

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2514 Session of  
1980

INTRODUCED BY POTT AND KUKOVICH, MAY 7, 1980

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 7, 1980

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," eliminating straight party voting.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Subsection (a) of section 1003, act of June 3,  
15 1937 (P.L.1333, No.320), known as the "Pennsylvania Election  
16 Code," amended December 10, 1974 (P.L.835, No.280), is amended  
17 to read:

18 Section 1003. Form of Official Election Ballot.--

19 (a) The official ballots for general, municipal and special  
20 elections shall be in substantially the following form:

OFFICIAL BALLOT

21 .....District,.....Ward, City of.....,  
22

1 County of.....,State of Pennsylvania.  
2 .....Election held on the.....day of.....,19....  
3 A cross (X) or check ( ) mark in the square opposite the name of  
4 any candidate indicates a vote for that candidate.

5 [To vote a straight party ticket, mark a cross (X) or check  
6 ( ) in the square, in the Party Column, opposite the name of the  
7 party of your choice.] To vote for an individual candidate of  
8 another party after making a mark in the party square, mark a  
9 cross (X) or check ( ) opposite his name. For an office where  
10 more than one candidate is to be voted for, the voter [, after  
11 marking in the party square,] may divide his vote by marking a  
12 cross (X) or check ( ) to the right of each candidate for whom  
13 he or she desires to vote. For such office votes shall not be  
14 counted for candidates not individually marked.

15 To vote for a person whose name is not on the ballot, write,  
16 print or paste his name in the blank space provided for that  
17 purpose. A cross (X) or check ( ) mark in the square opposite  
18 the names of the candidates of any party for President and Vice-  
19 President of the United States indicates a vote for all the  
20 candidates of that party for presidential elector. To vote for  
21 individual candidates for presidential elector, write, print or  
22 paste their names in the blank spaces provided for that purpose  
23 under the title "Presidential Electors." Mark ballot only in  
24 black lead pencil, indelible pencil or blue, black or blue-black  
25 ink, in fountain pen or ball point pen; use the same pencil or  
26 pen for all markings you place on the ballot.

27 Before leaving the voting compartment, fold this ballot,  
28 without displaying the markings thereon, in the same way it was  
29 folded when received, then leave the compartment and exhibit the  
30 ballot to one of the election officers who shall ascertain by an

1 inspection of the number appearing upon the right hand corner of  
2 the back of the ballot whether the ballot so exhibited to him is  
3 the same ballot which the elector received before entering the  
4 voting compartment. If it is the same, the election officer  
5 shall direct the elector, without unfolding the ballot, to  
6 remove the perforated corner containing the number, and the  
7 elector shall immediately deposit the ballot in the ballot box.  
8 Any ballot deposited in a ballot box at any primary or election  
9 without having the said number torn off shall be void and shall  
10 not be counted.

11	Party Column	Presidential Electors
12	[To Vote a Straight Party	(Vote for the candidates of one
13	Ticket Mark a Cross (X) or	party for President and Vice-
14	( ) in this Column.]	President, or insert the names
15		of candidates.)
16		For
17	Democratic	John Stiles
18		and
19		Richard Doe,
20		Democratic.....
21		For
22	Republican	John Doe
23		and
24		Richard Roe,
25		Republican.....
26		For
27	Socialist	John Smith
28		and
29		William Jones,
30		Socialist.....

1                   Citizens

2                               United States Senator.

3                               (Vote for one)

4 Richard Roe.....Democratic

5 John Doe.....Republican

6 Richard Stiles.....Socialist

7                               Governor.

8                               (Vote for one)

9 Richard Roe.....Democratic

10 John Doe.....Republican

11 Richard Stiles.....Socialist

12                               Representatives in Congress,

13                               .....District.

14                               (Vote for one)

15 Richard Roe.....Democratic

16 John Doe.....Republican

17 Richard Stiles.....Socialist

18                               Senator in the General Assembly,

19                               .....District.

