
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 929 Session of
2023

INTRODUCED BY BOSCOLA, FONTANA, COSTA AND KANE,
SEPTEMBER 14, 2023

REFERRED TO STATE GOVERNMENT, SEPTEMBER 14, 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 preparation for and conduct of primaries and
12 elections, further providing for manner of applying to vote,
13 persons entitled to vote, voter's certificates, entries to be
14 made in district register, numbered lists of voters and
15 challenges.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 1210(a.4) (5) of the act of June 3, 1937
19 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
20 amended to read:

21 Section 1210. Manner of Applying to Vote; Persons Entitled
22 to Vote; Voter's Certificates; Entries to Be Made in District
23 Register; Numbered Lists of Voters; Challenges.--* * *

24 (a.4) * * *

1 (5) (i) Except as provided in subclause (ii), if it is
2 determined that the individual was registered and entitled to
3 vote at the election district where the ballot was cast, the
4 county board of elections shall compare the signature on the
5 provisional ballot envelope with the signature on the elector's
6 registration form and, if the signatures are determined to be
7 genuine, shall count the provisional ballot if the county board
8 of elections confirms that the individual did not cast any other
9 ballot that was counted, including an absentee ballot or mail-in
10 ballot, in the election.

11 (i.1) A provisional ballot shall be counted, except as
12 provided in subclause (ii), if the provisional ballot was cast
13 by an elector whose absentee ballot or mail-in ballot was
14 rejected by a county board of elections due to an incomplete
15 form of declaration printed on the envelope or any other
16 material defect and was not counted.

17 (ii) A provisional ballot shall not be counted if:

18 (A) either the provisional ballot envelope under clause (3)
19 or the affidavit under clause (2) is not signed by the
20 individual;

21 (B) the signature required under clause (3) and the
22 signature required under clause (2) are either not genuine or
23 are not executed by the same individual;

24 (C) a provisional ballot envelope does not contain a secrecy
25 envelope;

26 (D) in the case of a provisional ballot that was cast under
27 subsection (a.2)(1)(i), within six calendar days following the
28 election the elector fails to appear before the county board of
29 elections to execute an affirmation or the county board of
30 elections does not receive an electronic, facsimile or paper

1 copy of an affirmation affirming, under penalty of perjury, that
2 the elector is the same individual who personally appeared
3 before the district election board on the day of the election
4 and cast a provisional ballot and that the elector is indigent
5 and unable to obtain proof of identification without the payment
6 of a fee;

7 (E) in the case of a provisional ballot that was cast under
8 subsection (a.2)(1)(ii), within six calendar days following the
9 election, the elector fails to appear before the county board of
10 elections to present proof of identification and execute an
11 affirmation or the county board of elections does not receive an
12 electronic, facsimile or paper copy of the proof of
13 identification and an affirmation affirming, under penalty of
14 perjury, that the elector is the same individual who personally
15 appeared before the district election board on the day of the
16 election and cast a provisional ballot; or

17 (F) the elector's absentee ballot or mail-in ballot is
18 [timely received] counted by a county board of elections.

19 (iii) One authorized representative of each candidate in an
20 election and one representative from each party shall be
21 permitted to remain in the room in which deliberation or
22 determination of subclause (ii) is being made.

23 * * *

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