



Pennsylvania Absentee and Mail-in Ballot In- Person Return Guidance

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Background

Pennsylvania law allows voters to return their own completed absentee or mail-in ballot in person by mail or to county-designated locations. Locations for returning ballots in-person include each county election board's primary office, as well as to other offices and locations designated by the board to receive ballots (hereinafter "Ballot Return Sites"). County boards of election may also establish, as a Ballot Return Site, secure ballot return receptacles (commonly referred to as "drop-boxes").¹

This document provides guidance on how each county should establish an in-person ballot return and county ballot collection plan prior to each election, including recommended methods for ensuring ballot access and security. In issuing this guidance, the Department of State is mindful of the recommendations provided by the bipartisan Election Law Advisory Board.²

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¹ 25 P.S. §§ 3146.6(a), 3150.16(a); *Pa. Democratic Party v. Boockvar*, 238 A.3d 345, 361 (Pa. 2020).

² *Mail-In Ballots: An Interim Report of the Election Law Advisory Board*. ELECTION LAW ADVISORY BOARD (Jan. 2023), accessible at <http://jslg.legis.state.pa.us/resources/documents/ftp/publications/2023-01-11%20ELAB%20Mail-In%20Ballot%201.10.23.pdf>.

Establishing a Ballot Return and Collection Plan

Ballot Return Sites

For each election, county boards of elections (“Boards”) should establish a plan and adopt procedures for how voters in their county may return their completed absentee and mail-in ballots. The initial plan should be submitted to the Department of State Bureau of Elections (“the Bureau”) on or before 45 days prior to the election.

Boards may establish multiple Ballot Return Sites where voters may return their completed ballot. At these sites, the county may provide voters with access to a secure ballot return receptacle for this purpose. The county plan should balance the need to make ballot returns accessible, while ensuring that best practices are employed to maintain the security of completed ballots. Although the Department urges counties to select sites based on the criteria below, the sites themselves need not be located inside buildings.

Location of Ballot Return Sites

Location Factors

Sites may include, but are not limited to, city and municipal facilities, public libraries, county facilities, or other locations designated by the Board to receive ballots. When choosing a location, Boards should consider:

- ***Locations that promote accessibility by voters with disabilities.*** This includes locations that are ADA-accessible and near modes of transportation utilized by voters with disabilities.
- ***Locations that promote effective and secure election administration.*** This includes locations that are well lit and have the ability for signs to be affixed.
- ***Locations that promote access by the Board’s voters.*** This includes locations near heavily trafficked areas and locations with access to accessible and free parking.

Hours of Operation

Operating hours for sites do not have to be limited to weekdays or normal business hours. Counties are encouraged to offer operating hours outside of these timeframes, including weeknights and weekend hours, to enable maximum flexibility and convenience to voters. Counties are encouraged to offer hours of operation on the weekend prior to Election Day and on at least one weeknight during the five days prior to Election Day. The Department further encourages that the sites be operational on Election Day, up to and including 8:00 p.m.

Providing Notice of Location of County Election Offices and Ballot Return Sites

A list of the Ballot Return Sites and county election offices, including the dates and hours they are open, should be made public as early as possible. At least 7–10 days

after submission of the plan to the Bureau, the county board of elections should provide notice of the county's ballot return plan in the following places:

- 1) on a poster in the county elections office;
- 2) in a highly visible location on the county's website;
- 3) with any absentee or mail-in voting materials sent to voters; and
- 4) on posters in locations in the county where voters may congregate.

Tip: This may include the county courthouse, other county offices, student centers at local universities and colleges, senior citizen centers, and retirement and nursing home community rooms.

At a minimum, the notice should include the following:

- 1) ballot return deadline;
- 2) list of county election offices and Ballot Return Sites, including building names and street address;
- 3) days and hours of operation, including Election Day hours;
- 4) For counties with drop boxes, the notice should include information on hours of availability, including notice if the drop box will be available 24/7;
- 5) contact information for the county board of elections; and
- 6) accessibility information.

The list posted on the county's website should be in a format that is accessible for people with disabilities. In the event of any changes to site location operations, the county board of elections should post the updated information on the official election website within 24 hours.

Confirmation of Plan Readiness

A county's initial absentee and mail-in ballot return plan should be submitted to the Bureau no later than 45 days before an election. If the Bureau requests modifications to a plan, the county election office should submit a modified plan within 7 days of the request. If the Board determines that it is in the best interest of their voters to alter its plan, the Board may submit a supplemental plan to the Bureau no later than 25 days before the election with notice to the public within 5 days of submission.

Ballot Return Site Design and Requirements

Types of Ballot Return Sites

Boards may establish sites where voters can return their own completed ballot without concerns about post office delays. The site should provide voters access to a ballot return receptacle that is secure.

All Return Sites should be accessible, at a minimum, during regular business hours if within 30 days of the election, and during polling hours on Election Day. Return Sites should have the same features, and be of substantially similar design, color scheme, and signage, to facilitate identification by the public.

