

# Election Statute Navigator: Pennsylvania

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/pennsylvania/covid/#tracker>.

## *Voter Registration*

- Voters (other than above) register prior to Election Day
  - By October 19, 2020
  - [See official Pennsylvania online registration website](#)
- Online registration available
  - [See official Pennsylvania online registration website](#)
- Registration via mail available **§ 1324**
- In-Person registration available
  - **§ 1322:** General
  - **§ 1323:** Application with driver's license application
  - **§ 1325:** Government agencies
- Preregistration allowed **§ 1301**
- Residency requirement **§ 1302**
- Prior conviction eligibility
  - **§ 1301:** Individual is qualified if he/she has not been confined in a penal institution for a conviction of a felony within the last five years shall be eligible to register as provided in this chapter.
  - **§ 1302(a)(3):** Except as otherwise provided in this subsection, no individual who is confined in a penal institution shall be deemed a resident of the election district where the institution is located. The individual shall be deemed to reside where the individual was last registered before being confined in the penal institution, or, if there was no registration prior to confinement, the individual shall be deemed to reside at the last known address before confinement.
- Voter list maintenance guidelines **§ 1401**
- Other:
  - **§ 1505:** A commission shall cancel the registration of a registered elector reported dead by the Department of Health. The Department of Health shall, within 60 days



of receiving notice of the death of an individual 18 years of age or older, send the name and address of residence of that individual to a commission in a manner and on a form prescribed by the department. The commission shall promptly update information contained in its registration records.

- **§ 1506:** Methods to check on registers

## *State Absentee, Early, and Mail Voting*

- Listed excuses to vote absentee **§ 3302**
- Online absentee ballot application available **§ 3146.2**
  - [See official Absentee ballot request application website](#)
- Absentee ballot application is verified **§ 3146.2b**
- Absentee ballot verification details **§ 3146.8**
- Deadline by which election official must receive absentee/mailed ballots **§ 3146.8**
- State is required to provide secrecy sleeve for absentee/mail ballot **§ 3146.4**
- Absentee/Mail ballot processing and counting procedures **§ 3146.8**

## *In-Person Voter ID*

- No document required to vote
  - (First-time voters must show proof of identification, either photo or non-photo identification)
  - [See Pennsylvania Department of State Voter ID Requirements Update](#)

## *Provisional Voting*

- Provisional ballot availability
  - [See official Pennsylvania Provisional Ballot website](#)
- Time allotted to determine the status of provisional ballot
  - 7 Days
  - [See official Pennsylvania Provisional Ballot website](#)
- Method for informing voters whether provisional vote was counted
  - Provided website or 1-877-VOTESPA
  - [See official Pennsylvania Provisional Ballot website](#)



## *Polling Place*

- Polling Place availability and requirements
  - **§ 2726:** To be selected by county board
  - **§ 2727:** Public buildings to be used
  - **§ 2729:** No malt or brewed beverages or liquors may be served in a building where a polling place is located during the hours that the polling place is open
- Electioneering or campaigning must not be closer than **10** feet to the entrance of the polling place **§ 3060(c); (d)**
- Poll watcher qualifications **§ 2687**
- Police presence
  - **§ 1205:** A commission may call on police officers of the appropriate municipality to maintain the peace at a place of registration.
  - **§ 3047:** No police officer to be within 100 feet of polling place, exceptions; presence of soldiers prohibited
  - **§ 3520:** Any police officer in commission, whether in uniform or in citizen's clothes, who shall be within one hundred (100) feet of a polling place during the conduct of any primary or election, except in the exercise of his privilege of voting or for the purpose of serving warrants, or in accordance with the provisions of the exception set forth in section 1207 of this act where the police station or headquarters is located in the same building or on the premises where the polling place is located or unless called upon to preserve the peace, as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

## *State Emergency Rules and How Elections are Affected*

- The court of common pleas shall remain open during an election to make emergency decisions **§ 3046**
- Explicit remedies in election statute
  - **§ 2726:** The location of a polling place can be moved unless there is a majority objection by registered electors of the district.
  - **§ 3049:** The state may suspend the destruction of paper ballots in case there is an emergency need for wastepaper.



## Counting Rules

- Voting system requirements
  - **§ 3031.5:** Examination and approval by Secretary of the Commonwealth
  - **§ 3031.2:** Authorization of electronic voting systems for use at polling place
  - **§ 3031.7:** Requirements
- Counting procedures
  - **§ 3062:** Count and return of votes in districts in which ballots are used
  - **§ 3063:** What ballots shall be counted; manner of counting; defective ballots

## Contest/Protest, Recount Rules

- Contest filing guidelines **§ 3377**
- Challenging a voter
  - **§ 1329:** Challenging voter registration
- Automatic recount **§ 3154**
  - Where a candidate appearing on the ballot statewide was defeated by 1/2 of 1 % or less of the votes cast for the office. The recount must take place by the third Wednesday following the election and must be completed by the following Tuesday.

