



Updated Information for Counties on Proposed Changes to the Election Code

THE ISSUE

The House of Representatives has scheduled session days Tuesday and Wednesday this week. We understand that they intend to vote on HB 2626, including a possible substantial amendment that would make significant revisions to the PA Election Code. [The coming days are critical for CCAP and counties to convince the General Assembly to come together on these reforms needed for the general election – the timing is now or never.](#)

[House Bill 2626](#) (Rep. Moul, R-Adams) makes several changes to the PA election code, including provide counties with 21 days to pre-canvass mail-in ballots. We expect an amendment will be offered for consideration on the House floor as early as Tuesday that will reflect provisions introduced in [SB 10](#) (Senators Scarnati and Corman) last week. A summary of those provisions can be found [here](#).

TALKING POINTS: ELECTION CODE NEEDED FOR THE GENERAL ELECTION

- **While counties ask for as much time as possible to begin the pre-canvass process – up to three weeks in advance – for timely election results, any time *before* Election Day will be a significant help.** As expected, during the June primary it took several days in most counties to fully process all of the mail-in ballots because of the sheer volume and the inability to begin the pre-canvass before 7 a.m. election day. More than 40% of votes were cast by mail-in ballot and counties did not have the resources or capacity to conduct pre-canvassing on election day simultaneous to running an in-person election. Without an extended pre-canvass period, counties will face very real challenges in providing timely results following the election, especially a highly visible presidential election.
- **Move back the deadline to apply for mail-in ballots from a week to 15 days before the election to provide more certainty for the voter and assure more efficient polling place operation.** With postal delays and public health concerns, this deadline shift will help both counties and voters by providing more time for the ballot to be able to get from the county to the voter and back again in the mail, creating less uncertainty over whether ballots were received. Voters will be able receive their confirmation email and feel confident that their ballot was received, meaning they will not feel the need to come to the polling place anyway “just to be on the safe side” as many did in the primary, thus allowing for more efficient polling place operations and aiding COVID-19 risk management by reducing crowds.
- **Changing the receipt deadline to allow ballots postmarked by election day and received up to three days after the election, instead of moving back the deadline, will not alleviate delays in results and may cause unnecessary disruption at the polls.** By allowing voters to turn ballots in at the last minute, more ballots will come in on

election day or after and would increase the likelihood of a delay in election results. Additionally, it leads to many questions about the postmark itself, what is acceptable and what to do with ineligible postmarks, among others. As they did in the primary, voters who are not certain their ballot has been received on or before election day will likely come to the polls to vote a provisional ballot anyway, unnecessarily increasing lines. To assure every vote can be received and counted, counties advocate for continuing to require receipt on election day, and instead adjusting other deadlines before the election to the benefit of everyone.

- **Oppose a requirement to record pre-canvassing proceedings.** To be clear, counties support transparency in the pre-canvass process, currently permitted by allowing each candidate in an election and each political party to have a representative present to observe the process, the same as for the traditional canvassing process. However, counties are concerned that there are a significant number of unknowns with what would be expected procedurally, costs and expectations of how to implement this proposal and share the recording with the public. What does the recording need to be able to show? What does it mean to make the recording available on request – for in-person viewing only, or must the county provide a copy? If we must provide copies of hours, if not days, of pre-canvassing, may we charge for the media devices on which to store them? What if the copies provided end up on the internet – does this present security concerns? Within what timeframe are counties expected to make this available? With so many unanswered questions that are likely to lead to confusion at best and litigation at worst, counties oppose rushing such a provision through for November.
- **Address all other issues after November if they are not vital to assuring ballots are received by 8 p.m. or to assuring timely election results.** Any provision which is not necessary for the November election, particularly if it may delay the legislative process, should be postponed for further consideration. Counties and voters need as few changes as possible to make sure they can be implemented smoothly, and thus the current legislative effort should remain focused on that narrow set of issues.

Additional elections reforms and complete talking points can be found in the CCAP [2020 Summer Grassroots Toolkit](#) or on the CCAP website, www.pacounties.org, under the Legislative Action Center.

QUESTIONS AND FEEDBACK

If you have any questions or feedback to share from your legislators, please contact Lisa Schaefer at lschaefer@pacounties.org or 717-649-1541, Ashley Lenker White at awhite@pacounties.org or 717-319-9396 or Melissa Anese at manese@pacounties.org or 717-736-4718. You can also share any feedback from your legislators by emailing PACountiesGR@pacounties.org.