Secure Receptacles (“Drop-Boxes”)

Each Ballot Return Site should have a secure receptacle that permits voters to return their completed ballot. The receptacle should be designed to function as follows:

- The hardware should be operable without any tight grasping, pinching or twisting of the wrist.
- The hardware should require no more than 5 lbs. of pressure for the voter to operate.
- The receptacle should be operable within reach-range of 15 to 48 inches from the floor or ground for a person utilizing a wheelchair.

Other design requirements include:

- The drop-box should provide specific points identifying the slot where ballots are inserted. The drop-box may have more than one ballot slot (e.g. one for drive-by ballot return and one for walk-up returns).
- To ensure that only ballot material can be deposited but not be removed by anyone except designated county board of elections officials, the opening slot of a drop-box should be small enough to prevent tampering or removal of ballots.
- The opening slot should also minimize the ability for liquid to be poured into the drop-box or rainwater to seep in.

The Board should determine receptacle size based on the use and needs of the location. The receptacle should be securely fastened to a stationary surface or, to an immovable object, or placed behind a counter.

Signage

In determining the design and functions of Ballot Return Sites, county boards of elections should design them in such a way that they appear official and are secure. To this end, the Board must ensure each Return Site is marked with official signage.

Signage should:

- 1) prominently show “Official Ballot Return Site” and **should not** display traditional “Vote Here” signs at designated ballot return sites;
- 2) provide a statement requesting that the designated county elections official should be notified immediately in the event the receptacle is full, not functioning, or is damaged in any fashion, and should provide a phone number and email address for such purpose;

- 3) provide a statement that the voter should return only his or her own ballot and that third-party return of ballots is prohibited unless the person is officially authorized to return another person's ballot;
- 4) be in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. § 10503); and
- 5) display the penalties for
 - a. tampering with the ballots or receptacles,
 - b. intimidating voters and elections officials, and
 - c. forging or destroying ballots.

Accessibility of Ballot Return Sites

County boards of elections should ensure that Ballot Return Sites are accessible to voters with disabilities and should also ensure the following:

- If a site has only one ballot return receptacle, the design and placement of that site should meet the accessibility requirements.
- At a site with multiple drop-boxes, if not all drop-boxes meet the accessibility requirements outlined in this subdivision, then each inaccessible Return Site should have directional signage indicating the location of an accessible drop-box.

Security

County boards of election must ensure the following when establishing Ballot Return Sites:

- All drop-boxes should be secured by a lock and sealed with a tamper-evident seal that has a unique identifying number. Only authorized election officials designated by the county board of elections may access the keys and/or combination of the lock.
- Drop-boxes should be securely fastened in a manner as to prevent moving or tampering, such as fastening the drop-box to concrete or an immovable object.
- During the hours when the staffed return site is closed or monitoring is unavailable, the drop-box should be placed in a secure area that is inaccessible to the public, and/or the Board should take steps to ensure the drop-box is otherwise safeguarded outside the hours of operation.
- The county boards of election should ensure adequate lighting is provided at all Ballot Return Sites when the site is in use.
- Ballot Return Sites should be monitored by Board-authorized staff, a video security surveillance system, or an internal camera that can capture digital

images and/or video. A video security surveillance system can include existing systems on county, city, municipal, or private buildings. Staffing should be available, where possible, to ensure that voters have signed and dated their outer envelope, and to point out all educational signage.

- Video surveillance should be retained by the county election office for one year following the deadline to certify the election.
- To prevent physical damage and unauthorized entry, the drop-box at a Ballot Return Site located outdoors should be constructed of durable material able to withstand vandalism, removal, and inclement weather.

Ballot Collection and Chain of Custody Procedures

The county board of elections should develop ballot collection and chain of custody procedures for ballots returned to a county election office or a Ballot Return Site. Only personnel authorized by the county board of elections should have access to the completed ballots. These procedures may not be inconsistent with Pennsylvania law or Department of State directives and should be included as part of the plan submitted to the Bureau.

Ballot Collection at Ballot Return Sites

Ballots should be collected from Ballot Return Sites only by personnel authorized by the county board of elections and at times determined by the board of elections. To the extent possible, ballots shall be collected at the end of operating hours of each day that the receptacle is available for use. If receptacles are available for use on a 24-hour-per-day, seven-day-a-week schedule, ballots should be collected at the same time each day, as determined by the county elections office.

The county board of elections should designate **at least two** election officials to collect completed ballots from a Ballot Return Site. At least one official should be a Board employee; the other may be a member of law enforcement or other peacekeeping officer. Each designated election official should carry identification or an official designation that identifies them as an election official authorized to collect completed ballots.

Election officials designated to collect ballots by the board of elections should **sign a declaration** declaring that they will timely and securely collect and return ballots, will not permit any person to tamper with a ballot receptacle or its contents, and that they will faithfully and securely perform their duties.

