



## Pennsylvania

Updated March 23, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Pennsylvania that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to universal mail-in voting, online registration, and felon enfranchisement—already exist in some form in Pennsylvania. Other requirements, such as those relating to early voting, would more fundamentally change Pennsylvania’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Pennsylvania:

### **Expanding & Protecting Voter Registration Opportunities**

- Requires further expansion of Pennsylvania’s DMV registration procedure.<sup>1</sup>
- Requires same-day voter registration for federal elections.<sup>2</sup> Currently, Pennsylvania voters must have registered to vote at least 15 days before any election.<sup>3</sup>
- Prohibits challenges to a voter’s registration less than 10 days before a federal election unless the individual registered to vote less than 20 days before the election.<sup>4</sup> In 2020, voter qualifications could be challenged up until the Friday before Election Day.<sup>5</sup>
- Lowers the minimum age for voter pre-registration from 18 to 16.<sup>6</sup> In Pennsylvania, you must be at least 18 on the day of the next election to register.<sup>7</sup>
- Requires universities to serve as voter registration agencies and to appoint “Campus Vote Coordinators” responsible for disseminating voter registration information.<sup>8</sup>
- Prohibits challenges to a voter’s eligibility based on race, ethnicity, or age by non-election officials. Imposes significant limitations on the ability to challenge a voter’s registration or eligibility, including by prohibiting challenges on Election Day other than by an election official, and requiring a challenger to submit an affidavit of good cause based on personal knowledge. Current law permits in-person challenges at the polling place to be made by

---

<sup>1</sup> H.R. 1, Title I, Subtitle A, Part 8.

<sup>2</sup> H.R. 1, Title I, Subtitle A, Part 3.

<sup>3</sup> “Register to Vote,” *Votes PA*, accessed March 22, 2021, available at <https://www.votespa.com/Register-to-Vote/Pages/default.aspx>.

<sup>4</sup> H.R. 1, Title I, Subtitle C; 25 P.S. § 1329.

<sup>5</sup> Mark Morales et.al., “Key deadline to challenge mail-in ballot applications in Pennsylvania passes with few filings,” *CNN*, October 31, 2020, available at <https://www.cnn.com/2020/10/31/politics/deadline-philadelphia-pennsylvania-mail-in-challenge/index.html>.

<sup>6</sup> H.R. 1, Title I, Subtitle A, Part 10; 25 P.S. § 1301(a).

<sup>7</sup> “Voter Registration Requirements,” *Votes PA*, accessed March 22, 2021, available at <https://www.votespa.com/Register-to-Vote/Pages/Voter-Registration-Requirements.aspx>.

<sup>8</sup> H.R. 1, Title I, Subtitle N, Part 1.



- any voter or a poll watcher, and which requires neither an affidavit nor personal knowledge.<sup>9</sup>

### Mandating Secure, Accessible Early Voting & Absentee Voting

- Requires secure drop boxes be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.<sup>10</sup> In 2020, the question whether counties could use drop boxes was resolved only after a lawsuit made its way to the state Supreme Court in September.<sup>11</sup> Only then did some counties begin using drop boxes, but their use was highly variable.<sup>12</sup>
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their votes are counted.<sup>13</sup>

### Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.<sup>14</sup>
- Mandates that changes to polling place locations be announced seven days before Election Day.<sup>15</sup>
- Requires Pennsylvania to take steps to ensure that voters wait no more than 30 minutes to vote.<sup>16</sup> While the statewide average wait time in Pennsylvania has traditionally been in the range of 10 to 15 minutes, in some neighborhoods voters waited in hours-long lines during the 2020 primary and general elections.<sup>17</sup>

---

<sup>9</sup> H.R. 1, Title I, Subtitle C; 25 P.S. § 3050(d); *see also* Pennsylvania Department of State, “Guidance Concerning Poll Watchers and Authorized Representatives,” *Votes PA*, October 28, 2020, available at <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/Poll%20Watcher%20Guidance%20Final%2010-6-2020.pdf>.

<sup>10</sup> H.R. 1, Title I, Subtitle N, Part 1; *cf. Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 361 (Pa. 2020), *cert. denied sub nom. Republican Party of Pennsylvania v. Degraffenreid*, 141 S. Ct. 732 (2021) (holding that the Election Code permits county boards of election to accept hand-delivered mail-in ballots at locations other than their office addresses including drop-boxes).

<sup>11</sup> *See Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 380 (Pa. 2020)

<sup>12</sup> “Pennsylvania Secretary Of State Reminds Voters About Drop Box Locations Ahead Of Nov. 3 Election,” *Pennsylvania Pressroom*, October 23, 2020, available at <https://www.media.pa.gov/pages/state-details.aspx?newsid=419>.

<sup>13</sup> *Id.*

<sup>14</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>15</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>16</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>17</sup> *See, e.g.*, Lowell Melser, “Lonnngng lines form for hours in Pa. on Election Day,” *WBAL TV*, November 3, 2020, available at <https://www.wbaltv.com/article/election-day-long-lines-pennsylvania-voting/34564763#>; C. Stewart III, S. Ansolabehere, “Waiting in Line to Vote,” July 28, 2013, *U.S. Election Assistance Commission*, available at <https://www.eac.gov/documents/2017/02/24/waiting-in-line-to-vote-white-paper-stewart-ansolabehere>.



