

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 190

Session of
1979

INTRODUCED BY STAIRS, FEBRUARY 6, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 7, 1979

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

21District,.....Ward, City of.....,
22 County of.....,State of Pennsylvania.
23

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

4 [To vote a straight party ticket, mark a cross (X) or check
5 () in the square, in the party column, opposite the name of the
6 party of your choice.] To vote for [an individual] any candidate
7 [of another party after making a mark in the party square,] mark
8 a cross (X) or check () opposite his name. For an office where
9 more than one candidate is to be voted for, the voter [, after
10 marking in the party square,] may divide his vote among the
11 candidates of the various parties by marking a cross (X) or
12 check () to the right of each candidate for whom he or she
13 desires to vote. For such office votes shall not be counted for
14 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] a voter [, at other than
28 primary elections,] to vote a straight political party ticket
29 [in one operation, and, in one operation, to vote for all the
30 candidates of one political party for presidential electors,

1 and, in one operation, to vote for all the candidates of one
2 political party for every office to be voted for, except those
3 offices as to 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 immediately.