

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 982 Session of
2021

INTRODUCED BY BAKER, PHILLIPS-HILL, MARTIN, LAUGHLIN,
BARTOLOTTA, MENSCH, J. WARD, SCAVELLO, STEFANO, AUMENT, DUSH
AND BROOKS, DECEMBER 10, 2021

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JULY 7, 2022

AN ACT

1 ~~Amending the act of June 3, 1937 (P.L.1333, No.320), entitled~~ <--
2 ~~"An act concerning elections, including general, municipal,~~
3 ~~special and primary elections, the nomination of candidates,~~
4 ~~primary and election expenses and election contests; creating~~
5 ~~and defining membership of county boards of elections;~~
6 ~~imposing duties upon the Secretary of the Commonwealth,~~
7 ~~courts, county boards of elections, county commissioners;~~
8 ~~imposing penalties for violation of the act, and codifying,~~
9 ~~revising and consolidating the laws relating thereto; and~~
10 ~~repealing certain acts and parts of acts relating to~~
11 ~~elections," in preliminary provisions, providing for public~~
12 ~~funding of elections.~~

13 AMENDING THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), ENTITLED <--
14 "AN ACT CONCERNING ELECTIONS, INCLUDING GENERAL, MUNICIPAL,
15 SPECIAL AND PRIMARY ELECTIONS, THE NOMINATION OF CANDIDATES,
16 PRIMARY AND ELECTION EXPENSES AND ELECTION CONTESTS; CREATING
17 AND DEFINING MEMBERSHIP OF COUNTY BOARDS OF ELECTIONS;
18 IMPOSING DUTIES UPON THE SECRETARY OF THE COMMONWEALTH,
19 COURTS, COUNTY BOARDS OF ELECTIONS, COUNTY COMMISSIONERS;
20 IMPOSING PENALTIES FOR VIOLATION OF THE ACT, AND CODIFYING,
21 REVISING AND CONSOLIDATING THE LAWS RELATING THERETO; AND
22 REPEALING CERTAIN ACTS AND PARTS OF ACTS RELATING TO
23 ELECTIONS," IN PRELIMINARY PROVISIONS, PROVIDING FOR PUBLIC
24 FUNDING OF ELECTIONS; IN COUNTY BOARDS OF ELECTIONS, FURTHER
25 PROVIDING FOR POWERS AND DUTIES OF COUNTY BOARDS;
26 ESTABLISHING THE ELECTION INTEGRITY GRANT PROGRAM; AND, IN
27 PENALTIES, PROVIDING FOR VIOLATION OF PUBLIC FUNDING OF
28 ELECTIONS.

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

1 ~~Section 1. The act of June 3, 1937 (P.L.1333, No.320), known <--~~
2 ~~as the Pennsylvania Election Code, is amended by adding a~~
3 ~~section to read:~~

4 ~~Section 107. Public Funding of Elections. (a) The cost and~~
5 ~~expense to State and local governments relating to the~~
6 ~~registration of voters and the preparation, administration and~~
7 ~~conduct of elections in this Commonwealth shall be funded only~~
8 ~~upon lawful appropriation of the Federal, State and local~~
9 ~~governments, and the source of funding shall be limited to money~~
10 ~~derived from taxes, fees and other sources of public revenue.~~

11 ~~(b) State and local governments, including their public~~
12 ~~officers, public officials, employees and agents, may not~~
13 ~~solicit, apply for, enter into a contract for or receive or~~
14 ~~expend gifts, donations, grants or funding from any individual,~~
15 ~~business, organization, trust, foundation, or any~~
16 ~~nongovernmental entity for the registration of voters or the~~
17 ~~preparation, administration or conducting of an election in this~~
18 ~~Commonwealth.~~

19 ~~(c) This section shall not be construed to apply to the~~
20 ~~collection of fees authorized by law or to the donation or use~~
21 ~~of:~~

22 ~~(1) a location for voting purposes;~~

23 ~~(2) services that are provided without remuneration; or~~

24 ~~(3) goods that have a nominal value of less than one hundred~~
25 ~~(\$100) dollars.~~

