

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 812 Session of 2025

INTRODUCED BY SANTARSIERO, DUSH, ROTHMAN AND COSTA, MAY 30, 2025

SENATOR DUSH, STATE GOVERNMENT, AS AMENDED, JUNE 3, 2025

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 electronic voting systems, further providing
12 for examination and approval of electronic voting systems by
13 the Secretary of the Commonwealth and providing for
14 malfunction and certification reporting; and making an
15 editorial change.

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

18 ~~Section 1. Section 1105-A(b) of the act of June 3, 1937~~ <--
19 ~~(P.L.1333, No.320), known as the Pennsylvania Election Code, is~~
20 ~~amended and the section is amended by adding a subsection to~~
21 ~~read:~~

22 SECTION 1. SECTION 1105-A OF THE ACT OF JUNE 3, 1937 <--
23 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, IS
24 AMENDED BY ADDING A SUBSECTION TO READ:

25 Section 1105-A. Examination and Approval of Electronic

1 Voting Systems by the Secretary of the Commonwealth.--* * *

2 ~~(b) Upon receipt of a request for examination or~~ <--
3 ~~reexamination of an electronic voting system as herein provided~~
4 ~~for or in the event he determines to reexamine any such system,~~
5 ~~the Secretary of the Commonwealth shall examine the electronic~~
6 ~~voting system for functionality, security and accessibility,~~
7 ~~provide notice of the examination pursuant to subsection (g) (1)~~
8 ~~and shall make and file in his office and post on the Department~~
9 ~~of State's publicly accessible Internet website the recording~~
10 ~~required under subsection (g) (4) his report, attested by his~~
11 ~~signature and the seal of his office, stating whether, in his~~
12 ~~opinion, the system so examined can be safely used by voters at~~
13 ~~elections as provided in this act and meets all of the~~
14 ~~requirements hereinafter set forth. If his report states that~~
15 ~~the system can be so used and meets all such requirements, such~~
16 ~~system shall be deemed approved and may be adopted for use at~~
17 ~~elections, as herein provided. With respect to any electronic~~
18 ~~voting system approved for use in this Commonwealth by the~~
19 ~~secretary, the report of the secretary shall specify the~~
20 ~~capacity of the components of that system, the number of voters~~
21 ~~who may reasonably be accommodated by the voting devices and~~
22 ~~automatic tabulating equipment which comprise such system and~~
23 ~~the number of clerks and machine inspectors, if any, required~~
24 ~~based on the number of registered electors in any election~~
25 ~~district in which the voting system is to be used, such~~
26 ~~specifications being based upon the secretary's examination of~~
27 ~~the system. Any county which thereafter may adopt any such~~
28 ~~approved system shall provide the components of such system in a~~
29 ~~number no less than that sufficient to accommodate the voters of~~
30 ~~that county or municipality in accordance with the minimum~~

1 ~~capacity standards so prescribed by the secretary. The county~~
2 ~~board shall comply with the requirements for the use of the~~
3 ~~electronic voting system as set forth in the report by the~~
4 ~~Secretary of the Commonwealth.~~

5 * * *

6 (g) If the Secretary of the Commonwealth examines an
7 electronic voting system under this section, the examination
8 MUST INCLUDE A PUBLIC DEMONSTRATION AS PART of the functionality <--
9 EXAMINATION of the system THAT shall be open to the public in <--
10 accordance with the following requirements:

11 (1) The Secretary of the Commonwealth shall provide notice
12 on the Department of State's publicly accessible Internet
13 website at least thirty days prior to the examination of the
14 functionality of an electronic voting system. The notice shall
15 include the date, time and other additional information needed
16 for the public to attend and observe the examination.

17 (2) The Secretary of the Commonwealth shall make a good
18 faith effort to allow the public to be within twenty feet of the
19 voting system during the examination.

20 (3) The Secretary of the Commonwealth may impose reasonable
21 limitations on the number of attendees at the examination based
22 on the capacity of the site, safety of attendees and security.

