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ACT 2022 - 88
ELECTION INTEGRITY GRANT PROGRAM
GUIDANCE and FAQs

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ACT 2022 – 88 SUMMARY

Act 2022-88 (Act 88) amends the Election Code to provide an Election Integrity Grant Program (EIGP) administered by the Department of Community and Economic Development (DCED), which will distribute grant funds to counties annually to support county election administration. To obtain EIGP funding, a county must comply with requirements related to pre-canvassing, canvassing, absentee and mail-in ballot data, voter list maintenance, and post-election auditing. *See Article XVI-A of the Pennsylvania Election Code, Sections 1601-A through 1603-A (25 P.S. §§ 3260.1-A through 3260.3-A).*

Act 88 also amends the Election Code to prohibit counties from soliciting, applying for, or receiving grants, gifts, funds, or donations from individuals, businesses, organizations, or any nongovernmental entity for voter registration or for the preparation, administration, or conduct of elections. **This prohibition applies regardless of whether a county applies for or receives funding through the EIGP.** Any person who violates this prohibition is guilty of a second-degree misdemeanor. *See Sections 107 and 1855, respectively (25 P.S. §§ 2607 and 3556).*

Act 88 also requires additional reporting by counties. A one-time internal review and certification regarding county procedures related to approval of voter registration applications, cancellation of deceased voters, voter list maintenance activities, safekeeping of voted ballots, enforcement of voter ID requirements, and canvassing of absentee and mail-in ballots is required from all counties, regardless of whether the county applies to the EIGP program. *See Section 1603-A (25 P.S. § 3260.3-A).*

Finally, Act 88 makes a technical correction to the Election Code deadline by which counties must certify the total number of registered voters prior to each primary and November election. *See Section 302(m) (25 P.S. § 2642(m)).*

EIGP GRANT APPLICATION

The EIGP will be administered by DCED. The process to apply for EIGP grant funding is very similar to the process counties use to apply for other grants administered by DCED. The key differences are the eligible uses of the grants and the reporting requirements.

Counties must apply for funding between **August 1st and August 15th** each year.

TIP: DCED GRANTS ARE USUALLY MANAGED BY THE CHIEF CLERK TO THE COUNTY COMMISSIONERS, OR BY A GRANT ADMINISTRATOR IN COUNTY GOVERNMENT. CONSULT WITH THIS PERSON BEFORE APPLYING FOR THE EIGP.

Amount of Funding

The amount of grant funding an individual county will receive is equal to the total amount of funding appropriated multiplied by the quotient of the county's total number of registered voters as of the most recent primary divided by the total number of registered voters in all counties. For example, if the total appropriation is \$45 million and your county has 100,000 registered voters of a statewide total of 8.7 million registered voters, then your county would receive approximately \$517,000 in EIGP grant funding. (The quotient of 100,000 divided by 8,700,000 is .011494, and .011494 multiplied by \$45,000,000 is \$517,230.)

Eligible Uses

A county may only use EIGP grant funding for the following eligible expenses:

1. Payment of staff needed to pre-canvass and canvass mail-in ballots and absentee ballots.
2. Physical security and transparency costs for centralized pre-canvassing and canvassing.
3. Post-election procedures required under the Election Code.
4. List maintenance activities under 25 Pa.C.S. § 1901(b)(1) and (3) (relating to the removal of electors).
5. The printing of ballots.
6. Training costs for district election officials.
7. Payment of staff at polling places on election day.
8. Secure preparation, transportation, storage, and management of voting apparatuses, tabulation equipment, and required polling place materials.
9. Costs of county board of election duties related to processing of voter registration applications.

Did you know?

Act 2022-66 changed the formula counties must use to calculate how many ballots to print for primary and November elections. You can find more about the new requirements [here](#).