26 ~~(d) A person who violates this section commits a felony of~~
27 ~~the second degree.~~

28 ~~Section 2. This act shall take effect in 90 days.~~

29 SECTION 1. THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN <--
30 AS THE PENNSYLVANIA ELECTION CODE, IS AMENDED BY ADDING A

1 SECTION TO READ:

2 SECTION 107. PUBLIC FUNDING OF ELECTIONS.--(A) THE COST AND
3 EXPENSE TO STATE AND LOCAL GOVERNMENTS RELATING TO THE
4 REGISTRATION OF VOTERS AND THE PREPARATION, ADMINISTRATION AND
5 CONDUCT OF ELECTIONS IN THIS COMMONWEALTH SHALL BE FUNDED ONLY
6 UPON LAWFUL APPROPRIATION OF THE FEDERAL, STATE AND LOCAL
7 GOVERNMENTS, AND THE SOURCE OF FUNDING SHALL BE LIMITED TO MONEY
8 DERIVED FROM TAXES, FEES AND OTHER SOURCES OF PUBLIC REVENUE.

9 (B) STATE AND LOCAL GOVERNMENTS, INCLUDING THEIR PUBLIC
10 OFFICERS, PUBLIC OFFICIALS, EMPLOYEES AND AGENTS, ACTING IN
11 THEIR OFFICIAL CAPACITY, MAY NOT SOLICIT, APPLY FOR, ENTER INTO
12 A CONTRACT FOR OR RECEIVE OR EXPEND GIFTS, DONATIONS, GRANTS OR
13 FUNDING FROM ANY INDIVIDUAL, BUSINESS, ORGANIZATION, TRUST,
14 FOUNDATION, OR ANY NONGOVERNMENTAL ENTITY FOR THE REGISTRATION
15 OF VOTERS OR THE PREPARATION, ADMINISTRATION OR CONDUCTING OF AN
16 ELECTION IN THIS COMMONWEALTH.

17 (C) THIS SECTION SHALL NOT BE CONSTRUED TO APPLY TO THE
18 COLLECTION OF FEES AUTHORIZED BY LAW OR TO THE DONATION OR USE
19 OF:

20 (1) A LOCATION FOR VOTING PURPOSES;

21 (2) SERVICES THAT ARE PROVIDED WITHOUT REMUNERATION; OR

22 (3) GOODS THAT HAVE A NOMINAL VALUE OF LESS THAN ONE HUNDRED
23 (\$100) DOLLARS.

24 SECTION 2. SECTION 302(M) OF THE ACT IS AMENDED TO READ:

25 SECTION 302. POWERS AND DUTIES OF COUNTY BOARDS.--THE COUNTY
26 BOARDS OF ELECTIONS, WITHIN THEIR RESPECTIVE COUNTIES, SHALL
27 EXERCISE, IN THE MANNER PROVIDED BY THIS ACT, ALL POWERS GRANTED
28 TO THEM BY THIS ACT, AND SHALL PERFORM ALL THE DUTIES IMPOSED
29 UPON THEM BY THIS ACT, WHICH SHALL INCLUDE THE FOLLOWING:

30 * * *

1 (M) TO PREPARE AND SUBMIT, [WITHIN TWENTY DAYS AFTER THE
2 LAST DAY TO REGISTER TO VOTE IN] NOT LATER THAN FIVE DAYS PRIOR
3 TO EACH PRIMARY, MUNICIPAL AND GENERAL ELECTION, A REPORT TO THE
4 SECRETARY OF THE COMMONWEALTH IN THE FORM PRESCRIBED BY HIM,
5 WHICH SHALL CONTAIN A STATEMENT OF THE TOTAL NUMBER OF ELECTORS
6 REGISTERED IN EACH ELECTION DISTRICT, TOGETHER WITH A BREAKDOWN
7 OF REGISTRATION BY EACH POLITICAL PARTY OR OTHER DESIGNATION.
8 COPIES OF SAID STATEMENT SHALL BE FURNISHED, UPON REQUEST, TO
9 THE COUNTY CHAIRMAN OF EACH POLITICAL PARTY AND POLITICAL BODY.
10 THE SECRETARY OF THE COMMONWEALTH SHALL FORTHWITH SUBMIT SUCH
11 INFORMATION TO THE LEGISLATIVE DATA PROCESSING CENTER AND SHALL
12 PUBLICLY REPORT THE TOTAL NUMBER OF REGISTERED ELECTORS FOR EACH
13 POLITICAL PARTY OR OTHER DESIGNATION IN EACH COUNTY [NOT LATER
14 THAN FIVE DAYS PRIOR TO THE PRIMARY, MUNICIPAL OR GENERAL
15 ELECTION] PRIOR TO ELECTION DAY.

