

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2366 Session of
1982

INTRODUCED BY PRATT AND FEE, MARCH 24, 1982

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 24, 1982

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," extending the time for petitions to open ballot
12 boxes or voting machines in cases of error or fraud.

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

15 Section 1. Subsection (a) of section 1703, act of June 3,
16 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
17 Code," is amended to read:

18 Section 1703. Correction of Returns; Decision Not to Be
19 Final; Evidence for Prosecution.--

20 (a) (1) Any petition to open a ballot box or to recanvass
21 the votes on a voting machine pursuant to sections 1701 and 1702
22 shall be filed no later than five (5) days after the completion

1 of the computational canvassing of all returns of the county by
2 the county board. If any error or fraud is found the court shall
3 grant the interested parties an additional five (5) days to file
4 petitions requesting additional ballot boxes to be opened or
5 voting machines to be recanvassed. (2) If any petition to open a
6 ballot box or to recanvass the votes on a voting machine shall
7 have been presented, under the provisions of sections 1701 and
8 1702 of this act[, before the certification of all the returns
9 of the county, and, in no event, later than five (5) days after
10 the completion of the computation and canvassing of all the
11 returns of the county by the county board,] and the court shall
12 discover therein any fraud or error, the court shall correct,
13 compute and certify to the county board the votes justly,
14 regardless of any fraudulent or erroneous entries made by the
15 election officers thereof, and the county board shall correct
16 accordingly any entries previously made in the returns of the
17 county being prepared by it, or which have been prepared and not
18 yet certified.

19 * * *

20 Section 2. This act shall take effect immediately.