

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 516 Session of 2023

INTRODUCED BY MASTRIANO, BROOKS, BARTOLOTTA, HUTCHINSON AND DUSH, MARCH 15, 2023

REFERRED TO STATE GOVERNMENT, MARCH 15, 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 district election officers, further providing
 12 for appointment of watchers; in voting by qualified absentee
 13 electors, further providing for canvassing of official
 14 absentee ballots and mail-in ballots; and, in penalties,
 15 further providing for refusal to permit overseers, watchers,
 16 attorneys or candidates to act, for prohibiting duress and
 17 intimidation of voters and interference with the free
 18 exercise of the elective franchise and for hindering or
 19 delaying performance of duty.

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

22 Section 1. Sections 417, 1308(g)(1.1) and (2), 1806, 1847
 23 and 1849 of the act of June 3, 1937 (P.L.1333, No.320), known as
 24 the Pennsylvania Election Code, are amended to read:

25 Section 417. Appointment of Watchers.--

26 (a) Each candidate for nomination or election at any

1 election shall be entitled to appoint [two watchers for] three
2 watchers at any primary, general, municipal or special election,
3 each election district in which such candidate is voted for.
4 Each political party and each political body which has nominated
5 candidates in accordance with the provisions of this act, shall
6 be entitled to appoint three watchers at any primary, general,
7 municipal or special election for each election district in
8 which the candidates of such party or political body are to be
9 voted for. Such watchers shall serve without expense to the
10 county.

11 (b) Each watcher so appointed must be a qualified registered
12 elector [of the county in which the election district for which
13 the watcher was appointed is located] of the Commonwealth. Each
14 watcher so appointed shall be authorized to serve in the
15 election district for which the watcher was appointed and, when
16 the watcher is not serving in the election district for which
17 the watcher was appointed, in any other election district in the
18 [county in which the watcher is a qualified registered elector]
19 Commonwealth: Provided, That only one watcher for each candidate
20 [at primaries, or] and one watcher for each party or political
21 body at primary, general, municipal or special elections, shall
22 be present in the polling place at any one time from the time
23 that the election officers meet prior to the opening of the
24 polls under section 1208 until the time that the counting of
25 votes is complete and the district register and voting check
26 list is locked and sealed, and all watchers in the room shall
27 remain outside the enclosed space. It shall not be a requirement
28 that a watcher be a resident of the election district for which
29 the watcher is appointed. After the close of the polls and while
30 the ballots are being counted or voting machine canvassed, all

1 the watchers shall be permitted to be in the polling place
2 [outside] inside the enclosed space, but may not interfere with
3 the counting of ballots. Each watcher shall be provided with a
4 certificate from the county board of elections, stating his name
5 and the name of the candidate, party or political body he
6 represents. Watchers shall be required to show their
7 certificates when requested to do so. Watchers allowed in the
8 polling place under the provisions of this act, shall be
9 permitted to keep a list of voters and shall be entitled to
10 challenge any person making application to vote and to require
11 proof of his qualifications at any facility where votes are
12 collected, as provided by this act. During those intervals when
13 voters are not present in the polling place either voting or
14 waiting to vote, the judge of elections shall permit watchers,
15 upon request, to inspect the voting check list and either of the
16 two numbered lists of voters maintained by the county board:
17 Provided, That the watcher shall not mark upon or alter these
18 official election records. The judge of elections shall
19 supervise or delegate the inspection of any requested documents.

20 (c) No candidate or committee of a political party or of a
21 political body, nor any other person or persons shall pay to any
22 watcher compensation in excess of one hundred twenty (\$120.00)
23 dollars per diem.

24 (d) A watcher whose watcher's certificate is destroyed or
25 lost on election day may appear before the court of common pleas
26 under section 1206 and, after swearing under oath or affirmation
27 that the watcher's certificate was destroyed or lost, may
28 immediately receive a replacement watcher's certificate issued
29 by the court.

30 Section 1308. Canvassing of Official Absentee Ballots and

1 Mail-in Ballots.--* * *

2 (g) * * *

3 (1.1) The county board of elections shall meet no earlier
4 than seven o'clock A.M. on election day to pre-canvass all
5 ballots received prior to the meeting. A county board of
6 elections shall provide at least forty-eight hours' notice of a
7 pre-canvass meeting by publicly posting a notice of a pre-
8 canvass meeting on its publicly accessible Internet website. One
9 authorized representative of each candidate in an election and
10 one representative from each political party shall be permitted
11 to remain in the room in which the absentee ballots and mail-in
12 ballots are pre-canvassed. A person allowed to watch the pre-
13 canvassing shall be permitted to have a clear line of sight to
14 view and hear the proceedings at a distance of six feet or less,
15 but that does not impede the ability of the person canvassing
16 ballots from carrying out the person's duties. No person
17 observing, attending or participating in a pre-canvass meeting
18 may disclose the results of any portion of any pre-canvass
19 meeting prior to the close of the polls.