16 * * *

17 SECTION 2.1. THE ACT IS AMENDED BY ADDING AN ARTICLE TO
18 READ:

19 ARTICLE XVI-A
20 ELECTION INTEGRITY GRANT PROGRAM
21 SECTION 1601-A. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 "ACCOUNT." THE ELECTION INTEGRITY RESTRICTED ACCOUNT
26 ESTABLISHED UNDER SECTION 1732-A.2 OF THE ACT OF APRIL 9, 1929
27 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE.

28 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC
29 DEVELOPMENT OF THE COMMONWEALTH.

30 "PROGRAM." THE ELECTION INTEGRITY GRANT PROGRAM ESTABLISHED

1 UNDER SECTION 1602-A.

2 SECTION 1602-A. FUNDING FOR ELECTIONS.

3 (A) ELECTION INTEGRITY GRANT PROGRAM.--THE ELECTION
4 INTEGRITY GRANT PROGRAM IS ESTABLISHED WITHIN THE DEPARTMENT TO
5 PROVIDE GRANTS TO COUNTIES FOR THE ADMINISTRATION OF ELECTIONS.

6 (B) APPROPRIATION.--MONEY IN THE ACCOUNT IS APPROPRIATED TO
7 THE DEPARTMENT ON A CONTINUING BASIS FOR THE PURPOSES UNDER THIS
8 ARTICLE.

9 (C) (RESERVED).

10 (D) APPLICATION.--THE FOLLOWING SHALL APPLY:

11 (1) BY AUGUST 1, 2022, AND EACH AUGUST 1 THEREAFTER, THE
12 DEPARTMENT SHALL BEGIN ACCEPTING APPLICATIONS FROM COUNTIES
13 SEEKING GRANT MONEY UNDER THIS SECTION. THE DEPARTMENT SHALL
14 DEVELOP A FORM FOR A COUNTY TO CERTIFY THAT THE COUNTY
15 INTENDS TO USE GRANT MONEY FOR AN ELIGIBLE USE UNDER
16 SUBSECTION (F).

17 (2) IF A COUNTY IS SEEKING GRANTS UNDER THIS SECTION,
18 THE COUNTY SHALL APPLY TO THE DEPARTMENT NO LATER THAN AUGUST
19 15, 2022, AND EACH AUGUST 15 THEREAFTER.

20 (E) DISTRIBUTION.--EACH COUNTY SHALL BE ENTITLED TO AN
21 ALLOTMENT EQUAL TO THE TOTAL AMOUNT APPROPRIATED TO THE PROGRAM
22 UNDER THIS SECTION MULTIPLIED BY THE QUOTIENT OF THE COUNTY'S
23 NUMBER OF REGISTERED VOTERS DIVIDED BY THE TOTAL NUMBER OF
24 REGISTERED VOTERS IN ALL COUNTIES. FOR THE PURPOSES OF THIS
25 SUBSECTION, THE DEPARTMENT SHALL USE THE COUNTY'S TOTAL NUMBER
26 OF REGISTERED VOTERS FOR THE MOST RECENT PRIMARY ELECTION AS
27 CERTIFIED TO THE SECRETARY OF THE COMMONWEALTH UNDER SECTION
28 302(M).

