

REPORT: Pennsylvania H.B. 1300

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**LOOK
AHEAD
AMERICA**
THE VOTER INTEGRITY PROJECT

Bill History and Summary

In order to address issues stemming from the 2020 General Election, and to prevent further election issues, the House scheduled ten 2–3-hour public hearings to educate voters and assist in determining the best path forward to improve election integrity. The Republicans explained that they were not going “relitigate the 2020 election” while the Democrats repeatedly stressed the 2020 election was the most secure accurate election in the history of Pennsylvania. The committee engaged in a wide variety of stakeholders and election officials including individuals from Florida and Colorado to better understand how successful states ran their election. The hearings started in January 2021 and ended mid-April.

Republican PA Representative Grove drafted the initial version (1769) and introduced it to the State Government Committee June 10, 2021. It passed along partisan lines on June 15, 2021. After revisions, it passed once again along partisan lines on June 22, 2021 in the House. Democrat Governor Wolf vetoed the bill on June 30, 2021, in line with his announcement to do so the moment that Grove introduced it.

Although conservatives lauded the bill for its use of voter ID, we were surprised to find almost nothing about it at all in this bill. While all qualified voters will receive a voter registration card, which includes a scannable identification and likeness of elector’s signature, capturing and storing signatures for matching, the system relies on a sorting or extracting machine with signature verification capabilities and not voter ID. Additionally, while investigating returned cards will help clean the voter rolls, it will occur only during first time registration and upon card replacement.

On the other hand, the bill addresses three of Look Ahead America’s (LAA) objectives, specifically objectives 2, 3 and 6:

#2) Maintenance of voter rolls would exclusively use the national change of address (NCOA) database for verification, although it mentions neither dead voters nor non-citizens.

#3) One sentence requires open-source voting machines as one of the following items in new machines:

1. Reject ballots where elector has already voted, or no votes cast.
2. Can be audited.
3. Machine made in USA; company resides in USA.
4. Must be open-source code.
5. Retain order of cast ballots.

Unfortunately, counties and districts can continue to operate their current (black box) systems for 3 ½ years before they address issues from 2020 election and use them until they reach end of life.

#6) One section requires equal distribution of all private funding by population per the Secretary of the Commonwealth. During the hearings, several Representatives demanded total banning of all private funding, so it is curious to see this in the bill.

Section Summaries

Section 1: Definitions

This section defines key terms used throughout the bill.

Section 2: Bureau of Election Audits

The bill will establish a Bureau of Election Audits and direct them to continuously improve the audits to ensure the accuracy of the election results and compliance with Federal and State laws. The audits are risk-limiting audits and include auditing of the election machine logs. The county board of elections must cooperate to conduct and post the results and methodologies of the audit on the public Internet along with the certified results. Any problems or discrepancies requires a description as well as causes identified along with recommended corrective actions. It also allows for ballot polling risk limiting audit.

Section 3: Powers and Duties of the Secretary of Commonwealth

The seems to give additional powers to the Secretary of the Commonwealth such as maintaining a fraud hotline and educating voters on fraud, approving voting machines, and receiving private donations for election administration or voter education and distributing equally across the Commonwealth based on census. The Election Law Advisory Board must approve the distribution. It requires the Secretary of Commonwealth to develop and offer training prescribed by Election Law Advisory Board and to make it free to anyone required to take it.

The Secretary must also use Electronic Registration Information Center (ERIC) and all available information to via the National Change of Address (NCOA) database to ensure the accuracy of the Statewide Uniform Registry of Electors (SURE).

(While this section deals with list hygiene, it does not require use of all databases suggested in our objectives nor any mention of checking citizenship.)

Section 4: Reports on Implementation of Elections

Within 60 days post-election the Department of State will issue a report to the chair and minority chair of the State Government Committee in the House and Senate. Reports should provide clear information on the actual number of absentee, mail-in, and provisional ballots requested and voted in each election. Also the Department of State should provide information on challenged ballots as well as time spent pre-canvassing and canvassing votes, a review of issues or incidents, and actions taken.

