

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1293 Session of 2024

INTRODUCED BY COLEMAN, DUSH AND J. WARD, JULY 17, 2024

REFERRED TO STATE GOVERNMENT, JULY 17, 2024

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 definitions and for supplies and preparation of the  
13 voting system and of polling places and providing for pre-  
14 election logic and accuracy testing; and, in penalties,  
15 providing for falsification of election-related documentation  
16 regarding pre-election logic and accuracy testing.

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

19 Section 1. Section 1101-A of the act of June 3, 1937  
20 (P.L.1333, No.320), known as the Pennsylvania Election Code, is  
21 amended by adding definitions to read:

22 Section 1101-A. Definitions.--As used in this article:

23 \* \* \*

24 "Ballot set" means one of any ballot type that is used for  
25 any method of voting, including absentee ballot voting, mail-in

1 ballot voting, voting in-person at a polling place or voting by  
2 emergency paper ballot. Each ballot set shall be comprised of  
3 ballots with various ballot styles.

4 "Ballot style" means a ballot's particular array of election  
5 contests and candidates specific to an election district.

6 \* \* \*

7 Section 2. Section 1110-A(d) and (e) of the act are amended  
8 and the section is amended by adding a subsection to read:

9 Section 1110-A. Supplies; Preparation of the Voting System  
10 and of Polling Places.--\* \* \*

11 (a.1) Notwithstanding section 1007(a), for electronic voting  
12 systems utilizing paper ballots that are printed by the voting  
13 device at the polling place after the registered elector has  
14 made their selections, the county board of elections shall  
15 preprint official election ballots for use as emergency paper  
16 ballots in the case where the voting device is not operable, and  
17 the county board of elections shall furnish the emergency paper  
18 ballots to each election district in an amount equal to at least  
19 twenty (20) per centum of the total number of registered  
20 electors in an election district.

21 \* \* \*

22 [(d) On or before the fortieth day preceding any election,  
23 the county board of elections shall mail to the chairman of the  
24 county committee of each political party which shall be entitled  
25 under existing laws to participate in primary elections within  
26 the county, and to the chairman or presiding officer of any  
27 organization of citizens within the county which has as its  
28 purpose or among its purposes the investigation or prosecution  
29 of election frauds and which has registered its name and address  
30 and the names of its principal officers with the county board of

1 elections at least fifty days before the election, a written  
2 notice stating the times when and the place or places where  
3 preparation of the system and its components for use in the  
4 several election districts in the county or municipality will be  
5 started. One representative of each such political party,  
6 certified by the respective chairman of the county committee of  
7 such party, and one representative of each such organization of  
8 citizens, certified by the respective chairman or presiding  
9 officer of such organization shall be entitled to be present  
10 during the preparation of the voting system and its components  
11 and to see that they are properly prepared and are in proper  
12 condition and order for use. Such representatives shall not  
13 interfere with the preparation of the system and its components,  
14 and the county board may make reasonable rules and regulations  
15 governing the conduct of such representatives.

16 (e) Prior to the delivery of any automatic tabulating  
17 equipment to any election district the county board of elections  
18 shall examine or cause to have examined such equipment and shall  
19 make a certificate stating:

20 (1) the identifying number and election district designation  
21 of the equipment;

22 (2) that the equipment is suitable for use in the particular  
23 election district designated;

24 (3) that the equipment has been tested to ascertain that it  
25 will accurately compute the votes cast for all offices and all  
26 questions;

27 (4) that the offices and questions on the official ballot  
28 correspond in all respects with the ballot labels assigned to  
29 such particular election district;

30 (5) that the public counter and the counters for each

1 candidate position and each question are all set at zero and  
2 that element that generates a printed record of the results of  
3 the election is functioning correctly; and

4 (6) the number on the seal with which the equipment is  
5 sealed.]