29 (F) ELIGIBLE USES.--A COUNTY SHALL USE GRANT MONEY AWARDED
30 UNDER THIS SECTION FOR ANY OF THE FOLLOWING PURPOSES:

1 (1) PAYMENT OF STAFF NEEDED TO PRE-CANVASS AND CANVASS
2 MAIL-IN BALLOTS AND ABSENTEE BALLOTS.

3 (2) PHYSICAL SECURITY AND TRANSPARENCY COSTS FOR
4 CENTRALIZED PRE-CANVASSING AND CANVASSING.

5 (3) POST-ELECTION PROCEDURES REQUIRED UNDER THIS ACT.

6 (4) LIST MAINTENANCE ACTIVITIES UNDER 25 PA.C.S. §
7 1901(B)(1) AND (3) (RELATING TO REMOVAL OF ELECTORS).

8 (5) THE PRINTING OF BALLOTS.

9 (6) TRAINING COSTS FOR DISTRICT ELECTION OFFICIALS.

10 (7) PAYMENT OF STAFF AT POLLING PLACES ON ELECTION DAY.

11 (8) SECURE PREPARATION, TRANSPORTATION, STORAGE AND
12 MANAGEMENT OF VOTING APPARATUSES, TABULATION EQUIPMENT AND
13 REQUIRED POLLING PLACE MATERIALS.

14 (9) COSTS OF COUNTY BOARD OF ELECTION DUTIES RELATED TO
15 PROCESSING OF VOTER REGISTRATION APPLICATIONS.

16 (G) PAYMENTS.--THE DEPARTMENT SHALL MAKE PAYMENTS TO
17 COUNTIES THAT APPLIED FOR A GRANT UNDER THIS SECTION NO LATER
18 THAN SEPTEMBER 1, 2022, AND EACH SEPTEMBER 1 THEREAFTER.

19 (H) REPORTING.--NO LATER THAN 90 DAYS AFTER THE DATE OF EACH
20 GENERAL, MUNICIPAL AND PRIMARY ELECTION, A COUNTY THAT RECEIVED
21 A GRANT UNDER THIS SECTION SHALL REPORT TO THE DEPARTMENT, THE
22 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE STATE GOVERNMENT
23 COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND MINORITY
24 CHAIRPERSON STATE GOVERNMENT COMMITTEE OF THE HOUSE OF
25 REPRESENTATIVES, ON A FORM PRESCRIBED BY THE DEPARTMENT OF
26 STATE, HOW THE COUNTY USED THE GRANT MONEY RECEIVED UNDER THIS
27 SECTION.

28 (I) CLAWBACK.--IF A COUNTY FAILS TO SUBSTANTIALLY COMPLY
29 WITH THE REQUIREMENTS OF THIS SECTION, THE COUNTY SHALL RETURN
30 THE GRANT MONEY RECEIVED TO THE DEPARTMENT FOR DEPOSIT INTO THE

1 ACCOUNT. IF A COUNTY FAILS TO RETURN THE GRANT MONEY, THE COUNTY
2 SHALL BE INELIGIBLE TO RECEIVE GRANTS THROUGH THE PROGRAM FOR A
3 PERIOD OF ONE YEAR.

4 (J) GRANT AGREEMENT.--THE GRANT AGREEMENT BETWEEN THE
5 DEPARTMENT AND THE COUNTY UNDER THIS SECTION SHALL INCLUDE THE
6 FOLLOWING REQUIREMENTS FOR COUNTIES:

7 (1) THE COUNTY SHALL BEGIN PRE-CANVASSING AT 7 A.M. ON
8 ELECTION DAY AND SHALL CONTINUE WITHOUT INTERRUPTION UNTIL
9 EACH MAIL-IN BALLOT AND ABSENTEE BALLOT RECEIVED BY 7 A.M. ON
10 ELECTION DAY IS PRE-CANVASSED.

11 (2) THE COUNTY SHALL BEGIN CANVASSING MAIL-IN BALLOTS
12 AND ABSENTEE BALLOTS AT 8 P.M. ON ELECTION DAY AND SHALL
13 CONTINUE WITHOUT INTERRUPTION UNTIL EACH BALLOT HAS BEEN
14 CANVASSED.

