

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 524 Session of 2011

INTRODUCED BY RAFFERTY, BROWNE, ORIE, EICHELBERGER, WAUGH,
MENSCH, FONTANA, ALLOWAY, VANCE, COSTA, McILHINNEY AND
FARNESE, FEBRUARY 14, 2011

REFERRED TO STATE GOVERNMENT, FEBRUARY 14, 2011

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," providing for campaign finance reporting by
12 write-in candidates; and further providing for filing fees
13 and certificates of filing.

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

16 Section 1. Section 1112-A(b) of the act of June 3, 1937
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,
18 added July 11, 1980 (P.L.600, No.128), is amended to read:

19 Section 1112-A. Election Day Procedures and the Process of
20 Voting.--* * *

21 (b) In an election district which uses an electronic voting
22 system which utilizes paper ballots or ballot cards to register
23 the votes, the following procedures will be applicable for the

1 conduct of the election at the election district:

2 (1) The voter, after receiving his ballot from the district
3 election officials, shall retire to one of the voting booths in
4 which the voting devices are located.

5 (2) At primary elections, the voter shall vote for the
6 candidates of his choice for nomination, according to the number
7 of persons to be voted for by him, for each office by making a
8 cross (X) or check () mark or by making a punch or mark sense
9 mark in the square opposite the name of the candidate, or he may
10 so mark the write-in position provided on the ballot for the
11 particular office and, in the space provided therefor on the
12 ballot and/or ballot envelope, write the identification of the
13 office in question and the name of any person not already
14 printed on the ballot for that office, and such mark and written
15 insertion shall count as a vote for that person for such office.
16 If a write-in candidate garners the most votes, the candidate
17 shall become subject to the campaign finance reporting
18 requirements of this act as though a nomination petition had
19 been filed.

20 (3) At all other elections, the voter shall vote for the
21 candidates of his choice for each office to be filled, according
22 to the number of persons to be voted for by him for each office,
23 by making a cross (X) or check () mark or by making a punch or
24 mark sense mark in the square opposite the name of the
25 candidate, or he may so mark the write-in position provided on
26 the ballot for the particular office and, in the space provided
27 therefor on the ballot and/or ballot envelope, write the
28 identification of the office in question and the name of any
29 person not already printed on the ballot for that office, and
30 such mark and written insertion shall count as a vote for that

1 person for such office. If a write-in candidate garners the most
2 votes, the candidate shall become subject to the campaign
3 finance reporting requirements of this act as though a
4 nomination petition had been filed.

5 (4) If the voter desires to vote for every candidate of a
6 political party or political body, except its candidates for
7 offices as to which he votes for individual candidates in the
8 manner hereinafter provided, he may make a cross (X) or check
9 () or punch or mark sense mark in the square opposite the name
10 of the party or political body so marked, including its
11 candidates for presidential electors, except for those offices
12 as to which he has indicated a choice for individual candidates
13 of the same or another party or political body, by making a
14 cross (X) or check () or punch or mark sense mark opposite
15 their names in the manner hereinabove provided, as to which
16 offices his ballot shall be counted only for the candidates
17 which he has thus individually marked, notwithstanding the fact
18 that he made a mark in the party column, and even though in the
19 case of an office for which more than one candidate is to be
20 voted for, he has not individually marked for such office the
21 full number of candidates for which he is entitled to vote. If
22 he desires to vote for the entire group of presidential electors
23 nominated by any party or political body, he may make a cross
24 (X) or check () or punch or mark sense mark in the appropriate
25 space opposite the names of the candidates for President and
26 Vice-President of such party or body. If he desires to vote a
27 ticket for presidential electors made up of the names of persons
28 nominated by different parties or political bodies, or partially
29 of names of persons so in nomination and partially of names of
30 persons not in nomination by any party or political body, or

1 wholly of names of persons not in nomination by any party or
2 political body, he shall insert the names of the candidates for
3 presidential electors for whom he desires to vote in the blank
4 spaces provided therefor on the write-in ballot under the title
5 of the office "Presidential Electors". In case of a question
6 submitted to the vote of the electors, he may make a cross (X)
7 or check () or punch or mark sense mark in the appropriate
8 square opposite the answer which he desires to give.

9 (5) Any voter who spoils his ballot may return it and secure
10 another. The word "spoiled" shall be written across the face of
11 the ballot, and it shall be placed in the envelope marked
12 "Spoiled Ballots".

13 (6) Following the completion of his vote, the voter shall
14 leave the voting booth and return the ballot to the election
15 officer by a means designed to insure its secrecy; upon removal
16 of the stub of the ballot by the election officer, the voter
17 shall insert the ballot into the district automatic tabulating
18 equipment or, in the event district tabulation is not provided
19 for by the voting system or such district tabulation equipment
20 is inoperative for any reason, into a secure ballot box. No
21 ballot card from which the stub has been detached shall be
22 accepted by the election officer in charge of such equipment or
23 ballot box, but it shall be marked "spoiled" and shall be placed
24 in the envelope marked "Spoiled Ballots."

25 Section 2. Section 1632(b) of the act, added October 4, 1978
26 (P.L.893, No.127), is amended to read:

27 Section 1632. Late Filing Fee; Certificate of Filing.--

28 * * *

29 (b) (1) No person may be a candidate for a public office
30 until all reports and statements of contributions and

1 expenditures required to be filed by such person if the person
2 was previously a candidate for public office and any treasurer
3 of any committee authorized by such person for the previous
4 candidacy have been filed and all fines paid.

5 (2) No person shall be deemed elected to a public office
6 under the laws of this Commonwealth or enter upon the duties
7 thereof, or receive any salary or emoluments therefrom until all
8 of the reports and statements of contributions and expenditures
9 required to be filed by any candidate and treasurers of
10 committees authorized by such candidate and due before the
11 person may take office, have been filed.

12 (3) No candidate may be sworn in until the appropriate
13 supervisor certifies that all required reports have been filed,
14 and no official of the Commonwealth or any of its political
15 subdivisions may issue a commission or administer an oath of
16 office until that official has received this certification.

17 (4) No certification shall be issued until the supervisor
18 has received post election reports of any candidate and
19 treasurer of committees authorized by such candidate.

20 * * *

21 Section 3. This act shall take effect immediately.