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GENERAL ASSEMBLY AND GOVERNOR APPROVE BILL TO MOVE 2020 PRIMARY Primary Election Shifts to June 2 with Emergency Provisions

HARRISBURG, PA – The General Assembly passed and Governor Tom Wolf has signed Senate Bill 422, which will shift the primary election from April 28 to June 2 in order to keep voters and poll workers safe amid the escalating health crisis. Pennsylvania now joins a [dozen other states](#) that have moved their primary elections, including neighboring Delaware, Maryland and Ohio.

The Committee of Seventy applauds legislators and the Governor for working together to take swift and necessary action, accomplishing not only the date change but numerous other fixes to support a safe and successful election.

“This is what we expect to see from our political leaders in a time of crisis,” stated Seventy President and CEO David Thornburgh. “While we must bring to bear every available resource to fight the war against COVID-19, we must at the same time safeguard vulnerable Pennsylvanians from economic ruin and maintain the health of our democracy. That’s what this legislation helps accomplish.”

All relevant dates for voters, including deadlines for voter registration, applying to vote by mail and submitting ballots, will shift accordingly with the new date for the primary. This means the new deadline to register to vote in the primary is Monday, May 18, and applications to vote by absentee or mail-in ballot are due Tuesday, May 26, by 5pm. Voters are encouraged to apply online at [VotesPA.com](#).

In addition to shifting the election calendar, the package also makes several critical fixes to the [historic Act 77 election reforms](#) passed in October 2019. These changes to the Election Code will:

- Allow voters who apply and receive an absentee or mail-in ballot, but decide they would rather vote in person, to bring this ballot to their polling site to void before casting a ballot on the voting system. A voter who does not bring their mail ballot to the poll can



still vote by provisional ballot. (This change goes into effect for the November 2 general election.)

- Prohibit challenges targeting a voter's use of an absentee ballot when they should have used a mail-in ballot, or vice versa. The two vote-by-mail options are a consequence of the absentee voting provisions requiring specific "excuses" that are enshrined in the state constitution and that cannot be changed without a more extensive legislative process.
- Allow counties to begin counting absentee and mail-in ballots as early as 7am on Election Day. At that time, ballots can be inspected and tallied, but recording or publishing the votes is prohibited until after polls close. Previously, county officials could not begin counting absentee or mail in ballots until after polls closed at 8pm, leading to widespread concern about long delays in reporting Pennsylvania election results.

The 2020 elections are the first in which any Pennsylvanian will be eligible to vote by mail. This significant reform from Act 77, combined with the health crisis and a presidential election turnout, will assuredly generate a record volume of mail voting in the state.

"The additional 13 hours on Election Day to count mail ballots, while still less than the mail-ballot processing windows in most other states, will help, but is far from ideal," said Thornburgh. "This could be something the Legislature could come back to, depending on how the primary goes."

Senate Bill 422 also includes "emergency provisions" only for the upcoming primary that are intended to give county election officials greater flexibility when faced with shrinking numbers of poll workers and polling sites. Appointed Election Officers (Judges of Election and Inspectors of Election) must no longer be registered in the precinct but must be registered in the county. Pennsylvania remains one of only a few states with elected poll officials, increasing the difficulty of recruiting and retaining these workers. Current law requires that appointed replacements be registered in the precinct where they serve, an additional burden in staffing in the polls.

With regard to polling sites, counties will have a quicker process for finding a new building to host a poll or in consolidating polls if they need to. The final list of polling sites must be posted online at least 15 days before Election Day.

According to Thornburgh: "Pennsylvania has around 9,000 election precincts, each intended to be staffed all Election Day with a bipartisan group of five poll workers. That's literally tens of



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thousands of workers that need to be deployed twice a year. This system may have worked fine earlier in the 20th century, but given how society is put together today, it feels increasingly untenable.”

Fortunately, also included in the Senate Bill 422 is its original subject: the creation of a new, bipartisan Election Law Advisory Board to study election issues in the commonwealth and make recommendations on an annual basis to the General Assembly and Governor’s Office.

“We all hope the COVID-19 pandemic will stabilize and no further emergency changes in law are needed this year to execute our elections,” said Thornburgh. “But at minimum, the velocity and severity of this crisis has blown wide open the cracks in our antiquated election system that we usually see in major election years. We’re confident this legislation will help us get through the primary, but it’s critical that we continue to reassess the law and the way we’re implementing these voting processes.”

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The Committee of Seventy is an independent nonprofit advocate for better politics and better government in Philadelphia and the Commonwealth of Pennsylvania. For more information, see www.seventy.org.