The designated election officials should retrieve the ballots from the Ballot Return Site and place the ballots in a secure ballot transfer container. The ballot transfer container should be associated with its own **Ballot Collection Custodian Document** (“**Chain of Custody Form**”). Appendix A includes a version of this form that comports with this document’s recommendations for ballot collection.

At this point, the designated collection officials should complete the “Ballot Collection from Ballot Return Site” section of the Chain of Custody Form.

Transport and Receipt of Retrieved Ballots to the Board of Elections

Ballots collected from any Ballot Return Site should be **immediately** transported to the county board of elections.

Upon arrival at the office of the county board of elections, the county board of elections, or their designee(s) should complete the “Ballot Delivery to County Election Office” section of the Chain of Custody Form.

The seal number on the ballot batching container should be verified by a county election official or a designated representative. The county board of elections, or their designee(s), should inspect the drop-box or secure ballot transfer container for any evidence of tampering and should receive the retrieved ballots by signing the retrieval form and including the date and time of receipt. In the event tampering is evident, that fact must be noted on the retrieval form.

The ballots should be stored in a secure location. The Chain of Custody Form should remain with the ballots at any storage location for the ballots until the ballots are sorted.

At this point, the county elections official at the county election office or central count location should complete the “Ballot Storage” section of the Chain of Custody Form.

Election Day and Post-Election Procedures

The county board should arrange for authorized personnel to retrieve ballots at the close of each ballot collection site and transport them to the county board of elections for canvassing of the ballots.

At this point, the authorized officials should complete the “Ballot Tabulation” section of the Chain of Custody Form.

Authorized personnel should be present at Ballot Return Sites immediately prior to 8:00 p.m. or at the time that ballot return site is scheduled to be closed as included in the plan submitted to the Department.

At 8:00 p.m. on election night, all Ballot Return Sites and drop-boxes must be closed and locked. Staff must ensure that no ballots are returned to Ballot Return Site after the close of polls.

After the final retrieval after the closing of that ballot collection site, the drop-box must be removed or locked and/or covered to prevent any further ballots from being deposited, and a sign shall be posted indicating that polling is closed for the election.

Processing of Collected Ballots

Any ballots collected from a Return Site should be processed in the same manner as mail-in ballots personally delivered to the central office of the county board of elections

official by the voter and ballots received via the United States Postal Service or any other delivery service.

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Version	Date	Description
1.0	08.19.2020	Initial document release
2.0	09.25.2023	Document revised with additional best practices

Appendix A

Ballot Collection Custodian Document

All statements within this document are subject to 18 Pa.C.S. § 4904 (relating to unsworn falsifications).

County Date of Election: _____

Site Location Site Number Last Security Seal No.

Ballot Collection from Ballot Return Site

Date/time of arrival: ____/____/____ @ ____am ____pm		
Collection Team Member 1 <i>Must be Board of Elections staff</i>	Print Name: _____	Signature: _____
Collection Team Member 2	Print Name: _____	Signature: _____
☐ Inspect ballot collection container for any signs of tampering or vandalism. ☐ Remove security seal and record seal. Seal No.: _____. Does it match last security seal # noted above? ☐ YES ☐ NO ☐ Unlock the access door and remove ballots. # Ballots retrieved: _____. ☐ Transfer ballots to transfer bag. ☐ Inspect inside of container for ballots that might be leaning against or stuck to the wall. ☐ Inspect ballot return site area to ensure no ballots have fallen on the ground. ☐ Seal the ballot transfer bag and record the transfer bag seal number(s). Seal No.: _____ Seal No.: _____ Seal No.: _____ Seal No.: _____ ☐ Verify access door is closed and locked (checked by both team members). ☐ Place new security seal on door. ☐ Record new security seal placed on door: Seal No.: _____. ☐ Load transfer containers into vehicle. ☐ Record new door security seal and transfer security seal numbers on the ballot retrieval log. ☐ All procedures completed and recorded: ☐ YES ☐ NO ☐ Service required? ☐ YES ☐ NO ☐ Depart to deliver ballots to the county election office.		
Time of departure: _____ am ____pm		

Notes:

Ballot Delivery to County Election OfficeDate/time of arrival: ____/____/____ @ ____ ☐am ☐pm

County staff location: _____

Ballots returned: _____

County staff signature: _____

Notes:

Ballot StorageDate/time of secure storage: ____/____/____ @ ____ ☐am ☐pmStorage location security method
(e.g., keycode lock, key lock, etc.):

County staff signature: _____

Notes:

Ballot Tabulation

To be completed if entire contents are to be canvassed in one location. Create a new container, seal, and form for any portion of this seal lot that is removed and distributed elsewhere.

Date/time of removal from storage: ____/____/____ @ ____ ☐ am ☐ pm
Destination for tabulation: _____
Date/time of arrival: ____/____/____ @ ____ ☐ am ☐ pm
Transportation official signature: _____
Elections official signature: (upon receipt) _____
Elections official signature: (upon receipt) _____ <i>Must be of a different political party</i>
Notes: