

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 812 Session of 2025

INTRODUCED BY SANTARSIERO AND DUSH, MAY 30, 2025

REFERRED TO STATE GOVERNMENT, MAY 30, 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 1105-A. Examination and Approval of Electronic
 23 Voting Systems by the Secretary of the Commonwealth.--* * *

24 (b) Upon receipt of a request for examination or
 25 reexamination of an electronic voting system as herein provided

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

1 Secretary of the Commonwealth.

2 * * *

3 (g) If the Secretary of the Commonwealth examines an
4 electronic voting system under this section, the examination of
5 the functionality of the system shall be open to the public in
6 accordance with the following requirements:

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

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

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

19 (4) The Secretary of the Commonwealth shall make an
20 audiovisual recording of the portion of the examination which is
21 open to the public. The secretary shall post the recording to
22 the Department of State's publicly accessible Internet website
23 within thirty days of creation of the recording. The audiovisual
24 recording shall be maintained on the publicly accessible
25 Internet website as follows:

26 (i) If the system is certified, the Department of State
27 shall maintain the recording on its website for the entire
28 period during which the voting system is certified and for a
29 minimum of two years after any revocation or withdrawal of
30 certification.

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

4 (5) The Secretary of the Commonwealth may exclude the public
5 from any portion of the examination that involves discussion or
6 disclosure of:

7 (i) Confidential or proprietary information.

8 (ii) Information that would jeopardize election security if
9 disclosed.

10 (6) The Secretary of the Commonwealth shall conduct the
11 functionality examination within this Commonwealth, except as
12 provided for under paragraph (7).

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

18 (8) Except for portions of the examination that meet the
19 requirements of paragraph (5), portions of the examination
20 conducted via real time remote video conferencing, as provided
21 for under paragraph (7), shall be accessible to the public and
22 be recorded and uploaded in full to the Department of State's
23 publicly accessible Internet website upon conclusion.

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

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

26 (a) Each county board shall submit to the Department of State,
27 within sixty days of an election, a report on malfunctions and
28 certifications of electronic voting systems. The report shall
29 include:

30 (1) Any malfunction which is reported to the county by any

source or otherwise believed by the county to have occurred
which:

(i) Prevented a voter from casting a ballot.

(ii) Delayed any voter from casting a ballot.

(iii) Prevented the tabulation or reporting of results.

(iv) Delayed the tabulation or reporting of results.

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

(i) Source of the malfunction.

(ii) Duration of the malfunction.

(iii) Location of the malfunction.

(iv) Precincts affected by the malfunction.

(v) Nature of the issue.

(vi) Voting system component or components affected.

(vii) Approximate number of voters or ballots affected.

(viii) Whether the malfunction was resolved.

(ix) Actions taken to resolve the malfunction.

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

(b) The Department of State shall post a report received
under subsection (a) to its publicly accessible Internet website
within one hundred five days of an election. The Department of
State may make redactions consistent with the following:

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

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

1 (3) The Department of State shall retain unredacted copies
2 of all reports on permanent file.

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

4 Section [~~1122-A~~] 1130-A. Construction.--The provisions of
5 this article shall constitute an additional method of voting and
6 all provisions of this act shall be construed to be in full
7 force and effect unless inconsistent with the provisions of this
8 article.

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