

# LEGISLATIVE BULLETIN

## COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA THE VOICE OF PENNSYLVANIA COUNTIES

### COUNTY PRIORITIES SPOTLIGHT: RECENT COURT DECISION HIGHLIGHTS NEED FOR CLARITY IN ELECTION LAW

On November 21, Judge Susan Paradise Baxter of the U.S. District Court for the Western District of Pennsylvania issued an [opinion](#) declaring that rejection of timely submitted mail ballots where a voter has failed to include a date, or included an incorrect date, next to their signature on the return envelope violates the materiality provision of the Civil Rights Act of 1964. Considering this ruling, and barring further court actions pending appeal, counties are encouraged to consult with their solicitor on the applicability of the order to their respective county.

Counties take their responsibility for the fair, secure and accurate administration of Pennsylvania's elections very seriously, and need clear rules that enable consistent implementation across the commonwealth. Reforms to Pennsylvania's Election Code are needed to resolve ambiguities such as those noted in Judge Baxter's decision and help counties continue to promote the integrity of our elections. Pre-canvassing and extending the mail-in ballot application deadlines remain the most important changes counties are seeking to improve election administration and a top priority for counties this year. CCAP will continue to urge the legislature to act to address vote-by-mail reforms headed into a high-profile presidential election in 2024.

Visit CCAP's [Priorities](#) page for more information regarding counties' 2023 priority issues.

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### DEPARTMENT OF STATE ISSUES NEW MAIL-IN BALLOT DIRECTIVE

The Pennsylvania Department of State (DOS) issued a new [directive](#) on November 29 ahead of the 2024 primary election regarding the design of mail-in ballot envelopes, with an aim of creating uniformity across the commonwealth, decreasing voter confusion and reducing ballot rejections.

The redesigned envelopes and instruction sheet templates have revised language to inform voters how to appropriately fill out and return their mail-in ballots. Changes under the new directive include coloring to assist voters in distinguishing between the inner secrecy envelope and outer return envelope, as well as coloring on the outer envelope to highlight fields the voter must complete. Watermarking is added to discourage stray marks on secrecy envelopes, and the outer envelope will contain a date line with the first two digits of the year ("20") pre-filled to alert voters to complete the current date in that field. The changes further include a standardized full-page instructions with graphics. Counties will also have discretion to implement the use of a hole punch in the return envelope to help county election workers identify when an inner secrecy envelope is missing.

Under the new directive, any county that may be unable to comply with the directive may seek a variance from DOS if they can demonstrate compliance will prove a substantial hardship, and that a variance will allow the county to avoid this hardship by providing materials that are clear for voters and as close as possible to the requirements of the directive.

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### HOUSE COMMITTEE TO HOLD INFORMATION MEETINGS ON 911 REAUTHORIZATION

Discussion continues on reauthorization of the 911 statute, and the need for appropriate funding to support this public safety function, with the sunset looming at the end of

January.

In mid-November, House Veterans Affairs & Emergency Preparedness Committee chair Rep. Jared Solomon (D-Philadelphia) introduced [HB 1854](#), which would provide for a full five-year reauthorization with an increase in the surcharge that supports 911 from \$1.65 to \$1.97. That committee will hold an informational meeting to review the bill with stakeholders on December 6 at the Montgomery County Emergency Operation Center, with plans to hold additional meetings on the 911 reauthorization ahead of the December 11 session week.

The Senate also has a 911 reauthorization bill before it, [HB 1304](#), which was amended by the Senate Veterans Affairs and Emergency Preparedness Committee in November to extend the current \$1.65 surcharge through September 2025. That amendment also calls for a joint study to be conducted by several the Legislative Budget & Finance Committee, Local Government Commission and Joint State Government Commission.

With just three days of legislative session left in both chambers for 2023, counties continue to urge the legislature to act quickly to pass a full reauthorization with a surcharge increase as time is running out before the January 31, 2024 sunset. CCAP has presented testimony before both the [Senate](#) and [House](#) committees on the need to increase in the surcharge from \$1.65 to \$2.30 with a flat annual adjustment for the length of the reauthorization. Counties – more specifically, county property taxpayers – continue to shoulder a growing burden of the cost of the 911 system, equaling roughly 34% of the total cost statewide in 2023. Without an increase in the surcharge, the county share of the cost will continue to rise annually to about 47% by 2028, placing more on the shoulders of property taxpayers.

Additional resources on the 911 funding ask and impacts of a sunset extension can be found on the CCAP website, [www.pacounties.org](http://www.pacounties.org), under the Legislative Action Center.