Section 5: Powers and Duties of Election Boards

This section strengthens voting integrity, such as declining private donations unless received by the Secretary of the Commonwealth, providing a voter registration card including a scannable identification and likeness of elector's signature, capturing and storing signatures for matching under this law, investigating any returned voter registration cards, and purchasing electronic poll books (also known as e-poll books). It allows for continued use of a paper register for elections within 1 year of the effective date for this act. Also, the poll workers can retain paper register for unforeseen issues when using e-poll books.

Section 6: County Board of Elections and Satellite Offices

This provides the specific conditions around setting up and maintaining satellite election offices including staffing, location, and hours of operation. It also requires Election officers to be qualified registered electors of county in which the polling place they serve but not the district. US, State, County or Local Government employees or office holders cannot be an election officer, except for district justices, notaries, or state militia. Election officers may not run for any civil office at an election in which s/he serves.

Section 7: Compensation of District Election Officers and Election Watchers

This sets the compensation rates for all election officers as well as mileage for transmitting returns and ballot boxes.

Each election watcher must reside in the district in which they vote and must have completed training. This allows for only one watcher for each candidate in primaries or one for each party or political body at general, municipal, or special elections at the polling place at any one time from the election officer meeting prior to opening the polls until counting completes with the voting check list locked and sealed.

Watchers must remain outside the enclosed space. Watchers do not need to reside in the election districts for which they are appointed.

After the close of polls, watchers may remain outside the enclosed space in the polling area. Watchers will have certificates which they must show upon request. Watchers can keep a list of voters and challenge any voter. When voters are not in polling place or voting, watchers can inspect voting lists and checklists with supervision from election officials.

Section 8: Voter Registration

This section specifies how the laws apply for voter registration. While it doesn't specifically state that all people who apply for driver's licenses will automatically get registered to vote, voter registration seems integral to applying for a driver's license, including connecting PennDOT with the SURE system for electronic transfer of voter data. PennDOT employees must give the same assistance with voter

registration as they do with their forms. All state agencies that provide public assistance, State-funded programs, or armed forces recruiting centers should distribute voter registration applications with all forms and assist in completion of those forms.

This section requires the commission to publish locations of registration offices at least 30 days prior to opening.

Also, this section removes the limitation of not being confined to a penal institution for a conviction of a felony within last five years in order register to vote. It also states that voter registration applications cannot require more data elements than permissible for federal voter registration.

Section 9: Form of an Official Election Ballot

There will be opportunity to vote straight ticket reversing ACT 77 changes. The ballots will be watermarked with county name.

Section 10: Number of Ballots Printed

Depending on the election type, districts will receive between 10-15% above the average ballots cast in last 3 elections.

Section 11: Examination and Approval of Voting Equipment

The Secretary of the Commonwealth must examine and approve voting machines prior to elections. The Secretary must employ or contract with an individual with expertise in one or more fields of data processing, mechanical engineering and public administration. The examiner must provide a report on the exam within 30 days of the examination completion.

Voting machine requirements include:

1. Rejecting ballots where elector has already voted, or no votes cast.
2. Can be audited.
3. Machine made in USA; company resides in USA.
4. Must be open-source code.
5. Retain order of cast ballots.

No machines purchased prior to 2024 will lose certification based on not meeting the below requirements:

- Immediately rejecting ballots with no vote cast or exceeding a number which the elector is entitled to cast.
- Providing records to audit the operation of the voting machine.
- Being capable of recording votes from ballots of different political parties from same precinct for a primary election.
- Manufactured in US and sold by a vendor with primary place of business in US.

- Utilizing open-source software code.
- Fully complying with most recently adopted Voluntary Voting System Guidelines developed by Election Assistance Commission.

Counties and Districts can continue to operate the current (black box) systems for another 3 ½ years then used until then reach end of life before any new machines address issues from 2020 election.

Section 12: Prep of Voting Machines

Requires automatic tabulating equipment to be publicly tested 35 days prior to election. Additional testing may occur no more than 10 days before the election. At the completion of testing, the equipment will be reset in the presence of witnesses. Testing records must be maintained and available to the Office of the Auditor General.

Pre-election testing will be available to public under the Right to Know law.

Section 13: Delivery of Voting Machine and Supplies

County Election Board will provide, at county expense, voting machines and flashlights (in case of loss of electricity) in good working order before opening of polls.

This act allows for the use of experimental electronic voting systems (to be valid as though adopted in accordance with this act) at one or more election districts in a county for primary or election.

