order in this case. The plaintiffs in the case have reported:

The court ordered Washington County to, at minimum, enter accurate codes in a statewide voter database upon receiving a mail ballot with disqualifying errors, which triggers an email alert to voters, allows voters to check ballot status on a state website, and permits political parties and get-out-the vote groups to contact people and alert them that their mail ballots will not be counted. The court also ordered that Washington County's poll books on Election Day must indicate if a voter's mail ballot has been segregated for a disqualifying error and allow that person to cast a provisional ballot.⁴²

Following the Common Pleas decision, the case was appealed to the Pennsylvania Supreme Court, which ruled in late September 2025 that voters should be notified that their mail-in ballot is defective, and be given the option to vote provisionally on Election Day.⁴³

Provisional Ballots

The 2020 election also provided an opportunity to examine the role of provisional ballots in cases where a mail-in ballot was rejected as defective by the county board of elections. 2020 Pennsylvania Senate candidate Nicole Zicarelli was a central player in this dispute as well. The Allegheny County Board of Elections determined that provisional ballots should be counted if voters whose mail-in ballots were not signed or lacked a secrecy envelope and were rejected and

³⁹ *Bette Eakin et al. v. All 67 County Boards of Election*, No. 25-1644 (U.S. 3rd Circ. 2025). <https://www2.ca3.uscourts.gov/opinarch/251644p.pdf>. See also, Peter Hall, "Federal appeals court rules Pa. mail-in ballots dating requirement is unconstitutional," *Pennsylvania Capitol-Star*, August 16, 2025.

⁴⁰ *Center for Coalfield Justice et al. v. Washington County Board of Elections*, Washington County Court of Common Pleas, Docket No.2024-3953, July 1, 2024.

⁴¹ Carter Walker, "Letting voters fix mail ballots cuts rejection rates. Not all Pa. counties allow it." *Votebeat*, February 4, 2025. <https://www.spotlightpa.org/news/2025/02/pennsylvania-election-mail-ballot-rejection-data-curing-county-differences/#:~:text=Some%20counties%20go%20beyond%20that,and%20issues%20a%20new%20one>.

⁴² Lisa DiPaoli, Center for Coalfield Justice, Press Release, "Voting Rights Groups Respond to Decision In Washington County Court Over Disenfranchised Mail Voters," August 26, 2024. <https://centerforcoalfieldjustice.org/2024/08/voting-rights-groups-respond-to-decision-in-washington-county-court-over-disenfranchised-mail-voters/>.

⁴³ *Center for Coalfield Justice, et al., v. Washington County Board of Elections et al.* J-95-2024 (Pa. W.D. September 26, 2025).

they subsequently voted on Election Day via provisional ballot. The Allegheny Court of Common Pleas upheld the board's decision, and Zicarelli appealed to the Commonwealth Court. The Commonwealth Court reversed the lower court, determining that the provisional ballots could not be counted under the Election Code. (This opinion was not reported and will hereinafter be referred to as Zicarelli).⁴⁴ The County Board of Elections filed an appeal to the Pennsylvania Supreme Court, which was denied.⁴⁵ Thus, it appeared that, at least in Allegheny County, a voter who submits a defective ballot must follow local "cure" rules and may not vote via provisional ballot to attempt to effect a different cure.

In a related matter, the ACLU and the Public Interest Law Center, together with the law firm Dechert LLP, filed suit in the Delaware County Court of Common Pleas on behalf of three individuals whose attempts to vote were rejected twice. The individuals had submitted mail-in ballots, had their ballots rejected by the County Board of Elections because they were undated, and, rather than attempt to cure the mail-in ballots in person before the election at the county offices, chose to vote in person at their local polling places via provisional ballot on Election Day. The County Board of Elections rejected the provisional ballots, citing Zicarelli as precedent. The Delaware County Court of Common Pleas ordered the ballots to be counted. It found that the provision relied on in Zicarelli, that a provisional ballot cannot be counted if another ballot had been timely received, needed to be read in conjunction with other provisions and interpreted liberally to protect a voter's right to vote. Specifically, the court found that the plaintiffs' original mail-in ballots were not "timely received" as they were rejected for errors and not counted; consequently, the plaintiffs could cast provisional ballots.⁴⁶

In a lawsuit filed in April 2024, voters in Butler County are challenging the county's ballot curing process. Mail-in ballots that are missing signatures or dates can be "cured" via a provisional ballot. The plaintiffs in this case failed to use the security envelope and their provisional ballots to cure that error were rejected.⁴⁷ The Butler County Court of Common Pleas dismissed the plaintiffs appeal on August 16, 2024. The plaintiffs appealed to Commonwealth Court on August 23, 2024.⁴⁸ The Commonwealth Court found that the provisional ballots should have been accepted and the Pennsylvania Supreme Court upheld that ruling.⁴⁹ An appeal to the U.S. Supreme Court was dismissed on November 1, 2024.⁵⁰

Additional litigation in the fiscal year 2024-2025 involving ballot issues has either been settled or dismissed. The suits involved ballot paper shortages,⁵¹ improper mailing of mail-in

⁴⁴ *In Re Allegheny County Provisional Ballots in the 2020 General Election*, Appeal of Nicole Zicarelli, No. 1161 C.D. 2020 (Nov. 19, 2020).

⁴⁵ *In Re Allegheny County Provisional Ballots in the 2020 General Election*, Petition of Allegheny County Board of Elections, No. 338 WAL 2020 (Pa. Nov. 23, 2020).

⁴⁶ *Sonja Keohane, Richard Keohane and Barbara Welsh v. Delaware County Board of Elections*, No. 2023-004458 Delaware County Court of Common Pleas, September 21, 2023.

⁴⁷ *Genser and Matis v. Butler County Board of Elections*, Butler County Court of Common Pleas, No. 24-40116, April 29, 2024.

⁴⁸ *Ibid.* No. 1074 C.D. 2024 (Pa. Cmmw. Ct. 2024).

⁴⁹ *Genser v. Butler Cnty. Bd. of Elections*, 2024 WL 4051375 (Pa. Commw. Sept. 5, 2024), on appeal, No. 26 WAP 2024 and No. 27 WAP, (Pa. October 23, 2024).

⁵⁰ *Genser*, No. 24A408, 603 U.S. (Nov. 1, 2024).

⁵¹ AP, "Pennsylvania county settles federal lawsuit over ballot paper shortages in 2022 voting," *Spotlight PA*, October 16, 2024, <https://www.spotlightpa.org/news/2024/10/election-lawsuit-pennsylvania-luzerne-county-paper-shortage/>

ballots by a third-party vendor,⁵² removal of drop boxes,⁵³ and identification of service members applying for overseas absentee ballots.⁵⁴

Voter List Maintenance

Statewide Uniform Registry of Electors (SURE)

Pennsylvania's SURE was established in 2003. In 2020, the Department of State recommended that the system be updated and entered into a \$10.7 million contract to do so. As the project lagged behind schedule, it became apparent that the vendor could not meet necessary timelines and contractual standards, and the contract was mutually terminated December 2023. An RFP was issued in Spring 2024 with a deadline of August 1 for submission of proposals. In the interim, the Department of State has addressed some of the outdated aspects of the current system with patches and upgrades to both hardware and software in each county. Secretary of the Commonwealth Al Schmidt, in testimony before the House State Government Committee, emphasized that Pennsylvania's elections in 2024 will be "free, fair, safe, and secure."⁵⁵

In March 2025, the Shapiro Administration announced it had entered into a contract with Civix, a technology company headquartered in Metairie, Louisiana to replace the existing SURE system with a new elections management system, with full implementation expected by 2028. The new system is intended to improve election security and streamline election management. The new system will also replace the current election night returns website, campaign finance website, and lobbying disclosure websites.⁵⁶

Electronic Registration Information Center (ERIC)

The Board recommended that the Election Code be amended to statutorily permit Pennsylvania to participate in national databases such as the Electronic Registration Information Center (ERIC) or similar nationwide voter registration databases, both to verify and update voter

⁵² *Pennsylvania Democratic Party v Erie County Board of Elections*, No. 12666-2024 (Erie C.C.C.P., November 1, 2024).

⁵³ *In This Together NEPA, Inc. et al., v. Romilda Crocamo and the Luzerne County Board of Elections and Registration*, No. 202410567, (Luzerne C.C.C.P. October 7, 2024).

⁵⁴ *Guy Reschenthaler et al. v. Al Schmidt et al.*, Case 1:24-cv-01671-CCC (M.D. Pa., October 29, 2024).

⁵⁵ Peter Hall, "Pa.'s voter registration and election management system is ready for 2024, Schmidt tells lawmakers," *Pennsylvania Capital-Star*, March 27, 2024. <https://penncapital-star.com/election-2024/pa-s-voter-registration-and-election-management-system-is-ready-for-2024-schmidt-tells-lawmakers/>. See also, Carter Walker, "Shapiro administration cancels \$10.7 million contract for Pa. voter Roll system upgrade," *Spotlight PA*, December 15, 2023, <https://www.spotlightpa.org/news/2023/12/voter-roll-pennsylvania-sure-contract-canceled-election-mail-ballots/>, and Jordan Wilkie, Pa. restarts plan to upgrade voter registration and election management systems," *WITF*, July 10, 2024, <https://www.witf.org/2024/07/03/pa-restarts-plan-to-upgrade-voter-registration-and-election-management-systems/>. To view the RFP, use this link: <https://www.emarketplace.state.pa.us/Solicitations.aspx?SID=6100060103>.

⁵⁶ Commonwealth of Pennsylvania, Department of State, Press Release, "Shapiro Administration Begins Process of Implementing Modern, Streamlined Elections Management System to Keep Pennsylvania Elections Safe and Secure, Joining Bipartisan Group of States," March 5, 2025. <https://www.pa.gov/agencies/dos/newsroom/shapiro-administration-begins-implementing-modern-elections-mana>

registration information in the SURE system and to allow the Department of State to access ERIC and the United States Social Security Administration's Master Death File to determine if a registered voter has died. The use of ERIC in general is possible under the authority of the governor and the Department of State and is a voluntary participation that could be ended by any administration. Pennsylvania law limits the sources counties can use to determine that a voter can be removed from the rolls because they are deceased and does not currently permit counties to use data from ERIC for this purpose.

ERIC's stated goals have been to improve the accuracy of voter register rolls, increase access to voter registration to all eligible citizens, reduce election costs, and increase efficiency. The first has been almost uniformly lauded as a means of allowing states to cooperate in identifying voters who move from one state to another but don't change their voter registration and thus prevent voter fraud via double voting. Following the 2020 Presidential election, membership in ERIC fell from 33 states to 25 by the summer of 2023.⁵⁷ The exodus has appeared to stall, and membership has been stable in 2024 and 2025.