- Requires measures to make ballots and voting machines more accessible to people with disabilities.<sup>18</sup>
- Offers the opportunity to voters to submit sworn affidavits to demonstrate eligibility to vote in lieu of government-issued identification, as opposed to current law, which requires first-time voters to present identification to vote and to vote provisionally if they submit sworn affidavits in lieu of identification.<sup>19</sup>
- Requires voters have notice and a meaningful opportunity to cure any signature discrepancies, as opposed to current law, which is unclear, and seems to provide that in-person ballots must be marked as “challenged” when the voter’s signature does not match the signature on file,<sup>20</sup> but that election officials may not reject mail-in ballots based on signature discrepancies.<sup>21</sup>
- Requires Pennsylvania to restore civil rights to people with felony convictions once they are released from prison, which is consistent with current Pennsylvania law.<sup>22</sup>

### Strengthening Election Security & Trust in Elections

- Requires Pennsylvania to begin pre-processing mail-in ballots received during the early voting period, as opposed to current law, which provides that the pre-canvassing process can begin no earlier than 7:00 a.m. on Election Day.<sup>23</sup> This will reduce the kinds of delays that were exploited in 2020 to spread distrust in Pennsylvania’s counting process.
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.<sup>24</sup>
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.<sup>25</sup>

---

<sup>18</sup> H.R. 1, Title I, Subtitle F.

<sup>19</sup> H.R. 1, Title I, Subtitle G. The Pennsylvania Supreme Court struck down the State’s voter identification law, 25 P.S. § 3050(a.2), in *Applewhite v. Commonwealth*, 2014 WL 184988 (Pa. Cmwlth. Jan. 7, 2014). The statute remains technically on the books, even though struck down, creating the potential for confusion.

<sup>20</sup> H.R. 1, Title I, Subtitle I; 25 P.S. § 3050(a.3)(2).

<sup>21</sup> In re: November 3, 2020 General Election, 240 A.3d 591 (Pa. 2020).

<sup>22</sup> H.R. 1, Title I, Subtitle E. Although still on the books, the Pennsylvania statute (25 P.S. § 961.501, now codified as 25 P.S. § 1301(a)) that rendered persons incarcerated for a felony in the preceding five years ineligible to register has been declared unconstitutional. See *Mixon v. Com.*, 759 A.2d 442 (Pa. Cmwlth. Co. 2000), *aff’d*, 566 Pa. 616 (Pa. 2001). [Current guidance](#) issued by the Secretary of the Commonwealth promulgates the same standard for disenfranchisement as set forth in Title I, Subtitle E. See Pennsylvania Department of State, “Voting Rights of Convicted Felons, Convicted Misdemeanants and Pretrial Detainees,” *Votes PA*, accessed March 22, 2021, available at [https://www.votespa.com/Register-to-Vote/Documents/Convicted\\_felon\\_brochure.pdf](https://www.votespa.com/Register-to-Vote/Documents/Convicted_felon_brochure.pdf).

<sup>23</sup> H.R. 1, Title I, Subtitle I; 25 P.S. § 3146.8.

<sup>24</sup> Amendment 5 to H.R.1, Part B.

<sup>25</sup> Amendment 26 to H.R.1, Part B.



- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.<sup>26</sup>
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.<sup>27</sup>
- Permits the security of drop boxes through remote or electronic surveillance.<sup>28</sup>

### Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the state legislature crafts congressional districts in Pennsylvania. There is no public input requirement.<sup>29</sup> H.R.1/S.1. would do the following:
  - Requires Pennsylvania to set up an independent commission to draw federal congressional districts, which must take public input and operate an open, transparent process.<sup>30</sup>
  - Requires consideration of “communities of interest” when drawing congressional districts.<sup>31</sup>
  - Counts incarcerated Pennsylvanians as residents of their home community for purposes of representation, ending Pennsylvania’s prison gerrymanders.<sup>32</sup>
  - Authorizes a federal court to draw the maps if not finalized by December 15, 2021.<sup>33</sup> (This does not impact the process for state legislative or local redistricting.)<sup>34</sup>

---

<sup>26</sup> Amendment 27 to H.R.1, Part B.

<sup>27</sup> H.R. 1, Title I, Subtitle F

<sup>28</sup> Amendment 9 to H.R.1, Part B.

<sup>29</sup> There are no statutory or constitutional provisions for congressional redistricting in Wisconsin. The process is governed by court and procedural precedents, including U.S. Supreme Court holdings that districts must absolutely equal in population, and be enacted into law following the same process as any bill.

<sup>30</sup> H.R. 1, Title III, Subtitle E.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> H.R. 1, Title III, Subtitle E.

<sup>34</sup> H.R. 1, Title III, Subtitle E, Part 4.