The Secretary of the Commonwealth can approve the use of experimental voting system for absentee and disabled voters (if it allows a ballot to be marked in secret). The system will be exempt from requirements of the section concerning absentee ballots (section 17).

The Secretary will investigate blockchain technology for electronic voting by disabled and absentee voters.

County Board of Elections will conduct a statistical recount of a random sample of ballots after each election. They will also cooperate in a result confirming the audit conducted by the department of the Auditor General.

Mail-in and Absentee ballots, and ballots cast on voting machines, will be audited by Ballot-polling risk limiting audit with risk limit of 1 centum.

Section 14: Requirements of accessibility to voting machines

Accessible voting machines must satisfy the following requirements:

1. Provide tactile and/or audio input.
2. Allow voters to confirm any tactile or audio input.

3. Allow visually impaired voters to discern input controls tactilely without actuating the keys.
4. Provide separate and simultaneous audio and visual access.
5. Must not require color perception for nonaudio access.
6. Visual perception system must allow election officials to set font between 14 and 24 pt.
7. Provide audio information with incremental volume control up to 97 dB.
8. Gain adjustable to max 20 dB with intermediate step of 12 dB gain for transmitted voice signals.
9. Auto reset to default volume after every use if can exceed 120 dB.
10. If there are sound cues, then there must also be visual cues.
11. If there are controls and operable mechanisms, then they must be operable with one hand.
12. Force required to operate or activate control must be less than 5 pounds.
13. Voting controls must be at minimum 36 inches above the floor, provide 27 inches knee clearance, be 30 inches wide and 19 inches deep.
14. Audio ballot must have extensive functionality.

Vendors must report known defects every other year by January 1 to the state. Vendors can cure defects. For defects that cannot be cured, the states may remove machines.

Voters' and senior voters' rights include any other rights as provided by Federal, State or Local law.

Section 15: Times to Open and Close Polls

Times to Open and Close Polls are 7 AM – 8 PM. Only allows voters authorized to vote.

Section 16: Deadline to Register to Vote

Each Commission will receive applications from individuals who apply to register to vote but cannot accept an application until the commission confirms eligibility to vote. Regardless of origin (Department of Transportation, Government Agencies, or other) registration must be no later than 30 days prior to the election.

Section 17: Applications for an Absentee Ballot

For absentee ballots, the application must include a home residence at start of military service or federal employment, date of birth, party, (and for military electors a military address and serial number) and at least 2 of the following:

- 4 digits of Social Security Number
- Pennsylvania Driver's license or
- Voters' registration number

An elector's application shall contain:

- Voting district, length of residency in district, length of citizenship, length of residency in PA.
- Nature of employment if not military.

Blank approved applications can be distributed by private citizens or organizations but must be clearly marked that they are not from a county or Commonwealth. State must provide an electronic system for applications with digitized signature. Applications for absentee ballots can only be received no earlier than 50 days and no later than 5 PM of the third Monday prior to the primary or election.

Delivery of absentee ballots will begin on the day after the deadline for registering to vote in any election unless contents may be affected by a proceeding but must start no later than the second Tuesday prior to the primary or election. Any voter can request a ballot while in the county board of elections office during regular business hours.

County boards must investigate any absentee ballots returned as undeliverable.

Section 18: Voting by absentee electors

Any time after receiving a ballot and before 8 PM on the day of election, the elector shall secretly mark his ballot then fold, enclose and seal in the official election ballot envelope. This is then placed in a second envelope with the form of declaration. The elector shall complete the declaration, date, sign and mail the ballot. The ballot can also be returned at permanent offices of county board of elections or ballot return location.

The County Board of Election Office may function as a ballot return location. A ballot location will close if 2 inspectors are unavailable to be present at that location. The state will not pay for county incurred costs of operating ballot return locations. Inspectors will verify the identity of each elector and review ballot for completeness of declaration, signature, and date.

Section 19: Supervised Voting

The County Board of Elections will provide supervised voting for absentee electors at assisted living or nursing home facilities. Facilities can request this via a written request no later than 12 days before an election. After ballots have cast, then the supervised voting team will deliver the ballots to the County Board of Education. The department will provide training and information for the residents.

Supervised voting teams need not be employed by a county and may be volunteers from each party, provided that they are not candidates.