Pennsylvania's neighbors New Jersey, Delaware, and Maryland are part of the compact, while neighbors Ohio and West Virginia are among the states that recently withdrew. New York is considering legislation that would authorize the state to join ERIC.⁵⁸

Alabama, the second of the states to leave the group in 2022, announced the launch of its own voter list maintenance program, called the Alabama Voter Integrity Database (AVID) in 2023.⁵⁹ AVID has entered memorandum of understanding (MOU) agreements with 10 states: Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Ohio, Tennessee, Texas, and Virginia.⁶⁰

Ohio enacted the Data Analysis Transparency Archive Act as part of its 2024-2025 budget bill effective July 4, 2023. The bill created the Office of Data Analytics and Archives in the Ohio Department of State, which was charged with maintaining election data, including the statewide voter registration database.⁶¹ The bill authorized the Department to enter into agreements with other states, and in September 2023, the Ohio Secretary of State announced that election integrity agreements had been entered into with Florida, Virginia, and West Virginia.

⁵⁷ Current members of ERIC are: Alaska, Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Kentucky, Maine, Massachusetts, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Washington, and Wisconsin. About ERIC: Which States are Members of ERIC," visited July 24, 2024. <https://ericstates.org/about/>

⁵⁸ New York S1356 (2025) passed the Senate on March 24, 2025 and passed the Assembly with amendments, June 6, 2025. After the amendments are considered and voted on in both chambers, the bill could then be sent to the Governor for signature.

⁵⁹59 Ralph Chapoco, "New voter roll system unveiled after ERIC withdrawal," *Alabama Reflector* article reproduced on *Route Fifty*, September 19, 2023. <https://www.route-fifty.com/digital-government/2023/09/new-voter-roll-system-unveiled-after-eric-withdrawal/390416/?oref=rf-related-article>

⁶⁰ Alabama Secretary of State, AVID MOU Agreements, <https://www.sos.alabama.gov/avid/mou-agreements>. Kentucky joined the group in September 2024, followed by Texas (March 2025), Ohio (April 2025), and Virginia (May 2025).

⁶¹ Ohio House Bill 33 (2023), § 735.10. https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_135/bills/hb33/EN/06/hb33_06_EN?format=pdf

Access to Voter Lists

Under the provisions of President Trump's Executive Order 14248, "Preserving and Protection the Integrity of American Elections," issued in March 2025, several directives have caused consternation among state and local election officials. Section 29(b)(iii) of the order states:

the Department of Homeland Security, in coordination with the DOGE Administrator, shall review each State's publicly available voter registration list and available records concerning voter list maintenance activities as required by 52 U.S.C. 20507, alongside Federal immigration databases and State records requested, including through subpoena where necessary and authorized by law, for consistency with Federal requirements.⁶²

This requirement for states to provide state voter lists to Homeland Security has met with resistance in several states. The Brennan Center has reported that at least 27 states have received requests for information as of September 15, 2025. Most state voter registration lists are publicly available, and may include voter names, addresses, partisan affiliations, and voting history. However, the DOJ has also requested full voter registration databases, which may include driver's license numbers and Social Security numbers. Some state databases also include birthdates and other private personal data. Based on public reports, most states have indicated a willingness to share publicly available information but are refusing to provide private data, frequently citing the prohibitions of privacy laws.⁶³ The DOJ announced on September 17, 2025, that it is suing Oregon and Maine for refusing to provide lists with personal information.⁶⁴

Voter Registration

In January 2024, 26 members of the Pennsylvania House of Representatives and one Senator filed suit against President Biden, various federal election officials, Governor Shapiro, and various state election officials challenging the constitutionality of three separate executive actions affecting voter registration in Pennsylvania, including the switch to automatic voter registration announced by Governor Shapiro in September 2023. To generally summarize, the argument raised was that the executive actions usurped legislative authority to regulate elections. The United States District Court for the Middle District of Pennsylvania issued a memorandum decision in March 2024 dismissing the suit, declaring that the plaintiffs (individual members of the General Assembly) did not have standing to pursue a claim for what is characterized as an institutional injury. The court stated, "as individual legislators, [they] do not have standing because they have

⁶² The White House, Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," March 25, 2025. <https://www.whitehouse.gov/presidential-actions/2025/03/preserving-and-protecting-the-integrity-of-american-elections/>

⁶³ Eileen O'Connor, "Justice Department Has Demanded Voter Files from at Least 27 States," Brennan Center, updated September 15, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/justice-department-has-demanded-voter-files-least-21-states>

⁶⁴ Miles Park, "The Justice Department sues Maine and Oregon, ratcheting up demands for voter data," September 17, 2025. <https://www.npr.org/2025/09/17/nx-s1-5544354/voter-data-lawsuit-oregon-maine>

not alleged any particular injury that is not also suffered by each member of the Pennsylvania General Assembly.”⁶⁵ The court did not determine if any executive action usurpation had occurred. The court noted that a challenge to the executive actions could be achieved via litigation by the General Assembly as a whole for an institutional injury, or the General Assembly could overturn the executive action via legislation.

Litigation filed in federal court in June 2024 sought a writ of mandamus (an order to perform duties) to address what the plaintiffs allege are voter registration errors that occurred in the 2022 general election.⁶⁶ The case was dismissed without prejudice on March 3, 2025, on a finding by the federal Middle District Court of Pennsylvania that no petitioner had standing to bring the suit.⁶⁷

⁶⁵ *Dawn Keefer et al. v. Joseph R. Biden et al.*, Civil No. 1 :24-CV-00147 (M.D. Pa. Mar. 26, 2024), p. 25.

⁶⁶ *United Sovereign Americans, Inc. et al. v. Commonwealth of Pennsylvania et al.* Case No. 1:2024cv01003 (M.D. Pa.), June 18, 2024.

⁶⁷ *United Sovereign Americans, Inc. et al v. Commonwealth of Pennsylvania et al*, No. 1:2024cv01003 - Document 38 (M.D. Pa. 2025).

CURRENT ELECTION LAW LEGISLATIVE PROPOSALS IN PENNSYLVANIA

As of June 30, 2025, at least 89 bills have been introduced in the General Assembly to amend the election law and related statutes (both the 1937 act and Title 25 of the Consolidated Statutes) during the 2025-2026 legislative session. Topics covered include ballot questions, candidate qualifications, campaign finance, election day, election directors and workers, election investigations, audits, and challenges, mail-in ballots, nominations, pre-canvassing, primaries, polling place security, poll watchers, pre-canvassing, presidential elections, ranked-choice voting, voter access to polls, voter identification, voter list maintenance, voter registration, voting in general, and other topics.

The following tables provide a brief summary of each bill and its status as of June 30, 2025. References to standing committees refer to those committees in the chamber of origin unless specifically noted otherwise.

BALLOT QUESTIONS		
Bill No.	Description	Status
SB 306, PN 243	Requires the Secretary of the Commonwealth to post on the Department of State's publicly accessible Internet website a detailed account of each action taken to publish any proposed constitutional amendment.	S. State Government February 26, 2025
HB 909, PN 950	Requires ballot questions that involve incurrence of debt to have a fiscal not attached.	H. State Government March 13, 2025
HB 1169, PN 1306	Requires members of the General Assembly to hold town hall meetings on constitutional amendments to allow for public comment.	H. State Government April 9, 2025
HB 1207, PN 1355	Authorizes the Legislative Reference Bureau to write constitutional amendments and plain language explanations.	H. State Government April 15, 2025
HB 1488, PN 1742	Constitutional amendments to be voted on a general elections (currently can be on municipal elections as well).	H. State Government May 21, 2025

CANDIDATES		
Bill No.	Description	Status
HB 126, PN 107	Prohibits a candidate from running for two offices at the same time.	H. State Government January 16, 2025
HB 196, PN 143	Increasing the number of nomination petition signatures for school board candidates.	H. State Government January 13, 2025
HB 292, PN 236	Establishes a deadline for removal of campaign signage from public property following an election.	H. Local Government January 23, 2025
HB 477, PN 460	Provides for background checks for candidates for school district office.	H. Education February 4, 2025
HB 486, PN 470	Advertising expenditures expressly advocating a position on a candidate of ballot question may not use artificially generated facsimiles of a human voice.	H. Communications and Technology February 3, 2025
HB 687, PN 703	Ineligibility for school director for delinquent tax obligations.	H. Education February 21, 2025
HB 735, PN 759	Casting lots for ballot order listing.	H. State Government February 25, 2025
HB 811, PN1819	Fraudulent Misrepresentation of a Candidate Prevention Act – deepfakes.	Passed the House (203-0) June 23, 2025; to S. Communications and Technology June 24, 2025
HB 984, PN 1074	Setting deadline for filing statement of financial interests by write-in candidates.	H. State Government March 20, 2025
SB 658, PN 697	Prohibits candidates from running for more than one.	S. State Government April 28, 2025
SB 851, PN 950	Constitutional amendment to require state Supreme Court justices to run for reelection every four years (delete current 10 year retention rule).	S. State Government June 18, 2025

CAMPAIGN FINANCE/INFLUENCING ELECTIONS		
Bill No.	Description	Status
HR 29, PN 336	Directs the Joint State Government Commission to conduct a study on the development and implementation of a campaign contribution reporting system that requires contributions to be reported within 24 hours of receipt.	H. Communication and Technology January 28, 2025
HB 64, PN 53	Prohibiting employers from mandating employees to attend meetings or listen to communications that express a religious or political opinion.	H. Labor and Industry January 14, 2025
HB 266, PN 211	Limits individual contributions to \$10,000 per candidate per year; limits contributions by PACs to \$20,000 per candidate per year.	H. State Government January 22, 2025
HB 278, PN 170	Revises lobbyist registration rules.	H. State Government January 22, 2025
SB 105, PN 58	Political advertising not authorized by candidate, authorized political committee on candidate agent must include disclosure of top five contributors to the organization sponsoring the advertisement.	S. State Government January 22, 2025
SB 181, PN 119	Authorizes donation of residual campaign funds to a 501(c)(3) nonprofit.	S. State Government January 24, 2025
HB374, PN 330	Adds non-profit entities under IRC § 501(c) to the list of individuals making political contributions or independent expenditures that must report donations of any amount (previously only over \$100 or \$500 if a late donation or independent expenditure.	H. State Government January 28, 2025
HB 466, PN 449	Prohibits public employers from deducting political contributions from public employees. Existing collective bargaining agreements are exempt, but any new, renewed or extended agreements after the effective date of the act are prohibited from including any such provision.	H. Labor and Industry February 4, 2025
HB 497, PN 486	Restricting campaign contributions from foreign-influenced corporations.	H. State Government February 5, 2025

CAMPAIGN FINANCE/INFLUENCING ELECTIONS		
Bill No.	Description	Status
HB 542, PN 538	Campaign finance transparency and fairness – address “dark money” concerns.	H. State Government February 10, 2025
SB 273 PN 227	Prohibits recurring or pre-schedule campaign contributions without express and affirmative consent of donor.	S. State Government February 20, 2025
SB 397, PN 344	Provides for employee access to use of membership dues collected by collective bargaining unit including independent expenditures to influence elections.	S. Labor and Industry March 6, 2025
SB 638, PN 645	Statements or reports required to be filed with counties containing contribution information to be forwarded to Dept of State for posting on DOS website.	S. State Government April 14, 2025
HB 1262, PN 1405	Requires electronic filing of campaign finance reports.	H. State Government April 17, 2025
SB 808, PN 853	Provides for registration and regulation of political consultants in a similar manner to lobbyists.	S. State Government May 30, 2025
SR 126, PN 960	Calling for constitutional amendment to the US Constitution authorizing regulation of election spending by states and Congress.	S. State Government June 18, 2025