If a county is going to use EIGP grant funds for the payment of full-time and/or temporary staff to pre-canvass and canvass absentee and mail-in ballots, the county must have a mechanism for tracking and reporting staff time spent on these specific activities. Likewise, if a county is going to use EIGP grant funds for payment of full-time and/or part-time voter registration staff, the county must have a mechanism for tracking and reporting staff time spent on the activity of processing voter registration applications.

Grant Agreement

Per Section 1602-A(j) of the Election Code (25 P.S. § 3260.2-A(j)), each county board of elections that receives EIGP funding must also sign a grant agreement that includes the following county election requirements:

1. The county shall begin pre-canvassing at 7 a.m. on election day and shall continue without interruption until each mail-in ballot and absentee ballot received by 7 a.m. on election day is pre-canvassed.
2. The county shall begin canvassing mail-in ballots and absentee ballots at 8 p.m. on election day and shall continue without interruption until each ballot has been canvassed.
3. **No later than 12:01 a.m.** on the day following the election, the county board of elections shall announce and post on its publicly accessible Internet website an unofficial number of absentee ballots and mail-in ballots received for the election.
4. A county shall certify to DCED that the county has completed a voter list maintenance program under 25 Pa.C.S. § 1901(b)(1) and mailed notices required under 25 Pa.C.S. § 1901(b)(3) within the prior 12 months.
5. The outcome of any post-election audit required under the Election Code shall be submitted with the certification to the Secretary of the Commonwealth of the results of the primary or general election under Section 302(k) of the Election Code (25 P.S. § 2642(k)) and shall be posted on the Department of State's publicly accessible Internet website.

Act 2022-88 Reporting Requirements

There are two separate reporting requirements outlined in Act 88, and it is important to know the differences between those two requirements. The first reporting requirement is a **one-time** certification that must be submitted to the Department of State no later than 75 days after the effective date of Act 88 (September 24, 2022). **This "75-Day Report" must be completed by every county regardless of whether a county applies for or receives funding through the EIGP.** The second reporting requirement is an annual report that must be submitted to DCED and legislative leaders no later than 90 days after each primary and election by those counties that receive EIGP funding.

The 75-Day Report

Every county must submit a **one-time** certification to the Department of State (DOS) no later than September 24, 2022, attesting to that county's compliance with various requirements of the Election Code and voter registration laws.

The county board of elections must conduct an internal review of its election practices and certify to DOS that the county is complying with each of the following requirements:

1. Approval of voter registration applications under 25 Pa.C.S. § 1328(a) (relating to approval of voter registration applications).
2. Cancellation of deceased electors under 25 Pa.C.S. § 1505 (relating to death of a registrant).
3. Voter removal programs under 25 Pa.C.S. § 1901(b)(1) and (3) (relating to removal of electors). This includes the National Change of Address Program (NCOA) and the 5-Year Notice Program (5YN).
4. Safekeeping of voted ballots under sections 1308(a) (25 P.S. §§ 3146.8(a)) and 1113-A (25 P.S. § 3031.13) of the Election Code (related to keeping absentee and mail-in ballots and election day ballots secured until canvassing).
5. Enforcement of the voter identification provisions of sections 1302.2 (25 P.S. § 3146.2b) and 1302.2-D (25 P.S. § 3150.12b) of the Election Code (relating to identification for absentee and mail-in ballots).
6. Pre-canvassing and canvassing of absentee ballots and mail-in ballots under section 1308 of the Election Code (25 P.S. § 3146.8).

The 90-Day Post-Election Report

No later than 90 days after each primary or November election, a county that received EIGP funding must report how the county used the grant funding to the following entities:

1. DCED.
2. The chairperson of the State Government Committee of the Senate.
3. The minority chairperson of the State Government Committee of the Senate.
4. The chairperson of the State Government Committee of the House of Representatives.
5. The minority chairperson of the State Government Committee of the House of Representatives.

DOS must prescribe a form for the county boards of elections to use to submit the 90-Day Post-Election Report. The form will be made available through DOS sources.

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Version History:

Version	Date	Description	Author
1.0	8.5.2022	Initial document release	Bureau of Elections