20 (2) The county board of elections shall meet no earlier than
21 the close of polls on the day of the election and no later than
22 the third day following the election to begin canvassing
23 absentee ballots and mail-in ballots not included in the pre-
24 canvass meeting. The meeting under this paragraph shall continue
25 until all absentee ballots and mail-in ballots received prior to
26 the close of the polls have been canvassed. The county board of
27 elections shall not record or publish any votes reflected on the
28 ballots prior to the close of the polls. The canvass process
29 shall continue through the eighth day following the election for
30 valid military-overseas ballots timely received under 25 Pa.C.S.

1 § 3511 (relating to receipt of voted ballot). A county board of
2 elections shall provide at least forty-eight hours' notice of a
3 canvass meeting by publicly posting a notice on its publicly
4 accessible Internet website. One authorized representative of
5 each candidate in an election and one representative from each
6 political party shall be permitted to remain in the room in
7 which the absentee ballots and mail-in ballots are canvassed. A
8 person allowed to watch the pre-canvassing shall be permitted to
9 have a clear line of sight to view and hear the proceedings at a
10 distance of six feet or less, but that does not impede the
11 ability of the person canvassing ballots from carrying out the
12 person's duties.

13 * * *

14 Section 1806. Refusal to Permit Overseers, Watchers,
15 Attorneys or Candidates to Act.--Any member of a county board of
16 elections, judge of election or inspector of election who shall
17 refuse to permit any overseer or watcher, attorney or candidate
18 to be present, as authorized by this act, at any session of a
19 county board, computation and canvassing of returns of any
20 primary or election, recount of ballots or recanvass of voting
21 machines, as authorized by this act, or at any polling place
22 during the time the polls are open at any primary or election,
23 and after the close of the polls during the time the ballots are
24 counted or voting machine canvassed and until the returns of
25 such primary or election have been made up and signed, shall be
26 guilty of a misdemeanor of the second degree, and, upon
27 conviction thereof, shall be sentenced to pay a fine not
28 exceeding [one thousand (\$1,000)] five thousand (\$5,000)
29 dollars, or to undergo an imprisonment not exceeding [one (1)
30 year] two (2) years, or both, in the discretion of the court. An

1 individual who violates this section shall forfeit any
2 compensation for election services rendered or shall repay
3 compensation to the county, whichever applies.

4 Section 1847. Prohibiting Duress and Intimidation of Voters
5 and Interference with the Free Exercise of the Elective
6 Franchise.--Any person or corporation who, directly or
7 indirectly--(a) uses or threatens to use any force, violence or
8 restraint, or inflicts or threatens to inflict any injury,
9 damage, harm or loss, or in any other manner practices
10 intimidation or coercion upon or against any person, in order to
11 induce or compel such person to vote or refrain from voting at
12 any election, or to vote or refrain from voting for or against
13 any particular person, or for or against any question submitted
14 to voters at such election, or to place or cause to be placed or
15 refrain from placing or causing to be placed his name upon a
16 register of voters, or on account of such person having voted or
17 refrained from voting at such election, or having voted or
18 refrained from voting for or against any particular person or
19 persons or for or against any question submitted to voters at
20 such election, or having registered or refrained from
21 registering as a voter; or (b) by abduction, duress or coercion,
22 or any forcible or fraudulent device or contrivance, whatever,
23 impedes, prevents, or otherwise interferes with the free
24 exercise of the elective franchise by any voter, or compels,
25 induces, or prevails upon any voter to give or refrain from
26 giving his vote for or against any particular person at any
27 election; or (c) being an employer, pays his employes the salary
28 or wages due in "pay envelopes" upon which or in which there is
29 written or printed any political motto, device, statement or
30 argument containing threats, express or implied, intended or

1 calculated to influence the political opinions or actions of
2 such employes, or within ninety days of any election or primary
3 puts or otherwise exhibits in the establishment or place where
4 his employes are engaged in labor, any handbill or placard
5 containing any threat, notice, or information that if any
6 particular ticket or candidate is elected or defeated work in
7 his place or establishment will cease, in whole or in part, his
8 establishment be closed up, or the wages of his employes
9 reduced, or other threats, express or implied, intended or
10 calculated to influence the political opinions or actions of his
11 employes, shall be guilty of a misdemeanor of the [~~second~~] first
12 degree. Any person or corporation, convicted of a violation of
13 any of the provisions of this section, shall be sentenced to pay
14 a fine not exceeding [~~five thousand (\$5,000)~~] ten thousand
15 (\$10,000) dollars, or such person or the officers, directors or
16 agents of such corporation responsible for the violation of this
17 section, shall be sentenced to undergo an imprisonment of not
18 more than [~~two (2)~~] three (3) years, or both, in the discretion
19 of the court.

20 Section 1849. Hindering or Delaying Performance of Duty.--
21 Any person who intentionally interferes with, hinders or delays
22 or attempts to interfere with, hinder or delay any other person
23 in the performance of any act or duty authorized or imposed by
24 this act, shall be guilty of a misdemeanor of the second degree,
25 and, upon conviction thereof, shall be sentenced to pay a fine
26 not exceeding [~~five hundred (\$500)~~] two thousand five hundred
27 (\$2,500) dollars, or to undergo an imprisonment [~~of not more~~
28 ~~than one (1) year~~] not exceeding two (2) years, or both, in the
29 discretion of the court.

30 Section 2. This act shall take effect in 60 days.