ELECTION DIRECTORS AND WORKERS		
Bill No.	Description	Status
HB 204, PN 152	Exempting temporary poll workers pay from state income tax.	H. Finance January 17, 2025
HB 474, PN 457	Requires county boards of election to maintain publicly accessible internet websites with a domain name that includes “.gov”.	H. State Government February 4, 2025

ELECTION DIRECTORS AND WORKERS		
Bill No.	Description	Status
HB 476, PN 459	Requires county boards of election to maintain a master list of prospective clerks of election within the county; vacancies can be filled by random selection – some exemptions apply.	H. State Government February 4, 2025
HB 478, PN 461	Constitutional amendment to permit government employees to serve as election officers.	H. State Government February 4, 2025
SB 555, PN 549	Revises poll workers oath to address questions about voter eligibility.	S. State Government April 4, 2025

ELECTION INVESTIGATIONS/AUDITS/CHALLENGES		
Bill No.	Description	Status
HB 155, PN 115	Increase accountability of voting machine manufacturers for defects.	H. State Government January 16, 2025
SB 313, PN 247	Requires polling places to have minimum number of emergency paper ballots; requiring pre-election logic and accuracy testing.	S. State Government February 26, 2025
HB 1160, PN 1286	Each county board of elections to randomly select three precincts in each election to undergo a hand count of all the ballots in the precinct.	H. State Government April 7, 2025
HR 185, PN 1321	Amends House Rules to create House of Representatives Election Observer Program (PA HEOP).	H. Rules April 9, 2025
HB 1218, PN 1366	Establishes election complaint procedures.	H. State Government April 15, 2025
HB 1235, PN 1371	Establishes procedures for pre-election logic and accuracy testing.	H. State Government April 15, 2025
SB 812, PN 858	Regulating examination and approval of electronic voting systems by Dept of State; providing procedures for malfunction and certification reporting.	S. State Government May 30, 2025; reported from cmte June 3, 2025

MAIL-IN/ABSENTEE BALLOTS		
Bill No.	Description	Status
HB 258, PN 204	Constitutional amendment to require all voting except absentee ballot voting to take place in person at the elector's polling place – effectively prohibiting mail-in ballots.	H. State Government January 22, 2025
SB 192, PN 142	Provides for absentee ballot voting by incarcerated persons.	S. State Government January 29, 2025
HB 473, PN 456	No private organization or individual may send absentee or mail-in ballot applications to electors by mail or electronic means.	H. State Government February 4, 2025
HB 499, PN 488	Adopts ELAB recommendations on mail-in ballots found in January 2023 report (pp. 56-69 of this report).	H. State Government February 5, 2025
HB 534, PN 527	Provision of absentee ballots in braille.	H. State Government February 10, 2025
SB 324, PN 255	Prohibits distribution of look-alike unofficial mail-in ballots or ballot applications.	S. State Government February 26, 2025
HB 1162, PN 1288	Requires mail-in and absentee ballots to be returned to the elector's precinct (currently returned to county board); eliminates pre-canvassing and allows voter to vote in person and spoil/void mail-in and absentee ballots on election day.	H. State Government April 7, 2025
SB 599, PN 605	Eliminate satellite offices and drop boxes.	S. State Government April 9, 2025
HB 1298, PN 1494	Changes the filing deadline for ballot applications from the first Tuesday before the election to 15 days prior to the election.	H. State Government April 28, 2025
SB 705, PN 721	Repeals permanent mail-in ballot mailing list; restricts who may send a voter a mail-in ballot application.	S. State Government April 30, 2025
HB 1422, PN 1654	Regulating the use and location of drop boxes.	H. State Government May 7, 2025

NOMINATIONS		
Bill No.	Description	Status
HB 115, PN 93	Requiring nomination petitions for offices and setting petition filing fees; amounts received restrict to use for costs associated with filing of petitions or operations and administration of primary elections.	H. State Government January 14, 2025
HB 1278, 1433	Repealing the requirement for a notarized affidavit to accompany nomination petition and replacing it with an unsworn statement.	H. State Government April 22, 2025

OMNIBUS ELECTION CODE AMENDMENTS		
Bill No.	Description	Status
HB 1217, PN 1365	Amendments to clarify legislative authority over elections, create Bureau of Election Audits in the Office of the Auditor General, revise powers and duties of Dept of State and county boards of election, grant Election Law Advisory Board rule-making authority, election and appointment of election officers and poll workers, pre-canvassing, proof of identification, ballot return locations and satellite offices, voter registration, equipment funding, supervised voting in nursing homes.	S. State Government April 15, 2025
HB 1396, PN 1688	Amendments affecting pre-canvassing, ballot drop boxes, electronic poll books, pre-election logic and accuracy testing; pos-election audits, in-person early voting, permanent mailing list, notice and cure of defective ballots procedure, pre-paid postage on absentee and mail-in ballots, motor voter, voter registration application process, and voter list maintenance.	Passed House (102-101) on May 13, 2025; referred to S. State Government May 22, 2025

PRECANVASSING		
Bill No.	Description	Status
HB 37, PN 16	Authorize pre-canvassing to begin 7 days prior to election day.	H. State Government January 10, 2025

PRIMARIES		
Bill No.	Description	Status
HB 280, PN 223	Provides for open primaries.	H. State Government January 22, 2025; 1 st consideration and laid on table May 13, 2025
SB 332, PN 301	Moves the date of presidential primaries from fourth Tuesday of April to third Tuesday of March.	S. State Government February 28, 2025
SB 400, PN 712	Provides for open primaries.	S. State Government April 30, 2025

REDISTRICTING		
Bill No.	Description	Status
SB 131, PN 494	Constitutional amendments to repeal the Legislative Reapportionment Commission and replace it with the Independent Redistricting Commission.	S. State Government March 26, 2025
HB 31, PN 1378	Constitutional amendments to repeal the Legislative Reapportionment Commission and replace it with the Independent Redistricting Commission.	H. State Government April 15, 2025
HB 1215, PN 1363	Establishes the Independent Congressional Redistricting Commission.	H. State Government April 15, 2025

REDISTRICTING		
SB 874, PN 979	Establishes rules for determining residence of incarcerated individuals for purposes of redistricting.	S. State Government June 23, 2025

VOTER IDENTIFICATION		
Bill No.	Description	Status
HB 437, PN 418	Constitutional amendment to require voter identification at every election.	H. State Government February 3, 2025
HB 759, PN 783	Redefining “proof of identification,” requiring State and county boards to provide durable voter ID cards.	H. State Government March 3, 2025
HB 771, PN 991	Redefining “proof of identification,” requiring proof of ID at every primary and general election.	H. State Government March 17, 2025
HB 1193, PN 1342	Constitutional amendment to required voter identification prior to voting.	H. State Government April 15, 2025
SB 861, PN 961	Authorizes mobile/electronic driver’s licenses in general; specifically prohibited to use for voter identification by first time voters at a polling place.	S. Transportation June 18, 2025

VOTER LIST MAINTENANCE		
Bill No.	Description	Status
HB 647, PN 656	Cross reference juror rolls and voting rolls regarding citizenship ineligibility.	H. State Government February 20, 2025
SB 314, PN 248	Shortens the time period for Dept of Health to report death of voters to county election board.	S. State Government February 26, 2025
HB 1679, PN 2055	Permits the owner or lessee of a individual residence to establish a process to report the registration of persons who do not currently reside at the address.	H. State Government June 30, 2025

VOTER REGISTRATION		
Bill No.	Description	Status
HB 284, PN 229	Requires proof of US citizenship to complete voter registration.	H. State Government January 23, 2025
HB 423, PN 415	Creates Future Voter Program in public schools; prevoter registration of 16- and 17-year-olds.	H. Education January 31, 2025
HB 479, PN 462	Provides for same-day voter registration (election day).	H. State Government February 4, 2025
HB 496, PN 485	Provides for inmate voter registration opportunity prior to release or discharge.	H. State Government February 5, 2025
HB 785, PN 806	Online voter registration.	H. State Government March 3, 2025
HB 889, PN 929	To encourage voter registration by veterans.	H. Veterans Affairs and Emergency Preparedness March 13, 2025
SB 442, PN 372	Provides for same-day voter registration (election day).	S. State Government March 14, 2025
HB 981, PN1071	Requires interagency sharing of data received via “motor voter” registrations to facilitate benefit eligibility under different agencies and programs	H. Communications and Technology March 20, 2025
SB 488, PN 460	Provides for pre-registration of 16 and 17-year olds.	S. State Government March 21, 2025
HB 1061, PN 1156	Defines “documentary proof of United States citizenship” for voter registration.	H. State Government March 26, 2025
HB 1327, PN 1519	Prohibits payments to individuals to register to vote, including chances to win a lottery or other prize-drawing contest.	H. State Government April 28, 2025
HB 1679, PN 2055	Authorizes homeowners or residents to initiate a review of persons registered at the address but no longer residing there.	H. State Government June 30, 2025

VOTING		
Bill No.	Description	Status
HR 56, PN 501	Directs Joint State Government Commission to conduct a study on the current utilization of poll workers, polling places, voting compartments and voting machines to determine the best course of action in order to minimize the time investment required to vote and ensure that the average time required to vote does not promote inequities based on geography, economic status, race, gender or other relevant factors.	H. State Government February 5, 2025
HB 267, PN 212	Provides that persons physically unable to enter a polling place to vote due to a disability may use curbside voting from a motor vehicle.	H. State Government January 22, 2025
HB 270, PN 1304	Authorizes the Commonwealth to join the Agreement Among the States to Elect the President by National Popular Vote.	H. Intergovernmental Affairs and Operations April 9, 2025
HB 619, PN 630	Employee voter leave – two hours without loss of pay.	H. Labor and Industry February 20, 2025
HB 669, PN 676	Establishing early voting.	H. State Government February 20, 2025
SB 443, PN 373	Employee voter leave – two hours.	S. State Government March 14, 2025
SB 445, PN 374	Department of State to keep a record of driver's license applicants under motor voter law who are too young to register to vote at time of licensing and provide notification and registration materials to the person upon attaining the age of 18.	S. State Government March 14, 2025
SB 558, PN 550	Designating election day as a legal holiday for public employees; optional for school districts; requires private employers to grant two hours unpaid leave to vote.	S. State Government April 4, 2025
HB 1158, PN 1285	Designating Election Day as a legal state holiday.	H. State Government April 7, 2025

VOTING		
Bill No.	Description	Status
SB 690, PN 669	Details auto-fraud measures for ballot paper.	S. State Government April 28, 2025
HB 1327, PN 1519	Amends bribery at election to include chances to win a lottery or other prize-drawing contest.	H. State Government April 28, 2025
HB 1487, PN1741	Counties of the first class to provide an additional polling place in the county prison; veterans in veterans' homes and eligible voters incarcerated in the county prison may use the institution as their residence address for registration and voting or may use an absentee ballot.	H. State Government May 21, 2025
HB 1674, PN 2047	Designating election day as a legal holiday for public employees; optional for school districts; requires private employers to grant two hours unpaid leave to vote.	H. State Government June 30, 2025