Section 20: Canvassing Ballots

County Board of Elections will meet twice prior to election day to pre-canvass all ballots between 7 AM and 11 PM on 5 days prior to the election. In addition, pre-canvassing will take place on election day while polls are open. Meetings will be publicly announced.

Immediately at the close of polls on election day canvassing will begin for absentee and mail-in ballots not included in pre-canvass meeting. Canvassing will continue through the 8th day after the election for

valid military overseas ballots. A sorting or extracting machine with signature verification capabilities must be used by the board to assist in comparing the signature on each ballot. If the signatures do not match or there is an incurable error, then the board will attempt to notify the elector and direct the elector to appear before the board or provide a copy of proof of identification or an executed affirmation attesting to his identity.

Unchallenged ballots will be opened, counted and recorded (once polls are closed). Challenged ballots must be set aside, sealed, and elector notified, given process to challenge.

An elector can request a permanent mail in ballot.

Section 21: Advance Receipt of Mail-in Ballots

Mail-in Ballots cannot be received earlier than 50 days before election day.

Section 22: Delivery of Mail-in Ballots

Mail-in Ballots can be mailed to qualified voters the day after the deadline for registering to vote. New requests must be processed within 48 hours of receipt. The board must contact applicants without proof of identity or identity not verified by the board. The board must also investigate undeliverable mail-in ballots.

Section 23: Completing and Returning Mail-in Ballots

A ballot must be completed in a private, enclosed and sealed in Official Election Ballot Envelope then sealed in second declaration envelope. The elector shall then fill out, date and sign the declaration on the envelope. It can be mailed or delivered in person to a ballot return location prior to 8 PM on election day. An elector can return a ballot of a family member who lives at that same residence.

Ballot return locations will be monitored by publicly available video recording. Inspectors will verify the identification of each voter and review each ballot for complete declaration, signature, and date.

A ballot location will close if 2 inspectors are unavailable to be present at that location. The State will not pay for county incurred costs of operating ballot return locations.

Section 24: Election Advisory Board

An Election Law Advisory Board will be created to evaluate and make recommendations on the rule prescribed in the official election instructions and procedures manual including regulations of vendors for mail-in ballot printing and mailing. They will also establish standards for annual training of election officials and poll workers and prescribe minimum standards for nonpartisan voter education.

Training to fulfill requirements must be conducted by the department and available on all business days.

The Advisory Board will establish a working group of election directors from at least 10 counties to prescribe rules around early voting.

Section 25: Early Voting

This sets up the requirements for early voting such as where and how it will occur. This normalizes the extension of the voting process from a single election day to multiple days over time.

It requires at least one early voting center per county and maximum of five. They can only be at permanent buildings with security including public library, public or private school, college or university building, courthouse, municipal, county or Commonwealth owned building.

Section 26: Public Inspection of Ballots

This adds a subsection allowing public inspection of all ballots at the county board as soon as practical after an election for as long as ballots are required to be retained. A county official and sheriff will be always present and the ballots cannot be altered, damaged, moved or destroyed during public inspection. Starting with the 2023 primary election and thereafter, digital copies of ballots will be created, retained, and provided upon request subject to same conditions as physical ballots.

Section 27: Computation of Returns, Certification, and Issuance of Certificates of Election

This will amend the Election Code to provide specific details of how the county board will certify the election results.

This revision removes “First the board will publicly account for all extra official ballots. Then one of the clerks will read from each district the number of ballots issued, spoiled, and cancelled, and cast, respectively, with no further reading of returns until all discrepancies are explained to the board’s satisfaction. Where voting machines are used the clerk will publicly read the number of the machine as well as the number on the counter prior to opening of polls and immediately after closure of polls. No further returns will be read until all discrepancies are explained to the board’s satisfaction.”

If no petition for a recount or unless a court of common pleas has directed returns to be revised or errors have been found in the count, then within 5 days after completion of counting the election will be certified. The county board will issue certificates of election to the successful candidates for all offices.

Section 28: Powers and Duties of the Attorney General

This requires the Attorney General to appoint an independent prosecutor with election law prosecution experience at least 45 days prior to an election. The prosecutor will coordinate efforts with law enforcement and publish a report following the election including total number of complaints filed and to which entity, summary of how each complaint was investigated and recommendations to the General Assembly, the department and county board of elections for reducing future complaints.

