

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 67

Session of  
1989

INTRODUCED BY PRESTON, ROBINSON AND GIGLIOTTI, JANUARY 23, 1989

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 1, 1989

## 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 the creation of new  
12 election districts; providing for the number of signers for  
13 the nomination petition for the office of district council  
14 member in a city of the second class and providing for the  
15 fee for filing the petition; further providing for assistance  
16 in voting; and further providing for absentee ballots.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. Section 502 of the act of June 3, 1937 (P.L.1333,  
20 No.320), known as the Pennsylvania Election Code, amended  
21 February 19, 1986 (P.L.29, No.11), is amended to read:

22 Section 502. Court to Create New Election Districts.--

23 Subject to the provisions of section 501 of this act, the court  
24 of common pleas of the county in which the same are located, may

1 form or create new election districts by dividing or redividing  
2 any borough, township, ward or election district into two or  
3 more election districts of compact and contiguous territory,  
4 having boundaries with clearly visible physical features and  
5 wholly contained within any larger district from which any  
6 Federal, State, county, municipal or school district officers  
7 are elected, or alter the bounds of any election district, or  
8 form an election district out of two or more adjacent districts  
9 or parts of districts, or consolidate adjoining election  
10 districts or form an election district out of two or more  
11 adjacent wards, so as to suit the convenience of the electors  
12 and to promote the public interests: Provided, however, That a  
13 vacancy in the office of district committeeperson which is  
14 created as a result of the partial or total redistricting of a  
15 county shall be filled by election at the next regular general  
16 primary election following the creation of the vacancy by the  
17 redistricting and may not be filled, temporarily or otherwise,  
18 by appointment. Election districts so formed shall contain  
19 between six hundred (600) and eight hundred (800) registered  
20 electors as nearly as may be. No election district shall be  
21 formed that shall contain less than one hundred (100) registered  
22 electors. When a school district crosses county lines, the  
23 regions of the school district shall be composed of contiguous  
24 election districts.

25 Section 2. Sections 912.1 and 913(b.1) of the act, added  
26 December 12, 1984 (P.L.968, No.190), are amended to read:

27 Section 912.1. Number of Signers Required for Nomination  
28 Petitions of Candidates at Primaries.--Candidates for nomination  
29 of offices as listed below shall present a nominating petition  
30 containing at least as many valid signatures of registered and

1 enrolled members of the proper party as listed below:

2 (1) President of the United States: Two thousand.

3 (2) United States Senate: Two thousand.

4 (3) Governor: Two thousand including at least one hundred

5 from each of at least ten counties.

6 (4) Lieutenant Governor: One thousand including at least one

7 hundred from each of at least five counties.

8 (5) Treasurer: One thousand including at least one hundred

9 from each of at least five counties.

10 (6) Auditor General: One thousand including at least one

11 hundred from each of at least five counties.

12 (7) Attorney General: One thousand including at least one

13 hundred from each of at least five counties.

14 (8) Justice of the Supreme Court: One thousand including at

15 least one hundred from each of at least five counties.

16 (9) Judge of the Superior Court: One thousand including at

17 least one hundred from each of at least five counties.

18 (10) Judge of the Commonwealth Court: One thousand including

19 at least one hundred from each of at least five counties.

20 (11) For any other office to be filled by the vote of the

21 electors of the State at large or for any other party office to

22 be elected by the electors of the State at large: One thousand

23 including at least one hundred from each of at least five

24 counties.

25 (12) Representative in Congress: One thousand.

26 (13) Senator in the General Assembly: Five hundred.

27 (14) Representative in the General Assembly: Three hundred.

28 (15) Public or party offices to be filled by a vote of the

29 electors in counties of the first class at large: One thousand.

30 (16) Public or party offices to be filled by a vote of the

1 electors in counties of the second class at large: Five hundred.

2 (17) Public or party offices to be filled by a vote of the  
3 electors in cities of the first class at large: One thousand.

4 (18) Public or party offices to be filled by a vote of the  
5 electors in counties of the second class A at large: Two hundred  
6 fifty.

7 (19) Public or party offices to be filled by a vote of the  
8 electors in counties of the third class at large: Two hundred  
9 fifty.