SINGLE BILLS ON SEPARATE ISSUES		
Bill No.	Description	Status
HB 208, PN 156	Eliminates the filing fee for delegates and alternates to party national conventions.	H. State Government January 17, 2025
SB 82, PN 37	Constitutional amendment to permit gubernatorial candidate to select lieutenant governor running mater.	S. State Government January 22, 2025
HB 301, PN 244	Impose term limits on members of the General Assembly.	H. State Government January 23, 2025
HB 525, PN 518	Constitutional amendment to provide mechanism for removal of elected officers of municipalities.	H. State Government February 10, 2025
HB 566, PN 570	Constitutional amendment to change term of office for justices and judges from 10 years to six years.	H. Judiciary February 12, 2025

SINGLE BILLS ON SEPARATE ISSUES		
Bill No.	Description	Status
SB 277, PN 230	Imposes two-term limit on justices and judges of the Pennsylvania Supreme Court, Superior Court, and Commonwealth Court.	S. State Government February 20, 2025
HB 703, PN 723	Constitutional amendment to make Secretary of the Commonwealth an elected position.	H. State Government February 24, 2025
HB 782, PN 803	Prohibits public utilities from recovering costs of lobbying and political activities from consumers as an operating expense for ratemaking purposes.	H. Energy March 3, 2025
HB 876, PN 916	Constitutional amendment to revise language regarding criminal convictions as justification for removal from office of civil officers.	H. Judiciary March 11, 2025
SB 446, PN 375	Constitutional amendment to authorize use of initiative and referendum.	S. State Government March 14, 2025
HB 978, PN 1061	Removes elected school directors from many of the provisions of the 1937 Election Code and changes the term “justice of the peace” to “magisterial district judge” (JP change to MDJ is reconciliation with previously made changes to the Judicial Code.	H. State Government March 19, 2025
HB 1010, PN 1063	Constitutional amendment to reduce the number of members of the House of Representatives from 203 to 151.	H. State Government March 19, 2025
HB 1114, PN 1236	Prohibits possession of a firearm at a polling place, with limited exceptions.	H. Judiciary April 3, 2025
HB 1320, PN 1512	Constitutional amendment to allow General Assembly to provide for removal of elected officers of a municipality.	H. Local Government April 28, 2025
SB 690, PN 669	Including security/anti-fraud features in paper ballots.	S. State Government April 28, 2025

FEDERAL ELECTION LAW LEGISLATIVE PROPOSALS

During the 119th Congress, which began in January 2025, over 50 pieces of election-related legislation in the form of bills and resolutions have been introduced (as of June 30, 2025). Many of the bills or resolutions proposed during the 119th Congress would alter how elections are conducted, clarify, or add rules for voting, or restrict how states regulate or conduct federal elections. Topics covered include voting rights, campaign finance, redistricting, primaries, polling place security, ranked-choice voting, disclosing the use of AI in political ads, election integrity, election workers, voter maintenance lists, and other election-related reforms. Many of these bills are summarized below. Not included in this list are any bills pertaining to specific elected offices, the District of Columbia, or support for foreign nations attempting to improve or build upon their democratic systems. The following tables provide a summary of each Congressional bill and its status as of June 30, 2025.

CANDIDATES		
Bill No.	Description	Status
HJ Res 12	Constitutional amendment to limit U.S. Senators to two terms, member of Congress to three terms.	Introduced January 6, 2025
SJ Res 1	<i>Same as HR Res 12.</i>	Introduced January 7, 2025
HR 883	<i>Countering Subversion and Negligence in Protecting Election Runners Act (Counter SNIPER Act):</i> requires the Secretary of Homeland Security to provide candidates with a justification for candidate protection determinations, and requires Senate confirmation of the Director of the United States Secret Service.	Introduced January 31, 2025
S 588	<i>Presidential Audit and Tax Transparency Act:</i> requires audits of tax returns of presidents and related parties, as well as major party presidential nominees.	February 13, 2025
HR 2356	<i>Dual Loyalty Disclosure Act:</i> requires a candidate for federal office (other than a nominee for Vice President) who is a citizen of any country other than the United	Introduced March 26, 2025

CANDIDATES		
	States to disclose such citizenship (including the other country of citizenship) in the candidate's statement of candidacy. A statement of candidacy collects basic information about the candidate and is where the candidate designates their principal campaign committee.	

CAMPAIGN FINANCE/INFLUENCING ELECTIONS		
Bill No.	Description	Status
HR 118	<i>No Federal Funds for Political Prosecutions Act:</i> prohibit the use funds forfeited to the federal government and made available to certain State or local law enforcement agencies pursuant to equitable sharing that have the authority to prosecute a criminal case may be used to investigate or prosecute the President or Vice President, a former President or Vice President, or a candidate for the office of President.	Introduced January 3, 2025
HR 415	<i>Stop Act:</i> prohibits a federal officeholder from soliciting funds directly from any person (1) for or on behalf of any political committee, or (2) for or on the behalf of any person for use for federal election activity. A federal officeholder may participate in a fundraising event (e.g., planning, attending, or speaking at an event), as long as the federal officeholder does not engage in any written or verbal solicitation of funds in connection with the event.	Introduced January 15, 2025
S 118	<i>Inaugural Committee Transparency Act of 2025:</i> requires the presidential inaugural committee to disclose any disbursement made in an amount equal to or greater than \$200 and the purpose of each disbursement as well as the name and address of the person to whom the disbursement was made, the date of the disbursement, and the total amount and purpose of the disbursement. The bill prohibits (1) an inaugural committee from soliciting or receiving a donation from a foreign national, in addition to the current ban on a committee accepting such a donation; (2) a person from	Introduced January 16, 2025

CAMPAIGN FINANCE/INFLUENCING ELECTIONS		
Bill No.	Description	Status
	making a donation to an inaugural committee in the name of another; (3) a foreign national from making a donation or making a promise to make a donation to such a committee; or (4) converting a donation to an inaugural committee to personal use.	
HR 535	<i>Inaugural Fund Integrity Act</i> : similar to S 118.	Introduced January 16, 2025
HR 723	<i>Protect American Election Administration Act of 2025</i> : prohibits a state from soliciting, receiving, or expending any payment or donation of funds, property, or personal services from a private entity for the purpose of administering a federal election including programs related to voter education, outreach, and registration.	Introduced January 24, 2025
S 538	<i>Eliminating Leftover Expenses for Campaigns from Taxpayers (ELECT) Act of 2025</i> : terminating taxpayer financing of Presidential election campaigns through income taxpayer checkoff – applicable to elections prior to 12/31/2024 and transfers remaining funds to general fund.	Introduced February 12, 2025
S 840	<i>Digital Integrity in Democracy Act</i> : requires operators of social media platforms that intentionally or knowingly host false election administration information to remove the information.	Introduced March 4, 2025
HR 2265	<i>No Foreign Election Interference Act</i> : contributions by 501(c) tax exempt organizations to political committees prohibited if the organization received any contribution or gift from a foreign national (applies to organizations with annual receipts over \$200,000 or assets over \$500,000. Tax exempt status may be revoked.	Introduced March 21, 2025
HR 2352	<i>Abolish Super PAC Act</i> : limits contributions to “independent expenditure committee” (SuperPAC) to \$5,000.	Introduced March 26, 2025

CAMPAIGN FINANCE/INFLUENCING ELECTIONS		
Bill No.	Description	Status
SJ Res 43	Constitutional amendment grants Congress and the states the power to implement and enforce this amendment by legislation. They are allowed to distinguish between natural persons and corporations or other artificial entities created by law, including by prohibiting such entities from spending money to influence elections.	March 27, 2025
HR 2476	<i>Stop Illegal Campaign Coordination Act</i> : treats expenditures as coordinated with a candidate, an authorized committee of a candidate, or a committee of a national, State, or local political party if the expenditures are materially consistent with instructions, directions, guidance, and suggestions from such candidate or committee.	Introduced March 27, 2025
S 1213	<i>Protect Elections from Deceptive AI Act</i> : prohibits the distribution of materially deceptive audio or visual media that is generated by artificial intelligence (AI) relating to federal candidates. Permits a federal candidate whose voice or likeness appears in such materially deceptive AI-generated audio or visual media to bring a civil action for injunctive relief or damages.	Introduced March 31, 2025
HR 2501	<i>Free Speech Fairness Act</i> : permits 501(c)(3) charitable organizations to make statements relating to political campaigns if they are made in the ordinary course of the organization's regular and customary activities in carrying out its exempt purpose, and results in the organization incurring not more than de minimis incremental expenses.	Introduced March 31, 2025
S 1205	<i>Same as HR 2501.</i>	Introduced March 31, 2025
HR 2816	<i>Shell Company Abuse Act</i> : prohibits establishment of corporation to conceal election contributions and donations by foreign nationals.	Introduced April 10, 2025
HR 3311	<i>Same as S 538.</i>	Introduced May 8, 2025

CAMPAIGN FINANCE/INFLUENCING ELECTIONS		
Bill No.	Description	Status
HR 3535	<i>Stop Foreign Funds in Elections Act</i> : applies the prohibition against contributions and donations by foreign nationals in connection with elections to contributions or donations in connection with ballot initiatives and referenda.	Introduced May 21, 2025
S 1849	<i>Zeroing Out Money for Buying Influence After Elections (ZOMBIE) Act</i> : establishes a timeframe after an election in which an authorized committee or leadership PAC must disburse remaining sums. Obligations in connection with the operation of the committee must be paid first, then to return contributions, or make a charitable contribution under IRC Section 170(c).	Introduced May 21, 2025

CANVASSING/TABLULATING/COUNTING BALLOTS		
Bill No.	Description	Status
HR 529	<i>Restoring American Confidence in Elections Act or the RACE Act</i> : requires a state to finish counting the ballots cast in a federal election held in the state not later than 10:00 p.m. on the date of the election. Further, the state must certify the election results not later than 48 hours after the election.	Introduced January 16, 2025
HR 2694	<i>Election Results Accountability Act</i> : imposes deadlines for counting ballots and certifying results. Counting Ballots.—Not later than 72 hours after the closing of the polls for an election for Federal office held in a State, the State shall count not less than 90 percent of the ballots cast in the election and make the result of the count publicly available. Certifying Results.—Not later than 2 weeks after the closing of the polls for an election for Federal office held in a State, the State shall complete the counting of all of the ballots cast in the election; and officially certify the result of the election and make the result publicly available.	Introduced April 7, 2025

ELECTION DIRECTORS AND POLL WORKERS		
Bill No.	Description	Status
HR 882	<i>No Foreign Persons Administering Our Elections Act</i> : prohibits states and local jurisdictions from hiring noncitizens to administer federal elections.	Introduced January 31, 2025
S 2124	<i>Election Worker Protection Act of 2025</i> : provides grants to states for poll worker and election volunteer recruitment and training; grants for election worker safety; grants to prevent disclosure of personal information about election workers; requires DOJ to offer training on understanding, detection, deterrence and investigation of threats against elections workers; criminalizes harassment of election workers or interference with tabulation, canvass, or certification efforts.	Introduce June 18, 2025

