

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 253

Session of
1981

INTRODUCED BY HOFFEL, KUKOVICH, DAWIDA, J. L. WRIGHT, KOLTER,
COHEN, PISTELLA, SPITZ, WHITE, MICHLOVIC, ITKIN AND BLAUM,
JANUARY 27, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 27, 1981

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," further providing for recanvassing voting
12 machines.

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

15 Section 1. Section 1702, act of June 3, 1937 (P.L.1333,
16 No.320), known as the "Pennsylvania Election Code," is amended
17 by adding a subsection to read:

18 Section 1702. Recanvassing Voting Machines upon Petition of
19 Electors Alleging Fraud or Error.--* * *

20 (a.2) A candidate who files a petition for the recanvassing
21 of votes cast in the voting machine or voting machines of an
22 election district shall, in lieu of the security required by

1 subsection (a.1), post with the prothonotary a deposit in cash,
2 or a bond signed by the candidate as principal and by a
3 corporate surety in such amount as the court shall determine, to
4 pay the actual cost of recanvassing the voting machines. When
5 the recanvassing shows no substantial difference in the votes,
6 as determined by the court, the candidate shall pay the costs,
7 including the reasonable cost of an attorney or watcher for the
8 opposing candidate. If there is a substantial difference in the
9 votes, the county shall pay all the costs. The court shall
10 determine the actual cost of recanvassing the voting machines
11 and the reasonable cost of the attorney or watcher of the
12 opposing candidate.

13 * * *

14 Section 2. This act shall take effect in 60 days.