10 (20) Public or party offices to be filled by a vote of the  
11 electors in counties of the fourth class at large: Two hundred  
12 fifty.

13 (21) Public or party offices to be filled by a vote of the  
14 electors in cities of the second class at large: Two hundred  
15 fifty.

16 (22) Public or party offices to be filled by a vote of the  
17 electors in cities of the second class A at large: One hundred.

18 (23) Public or party offices to be filled by a vote of the  
19 electors in cities of the third class at large: One hundred.

20 (24) Public or party offices to be filled by a vote of the  
21 electors in counties of the fifth class at large: One hundred.

22 (25) Public or party offices to be filled by a vote of the  
23 electors in counties of the sixth class at large: One hundred.

24 (26) Public or party offices to be filled by a vote of the  
25 electors in counties of the seventh class at large: One hundred.

26 (27) Public or party offices to be filled by a vote of the  
27 electors in counties of the eighth class at large: One hundred.

28 (28) Office of judge of any court of record other than a  
29 Statewide court or a court in a county of the first or second  
30 class: Two hundred fifty.

(29) District delegate or alternate district delegate to a National party convention: Two hundred fifty.

(30) Member of State committee: One hundred.

(31) Office of district council member in a city of the first class: Seven hundred fifty.

(31.1) Office of district council member in a city of the second class: One hundred.

(32) Office of district justice: One hundred.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

(35) All other public and party offices: Ten.

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.--\* \* \*

(b.1) Each person filing any nomination petition shall pay for each petition, at the time of filing, a filing fee to be determined as follows, and no nomination petition shall be accepted or filed, unless and until such filing fee is paid by a certified check or money order or also by cash when filed with the county board. All moneys paid on account of filing fees shall be transmitted by the county board to the county treasurer and shall become part of the General Fund. Certified checks or money orders in payment of filing fees shall be made payable to the Commonwealth of Pennsylvania or to the county, as the case may be, and shall be transmitted to the State Treasurer or to the county treasurer and shall become part of the General Fund.

1. If for the office of President of the United States, or for any public office to be filled by the electors of the State at large, the sum of two hundred dollars (\$200.00).

2. If for the office of Representative in Congress, the sum of one hundred fifty dollars (\$150.00).

1        3. If for the office of judge of a court of record,  
2        excepting judges to be voted for by the electors of the State at  
3        large, the sum of one hundred dollars (\$100.00).

4        4. If for the offices of Senator or Representative in the  
5        General Assembly, for any office to be filled by the electors of  
6        an entire county, for the office of district councilman in a  
7        city of the first or second class and for any office to be  
8        filled by the electors of an entire city other than school  
9        district office, the sum of one hundred dollars (\$100.00).

10       5. If for any borough, town, or township of the first class,  
11       not otherwise provided for, the sum of five dollars (\$5.00).

12       6. If for the office of delegate or alternate delegate to  
13       National party convention, or member of National committee or  
14       member of State committee, the sum of twenty-five dollars  
15       (\$25.00).

16       7. If for the office of constable, the sum of ten dollars  
17       (\$10.00).

18       8. If for the office of district justice, the sum of fifty  
19       dollars (\$50.00).

20       \* \* \*

21       Section 3. Section 1218(a) and (b) of the act are amended to  
22       read:

23       Section 1218. Assistance in Voting.--

24       (a) No voter shall be permitted to receive any assistance in  
25       voting at any primary or election, unless there is recorded upon  
26       his registration card his declaration that, [because of  
27       illiteracy] by reason of blindness, disability, or inability to  
28       read or write, he is unable to read the names on the ballot or  
29       on the voting machine labels, or that he has a physical  
30       disability which renders him unable to see or mark the ballot or

1 operate the voting machine, or to enter the voting compartment  
2 or voting machine booth without assistance, the exact nature of  
3 such [disability] condition being recorded on such registration  
4 card, and unless the election officers are satisfied that he  
5 still suffers from the same [disability] condition. [Before he  
6 shall be permitted to receive assistance, such voter shall state  
7 distinctly and audibly under oath or affirmation, which shall be  
8 administered to him by the judge of election, the reason why he  
9 requires assistance.]