ELECTION INVESTIGATIONS/AUDITS/CHALLENGES		
Bill No.	Description	Status
HR 2803	<i>Protecting Election Administration from Interference Act of 2025</i> : extends current requirement for federal elections that election officials retain and preserve all election-related records and papers for 22 months to electronic records and election equipment. Authorizes Department of Justice to demand records and equipment for inspection.	Introduced April 9, 2025

MAIL-IN BALLOTS		
Bill No.	Description	Status
HR 738	<i>Universal Right To Vote by Mail Act of 2025</i> : Requires states to allow voting by mail in federal elections and provide a cure process.	Introduced January 24, 2025

MAIL-IN BALLOTS		
HR 2847	<i>Vote at Home Act of 2025</i> : Requires states to allow voting by mail in federal elections; provides for opt-out automatic voter registration and streamlines “motor voter” registration.	Introduced April 10, 2025
S 1887	<i>Same as HR 2847.</i>	Introduced May 22, 2025

REDISTRICTING		
Bill No.	Description	Status
HR 158	<i>Citizen Legislature Anti-Corruption Reform of Elections Act or the CLEAN Elections Act</i> : States must conduct congressional redistricting using a plan developed by a nonpartisan independent redistricting commission.	Introduced January 3, 2025

VOTER IDENTIFICATION		
Bill No.	Description	Status
HR 156	<i>Securing Our Elections Act of 2025</i> : Requires photo identification prior to receipt of a ballot in a federal election.	Introduced January 3, 2025
HJ Res 31	Constitutional amendment prohibiting persons who are not U.S. citizens, nationals, or lawful permanent residents voting in any election for federal, state, tribal, or local office, including offices in the District of Columbia or in any of the territories or possessions of the United States.	Introduced January 31, 2025
HJ Res 107	Constitutional amendment that an individual may not vote in any election for public office held in the United States, including any election for Federal, State, or local office, or vote on any ballot initiative or referendum held in the United States, unless the individual is a citizen of the United States.	Introduced July 16, 2025

VOTER REGISTRATION		
Bill No.	Description	Status
HR 55	To repeal the National Voter Registration Act of 1993.	Introduced January 3, 2025
HR 58	<i>Voter Integrity Protection Act</i> : additional immigration-related penalties for non-U.S. nationals (aliens under federal law) who vote in an election for federal office.	Introduced January 3, 2025
HR 126	<i>Original Students Voicing Opinions in Today's Elections (VOTE) Act</i> : Pilot program providing funds, during FY2025, to local educational agencies (LEAs) for initiatives that provide 12th graders with voter registration information.	Introduced January 3, 20225
S 128	<i>Safeguard American Voter Eligibility Act or the SAVE Act</i> : requires individuals to provide documentary proof of U.S. citizenship when registering to vote in federal elections.	Introduced January 16, 2025
HR 2499	Codifies executive order “Preserving and Protection the Integrity of American Elections.”	Introduced March 31, 2025
S 1240	<i>Defending America's Future Elections Act</i> : Repeals executive order “Preserving and Protecting the Integrity of American Elections” and provides that no Federal funds may be appropriated or transferred to, or used by, the Department of Government Efficiency to access each State’s voter registration lists, records concerning voter list maintenance activities, Federal immigration databases, or other public or private State records related to Federal elections.	Introduced April 1, 2025
HR 22	<i>Same as s 1240.</i>	Passed House April 10, 2025 (220-208); introduced in Senate April 10, 2025
HR 2968	<i>Business Over Ballots Act</i> : limits the authority of the Small Business Administration to facilitate access to voter registration.	Introduced April 30, 2025

VOTING		
Bill No.	Description	Status
HR 154	<i>Election Day Act</i> : Making election day a federal holiday.	Introduced January 3, 2025
HR 707	<i>Deport Illegal Voters Act of 2025</i> : Provides that non-U.S. nationals (<i>aliens</i> under federal law) who vote in violation of a federal, state, or local constitutional provision, statute, ordinance, or regulation commit an aggravated felony that is grounds for deportation and inadmissibility. Eliminates exception of those who reasonably believed at the time of such act that they were citizens.	Introduced January 23, 2025
HR 1037	<i>Voter Eligibility Verification Act of 2025</i> : requires the Department of Homeland Security to respond within 15 days of receiving a request from state Attorney General or Secretary of State for the immigration status of an individual on a list of potential voters.	Introduced February 5, 2025
HR 1467	<i>Protecting Our Local Elections Act or the POLE Act</i> : prohibits a state from receiving federal election administration funds if the state does not permit localities to hold elections for local office in odd-numbered years.	Introduced February 21, 2025
HR 14	<i>John R. Lewis Voting Rights Advancement Act of 2025</i> : establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices may take effect. Preclearance is the process of receiving preapproval from the Department of Justice (DOJ) or the U.S. District Court for the District of Columbia before making legal changes that would affect voting rights.	Introduced March 5, 2025
HR 2054	<i>Voting Only Through English Act or the VOTE Act</i> : prohibits a state from receiving federal election administration funds if the state provides ballots for a federal election that include text in any language other than English. Eliminates language assistance provisions under the Voting Rights Act of 1965.	Introduced March 11, 2025
HR 2561	<i>One Vote One Choice Act</i> : prohibits states from using ranked-choice voting in federal elections.	Introduced April 1, 2025

VOTING		
Bill No.	Description	Status
HR 3040	<i>Preventing Ranked Choice Corruption Act</i> : prohibits states from using ranked-choice voting in federal elections.	Introduced April 28, 2025
HJ Res 102	Constitutional amendment to add twelve Senators to be elected using a national popular vote and providing for twelve Electors at-large for President and Vice-President, who shall cast their ballots for the respective winners of the national popular vote.	Introduced June 25, 2025

SINGLE BILLS ON MULTIPLE ISSUES		
Bill No.	Description	Status
HR 155	<i>Let America Vote Act</i> : Mandates open primaries in federal elections; Prohibits state use of federal election administration funds unless the state certifies that it does not permit a noncitizen to vote in state or local elections or vote on any ballot initiative or referendum held in the state.	Introduced January 3, 2025
HR 160	<i>Restoring Faith in Elections Act</i> : for federal elections, regulating voting by mail, ballot harvesting, time period for counting ballots, automatic voter registration, signature verification, and establishing a federal voting database and clearinghouse for voter registration records and lists of eligible voters.	Introduced January 3, 2025
HR 3001	Open primaries; noncitizens prohibited from voting; Election Day a federal holiday (large omnibus bill).	Introduced April 24, 2025

***Statutory Authority
for Election Law Advisory Board***

PENNSYLVANIA ELECTION CODE - OMNIBUS AMENDMENTS
Act of Mar. 27, 2020, P.L. 41, No. 12 Cl. 25
Session of 2020
No. 2020-12

**ARTICLE XIII-E
PENNSYLVANIA ELECTION LAW ADVISORY BOARD**

Section 1301-E. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pennsylvania Election Law Advisory Board established under section 1302-E(a).

Section 1302-E. Pennsylvania Election Law Advisory Board.

(a) Establishment.--The Pennsylvania Election Law Advisory Board is established within the Joint State Government Commission.

(b) Members.--The board shall be comprised of the following members:

- (1) The Secretary of the Commonwealth or a designee.
- (2) The President pro tempore of the Senate or a designee.
- (3) The Minority Leader of the Senate or a designee.
- (4) The Speaker of the House of Representatives or a designee.
- (5) The Minority Leader of the House of Representatives or a designee.

(6) One member from each congressional district, of whom no more than half may be registered with the same political party, appointed by the Governor and confirmed by the Senate and which shall include members who:

- (i) represent groups advocating for individuals with disabilities;
- (ii) represent groups advocating for voting rights; and
- (iii) represent county commissioners or county election officials.

(c) Duties.--The board shall have the following duties:

- (1) Study this act and identify statutory language to repeal, modify or update.
- (2) Collaborate with other agencies and political subdivisions of the Commonwealth to study election-related issues.
- (3) Study the development of new election technology and voting machines.
- (4) Evaluate and make recommendations on:
 - (i) improving the electoral process in this Commonwealth by amending this act or through regulations promulgated by the Department of State; and
 - (ii) implementing best practices identified to ensure the integrity and efficiency of the electoral process in this Commonwealth.
- (5) By the end of each fiscal year, publish extensive and detailed findings on the Joint State Government Commission's publicly accessible Internet website and make them available in electronic format to the Office of the Governor and members of the General Assembly.
- (d) Quorum.--A majority of appointed members shall constitute a quorum for the purpose of conducting business.
- (e) Chairperson and vice chairperson.--The members shall select a member to be chairperson and another member to be vice chairperson.
- (f) Transparency and ethics.--The board shall be subject to the following laws:
 - (1) The act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.
 - (2) The act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law.
 - (3) The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
 - (4) 65 Pa.C.S. Ch. 7 (relating to open meetings).
- (g) Information gathering.--The board may conduct hearings and otherwise gather relevant information and analysis that it considers appropriate and necessary to fulfill its duties.
- (h) Reimbursement.--Members of the board shall be reimbursed for reasonable expenses.

Previous Recommendations from the Board

While the recommendations in this report are the consensus of the members of the ELAB, it should not be assumed by the reader that agreement was unanimous. Some provisions were the subject of much debate and concerns are noted in context. Any proposed legislation in this chapter follows the Legislative Reference Bureau's drafting convention of using brackets to show deleted materials and underscoring all new language.

Recommendation from the First Annual Report, June 2021

RECOMMENDATION: Pre-Canvassing

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in preliminary provisions and voting by qualified absentee electors, further providing for processing of official canvassing of official absentee ballots and mail-in ballots.

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

Section 1. Section 102 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended March 27, 2020 (P.L.41, No.12), is amended to read:

Section 102. Definitions.--

* * *

(a.1) The word “canvass” shall mean the gathering of ballots [after the final pre-canvass meeting] and the counting, computing and tallying of the votes reflected on the ballots.

* * *

(q.1) The word "process" shall mean the inspection and opening of all envelopes containing official absentee ballots or mail-in ballots, the removal of such ballots from the envelopes and [the counting, computing and tallying of the votes reflected on the ballots] the preparation of those ballots for scanning, including unfolding, straightening and duplicating if the ballot is damaged in some way that prevents it from being scanned but where the voter’s intent is still clear. It shall also include scanning the ballot into a voting machine or other automatic tabulating device, if the equipment used by the county board of elections permits a ballot to be scanned without tabulating or counting the votes on the ballot scanned. The term does not include the recording or publishing of the votes reflected on the ballots.

Section 2. Section 1308 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended March 27, 2020 (P.L.41, No.12), is amended to read:

Section 1308. [Canvassing] Processing of Official Absentee Ballots and Mail-in Ballots.

(a) The county boards of election, upon receipt of official absentee ballots in sealed official absentee ballot envelopes as provided under this article and mail-in ballots as in sealed official mail-in ballot envelopes as provided under Article XIII-D, shall safely keep the ballots in sealed

or locked containers until they are to be [canvassed] processed by the county board of elections. An absentee ballot, whether issued to a civilian, military or other voter during the regular or emergency application period, shall be [canvassed] processed in accordance with subsection (g). A mail-in ballot shall be [canvassed] processed in accordance with subsection (g).

