
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1756 Session of
2023

INTRODUCED BY KRAJEWSKI, RABB, BULLOCK, DAWKINS, ABNEY, MADDEN,
HILL-EVANS, WAXMAN, KHAN, KINSEY, SANCHEZ, CEPEDA-FREYITZ,
HOHENSTEIN, HOWARD AND GREEN, OCTOBER 16, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 16, 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 preliminary provisions, further providing for
12 definitions; in qualifications of electors, further providing
13 for rules for determining residence; in voting by qualified
14 absentee electors, further providing for qualified absentee
15 electors and providing for voting by absentee electors in
16 correctional institutions; and imposing duties on the
17 Department of State.

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

20 Section 1. Section 102(w)(14) and the last paragraph of
21 subsection (w) of the act of June 3, 1937 (P.L.1333, No.320),
22 known as the Pennsylvania Election Code, are amended, the
23 subsection is amended by adding a paragraph and the section is
24 amended by adding subsections to read:

25 Section 102. Definitions.--The following words, when used in

1 this act, shall have the following meanings, unless otherwise
2 clearly apparent from the context:

3 * * *

4 (h.1) The word "homeless" shall have the same meaning as
5 under 42 U.S.C. § 11302 (relating to general definition of
6 homeless individual).

7 * * *

8 (w) The words "qualified absentee elector" shall mean:

9 * * *

10 (14) Any qualified elector who will not attend a polling
11 place because of the observance of a religious holiday[:]; or

12 (15) Any qualified elector who is confined in a correctional
13 institution for other than a felony conviction, including those
14 convicted of misdemeanors, those undergoing pretrial confinement
15 and those in a custodial nonconviction status:

16 Provided, however, That the words "qualified absentee
17 elector" shall in nowise be construed to include persons
18 confined in [a penal institution or] a mental institution nor
19 shall it in anywise be construed to include a person not
20 otherwise qualified as a qualified elector in accordance with
21 the definition set forth in section 102(t) of this act.

22 * * *

23 (z.7) The words "correctional institution" shall mean any
24 penal institution, penitentiary, State farm, reformatory,
25 prison, jail, house of correction, juvenile detention facility
26 or other institution for the incarceration or custody of persons
27 under sentence for offenses or awaiting trial or sentence for
28 offenses.

29 Section 2. Section 704 of the act is amended by adding a
30 subsection to read:

1 Section 704. Rules for Determining Residence.--In
2 determining the residence of a person desiring to register or
3 vote, the following rules shall be followed so far as they may
4 be applicable:

5 * * *

6 (i) The following for persons lacking a specific physical
7 address:

8 (1) If a person resides in an area lacking a specific
9 physical address or is homeless, instead of an address, the
10 person may submit a description, such as a map or the latitude
11 and longitude, indicating where the person resides. The person
12 shall be assigned to a precinct based on the geographic
13 description of where the person resides.

14 (2) If a person confined in a correctional institution was
15 homeless prior to confinement, the person may, instead of an
16 address, submit a description, such as a map or the latitude and
17 longitude, indicating where the person resided prior to
18 confinement. The person shall be assigned to a precinct based on
19 the geographic description of where the person resided prior to
20 confinement.

21 (3) The Secretary of the Commonwealth shall issue rules
22 regarding acceptable forms of nonphysical addresses.

23 Section 3. Section 1301(n) and last paragraph of the act are
24 amended and the section is amended by adding a subsection to
25 read:

26 Section 1301. Qualified Absentee Electors.--The following
27 persons shall be entitled to vote by an official absentee ballot
28 in any primary or election held in this Commonwealth in the
29 manner hereinafter provided:

30 * * *

1 (n) Any qualified elector who will not attend a polling
2 place because of the observance of a religious holiday[:]; or

3 (o) Any qualified elector who is confined in a correctional
4 institution for other than a felony conviction, including those
5 convicted of misdemeanors, those undergoing pretrial confinement
6 and those in a custodial nonconviction status:

7 Provided, however, That the words "qualified absentee
8 elector" shall in nowise be construed to include persons
9 confined in [a penal institution or] a mental institution nor
10 shall it in anyway be construed to include a person not
11 otherwise qualified as a qualified elector in accordance with
12 the definition set forth in section 102(t) of this act.

13 Section 4. The act is amended by adding a section to read:

14 Section 1306.2. Voting by Absentee Electors in Correctional
15 Institutions.--(a) The department, in consultation with the
16 Department of Corrections, shall establish a uniform policy for
17 civic education in State and county correctional institutions,
18 including, but not limited to, notifications of all Federal,
19 State, county, local and primary elections. The department shall
20 provide correctional institutions with:

21 (1) information pertaining to voter registration, absentee
22 ballots, mail-in ballots and eligibility requirements;

23 (2) the necessary forms and applications; and

24 (3) the necessary training for obtaining and casting a
25 ballot.

26 (b) (1) Each correctional institution shall designate at
27 least one individual to help inmates vote. Designated
28 individuals in each correctional institution shall provide the
29 information under subsection (a) to each inmate and oversee the
30 distribution, collection and submission of voter registration

1 applications and absentee ballots. The designated individual
2 shall be a staff member of the correctional institution and may
3 not be an inmate.

4 (2) The secretary shall establish procedures to ensure each
5 correctional institution establishes a policy designating at
6 least one individual to help inmates vote. This shall include
7 ensuring that election resources and ballots are provided in
8 multiple languages, as required by the language access needs of
9 the correctional institution.

10 (c) The Department of Corrections shall promulgate
11 regulations necessary to establish procedures for a State or
12 county correctional institution to inspect incoming voter
13 registration applications and absentee ballots for contraband.
14 The procedures shall not involve opening or reading voter
15 registration applications or absentee ballots to preserve
16 secrecy in voting.

17 (d) The superintendent, warden or other authorized
18 individual in charge of a State or county correctional
19 institution shall collect data that includes, but is not limited
20 to, the following:

21 (1) demographic information of the correctional
22 institution's inmate population;

23 (2) the number of qualified absentee electors in the
24 correctional institution;

25 (3) the number of inmates registered to vote;

26 (4) the number of inmates that have applied for a ballot;

27 (5) the number of inmates that submitted a completed ballot;

28 and

29 (6) any other information requested by the department.

30 (e) The superintendent, warden or other authorized

1 individual in charge of a State or county correctional
2 institution shall submit a report of the data collected under
3 subsection (d) to the department within thirty (30) days after
4 each general election. The department shall prescribe the form
5 of the report and shall issue guidance to implement the
6 provisions of this section.

7 (f) As used in this section:

8 "Department" shall mean the Department of State of the
9 Commonwealth.

10 "Inmate" shall mean an offender who is committed to, under
11 sentence to or confined in a correctional institution. The term
12 shall not include an offender committed under a violation of 25
13 Pa.C.S. § 1703 (relating to application) or of this act.

14 Section 5. This act shall take effect in one year.