6 \* \* \*

7 Section 3. The act is amended by adding sections to read:

8 Section 1110.1-A. Pre-election Logic and Accuracy Testing.--

9 (a) Prior to any election in which an electronic voting system  
10 may be used, the county board of elections shall complete logic  
11 and accuracy testing as provided in this section for the purpose  
12 of ensuring that electronic voting equipment functions as  
13 expected and that votes are accurately tabulated. The logic and  
14 accuracy testing shall be sufficient to determine that the  
15 voting system is properly programmed, the election is correctly  
16 defined on the voting system, and all of the voting system  
17 input, output and communication devices are working properly.

18 (b) Logic and accuracy testing shall be completed as soon as  
19 ballots are available but, if any proceeding is pending in a  
20 Federal or State court which would affect the contents of any  
21 ballot, testing shall be completed no later than the eleventh  
22 day prior to the election.

23 (c) During logic and accuracy testing, the county board of  
24 elections shall:

25 (1) For each electronic voting device which may be used in  
26 the upcoming election:

27 (i) Generate a report which shows the contest order and  
28 confirm that the contest order as reported matches the expected  
29 contest order.

30 (ii) Mark, in all available languages, and print ballots for

1 each ballot style using the touchscreen and any other assistive  
2 device provided by the manufacturer and using a predetermined  
3 voting pattern designed so that each contest, and each choice  
4 within each contest, is given a unique number of votes.

5 (iii) Review the printed ballots to ensure that the ballots  
6 were accurately printed and the votes contained on the printed  
7 ballot match the choices designated by the tester.

8 (iv) Scan the printed ballots to ensure that the ballots  
9 will scan and generate the expected results.

10 (v) Shut down, lock and seal the voting device.

11 (vi) Execute a written statement setting forth the  
12 electronic voting devices tested, the results of the testing,  
13 the protective counter numbers, if applicable, of each voting  
14 device, the number of the seal securing each voting device at  
15 the conclusion of testing, any problems reported to the board as  
16 a result of the testing and whether each electronic voting  
17 device tested is satisfactory or unsatisfactory.

18 (vii) Prior to the delivery of an electronic voting device  
19 to an election district, examine, or cause to be examined, the  
20 equipment and shall make a certificate stating the identifying  
21 number and election district designation of the equipment.

22 (2) For each piece of automatic tabulating equipment which  
23 may be used in the upcoming election:

24 (i) Generate a report which shows the total number of votes  
25 for all contests and candidates and confirm that the totals show  
26 as zero for all contests and candidates.

27 (ii) Scan premarked ballots for each ballot style using a  
28 predetermined voting pattern designed so that each contest, and  
29 each choice within each contest, is given a unique number of  
30 votes.

1 (iii) Generate a report which shows the vote totals for each  
2 contest and candidate and compare the reported results to the  
3 expected results to ensure that the automatic tabulating  
4 equipment will generate the expected results.

5 (iv) Reset all vote totals, shut down, lock and seal the  
6 automated tabulating equipment.

7 (v) Execute a written statement setting forth the automatic  
8 tabulation equipment tested, the results of the testing, the  
9 protective counter numbers, if applicable, of each automatic  
10 tabulating device, the number of the seal securing each  
11 automatic tabulating device at the conclusion of testing, any  
12 problems reported to the board as a result of the testing and  
13 whether each device tested is satisfactory or unsatisfactory.

14 (vi) Prior to the delivery of automatic tabulating equipment  
15 to an election district, examine, or cause to be examined, the  
16 equipment and shall make a certificate stating the identifying  
17 number and election district designation of the equipment.

18 (d) The Secretary of the Commonwealth may prescribe  
19 additional requirements relating to logic and accuracy testing  
20 as the Secretary of the Commonwealth deems appropriate and may  
21 issue directives and instructions for implementation of this  
22 section. Directives issued by the Secretary of the Commonwealth  
23 may not conflict with the requirements on this section.