* * *

(d) Whenever it shall appear by due proof that any absentee elector or mail-in elector who has returned his ballot in accordance with the provisions of this act has died prior to the opening of the polls on the day of the primary or election, the ballot of such deceased elector shall be rejected by the [canvassers] board of elections but the counting of the ballot of an absentee elector or a mail-in elector thus deceased shall not of itself invalidate any nomination or election.

* * *

(g) (1)

(i) An absentee ballot cast by any qualified absentee elector as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h) shall be canvassed in accordance with this subsection if the ballot is cast, submitted and received in accordance with the provisions of 25 Pa.C.S. Ch. 35 (relating to uniform military and overseas voters).

(ii) [An] Subject to the provisions of paragraph (1.1) an absentee ballot cast by any absentee elector as defined in section 1301(i), (j), (k), (l), (m) and (n), an absentee ballot under section [1302(a.3)] 1302.1(a.3) or a mail-in ballot cast by a mail-in elector shall be canvassed in accordance with this subsection if the absentee ballot or mail-in ballot is received in the office of the county board of elections no later than eight o'clock P.M. on the day of the primary or election.

(1.1) The county board of elections [shall meet no earlier than seven o'clock A.M. on election day to pre-canvass all ballots received prior to the meeting.] may begin processing official absentee and mail-in ballots no earlier than seven o'clock A.M. on the 14th day immediately preceding the election, during the hours of seven o'clock A.M. to seven o'clock P.M. each day, including holidays and weekends, if the number of absentee and mail-in ballots sent by the county to registered voters indicates that extra time will be needed to ensure that all such ballots can be processed, counted and tallied prior to eleven o'clock P.M. on the day of the election. A county board of elections shall provide at least forty-eight hours' notice of [a pre-canvass meeting] the first day that pre-election day ballot processing will begin by publicly posting a notice [of a pre-canvass meeting] of the dates and times processing will occur on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are [pre-canvassed] processed. No person observing, attending or participating in [a pre-canvass meeting] any ballot processing activities may disclose the results of any portion of any [pre-canvass meeting] ballot processing prior to the close of the polls on election day. A person who makes an unauthorized disclosure under this paragraph shall be guilty of a misdemeanor of the first degree.

(2) The county board of elections shall meet no earlier than the close of polls on the day of the election and no later than the third day following the election to begin canvassing absentee ballots and mail-in ballots not [included in the pre-canvass meeting] processed under paragraph (1.1). The meeting under this paragraph shall continue until all absentee ballots and mail-in ballots received prior to the close of the polls have been canvassed. The county board

of elections shall not record or publish any votes reflected on the ballots prior to the close of the polls. The canvass process shall continue through the eighth day following the election for valid military-overseas ballots timely received under 25 Pa.C.S. § 3511 (relating to receipt of voted ballot). A county board of elections shall provide at least forty-eight hours' notice of a canvass meeting by publicly posting a notice on its publicly accessible Internet website. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are canvassed.

(3) When the county board meets to [pre-canvass] process or canvass absentee ballots and mail-in ballots under paragraphs (1), (1.1) and (2), the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board has verified the proof of identification as required under this act and is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee and Mail-in Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall provide a list of the names of electors whose absentee ballots or mail-in ballots are to be [pre-canvassed] processed or canvassed.

(4) All absentee ballots which have not been challenged under section 1302.2(c) and all mail-in ballots which have not been challenged under section 1302.2-D(a)(2) and that have been verified under paragraph (3) shall be counted and included with the returns of the applicable election district as follows:

(i) The county board shall open the envelope of every unchallenged absentee elector and mail-in elector in such manner as not to destroy the declaration executed thereon.

(ii) If any of the envelopes on which are printed, stamped or endorsed the words "Official Election Ballot" contain any text, mark or symbol which reveals the identity of the elector, the elector's political affiliation or the elector's candidate preference, the envelopes and the ballots contained therein shall be set aside and declared void.

(iii)

(A) In the case of absentee and mail-in ballots processed during the time allotted in paragraph (1.1), after the ballots have been processed, they shall be locked and sealed in tamper-proof containers and secured in a locked secure location at the county board of elections physical location and otherwise retained subject to the provisions of this act regarding retention and safekeeping of canvassed ballots in general.

(B) In the case of absentee and mail-in ballots not processed under paragraph (1.1), the [The] county board shall then break the seals of such envelopes, remove the ballots and count, compute and tally the votes.

(iv) Following the close of the polls, the county board shall record and publish the votes reflected on the ballots.

* * *

*Recommendations from the
Second Annual Report, June 2022*

RECOMMENDATION #1: Voter List Maintenance

Pennsylvania should statutorily permit the Department of State to access national databases to ensure that voter registration lists are up to date, particularly with respect to deceased voters.

AN ACT

Amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, in changes in records, further providing for Department of State participation in national voter registration databases and for information regarding death of a registered elector.

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

Section 1. Section 1222 of Title 25 of the Pennsylvania Consolidated Statutes is amended by adding a new subsection (f) to read:

§ 1222. SURE system.

* * *

(f) Use of national databases.—The department may participate in national databases that contain official data on voter registration information in order to verify and update voter registration information in the SURE system. These databases may include the Electronic Registration Information Center (ERIC) or other similar nationwide voter registration databases.

Section 2. Section 1505 of Title 25 of the Pennsylvania Consolidated Statutes is amended by adding a new subsection (a.1) to read:

§ 1505. Death of registrant.

* * *

(a.1) Department of State.—The Department of State may access the Electronic Registration Information Center and the United States Social Security Administration’s Master Death File to determine if a registered elector has been reported deceased, and if the records indicated that the person is deceased, remove the name and address of the deceased elector from the SURE system.

* * *

Section 2. This act shall take effect in 60 days.

RECOMMENDATION #2: Voter Registration of Formerly Incarcerated Persons

Pennsylvania’s voter registration provisions for formerly incarcerated individuals should be updated to reflect judicially mandated standards. This proposal addresses formerly incarcerated persons who apply to register to vote for the first time following their release. It does not address individuals who were registered to vote prior to their incarceration, who have had their voting rights suspended during the duration of the incarceration.

Amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, in changes in records, further providing for qualification of convicted felons to register to vote.

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

Section 1. Sections 1301(a), 1325(b)(4) and 1327(a)(4) of Title 25 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1301. Qualifications to register.

(a) Eligibility.—An individual who will be at least 18 years of age on the day of the next election, who has been a citizen of the United States for at least one month prior to the next election and who has resided in this Commonwealth and the election district where the individual offers to vote for at least 30 days prior to the next ensuing election [and has not been confined in a penal institution for a conviction of a felony within the last five years] shall be eligible to register as provided in this chapter. An individual who has been convicted of a felony shall not be eligible to register to vote if the individual is:

(1) Currently confined in a penal institution for conviction of a felony if you will not be released from confinement before the next election; or

(2) Currently residing in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the date of the next election.

* * *

§ 1325. Government agencies.

* * *

(b) Forms.—An agency designated in subsection (a) shall provide a form for office visits or, if the agency provides services to persons with disabilities, for home visits which contains all of the following:

* * *

(4) The statement "In order to be qualified to register to vote, you must be at least 18 years of age on the day of the next election, you must have been a citizen of the United States for at least one month prior to the next election and have resided in Pennsylvania and the election district where you plan to vote for at least 30 days prior to the next election [and you must not have been confined in a penal institution for a conviction of a felony within the last five years]. You are not qualified to vote if you are currently confined in a penal institution for conviction of a felony and you will not be released from confinement before the next election or you are in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the day of the next election.

* * *

§ 1327. Preparation and distribution of applications.

(a) Form.—

* * *

(4) A voter registration application shall be printed on stock of good quality and shall be of suitable uniform size. Nothing in this part shall prohibit the design and use of an electronic voter registration application which includes the applicant's digitized or electronic signature. The registration application shall contain the following information; however, the information may be provided on a separate form for voter registration made under section 1323 or 1325:

* * *

(iii) Notice that the applicant must be a citizen of the United States for at least one month prior to the next election and a resident of this Commonwealth and the election district for at least 30 days and must be at least 18 years of age by the day of the next ensuing election [and has not been confined in a penal institution for a conviction of a felony within the last five years].

(iv) Notice that the applicant is not qualified to vote because the applicant is currently confined in a penal institution for conviction of a felony and will not be released from confinement before the next election or is in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the day of the next election.

The notice required in this subparagraph shall be in print identical to the declaration under subsection (b).

(b) Registration declaration.--

(1) The official voter registration application shall contain a registration declaration. On the declaration, the applicant shall state all of the following:

* * *

(iv) The applicant [has not been confined in a penal institution for a conviction of a felony within the last five years] is not qualified to vote because the applicant is currently confined in a penal institution for conviction of a felony and will not be released from confinement before the next election or is in a community confinement facility or other alternative correctional facility for conviction of a felony and will not be released before the day of the next election.

* * *

RECOMMENDATION #3: Voter Identification

Many members of the Advisory Board believe that expanding the current voter identification requirements in the Election Code to require identification be presented by voters at every election is a reasonable action to take to provide citizen confidence in election integrity. The concern of some members is that the list of acceptable proof of identification be comprehensive enough to ensure that persons are not disenfranchised because of their inability to produce a limited number of forms of identification. Additionally, the *Applewhite* decision in 2014 declared parts of the voter identification provisions of the Election Code unconstitutional, yet those provisions remain in the statute. Staff has advised that such language be removed from the statute to prevent confusion. This includes language providing for a PennDOT issued photo identification card to be used solely for voter identification purposes, the requirement of expiration dates on identification documents, and the requirement of presentation of additional identification to the county board of elections within six days of the election in order for provisional ballots to be counted. The Advisory Committee will continue to study the proposal to expand voter identification in future meetings but has authorized the following proposed legislation to remove language found unconstitutional in the *Applewhite* decision.

The amendments set forth below to accomplish this repeal all involve deletion of statutory language, normally marked by using brackets to enclose the material being repealed. It this particular set of amendments, the bracketing is difficult to recognize on its own. Accordingly, staff has highlighted the text to be repealed in gray, to make the proposal more readable.

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing for voter identification at primaries and elections.

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

Section 1. Sections 102 act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

§ 102. Definitions.

(z.5) The words "proof of identification" shall mean:

(1) In the case of an elector who has a religious objection to being photographed, a valid-without-photo driver's license or a valid-without-photo identification card issued by the Department of Transportation.

(2) For an elector who appears to vote under section 1210, a document that:

(i) shows the name of the individual to whom the document was issued and the name substantially conforms to the name of the individual as it appears in the district register;

(ii) shows a photograph of the individual to whom the document was issued;

[(iii) includes an expiration date and is not expired, except:

(A) for a document issued by the Department of Transportation which is not more than twelve (12) months past the expiration date; or

(B) in the case of a document from an agency of the Armed forces of the United States or their reserve components, including the Pennsylvania National Guard, establishing that the elector is a current member of or a veteran of the United States

Armed Forces or National Guard which does not designate a specific date on which the document expires, but includes a designation that the expiration date is indefinite;] and

(iv) was issued by one of the following:

- (A) The United States Government.
- (B) The Commonwealth of Pennsylvania.
- (C) A municipality of this Commonwealth to an employee of that municipality.
- (D) An accredited Pennsylvania public or private institution of higher learning.
- (E) A Pennsylvania care facility.