23 (4) The Secretary of the Commonwealth shall make an
24 audiovisual recording of the ~~portion of the~~ PUBLIC DEMONSTRATION <--
25 CONDUCTED WITHIN THE FUNCTIONALITY examination which is open to
26 the public. The secretary shall post the recording to the
27 Department of State's publicly accessible Internet website
28 within thirty days of creation of the recording. The audiovisual
29 recording shall be maintained on the publicly accessible
30 Internet website as follows:

1 (i) If the system is certified, the Department of State
2 shall maintain the recording on its website for the entire
3 period during which the voting system is certified and for a
4 minimum of two years after any revocation or withdrawal of
5 certification.

6 (ii) If the system is not certified, the Department of State
7 shall maintain the recording on its website for a minimum of two
8 years following the posting.

9 (5) The Secretary of the Commonwealth may ONLY exclude the <--
10 public from any portion of the examination that THE SECRETARY OF <--
11 THE COMMONWEALTH REASONABLY BELIEVES involves discussion or
12 disclosure of:

13 (i) Confidential or proprietary information.

14 (ii) Information that would jeopardize election security if
15 disclosed.

16 (6) The Secretary of the Commonwealth shall conduct the
17 functionality examination within this Commonwealth, except as
18 provided for under paragraph (7).

19 (7) The Secretary of the Commonwealth may conduct discrete
20 portions of the functionality examination via real time remote
21 video conferencing whenever it is not possible or necessary for
22 representatives of the Department of State to be present at the
23 location of the equipment or software being examined.

24 (8) Except for portions of the examination that meet the
25 requirements of paragraph (5), portions of the examination
26 conducted via real time remote video conferencing, as provided
27 for under paragraph (7), shall be accessible to the public and
28 be recorded and uploaded in full to the Department of State's
29 publicly accessible Internet website upon conclusion.

30 Section 2. The act is amended by adding a section to read:

1 Section 1123-A. Malfunction and Certification Reporting.--

2 (a) Each county board shall submit to the Department of State,
3 within sixty days of an election, a report on malfunctions and
4 certifications of electronic voting systems. ~~The OR A~~ <--
5 DECLARATION OF NO MALFUNCTIONS. A MALFUNCTION AND CERTIFICATION
6 report shall include:

7 (1) Any malfunction which is reported to the county by any
8 source or otherwise believed by the county to have occurred
9 which:

- 10 (i) Prevented a voter from casting a ballot.
- 11 (ii) Delayed any voter from casting a ballot.
- 12 (iii) Prevented the tabulation or reporting of results.
- 13 (iv) Delayed the tabulation or reporting of results.

14 (2) A description of each malfunction which shall include,
15 to the extent known:

- 16 (i) Source of the malfunction.
- 17 (ii) Duration of the malfunction.
- 18 (iii) Location of the malfunction.
- 19 (iv) Precincts affected by the malfunction.
- 20 (v) Nature of the issue.
- 21 (vi) Voting system component or components affected.
- 22 (vii) Approximate number of voters or ballots affected.
- 23 (viii) Whether the malfunction was resolved.
- 24 (ix) Actions taken to resolve the malfunction.

25 (3) Other information, as directed by the Department of
26 State.

27 (b) The Department of State shall post a report OR <--
28 DECLARATION received under subsection (a) to its publicly
29 accessible Internet website within one hundred five days of an
30 election. The Department of State may make redactions consistent

1 with the following:

2 (1) Redactions may only be made if it is reasonably
3 necessary to prevent compromising election security, protect
4 confidential or proprietary information or prevent misleading
5 the public.

6 (2) Redactions shall be marked in a manner that shows that a
7 redaction was made and shall include justification for the
8 redaction.

9 (3) The Department of State shall retain unredacted copies
10 of all reports on permanent file. AND DECLARATIONS FOR AT LEAST <--
11 TEN YEARS.

12 Section 3. Section 1122-A of the act is renumbered to read:

13 Section [1122-A] 1130-A. Construction.--The provisions of
14 this article shall constitute an additional method of voting and
15 all provisions of this act shall be construed to be in full
16 force and effect unless inconsistent with the provisions of this
17 article.

18 Section 4. This act shall take effect in 60 days.