24 (e) No later than seven days prior to beginning logic and  
25 accuracy testing, the county board of elections shall give  
26 notice of the location, date and time logic and accuracy testing  
27 will be conducted as follows:

28 (1) The county board of elections shall mail notice to the  
29 chairman of the county committee of each political party  
30 entitled under law to participate in primary elections within

1 the county, and to the chairman or presiding officer of any  
2 organization of citizens within the county which has as its  
3 purpose or among its purposes the investigation or prosecution  
4 of election frauds and which has registered its name and address  
5 and the names of its principal officers with the county board of  
6 elections by the first Monday in February of the year.

7 (2) The county board of elections shall post notice to its  
8 publicly accessible Internet website.

9 (3) The county board of elections shall publish notice in  
10 accordance with section 106.

11 (f) The county board of elections shall allow in-person  
12 observation of its logic and accuracy testing. The following  
13 shall apply:

14 (1) One representative from each political party whose  
15 chairman was entitled to receive notice under subsection (e)(1)  
16 may observe the logic and accuracy testing if the representative  
17 is certified by the chairman of the county committee of the  
18 party.

19 (2) One representative of each organization entitled to  
20 receive notice under subsection (e)(1) may observe the logic and  
21 accuracy testing if the representative is certified by the  
22 chairman or presiding officer of the organization.

23 (3) Any registered elector of the county who gives the  
24 county board of elections at least twenty-four hours' notice may  
25 observe the logic and accuracy testing.

26 (4) A representative or a registered elector who observes  
27 the logic and accuracy testing shall not interfere with the  
28 testing.

29 (5) The county board of elections may make reasonable rules  
30 and regulations governing the conduct of the representatives and

1 registered electors. The rules and regulations must be published  
2 as part of the notice required under subsection (e).

3 (g) No later than five days after completing logic and  
4 accuracy testing, the county board of elections shall certify  
5 compliance with the requirements of this section to the  
6 Secretary of the Commonwealth in a manner and on a form as  
7 prescribed by the Secretary of the Commonwealth . The Department  
8 of State shall post each certification received by the  
9 Secretary of the Commonwealth under this subsection to its  
10 publicly accessible Internet website.

11 (h) If the county board of elections fails to comply with  
12 this section, or with any directives or instructions issued by  
13 the Secretary of the Commonwealth under this section, the  
14 following shall apply:

15 (1) Except as provided in paragraph (2) and section 1854,  
16 only the Secretary of the Commonwealth may bring an action to  
17 enforce this section and may introduce as evidence the failure  
18 of the county board of elections to comply with this section or  
19 any directives or instructions issued by the Secretary of the  
20 Commonwealth under this section.

21 (2) The Department of State shall implement a system for any  
22 legally registered Pennsylvania voter to submit complaints for  
23 noncompliance in accordance with the following:

24 (i) After the submission of a complaint, the Department of  
25 State shall issue a decision in five business days.

26 (ii) The decision may be appealed to Commonwealth Court.

27 (iii) All expenses shall be paid by the voter.

28 (3) The failure shall not be the sole cause or justification  
29 for delaying or refusing to perform any duty assigned under this  
30 act, including the county board of elections' duty to receive,



1 canvass, compute and certify the returns of each election under  
2 section 302(k).

3 Section 1856. Falsification of Election-related

4 Documentation Regarding Pre-election Logic and Accuracy

5 Testing.--The Secretary of the Commonwealth, member of a county

6 board of elections, chief clerk, employe, overseer, judge of

7 election, inspector of election, clerk of election, machine

8 inspector or custodian or deputy custodian of voting machines on

9 whom a duty is imposed by this act who knowingly makes a false

10 statement, representation or certification in a list, record or

11 other document required to be maintained under section 1110.1-A

12 or who intentionally or deliberately refrains from complying

13 with section 1110-A(a.1) or 1110.1-A commits a misdemeanor and,

14 upon conviction thereof, shall be sentenced to pay a fine not

15 exceeding one thousand (\$1,000) dollars, or to undergo

16 imprisonment of not more than two (2) years, or both, in the

17 discretion of the court.

18 Section 4. This act shall take effect immediately.