(3) For a qualified absentee elector under section 1301 or a qualified mail-in elector under section 1301-D:

(i) in the case of an elector who has been issued a current and valid driver's license, the elector's driver's license number;

(ii) in the case of an elector who has not been issued a current and valid driver's license, the last four digits of the elector's Social Security number;

(iii) in the case of an elector who has a religious objection to being photographed, a copy of a document that satisfies paragraph (1); or

(iv) in the case of an elector who has not been issued a current and valid driver's license or Social Security number, a copy of a document that satisfies paragraph (2).

Section 2. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a new section 102.1 to read:

* * *

Section 3. Sections 206 and 1210 of act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, are amended to read:

Section 206. Requirements Relating to Voter Identification.—[(a)] The Secretary of the Commonwealth shall prepare and disseminate information to the public regarding the proof of identification requirements established under sections 1210 and 1302.

[(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b) (relating to issuance and content of driver's license) to the contrary, the Department of Transportation shall issue an identification card described in 75 Pa.C.S. § 1510(b) at no cost to any registered elector who has made application therefor and has included with the completed application a statement signed by the elector declaring under oath or affirmation that the elector does not possess proof of identification as defined in section 102(z.5)(2) and requires proof of identification for voting purposes.

(c) The Secretary of the Commonwealth shall prepare the form of the statement described in subsection (b) and shall distribute the form to the counties and the Department of Transportation. The Secretary of the Commonwealth, the Secretary of Transportation and the county boards of election shall disseminate information to the public regarding the availability of identification cards under subsection (b).]

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.—

(a) At every primary and election each elector who appears to vote and who desires to vote shall first present to an election officer proof of identification. The election officer shall examine the proof of identification presented by the elector and sign an affidavit stating that this has been done.

(a.2) If any of the following apply, the elector shall be permitted to cast a provisional ballot in accordance with subsection (a.4):

(1) The elector is unable to produce proof of identification [:

(i) on the grounds that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or

(ii) on any other grounds].

(2) The elector's proof of identification is challenged by the judge of election.

* * *

(a.4)(5)

* * *

(ii) A provisional ballot shall not be counted if:

(A) either the provisional ballot envelope under clause (3) or the affidavit under clause (2) is not signed by the individual;

(B) the signature required under clause (3) and the signature required under clause (2) are either not genuine or are not executed by the same individual;

(C) a provisional ballot envelope does not contain a secrecy envelope; or

[(D) in the case of a provisional ballot that was cast under subsection (a.2)(1)(i), within six calendar days following the election the elector fails to appear before the county board of elections to execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee;

(E) in the case of a provisional ballot that was cast under subsection (a.2)(1)(ii), within six calendar days following the election, the elector fails to appear before the county board of elections to present proof of identification and execute an affirmation or the county board of

elections does not receive an electronic, facsimile or paper copy of the proof of identification and an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot; or]

(F) the elector's absentee ballot or mail-in ballot is timely received by a county board of elections.

* * *

RECOMMENDATION #4: Election Official and Poll Worker Training

The consensus of the ELAB is that while a “one-size-fits-all” approach to election worker training is burdensome to a Commonwealth consisting of 67 diverse counties, some degree of uniformity with respect to certain topic areas would be useful. In particular, the areas of processing nomination petitions and campaign finance disclosures, developing timetables for pre-Election Day activities, determining the number of employees needed to canvass and pre-canvass ballots, and the number of paper ballots to be provided seem ripe for some general standards. The members of the ELAB believe that the development of guidelines may best be accomplished by the County Commissioners Association of Pennsylvania, the Association of Eastern Pennsylvania County Election Personnel and the Association of Western Pennsylvania County Election Personnel, working in conjunction with the Department of State, as these types of details are not necessarily appropriate for statutory enactment.

***Recommendations from the
Interim Report on Mail-in Ballots, January 2023***

RECOMMENDATION #1: Permanent Mailing Lists

The term “permanent,” when used to refer to mailing lists for absentee and mail-in ballots should be changed to “annual” to more accurately reflect their operation and purpose.

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing for annual voter mailing lists for absentee and mail-in ballots.

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

Section 1. Sections 1302 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

§ 1302. Applications for Official Absentee Ballots.—

* * *

(e.1) Any qualified registered elector who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may, with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on [a permanently] an annual disabled absentee ballot list file. An absentee ballot application shall be mailed to every

such person otherwise eligible to receive one, by the first Monday in February each year, so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section. Should any such person lose his disability he shall inform the county board of elections of the county of his residence. An absentee ballot application mailed to a voter under this section, which is completed and timely returned by the voter, shall serve as an application for any and all primary, general or special elections to be held in the remainder of that calendar year and for all special elections to be held before the third Monday in February of the succeeding year.

* * *

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

Section 2. Sections 1302-D of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

§1302-D Applications for official mail-in ballots.—

* * *

(g) Permanent mail-in voting list.—

(1) Any qualified registered elector may request to be placed on [a permanent] an annual mail-in ballot list file. A mail-in ballot application shall be mailed to

every person otherwise eligible to receive a mail-in ballot application by the first Monday in February each year, so long as the person does not lose the person's voting rights by failure to vote as otherwise required by this act. A mail-in ballot application mailed to a voter under this section, which is completed and timely returned by the voter, shall serve as an application for any and all primary, general or special elections to be held in the remainder of that calendar year and for all special elections to be held before the third Monday in February of the succeeding year.

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

RECOMMENDATION #2: Deadline to Apply for a Mail-in Ballot

The deadline to apply for a mail-in or absentee ballot by mail or online should be changed from the current deadline of seven days prior to Election Day to between 12 and 15 days prior to Election Day. This move would grant more time for the postal service to deliver ballots to voters and return them to the county elections office in a timely manner. The deadline to apply in person for a mail-in or absentee ballot should remain the current seven days, as less mail-time would be involved and would still permit voters who wait closer to election day to vote the opportunity to still vote by mail. For purposes of this draft proposal, the mail/online deadline is set at 12 days, which has been reported to be the most common deadline among the states.

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing for date to submit absentee and mail-in ballot request.

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

Section 1. Sections 1302.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 1302.1. Date of Application for Absentee Ballot.—

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

* * *

(a.3) (1) The following categories of electors may apply for an absentee ballot under this subsection, if otherwise qualified:

(i) An elector whose physical disability or illness prevented the elector from applying for an absentee ballot before five o'clock P.M. on the first Tuesday prior to the day of the primary or election.

(ii) An elector who, because of the elector's business, duties or occupation, was unable to apply for an absentee ballot before five o'clock P.M. on the first Tuesday prior to the day of the primary or election.

(iii) An elector who becomes so physically disabled or ill after five o'clock P.M. on the first Tuesday prior to the day of the primary or election that the elector is unable to appear at the polling place on the day of the primary or election.

(iv) An elector who, because of the conduct of the elector's business, duties or occupation, will necessarily be absent from the elector's municipality of residence on the day of the primary or election, which fact was not and could not reasonably be known to the elector on or before five o'clock P.M. on the first Tuesday prior to the day of the primary or election.

(2) An elector described in paragraph (1) may submit an application for an absentee ballot at any time up until the time of the closing of the polls on the day of the primary or election. The application shall include a declaration describing the circumstances that prevented the elector from applying for an absentee ballot before five o'clock P.M. on the first Tuesday prior to the day of the primary or election or that prevent the elector from appearing at the polling place on the day of the primary or election, and the elector's qualifications under paragraph (1). The declaration shall be made subject to the provisions of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

* * *

Section 2. Sections 1302.1-D of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

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

(a) General rule.—Applications for mail-in ballots shall be received in the office of the county board of elections not earlier than 50 days before the primary or election, except that if a county board of elections determines that it would be appropriate to the county board of elections' operational needs, any applications for mail-in ballots received more than 50 days before the primary or election may be processed before that time. Applications for mail-in ballots that are made in person at a county board of elections office shall be processed if received not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election. All other applications for mail-in ballots that are received via U.S. mail or online shall be processed if received not later than the twelfth (12th) day prior to the day of any primary or election.

* * *

Section 3. Sections 1302.2-D of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

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

* * *

(b) Duties of county boards of elections and registration commissions.--The duties of the county boards of elections and the registration commissions with respect to the insertion of the mail-in voter's record shall include only the applications as are received in person on or before the first Tuesday prior to the primary or election and applications as are received via U.S. mail or online on or before the twelfth (12th) day prior to the primary or election.

RECOMMENDATION #3: Use of Secrecy Envelopes

Secrecy envelopes should be provided to all mail-in and absentee voters, but it should be in their discretion if they choose to use them or not. This continues to bolster the constitutionally mandated privacy of an individual's vote but leaves the voter the choice to waive that extra precaution by not using the envelope.

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing for use of secrecy envelopes to return absentee and mail-in ballots.

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

Section 1. Sections 1304 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 1304. Envelopes for Official Absentee Ballots.—

The county boards of election shall provide two additional envelopes for each official absentee ballot of such size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official Election Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector, and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the absentee voter. Said form of declaration and envelope shall be as prescribed by the Secretary of the Commonwealth and shall contain among other things a statement of the electors qualifications,

together with a statement that such elector has not already voted in such primary or election. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, lists of candidates, when authorized by section 1303 subsection (b) of this act, the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else. Use of the inner envelope is in the discretion of the voter. Failure to use the inner envelope shall not be an acceptable reason for disqualifying the ballot.

* * *

Section 2. Sections 1304-D of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

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

(a) Additional envelopes.—The county boards of election shall provide two additional envelopes for each official mail-in ballot of a size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official Election Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the mail-in voter. Use of the inner envelope is in the discretion of the voter. Failure to use the inner envelope shall not be an acceptable reason for disqualifying the ballot.

RECOMMENDATION #4: Dating the Ballot

The requirement that an absentee or mail-in ballot be signed and dated by the voter should be amended to clarify that the date required is the date of the signature. Further, failure to date the ballot should not be the sole grounds to disqualify the ballot.

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," addressing the import of the requirement that signature declarations on the return envelopes of absentee and mail-in ballots include the date of the signature.