The report under this section shall be a public record under the Right to Know law.

Section 29: Penalties for Election Violations

This section details new increases in fines/imprisonment for a wide variety of violations.

Section 30: Rules for Absentee and Mail-in Ballots

This will amend the Election Code to penalize individuals for absentee or mail-in ballot fraud

Any person that makes false claims for an absentee or mail-in ballot or votes any ballot not properly issued or votes or attempts to vote more than once in any election will be guilty of a 3rd degree felony and will be fined up to \$5,000 dollars, and/or imprisoned up to 4 years.

Any election official that neglects to perform any duties prescribed by Article XIII or XIII-D or reveals the details of any ballot or discloses any details of a pre-canvassing meeting or counts an absentee or mail-in ballot knowing it to be contrary to Article XIII or XIII-D or to permit an elector to cast a ballot other than provisional at a polling place knowing the elector has been issued an absentee or mail-in ballot be guilty of a 3rd degree felony and will be sentenced to a fine up to \$30,000 dollars, and/or imprisoned up to 14 years.

Section 31: Unlawful Collection of Ballots

This will add a section to the Election Code to punish individuals that unlawfully collects or returns absentee or mail-in ballots. Violation of this act is a 3rd degree felony punishable by a fine up to \$30,000 dollars and/or imprisonment of up to 14 years.

Section 32: Reimbursements and Withholding

This section requires the State Treasurer to reimburse counties 50% of cost of replacing voting machines, ballot processing machines or electronic poll books once every 10 years except as follows:

Replacing equipment will be reimbursed at 50% upon decertification of previously used equipment.

100% reimbursement for purchasing ballot processing machines or electronic poll books within 1 year after effective date of this section.

100% reimbursement for cost of issuing registration card required under section 302(2), within 1 year after effective date of this section. Money is withheld if county violates this act.

Section 33: Nonservable

If any section is invalid, then the entire act is invalid.

Section 34: Application of Act

This act will apply to elections held on or after the effective date of this section.

Section 35: Adding Article VII-IA

The repeal under paragraph 2 is required to effectuate the addition of Article VII-A.

Section 36: Effective Immediately

Once passed this act will take effect immediately.

How to Help

Only when more people get involved will meaningful, impactful change occur. This means less talking and more doing.

Support Look Ahead America by signing up to volunteer or by making a financial contribution at <https://www.lookaheadamerica.org>.

You can also join our Discord community server at <https://discord.gg/lookaheadamerica>

Focus of Specific Sections

*Based on HB 1300 Version 1869

Section	Focus	Pages*
1	Descriptions	3-8
2	Election Audits	8-14
3	Powers and Duties of the Secretary of Commonwealth	14-19
4	Reports on Implementation of Elections	19-23
5	Powers and Duties of the County Boards of Elections	23-27
6	County Boards of Elections and Satellite Offices	27-29
7	Compensation of District Election Officers	29-31
8	Registration of Electors	31-70
9	Form of official Ballot	70-71
10	Number of Ballots	71-73
11	Examination and approval of voting machines	73-76
12	Preparation of voting machines by County Election Boards	76-80
13	Delivery of Voting Machines and Supplies	80-82
14	Requirements of accessibility to voting machines	82-93
15	Time for Opening and Closing of Polls	93-93
16	Deadline for and administration of voter registration	93-94
17	Application for absentee Ballots	94-99
18	Voting by absentee electors	99-102
19	Supervised voting by qualified absent electors in facilities	102-104
20	Canvassing Official absentee Ballots	104-107
21	Application for Mail-in Ballots	107-113
22	Delivery of Mail-in Ballots	113-114
23	Voting by Mail-in Ballots	114-118
24	Pennsylvania Election law Advisory Board	118-120
25	Early voting by Electors	120-122
26	Returns open to Public Inspection	122-123
27	Computation of returns, certification and issuance of certificates	123-128
28	Powers and duties of Attorney General relative to elections	128-129
29	Sentences for disobeying lawful instructions	129-156
30	Violations of provisions relating to absentee and Mail-in Ballots	156-157
31	Unlawful collection of Ballots	157-158
32	Reimbursements and withholding	158-159
33	Nonseverability	159
34	Effective Date	159
35	Repeals	159
36	Effective Immediately	159