15 (3) NO LATER THAN 12:01 A.M. ON THE DAY FOLLOWING THE
16 ELECTION, THE COUNTY BOARD OF ELECTIONS SHALL ANNOUNCE AND
17 POST ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE AN
18 UNOFFICIAL NUMBER OF ABSENTEE BALLOTS AND MAIL-IN BALLOTS
19 RECEIVED FOR THE ELECTION.

20 (4) A COUNTY SHALL CERTIFY TO THE DEPARTMENT THAT THE
21 COUNTY HAS COMPLETED A PROGRAM UNDER 25 PA.C.S. § 1901(B)(1)
22 AND MAILED NOTICES REQUIRED UNDER 25 PA.C.S. § 1901(B)(3)
23 WITHIN THE PRIOR 12 MONTHS.

24 (5) THE OUTCOME OF ANY POST-ELECTION AUDIT REQUIRED
25 UNDER THIS ACT SHALL BE SUBMITTED WITH THE CERTIFICATION TO
26 THE SECRETARY OF THE COMMONWEALTH OF THE RESULTS OF THE
27 PRIMARY OR GENERAL ELECTION UNDER SECTION 302(K) AND SHALL BE
28 POSTED ON THE DEPARTMENT OF STATE'S PUBLICLY ACCESSIBLE
29 INTERNET WEBSITE.

30 SECTION 1603-A. COUNTY REPORT.

1 (A) REPORT.--NO LATER THAN 75 DAYS AFTER THE EFFECTIVE DATE
2 OF THIS SECTION, EACH COUNTY BOARD OF ELECTIONS SHALL CONDUCT AN
3 INTERNAL REVIEW OF PRACTICES AND CERTIFY TO THE DEPARTMENT OF
4 STATE THAT THE COUNTY IS IN COMPLIANCE WITH EACH OF THE
5 FOLLOWING:

6 (1) APPROVAL OF VOTER REGISTRATION APPLICATIONS UNDER 25
7 PA.C.S. § 1328(A) (RELATING TO APPROVAL OF VOTER REGISTRATION
8 APPLICATIONS).

9 (2) CANCELLATION OF DECEASED ELECTORS UNDER 25 PA.C.S. §
10 1505 (RELATING TO DEATH OF REGISTRANT).

11 (3) VOTER REMOVAL PROGRAMS UNDER 25 PA.C.S. § 1901(B) (1)
12 AND (3) (RELATING TO REMOVAL OF ELECTORS).

13 (4) SAFE KEEPING OF VOTED BALLOTS UNDER SECTIONS 1308(A)
14 AND 1113-A.

15 (5) ENFORCING THE VOTER IDENTIFICATION PROVISIONS OF
16 SECTIONS 1302.2(B) AND 1302.2-D.

17 (6) PRE-CANVASSING AND CANVASSING OF ABSENTEE BALLOTS
18 AND MAIL-IN BALLOTS UNDER SECTION 1308.

19 (B) POSTING.--THE CERTIFICATION BY EACH COUNTY UNDER
20 SUBSECTION (A) SHALL BE POSTED ON THE DEPARTMENT OF STATE'S
21 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

22 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

23 SECTION 1855. VIOLATION OF PUBLIC FUNDING OF ELECTIONS.--ANY
24 PERSON WHO VIOLATES SECTION 107 SHALL BE GUILTY OF A MISDEMEANOR
25 OF THE SECOND DEGREE AND SHALL, UPON CONVICTION THEREOF, BE
26 SENTENCED TO PAY A FINE NOT EXCEEDING FIVE THOUSAND DOLLARS
27 (\$5,000), OR TO UNDERGO AN IMPRISONMENT OF NOT MORE THAN TWO (2)
28 YEARS, OR BOTH, IN THE DISCRETION OF THE COURT.

29 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

30 (1) THE ADDITION OF SECTIONS 107 AND 1855 OF THE ACT

1 SHALL TAKE EFFECT IN 60 DAYS.

2 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
3 IMMEDIATELY.