

VOTING RIGHTS LAB

Pennsylvania Senate Bill 878: Summary and Analysis As Introduced - 9/17/2021

ANTI-VOTER PROVISIONS

Repeals the “permanent” mail-in ballot list.

- SB 878 would repeal statutory language allowing voters to have their name added to a “permanent” mail-in voting list, whereby they could request a ballot be mailed to them for every election in a calendar year. The bill would also prohibit the Department of State and county boards of election from maintaining a “permanent” mail-in voting list in the future.
- Rather than fixing the confusingly-named “permanent” mail-in ballot list, SB 878 would entirely repeal this convenient option for voters. If SB 878 is adopted, voters would no longer be able to request a mail-in ballot be sent to them for every election in a calendar year; rather they would have to separately request a ballot for each election, imposing additional burdens on both voters and election administrators.¹

Shortens the absentee/mail-in ballot request period by a week.

- SB 878 would move the absentee and mail-in ballot request deadline from 7 days before Election Day to 14 days before Election Day.
- An application deadline two weeks before Election Day would be one of the earliest, most restrictive ballot request deadlines in the country. Most states set a deadline between 7-10 days before Election Day. Pennsylvania is already within this established range.
- Note: SB 878 would keep the existing in-person (or “over-the-counter”) ballot request deadline at 7 days before Election Day.

Imposes new restrictions on drop boxes.

- SB 878 would subject drop boxes to onerous new security requirements that would limit the ability of election officials to provide this popular ballot return option, including requirements that they:
 - Be monitored during each hour of operation, with recordings available to the public upon completion of vote counting.
 - Have ballots collected immediately after closing every night, or at 8:00 p.m., whichever is earlier.
 - Be in locations announced at least 30 days prior to their establishment.

¹ Note: the bill only repeals the permanent *mail-in* ballot list; it does not repeal the permanent *absentee* ballot list.

- Be considered “polling places” and meet the accessibility, observer access, and political activity restrictions applicable to all polling places.
- Be at a fixed location for the duration of the election.
- These new requirements could hamper the ability of county election officials to best serve their voters. Additionally, defining drop boxes as “polling places” could limit where drop boxes are able to be located and could have other unintended consequences for future elections.

Last-minute purges of deceased voters

- SB 878 would require the Secretary of the Commonwealth to seek a record of all statewide deaths and notify counties to cancel voter registrations. The Secretary would be required to do so on a daily basis in the two weeks prior to a primary or election, which falls after the voter registration deadline and leaves little-to-no time for voters to appeal and have their registration restored. The bill provides no additional safeguards to ensure the registration of living, active voters are not canceled in this period.

PRO-VOTER PROVISIONS

Codifies the existing absentee and mail-in ballot tracking system.

- SB 878 would codify the current ballot tracking system by making it a statutory duty of the Secretary of the Commonwealth.

NEUTRAL OR MIXED PROVISIONS

Permits county election officials to conduct up to three days of pre-canvassing.

- SB 878 would permit county election officials to begin pre-canvassing absentee and mail-in ballots beginning the Saturday before election day, and would require pre-canvassing on at least one day before Election Day.
- All pre-canvassing activities, as well as all canvassing of absentee ballots, would be required to be publicly live streamed and in-person observers of pre-canvassing and canvassing would be required to have a clear line of sight and be in audio range of the proceedings.
- Note: While SB 878 permits election officials to inspect and open ballot envelopes as part of the pre-canvassing process, it does not establish a standardized process for voters to be notified of ballot defects and offered an opportunity to cure any errors. The bill does not allow for pre-processing early enough to give election officials a true opportunity to notify voters of defects. Allowing pre-processing to begin even sooner would further reduce the burden on election officials and better enable election officials to provide a meaningful cure process.

Imposes new duties on the Secretary of the Commonwealth

- SB 878 would require the Secretary of the Commonwealth to perform various additional duties, including:
 - Provide assistance and reimbursement to county election officials for annual poll worker and election observer trainings (replacing the Secretary's existing training responsibilities)
 - Mandate the Secretary "obtain and maintain" uniformity in the interpretation of election laws through the issuance of procedures manuals, directives, and guidance.
 - Require the Secretary to make rules regarding the transmission of ballots and election materials to and from polling places.
 - Require the Secretary to participate in the Electronic Registration Information System (ERIC) and ensure the Statewide Uniform Registry of Electors (SURE) system is updated using data provided by ERIC and the national change of address program.
 - Require the Secretary to provide uniform standards for drop box implementation and technical support to election directors, and to publish a list of drop box locations in each county and statewide.