



## Information for Counties on SB 422 – Primary Election Postponement and Pre-Canvassing

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On March 27, the Governor signed SB 422 into law as [Act 12](#) of 2020 to postpone Pennsylvania's primary election and allow pre-canvassing of absentee and mail-in ballots. Additionally, the legislation includes changes to provisions of the Election Code that were added under Act 77 of 2019.

### Primary Election Update – Applicable Only to the 2020 Primary

- **Primary election date** - This bill moves the primary election to June 2, 2020. Most of the election calendar will shift with the new election date. The Department will provide an update on new election dates shortly.
- **Appointment of election officers** - For the 2020 Primary, an election officer does not need to reside in their election district and can serve in other county districts as long as they are a qualified voter.
- **Selection of polling places** - For the 2020 Primary, counties may consolidate two or more polling places, except that the consolidation of polling places may not result in more than a 60% reduction of total polling places in the county, unless necessitous cause is shown and the Department approves.
  - Polling locations may not be consolidated less than 20 days prior to the election.
  - Two or more polling places may be consolidated in the same building.
  - A polling place may be selected without the approval of a court.
  - The county must post a list of all polling places across the county at least 15 days before the election on the county's website. This list must also be available for public inspection.
  - Permissible polling locations may include locations where malt, brewed beverages, or liquors are served; however, the room where voting is to take place must be accessible from an outside entrance that does not require passageway through the room where malt, brewed beverages or liquors are dispensed.

### PA Election Law Advisory Board

The legislation establishes an election law advisory board within the Joint State Government Commission to study election-related issues, evaluate election code modernization, and make recommendations on new election technology.

### Pre-canvassing

The legislation also establishes pre-canvassing, which is a separate period than canvassing. In all future primaries and elections, beginning with the 2020 Primary, counties may now inspect and open mail ballot envelopes, remove ballots, count, tally and compute those ballots. **The pre-**

**canvassing period cannot start earlier than 7 a.m. on election day** and the results cannot be published until after 8 p.m. on election day.

- Counties must provide at least 48 hours' notice of a pre-canvass meeting on its publicly available website.
- One authorized representative from each candidate in an election and one representative from each political party shall be permitted to remain in the room during pre-canvassing activities.
- No person in attendance or participating in the pre-canvass meeting may disclose any results prior to the close of poll on election day.

### **Posting Election Results**

Beginning with the 2020 Primary, counties will **no longer** be required to post election results at each district (i.e. polling place) after the election. They simply need to make the results publicly available and accessible.

### **Voter-Spoiling of Absentee/Mail-in Requests**

Not beginning until this year's November general election, a voter may remit their mail-in or absentee ballot, and the return envelope with their name on it, at the polling place and sign a declaration. The voter will then be allowed to vote a regular ballot at the polling place. This significantly alters the Act 77 requirement where a voter was prohibited from showing up to vote in person if they previously requested a mail ballot and timely voted.

### **Mail-in Qualifications**

The definition of a mail-in voter has been updated to remove references on whether they should have been a qualified absentee voter or not. In other words, a voter may request a ballot of their choice as long as they are a qualified voter.

### **Voter Registration Updates**

The amendment removes the "10-day Rule" voter registration requirement. The county shall deem an applicant a registered voter immediately upon accepting the voter's application. Additionally, voter registration applications can now be accepted on Sundays, holidays, and the day of the election.

### **Permanent Voter List Requests**

If a voter's request for permanent mail-in status is received at any point during the year a county must mail the application to the voter within 48 hours of the permanent voter status request. Additionally, a permanent voter status on the registration record will now only transfer to another county if the voter requests it. Otherwise, the permanent status will not follow them.

### **Ballot Challenges**

- A voter may no longer be challenged on the grounds they should have submitted a mail-in application when they completed an absentee application and vice versa.

- Counties are no longer required to announce the name of each voter during the canvass. Instead, they must provide a list of the names of voters whose absentee or mail-in ballots are to be pre-canvassed or canvassed.
  - Any mail-in or absentee application or ballot that has been challenged shall continue to be set aside, unopened, in a secure container until a formal hearing is scheduled by the county board.
  - Any challenges must be made by 5 p.m. on the Friday prior to the election.

### **Ballots**

This legislation removes the requirement that red ink be used to endorse or stamp “official absentee ballot” or “official mail-in ballot” on the top of ballots. Also, removes the requirement to bind ballots in books of 50.

- **Primary ballots** – In primary elections, the Secretary of the Commonwealth will prescribe allowable method(s) for distinguishing from each other the primary ballots of the political parties. It further removes the requirement for separate colors as long as the voter is ensured their proper ballot.
- **Write-ins** – Modernizes the code to capture the modern-day act of voting to include language that portrays current voting methods vs. literally writing in their choice for office.
- Ballots for the primary election which have already been printed with April 28, 2020, may be used for the June 2, 2020 primary election.

### **Mail Ballot Envelopes**

This legislative change harmonizes language for absentee and mail-in balloting materials.

- Removes the requirement for two horizontal blue bars to be listed on the absentee and mail-in balloting materials.
- Likewise, this removes the requirements for two horizontal red bars to be listed on UOCAVA balloting materials.
- Counties are permitted to use their existing stock and do not need to reorder new balloting supplies until they have exhausted their current stock.

### **Secrecy Envelopes**

This bill harmonizes the language for absentee and mail-in secrecy envelopes. Instead of listing the respective ballot name on either envelope, a uniform secrecy envelope may now be utilized for both ballot types to say “official election ballot.” (Like the mail ballot envelopes, counties are permitted to use their existing stock and do not need to reorder new balloting supplies until they have exhausted their current stock.)

### **Is there new Department of State guidance on the way?**

The Department of State plans to update existing guidance previously released for Act 77 to match the new legislative requirements adopted under Act 12.