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

Section 1. Sections 1306 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 1306. Voting by Absentee Electors.—

(a) Except as provided in paragraphs (2) and (3), at any time after receiving an official absentee ballot, but on or before eight o'clock P.M. the day of the primary or election, the elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official Election Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. The date written on the envelope shall be the date the elector has signed the declaration. Failure to sign the envelope or signing the envelope with a date that is not within the time period between

the date the ballot was received by the voter and when it was received by the county board of election shall not disqualify the ballot if the declaration is otherwise properly executed. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

* * *

(3) Any elector who has filed his application in accordance with section 1302 subsection (e)(2), and is unable to sign his declaration because of illness or physical disability, shall be excused from signing upon making a declaration which shall be witnessed by one adult person in substantially the following form:

I hereby declare that I am unable to sign my declaration for voting my absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

* * *

Section 2. Sections 1306-D of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

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

(a) General rule.—At any time after receiving an official mail-in ballot, but on or before eight o'clock P.M. the day of the primary or election, the mail-in elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official Election Ballot." This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector

shall then fill out, date and sign the declaration printed on such envelope. The date written on the envelope shall be the date the elector has signed the declaration. Failure to sign the envelope or signing the envelope with a date that is not within the time period between the date the ballot was received by the voter and when it was received by the county board of election shall not disqualify the ballot if the declaration is otherwise properly executed. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

(a.1) Signature.—Any elector who is unable to sign the declaration because of illness or physical disability, shall be excused from signing upon making a declaration which shall be witnessed by one adult person in substantially the following form:

I hereby declare that I am unable to sign my declaration for voting my mail-in ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

.....

(Mark)

.....

(Date Mark Made)

.....

(Complete Address of Witness)

.....

(Signature of Witness)

* * *

RECOMMENDATION #5: Use of Drop Boxes

The authority of counties to use drop boxes should be statutorily provided. The use of drop boxes should be at the discretion of the county. If drop boxes are used, minimum requirements should be established.

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," authorizing the use of drop boxes by counties for the return of absentee and mail-in ballots and providing minimum standards for their use.

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

Section 1. Section 1308.1 is added to the of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, to read:

Section 1308.1. Ballot return receptacles.

(a) Use authorized.—Any county board of elections may establish multiple ballot return locations where voters may return their own absentee or mail-in ballot to a secure ballot return receptacle, subject to the terms and conditions included in this section.

(b) Notice.—If a county board of elections decides to establish ballot return sites, the board shall provide notice to the electors the county in at least 30 days prior to the election in the following formats:

(1) On a poster in the county elections office.

(2) In a highly visible location on the county's website.

(3) On posters in locations in the county in the county where voters may congregation.

The following locations are advisory only, and not required: the county courthouse, other

county offices, student centers at local universities and colleges, senior citizen centers, retirement and nursing home community rooms, and the like.

(4) A copy of the notice in any absentee or mail-in voting materials sent to voters.

(c) Notice contents. Notices shall include:

(1) Ballot return deadline.

(2) List of county election offices and ballot return sites, including building names and street addresses.

(3) Days and hours of operation, including election day hours, or if the boxes will be available 24 hours per day, seven days per week.

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

(5) Accessibility information.

(d) Locations.—Ballot receptacle sites shall be fully ADA compliant and in a well-lit fixed location.

(e) Hours of operation.—The county board of elections shall determine the hours of operation, which shall begin no later than 30 days prior to the election and include election day. Hours of operation shall include at a minimum one weeknight and one weekend time period during the five days prior to the primary or election.

(f) Security.—Receptacles must be tamper-resistant, locked and secured to ensure immobility while in use.

(g) Monitoring.—Staff authorized by the county board of elections shall monitor the receptables during hours of operation, either in person or via video surveillance. Video recording must be retained for one year.

(h) Signage.—Receptacles shall have a sign posted on or near the receptacle that includes the following:

(1) A label that states “Official Ballot Return Site.”

(2) A notice that the voter should return only his or her own ballot and that third-party return of ballots (including those of family members) is prohibited unless the person is officially authorized to return another person’s ballot.

(3) The penalties for tampering with the ballots or receptacles or intimidating voters, including forging or destroying ballots.

(i) Ballot collection.—Ballots shall be collected at the end of operating hours of each day that the receptacle is available for use. Ballots shall be collected at the same time each day, as determined by the county elections office, if receptacles are available for use on a 24 hour per day, seven day a week schedule. Two county employees shall be appointed to collect ballots. At least one shall be an employee assigned to the board of elections and the other may be a member of law enforcement, including a constable. The county board of elections shall use a chain of custody log approved by the Department of State and deposit the collected ballots in a secure container within the county board of elections office.

***Recommendations from the
Third Annual Report, July 2023***

RECOMMENDATION: Election Director Training and Continuing Education

The advisory board is in substantial accord that county election officials should receive some form of training and continuing education to remain current on election laws and practices in the Commonwealth. The proposed legislation set forth below requires new directors receive 12 hours of training within 12 months of their appointment. Experienced election directors, specifically, those who have been hired or appointed after the enactment of Act 77 of 2019, are not required to obtain the initial training, as it is accepted that they have had experience in implementation of the Election Code amendments, and in particular, the use of mail-in ballots. Additionally, election directors who have received formal certification from an approved national program are also exempt from the initial training. All election directors would be subject to the continuing education requirement.

Continuing education of eight hours per year is required, much of which can be completed by instruction from voting equipment manufacturers on the proper use of the county's selected voting system.

AN ACT

Amending the act of June 3, 1937 (P.L. 1333, No. 320) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections" providing for qualifications of election directors employed by county boards of election.

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

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election

Code is amended by adding a new section to read:

§302.1. Qualifications of county elections directors.

(a) Training.—Any individual serving as a county election director shall, within 12 months of their appointment or employment as election director, complete 12 hours of training in the administration of elections.

(b) Exception.—The following training equivalents shall exempt an individual from the initial training requirement:

(1) An individual who has continuously served as an election director since October 31, 2019 shall be exempt from the training requirement set forth in subsection (a). Persons who were appointed or hired after October 31, 2019 and are serving on the effective date of this act shall have 12 months after the effective date to obtain the required training.

(2) An individual who possesses a certificate in election administration from a nationally recognized training program such as the State Registered Election Official Certificate Program offered by the Election Center of the National Association of Election Officials or other certificate program approved by the Secretary of the Commonwealth.

(c) Continuing education.—All county election directors shall participate in eight hours of continuing education annually following completion of their initial training. Individuals exempt from the initial training shall participate annual continuing education beginning one year after the effective date of this act.

(d) Continuance.—For good cause shown by an election director to the county board of elections, an individual shall receive an extension of six months to finish their initial training or continuing education.

(e) Training and continuing education topics.—Topics shall include Pennsylvania-specific information and may include information regarding voter registration, campaign finance filing, conduct of in-person, absentee and mail-in elections, operation of electronic voting machines, election reports and returns, general administration of elections, and any other relevant topics.

(f) Providers.—The Pennsylvania Department of State, through the Elections Bureau, shall offer courses for individuals and shall approve other providers and their materials. The

Department of State's materials shall be prepared in consultation with County Commissioners Association of Pennsylvania, the Association of Eastern Pennsylvania County Election Personnel and the Association of Western Pennsylvania County Election Personnel.

(e) Equipment training.—Up to six hours of training with voting equipment manufacturers on the proper use of the county's designated electronic voting system or machines can be credited toward the initial training requirement or the continuing education requirement.

(c) Definition.—The following word, when used in this section, shall have the following meaning:

“Election director.” An appointee or employee of a county board of elections who is responsible to supervision and direction of county staff in the day-to-day fulfillment of the board of elections duties and obligations to:

- (1) register voters,
- (2) maintain the electronic voting system, and
- (3) conduct elections.

(4) All other duties statutorily mandated under the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code or Title 25 of the Pennsylvania Consolidated Statutes (relating to elections) to be performed by a registrar, registration commission, or chief clerk.

Recommendation from the Fourth Annual Report, August 2024

Since at least 1937, the Pennsylvania primary election has been held on the third Tuesday of May, except in Presidential election years.⁶⁸ Presidential primaries are to be held on the fourth Tuesday of April. Previously, the presidential primary date was moved in 1984 to April 10, 1984, and in 2000 to April 4, 2000.⁶⁹ Discussions have occurred in and around the General Assembly for many years regarding the advisability of permanently changing Pennsylvania's primary date to late March or early April. Reasons frequently cited are that by the time Pennsylvanians vote for potential presidential candidates, the decision has already been set by primaries in states with earlier primary dates, thereby diluting the potential impact of the Commonwealth's primary.

One January 31, 2023, a bill was introduced to move the presidential primary election date to the third Tuesday of March. By the time Senate Bill 224 had passed the Senate and reached the House of Representatives on September 21, 2023, the "third Tuesday of March" language had been amended out and a date of March 19, 2024 was set for the 2024 presidential primary. This change caused considerable alarm to the Election Law Advisory Board members, who voted to share their concerns with the leadership of the Senate and House over such a move at a time so close to the original primary date of April 23, 2024. Accordingly, the letter set forth below was sent to leadership to express the Board's recommendation on this primary date move.

⁶⁸ Act of June 3, 1937 (P.L.1333, No. 320), known as the Election Code of 1937, § 603(a).

⁶⁹ §§ 603(b.1) and (b.2) of the Election Code of 1937, as amended, respectively, by the act of November 3, 1983 (P.L.208, No.59) and by the act of act of November 24, 1999 (P.L.543, No.51).



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General Assembly of the Commonwealth of Pennsylvania

JOINT STATE GOVERNMENT COMMISSION

Room 108 - Finance Building
Harrisburg, Pa 17120

717-787-4397

Fax 717-783-9380

<http://jsg.legis.state.pa.us/>

Executive Committee

September 28, 2023

Senate Members

Kim L. Ward
President Pro Tempore
Joseph A. Pittman
Majority Leader
Jay Costa, Jr.
Minority Leader
Ryan P. Aument
Majority Whip
Christine M. Tartaglione
Minority Whip
Kristin Phillips-Hill
Chair, Majority Caucus
Wayne D. Fontana
Chair, Minority Caucus

To:

President Pro Tempore, Sen. Kim Ward
Senate Majority Leader, Sen. Joseph Pittman
Senate Minority Leader, Sen. Jay Costa, Jr.

Speaker of the House of Representatives, Rep. Joanna McClinton
House Majority Leader, Rep. Matthew Bradford
House Republican Leader, Rep. Bryan Cutler

Dear Leaders:

The Election Law Advisory Board wishes express its reservations with the ongoing legislative discussion about changing the date of the 2024 Primary Election.

The Board's principal concern with this date change for 2024 is the impact it would have on Pennsylvania's county election boards and administrations. Enacting this change now would give counties fewer than six months to prepare for the election. In many instances, contracts to reserve polling places are made a year in advance. Clerks, inspectors, and volunteers have already been recruited and planned their schedules around the anticipated primary date. Furthermore, schools that serve as polling places have already scheduled days off so that the students are not on the premises when the building is open to the public.

In general, the Board would advise that if an election date is to be changed, it be done at least a year before the election. In the present circumstance, the Board urges the General Assembly to act expeditiously. Each passing day without a certain date will impact the ability to secure polling locations and workers.

The motion to authorize sending this letter received the unanimous consent of the members present at the Board's September 22, 2023 meeting except for three abstentions: the representatives of the two senators who are members of the board, and the representative of the Department of State.

Thank you for your consideration of the Board's recommendation. Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

Glenn J. Pasewicz
Executive Director

cc:

Pa Election Law Advisory Board: Commissioner Kenneth Lawrence, Jr., Chair and Commissioner Joseph Kantz, Vice-Chair
Senate State Government Committee: Senator Cris Dush, Chair and Senator Amanda Cappelletti, Minority Chair
House State Government Committee: Representative Scott Conklin, Chair and Representative Brad Roae, Republican Chair