

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 978 Session of 2023

INTRODUCED BY GROVE, R. MACKENZIE, KAUFFMAN, STAATS, FEE, MENTZER, MOUL, ROWE AND GLEIM, APRIL 24, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 24, 2023

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
 2 "An act concerning elections, including general, municipal,
 3 special and primary elections, the nomination of candidates,
 4 primary and election expenses and election contests; creating
 5 and defining membership of county boards of elections;
 6 imposing duties upon the Secretary of the Commonwealth,
 7 courts, county boards of elections, county commissioners;
 8 imposing penalties for violation of the act, and codifying,
 9 revising and consolidating the laws relating thereto; and
 10 repealing certain acts and parts of acts relating to
 11 elections," in the Secretary of the Commonwealth, further
 12 providing for powers and duties of the Secretary of the
 13 Commonwealth; in county boards of elections, further
 14 providing for powers and duties of county boards; in voting
 15 by qualified absentee electors, further providing for
 16 canvassing of official absentee ballots and mail-in ballots;
 17 and, in recounts and contests, providing for independent
 18 prosecutor and for election integrity officers.

19 The General Assembly of the Commonwealth of Pennsylvania
 20 hereby enacts as follows:

21 Section 1. Sections 201, 302 and 1308 of the act of June 3,
 22 1937 (P.L.1333, No.320), known as the Pennsylvania Election
 23 Code, are amended by adding subsections to read:

24 Section 201. Powers and Duties of the Secretary of the
 25 Commonwealth.--The Secretary of the Commonwealth shall exercise
 26 in the manner provided by this act all powers granted to him by

1 this act, and shall perform all the duties imposed upon him by
2 this act, which shall include the following:

3 * * *

4 (i) To maintain a hotline for the reporting of any known or
5 suspected election fraud or intimidation or duress of poll
6 workers, judges of elections, election officials or election
7 observers and to provide election fraud education to the public.
8 All information received through the hotline shall be
9 automatically transmitted to the independent prosecutor under
10 section 1778 and the county election integrity officer under
11 section 1779.

12 (j) To cooperate with an independent prosecutor under
13 section 1778 for each election cycle to review election
14 complaints received by the secretary and the county boards of
15 elections.

16 (k) To provide annual training to district attorneys and
17 their employees on Federal and State election laws and
18 procedures.

19 Section 302. Powers and Duties of County Boards.--The county
20 boards of elections, within their respective counties, shall
21 exercise, in the manner provided by this act, all powers granted
22 to them by this act, and shall perform all the duties imposed
23 upon them by this act, which shall include the following:

24 * * *

25 (n.1) To cooperate with the election integrity officer under
26 section 1779 in their county and to include the election
27 integrity officer in their county in all correspondence related
28 to the conduct of the election.

29 (n.2) To cooperate with an independent prosecutor under
30 section 1778 for each election cycle to review election

1 complaints received by the county boards of elections.

2 * * *

3 Section 1308. Canvassing of Official Absentee Ballots and
4 Mail-in Ballots.--* * *

5 (j) Notwithstanding any other provision of law, the
6 following apply to authorized representatives regarding the
7 oversight of election results:

8 (1) The authorized representatives shall be provided with
9 meaningful access to view and observe the entire process of pre-
10 canvassing or canvassing activities, including allowing the
11 authorized representatives to easily read the text on any ballot
12 or envelope at any point in the process of pre-canvassing or
13 canvassing activities.

14 (2) A county board of elections shall designate an official
15 to respond to issues reported by authorized representatives.

16 (3) The Department of State shall establish a procedure for
17 authorized representatives to report any concerns arising from
18 any pre-canvass meeting.

19 (4) The Department of State and county board of elections
20 shall investigate and report on any concerns raised in each
21 election.

22 (5) All information regarding the oversight of elections
23 under this subsection shall be turned over to the independent
24 prosecutor under section 1778.

25 (6) A county board of elections shall record the pre-canvass
26 and canvass meetings with audio and visual recording. The entire
27 recording under this paragraph shall be made available only
28 after the close of the polls.

29 Section 2. The act is amended by adding sections to read:

30 Section 1778. Independent Prosecutor.--(a) At least ninety

1 days prior to each primary election, the Attorney General shall
2 appoint an independent prosecutor, which appointment shall be
3 subject to the approval of a majority of the members elected to
4 the Senate. The Attorney General shall appoint and fix the
5 compensation of the independent prosecutor.

6 (b) The independent prosecutor shall have experience
7 prosecuting election law violations.

8 (c) The independent prosecutor shall:

9 (1) Review election complaints received by the Department of
10 State and the county boards of elections for elections occurring
11 during the calendar year in which the independent prosecutor is
12 appointed and until the next independent prosecutor is
13 appointed.

14 (2) Coordinate election oversight efforts with each level of
15 law enforcement.

16 (d) The independent prosecutor shall publish a report
17 following each election during the term of service of the
18 independent prosecutor. The following apply:

19 (1) Each report shall include the following for elections
20 occurring during the term of service of the independent
21 prosecutor:

22 (i) The total number of complaints filed and the entities to
23 which the complaints were filed.

24 (ii) A summary of how each complaint was investigated by the
25 independent prosecutor.

26 (iii) Recommendations to the General Assembly, the
27 Department of State and county boards of elections for reducing
28 future complaints.

29 (2) Each report shall be a public record under the act of
30 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know

1 Law."

2 Section 1779. Election Integrity Officers.--The district
3 attorney of a county or a designee of the district attorney
4 shall serve as the county's election integrity officer. The
5 election integrity officer shall work with its respective county
6 board of elections, director of elections and judge of elections
7 to develop chain of custody procedures and internal control
8 procedures to:

9 (1) Ensure the integrity of elections.

10 (2) Prevent fraud and illegal voting.

11 (3) Recommend data analytic tools to prevent fraud and
12 illegal voting.

13 (4) Ensure that proper evidence can be developed to
14 prosecute violations of Federal and State election laws.

15 Section 3. This act shall take effect immediately.