10 (b) Any elector who is entitled to receive assistance in  
11 voting under the provisions of this section shall be permitted  
12 by the judge of election to select a [registered elector of the  
13 election district] person of the elector's choice to enter the  
14 voting compartment or voting machine booth with him to assist  
15 him in voting, such assistance to be rendered inside the voting  
16 compartment or voting machine booth except that the elector's  
17 employer or an agent of the employer or an officer or agent of  
18 the elector's union shall not be eligible to assist the elector.

19 \* \* \*

20 Section 4. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of  
21 the act, amended December 11, 1968 (P.L.1183, No.375), are  
22 amended to read:

23 Section 1302.1. Date of Application for Absentee Ballot.--

24 Applications for absentee ballots unless otherwise specified  
25 shall be received in the office of the county board of elections  
26 not earlier than fifty (50) days before the primary or election  
27 and not later than [five o'clock] 5:00 P.M. of the first Tuesday  
28 prior to the day of any primary or election: Provided, however,  
29 That in the event any elector otherwise qualified who is so  
30 physically disabled or ill on or before the first Tuesday prior

1 to any primary or election that he is unable to file his  
2 application or who becomes physically disabled or ill after the  
3 first Tuesday prior to any primary or election and is unable to  
4 appear at his polling place or any elector otherwise qualified  
5 who because of the conduct of his business, duties or occupation  
6 will necessarily be absent from the State or county of his  
7 residence on the day of the primary or election, which fact was  
8 not and could not reasonably be known to said elector on or  
9 before the first Tuesday prior to any primary or election, shall  
10 be entitled to an absentee ballot at any time prior to [five  
11 o'clock] 8:00 P.M. on the [first Friday preceding any] primary  
12 or election day upon execution of an Emergency Application in  
13 such form prescribed by the Secretary of the Commonwealth.

14 In the case of an elector who is physically disabled or ill  
15 on or before the first Tuesday prior to a primary or election or  
16 becomes physically disabled or ill after the first Tuesday prior  
17 to a primary or election, such Emergency Application shall  
18 contain a supporting affidavit from his attending physician  
19 stating that due to physical disability or illness said elector  
20 was unable to apply for an absentee ballot on or before the  
21 first Tuesday prior to the primary or election or became  
22 physically disabled or ill after that period.

23 In the case of an elector who is necessarily absent because  
24 of the conduct of his business, duties or occupation under the  
25 unforeseen circumstances specified in this subsection, such  
26 Emergency Application shall contain a supporting affidavit from  
27 such elector stating that because of the conduct of his  
28 business, duties or occupation said elector will necessarily be  
29 absent from the State or county of his residence on the day of  
30 the primary or election which fact was not and could not



1 reasonably be known to said elector on or before the first  
2 Tuesday prior to the primary or election.

3 Section 1302.2. Approval of Application for Absentee  
4 Ballot.--

5 (a) The county board of elections, upon receipt of any  
6 application filed by a qualified elector not required to be  
7 registered under preceding section 1301, shall ascertain from  
8 the information on such application, district register or from  
9 any other source that such applicant possesses all the  
10 qualifications of a qualified elector other than being  
11 registered or enrolled. If the board is satisfied that the  
12 applicant is qualified to receive an official absentee ballot,  
13 the application shall be marked approved such approval decision  
14 shall be final and binding except that challenges may be made  
15 only on the ground that the applicant did not possess  
16 qualifications of an absentee elector. Such challenges must be  
17 made to the county board of elections prior to [5:00 o'clock]  
18 8:00 P. M. on the [first Friday prior to the election] primary  
19 or election day. When so approved, the county board of elections  
20 shall cause the applicant's name and residence (and at a  
21 primary, the party enrollment) to be inserted in the Military,  
22 Veterans and Emergency Civilians Absentee Voters File as  
23 provided in section 1302.3, subsection (b): Providing, however,  
24 That no application of any qualified elector in military service  
25 shall be rejected for failure to include on his application any  
26 information if such information may be ascertained within a  
27 reasonable time by the county board of elections.