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## TREASURY RELEASES NEW AMERICAN RESCUE PLAN GUIDANCE

On November 9, the U.S. Department of Treasury released the [Obligation Interim Final Rule \(IFR\)](#), affecting the State and Local Fiscal Recovery Fund (SLFRF) under the American Rescue Plan. This ruling does not change the statutory obligation deadline of December 31, 2024, however, it does provide clarification on the term “obligation”. Specifically, the Obligation IFR enumerates eligible expenditures beyond December 31, 2024, including reporting and compliance requirements, single audit costs, record retention, property standards, environmental compliance requirements and civil rights and nondiscrimination requirements. More information for counties on this recent guidance can be found on the National Association of Counties (NACo) [website](#).

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## OTHER LEGISLATION CONSIDERED DURING NOVEMBER SESSION

### [House Bill 223](#) – Recycling Fees

On November 15, the House Local Government Committee considered House Bill 223, sponsored by Rep. Mary Isaacson (D-Philadelphia), to increase the recycling fees paid by the operator of each municipal waste landfill and resource recovery facility from \$2 per ton to \$5 per ton. These recycling fees support the state Recycling Fund that provides grants to local governments for recycling and disposal programs. The bill was voted out of committee ([21-4](#)) and is now before the full House for consideration.

### [House Bill 1646](#) – Delinquent Tax Notification Designation for Incapacitated Adults

The House Commerce Committee recently amended legislation which would allow for delinquent real estate tax notification to designated individuals other than the property owner. Specifically, HB 1646, sponsored by Rep. Chris Pielli (D-Chester), creates a process for incapacitated and older adults to provide county tax claim bureaus with a designated contact to receive notices of delinquent property taxes. The committee amended the legislation with technical and clarifying amendments recommended by local government representatives to ensure the legislation is consistent with the current delinquent tax collection process. As amended, the legislation was passed unanimously out of committee and is now before the full House for consideration.

### [House Bill 1657](#) – Clean Indoor Air Act Updates

The House Health Committee recently approved, by a vote of [13-11](#), legislation that would amend the Clean Indoor Air Act (CIAA) to include electronic smoking devices, update definitions related to patios, public place, smoking and workplaces, and removes local government preemption. Among those definitional changes, HB 1657 (Rep. Dan Frankel, D-Allegheny) would also allow local governments to adopt and enforce rules and ordinances that exceed the minimum standards of the CIAA. The legislation is now before the full House for consideration.

### [House Bill 1810](#) – Public Meeting Participation Expansion

House Bill 1810, sponsored by Rep. Liz Hanbidge (D-Montgomery), would amend the

Sunshine Act to allow for representation of persons of interest to participate in a public meeting of a political subdivision. Specifically, the legislation would broaden those able to participate in public meetings to include a resident of an adjoining political subdivision or authority that would be affected by matters of another political subdivision. The bill would also allow participation by a local official or state legislator whose district covers part of an impacted area as a representative of the public body. The legislation was passed out of committee by a vote of **14-11**, with it now before the full house for consideration.

**Senate Bill 945 – County Code Codification**

Senate Bill 945, sponsored by Sen. Rosemary Brown (R-Monroe), would incorporate Act 154 of 2018, which is the reenactment and amendment of the County Code (Act 130 of 1955), into Title 16 of the Pennsylvania Consolidated Statutes, and was approved by the Senate unanimously on November 15. CCAP has been actively involved in this effort over the course of several years and with the strong partnership of the Local Government Commission. Senate Bill 945 has been referred to the House Local Government Committee for further consideration.

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## CONTINUING RESOLUTION KEEPS FEDERAL GOVERNMENT OPEN THROUGH EARLY 2024

On November 16, President Biden signed a two-tiered stopgap spending measure to keep federal government agencies open through early next year, funding agencies at their current level while giving lawmakers additional time to develop full-year federal appropriations bills for FY 2024, which began on October 1. The spending measure funds four federal agencies through January 19 and the remainder through February 2. Counties urge the resolution of budget negotiations for the new fiscal year as alternatives to a completed budget, including continuing resolutions and government shutdowns, create costly delays and uncertainty in providing federal assistance, funding and programs to counties and our residents.

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## 2024 JUDICIAL SALARIES

The Administrative Office of Pennsylvania Courts has published the judicial salaries that will take effect on January 1, 2024, in the December 2, 2023, issue of the Pennsylvania Bulletin. The 2024 salaries will be subject to a cost-of-living adjustment of 3.5% and thus the annual salary of a judge of the court of common pleas, against whose pay the district attorney salary is also established, is set at \$219,933. The district attorney salary by law is \$1,000 less, or \$218,933. The full listing of judicial salaries is available in the [Pennsylvania Bulletin](#).

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