20                               (Vote for one)

21 John Doe.....Democratic

22 Richard Roe.....Republican

23       \* \* \*

24       Section 2. Subsection (b) of section 1107 and subsections

25 (d) and (f) of section 1216 are amended to read:

26       Section 1107. Requirements of Voting Machines.--\* \* \*

27       (b) It shall not permit each voter [, at other than primary

28 elections,] to vote a straight political party ticket [in one

29 operation, and, in one operation, to vote for all the candidates

30 of one political party for presidential electors, and, in one

1 operation, to vote for all the candidates of one political party  
2 for every office to be voted for, except those offices as to  
3 which he votes for individual candidates].

4 \* \* \*

5 Section 1216. Instructions of Voters and Manner of Voting in  
6 Districts in Which Voting Machines are Used.--

7 \* \* \*

8 (d) At primaries, he shall vote for each candidate  
9 individually by operating the key, handle, pointer or knob, upon  
10 or adjacent to which the name of such candidate is placed. At  
11 elections, he may vote for each candidate individually by  
12 operating the key, handle, pointer or knob, upon or adjacent to  
13 which the names of candidates of his choice are placed [, or he  
14 may vote a straight political party ticket in one operation by  
15 operating the straight political party lever of the political  
16 party or political body of his choice, if such machine has  
17 thereon a separate lever for all the candidates of the political  
18 body]. He may also [, after having operated the straight party  
19 lever, and] before recording his vote, cancel the vote for any  
20 candidate of such political party or political body by replacing  
21 the individual key, handle, pointer or knob of such candidate,  
22 and may thereupon vote for a candidate of another party, or  
23 political body for the same office by operating the key, handle,  
24 pointer or knob, upon or adjacent to which the name of such  
25 candidate appears. In the case of a question submitted to the  
26 vote of the electors, the elector shall operate the key, handle,  
27 pointer or knob corresponding to the answer which he desires to  
28 give.

29 \* \* \*

30 (f) At any general election at which presidential electors

1 are to be chosen, each elector shall be permitted to vote [by  
2 one operation] for all the presidential electors of a political  
3 party or political body. For each party or body nominating  
4 presidential electors, a ballot label shall be provided  
5 containing only the words "Presidential Electors," preceded by  
6 the names of the party or body and followed by the names of the  
7 candidates thereof for the office of President and Vice-  
8 President, and the corresponding counter or registering device  
9 shall register votes cast for said electors when thus voted for  
10 collectively. If an elector desires to vote a ticket for  
11 presidential electors made up of the names of persons nominated  
12 by different parties or bodies, or partially of names of persons  
13 so in nomination and partially of names of persons not in  
14 nomination by any party or body, or wholly of names of persons  
15 not in nomination by any party or body, he may write or deposit  
16 a paper ballot prepared by himself in the receptacle provided in  
17 or on the machine for the purpose. The machine shall be so  
18 constructed that it will not be possible for any one voter to  
19 vote a straight party ticket for presidential electors and at  
20 the same time to deposit a ballot for presidential electors in a  
21 receptacle as hereinabove provided. When the votes for  
22 presidential electors are counted, the votes appearing upon the  
23 counter or registering device corresponding to the ballot label  
24 containing the names of the candidates for President and Vice-  
25 President of any party or body shall be counted as votes for  
26 each of the candidates for presidential elector of such party or  
27 body, and thereupon all candidates for presidential elector  
28 shall be credited, in addition, with the votes cast for them  
29 upon the ballots deposited in the machine, as hereinabove  
30 provided.

1       \* \* \*

2       Section 3. Subsection (b) of section 1223, amended January  
3 8, 1960 (1959 P.L.2142, No.790), is amended to read:

4       Section 1223. What Ballots Shall Be Counted; Manner of  
5 Counting; Defective Ballots.--\* \* \*

6       (b) At November elections, a cross (X) or check ( ) mark in  
7 the square opposite the name of [political party or political  
8 body in] the [party column shall be counted as a vote for every  
9 candidate of that party or body so marked, including its  
10 candidates for presidential electors, except for those offices  
11 as to which the voter has indicated a choice for] individual  
12 candidates [of the same or another party or body] in any office  
13 block, [in which case the ballot for such office block] shall be  
14 counted only for the candidates thus individually marked  
15 [notwithstanding the fact that the voter has made a mark in the  
16 party column, and] even though in the case of an office for  
17 which more than one candidate is to be voted for, he has not  
18 individually marked for such office the full number of  
19 candidates for which he is entitled to vote.

20       Section 4. This act shall take effect in 60 days.