28 (b) The county board of elections, upon receipt of any  
29 application filed by a qualified elector who is entitled, under  
30 the provisions of the Permanent Registration Law as now or

1 hereinafter enacted by the General Assembly, to absentee  
2 registration prior to or concurrently with the time of voting as  
3 provided under preceding section 1301, shall ascertain from the  
4 information on such application or from any other source that  
5 such applicant possesses all the qualifications of a qualified  
6 elector. If the board is satisfied that the applicant is  
7 entitled, under the provisions of the Permanent Registration Law  
8 as now or hereinafter enacted by the General Assembly, to  
9 absentee registration prior to or concurrently with the time of  
10 voting and that the applicant is qualified to receive an  
11 official absentee ballot, the application shall be marked  
12 "approved." Such approval decision shall be final and binding  
13 except that challenges may be made only on the ground that the  
14 applicant did not possess the qualifications of an absentee  
15 elector prior to or concurrently with the time of voting. Such  
16 challenges must be made to the county board of elections prior  
17 to [5:00 o'clock] 8:00 P. M. on the [first Friday prior to the  
18 election] primary or election day. When so approved, the county  
19 board of elections shall cause the applicant's name and  
20 residence (and at a primary, the party enrollment) to be  
21 inserted in the Military, Veterans and Emergency Civilian  
22 Absentee Voters File as provided in section 1302.3 subsection  
23 (b).

24 (c) The county board of elections, upon receipt of any  
25 application of a qualified elector required to be registered  
26 under the provisions of preceding section 1301, shall determine  
27 the qualifications of such applicant by comparing the  
28 information set forth on such application with the information  
29 contained on the applicant's permanent registration card. If the  
30 board is satisfied that the applicant is qualified to receive an

1 official absentee ballot, the application shall be marked  
2 "approved." Such approval decision shall be final and binding,  
3 except that challenges may be made only on the ground that the  
4 applicant did not possess the qualifications of an absentee  
5 elector. Such challenges must be made to the county board of  
6 elections prior to [5:00 o'clock] 8:00 P. M. on the [first  
7 Friday prior to the election] primary or election day. When so  
8 approved, the registration commission shall cause an absentee  
9 voter's temporary registration card to be inserted in the  
10 district register on top of and along with the permanent  
11 registration card. The absentee voter's temporary registration  
12 card shall be in the color and form prescribed in subsection (e)  
13 of this section:

14        Provided, however, That the duties of the county boards of  
15 elections and the registration commissions with respect to the  
16 insertion of the absentee voter's temporary registration card of  
17 any elector from the district register as set forth in section  
18 1302.2 shall include only such applications and emergency  
19 applications as are received on or before the first Tuesday  
20 prior to the primary or election. In all cases where  
21 applications are received after the first Tuesday prior to the  
22 primary or election and before [five o'clock] 8:00 P. M. on the  
23 [first Friday prior to the] primary or election day, the county  
24 board of elections shall determine the qualifications of such  
25 applicant by comparing the information set forth on such  
26 application with the information contained on the applicant's  
27 duplicate registration card on file in the General Register  
28 (also referred to as the Master File) in the office of the  
29 Registration Commission and shall cause the name and residence  
30 (and at primaries, the party enrollment) to be inserted in the

1 Military, Veterans and Emergency Civilian Absentee Voters File  
2 as provided in section 1302.3, subsection (b). In addition, the  
3 local district boards of elections shall, upon canvassing the  
4 official absentee ballots under section 1308, examine the voting  
5 check list of the election district of said elector's residence  
6 and satisfy itself that such elector did not cast any ballot  
7 other than the one properly issued to him under his absentee  
8 ballot application. In all cases where the examination of the  
9 local district board of elections discloses that an elector did  
10 vote a ballot other than the one properly issued to him under  
11 the absentee ballot application, the local district board of  
12 elections shall thereupon cancel said absentee ballot and said  
13 elector shall be subject to the penalties as hereinafter set  
14 forth.

15 (d) In the event that any application for an official  
16 absentee ballot is not approved by the county board of  
17 elections, the elector shall be notified immediately to that  
18 effect with a statement by the county board of the reasons for  
19 the disapproval.

20 (e) The absentee voter's temporary registration card shall  
21 be in duplicate and the same size as the permanent registration  
22 card, in a different and contrasting color to the permanent  
23 registration card and shall contain the absentee voter's name  
24 and address and shall conspicuously contain the words "Absentee  
25 Voter." Such card shall also contain the affidavit required by  
26 subsection (b) of section 1306.

27 Section 1306. Voting by Absentee Electors.--(a) At any time  
28 after receiving an official absentee ballot, but on or before  
29 [five o'clock] 8:00 P. M. on the [Friday prior to the] primary  
30 or election day, the elector shall, in secret, proceed to mark

1 the ballot only in black lead pencil, indelible pencil or blue,  
2 black or blue-black ink, in fountain pen or ball point pen, and  
3 then fold the ballot, enclose and securely seal the same in the  
4 envelope on which is printed, stamped or endorsed "Official  
5 Absentee Ballot." This envelope shall then be placed in the  
6 second one, on which is printed the form of declaration of the  
7 elector, and the address of the elector's county board of  
8 election and the local election district of the elector. The  
9 elector shall then fill out, date and sign the declaration  
10 printed on such envelope. Such envelope shall then be securely  
11 sealed and the elector shall send same by mail, postage prepaid,  
12 except where franked, or deliver it in person to said county  
13 board of election:

14        Provided, however, That any elector, spouse of the elector or  
15 dependent of the elector, qualified in accordance with the  
16 provisions of section 1301, subsections (e), (f), (g) and (h) to  
17 vote by absentee ballot as herein provided, shall be required to  
18 include on the form of declaration a supporting declaration in  
19 form prescribed by the Secretary of the Commonwealth, to be  
20 signed by the head of the department or chief of division or  
21 bureau in which the elector is employed, setting forth the  
22 identity of the elector, spouse of the elector or dependent of  
23 the elector:

24        Provided further, That any elector who has filed his  
25 application in accordance with section 1302 subsection (e) (2),  
26 and is unable to sign his declaration because of illness or  
27 physical disability, shall be excused from signing upon making a  
28 declaration which shall be witnessed by one adult person in  
29 substantially the following form: I hereby declare that I am  
30 unable to sign my declaration for voting my absentee ballot

1 without assistance because I am unable to write by reason of my  
2 illness or physical disability. I have made or received  
3 assistance in making my mark in lieu of my signature.

4 .....(Mark)

5 .....

6 (Date)

7 .....

8 (Signature of Witness)

9 .....

10 (Complete Address of Witness)

11 \* \* \*

12 Section 1308. Canvassing of Official Absentee Ballots.--

13 (a) The county boards of election, upon receipt of official  
14 absentee ballots in such envelopes, shall safely keep the same  
15 in sealed or locked containers until they distribute same to the  
16 appropriate local election districts in a manner prescribed by  
17 the Secretary of the Commonwealth. Official absentee ballots  
18 received later than 5:00 P. M. on the Friday immediately  
19 preceding the primary or election day shall be immediately  
20 canvassed by the county board of elections.

21 The county board of elections shall then distribute the  
22 absentee ballots received prior to 5:00 P. M. on the Friday  
23 immediately preceding the primary or election day, unopened, to  
24 the absentee voter's respective election district concurrently  
25 with the distribution of the other election supplies. Absentee  
26 ballots shall be canvassed immediately and continuously without  
27 interruption until completed after the close of the polls on the  
28 day of the election in each election district. The results of  
29 the canvass of the absentee ballots shall then be included in  
30 and returned to the county board with the returns of that

1 district. No absentee ballot shall be counted which is received  
2 in the office of the county board of election later than [five  
3 o'clock] 8:00 P. M. on the [Friday immediately preceding the]  
4 primary or November election day.

5 \* \* \*

6 SECTION 5. (A) SECTION 1 (SECTION 502) OF THIS ACT SHALL BE <—  
7 RETROACTIVE TO MARCH 27, 1987.

8 (B) SECTION 2 (SECTIONS 912.1 AND 913(B.1)) OF THIS ACT  
9 SHALL BE RETROACTIVE TO FEBRUARY 13, 1989, IF ENACTED AFTER THAT  
10 DATE.

11 Section ~~5~~ 6. This act shall take effect immediately. <—