

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 515

Session of
1979

INTRODUCED BY FISCHER, MARCH 6, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 6, 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," further providing for primary elections.

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

14 Section 1. Sections 702 and 802, act of June 3, 1937
15 (P.L.1333, No.320), known as the "Pennsylvania Election Code,"
16 are amended to read:

17 Section 702. Qualifications of Electors at Primaries.--The
18 qualifications of electors entitled to vote at primaries shall
19 be the same as the qualifications of electors entitled to vote
20 at elections within the election district where the primary is
21 held, [provided that no elector who is not registered and
22 enrolled as a member of a political party, in accordance with
23 the provisions of this act, shall be permitted to vote the

1 ballot of such party or any other party ballot at any primary.]
2 and any elector entitled to vote in an election shall be
3 entitled to vote in any primary and shall not be required to be
4 enrolled in any political party.

5 Section 802. Only Enrolled Electors to [Vote at Primaries
6 or] Hold Party Offices.--No person who is not registered and
7 enrolled as a member of a political party shall be entitled to
8 [vote at any primary of such party or to] be elected or serve as
9 a party officer, or a member or officer of any party committee,
10 or delegate or alternate delegate to any party convention.

11 Section 2. Section 922 of the act, amended May 6, 1943
12 (P.L.196, No.100), is amended to read:

13 Section 922. Which Candidates Nominated.--Candidates of the
14 various political parties for nomination, except for the office
15 of President of the United States, who receive a plurality of
16 votes [of their party electors] in the State, or in the
17 political district, as the case may be, at the primary election,
18 together with the candidates for the office of presidential
19 elector nominated as herein provided, shall be candidates of
20 their respective parties, and it shall be the duty of the proper
21 county boards to print their names upon the official ballots and
22 ballot labels at the succeeding election: Provided, That when a
23 candidate for nomination shall have died before or on the day of
24 the primary election and shall nevertheless receive a plurality
25 of votes of his party electors cast for the office for which he
26 sought nomination, then no candidate shall have been nominated
27 for the office at such primary and a substituted nomination may
28 be made in the manner hereinafter provided.

29 Section 3. Section 1002 of the act, subsection (a) amended
30 December 22, 1971 (P.L.613, No.165), and subsection (b) amended

1 December 2, 1976 (P.L.1221, No.269), are amended to read:

2 Section 1002. Form of Official Primary Ballot.--(a) At
3 primaries [separate] official ballots shall be prepared [for
4 each party which] and shall be in substantially the following
5 form:

6 Official[.....] Primary Ballot.

7 [(Name of Party)]

8District,.....Ward, City of.....,

9 County of....., State of Pennsylvania

10Primary election held on the.....day of....., 19...

11 Make a cross (X) or check () in the square to the right of
12 the party designation column of each candidate for whom you wish
13 to vote. If you desire to vote for a person whose name is not on
14 the ballot, write, print or paste his name in the blank space
15 provided for that purpose. Mark ballot only in black lead
16 pencil, indelible pencil or blue, black or blue-black ink in
17 fountain pen or ball point pen. Use the same pencil or pen for
18 all markings you place on the ballot.

19 President of the United States.

20 (Vote for one)

21 John Doe Republican

22 Richard Roe Democratic

23 John Stiles Socialist

24 United States Senator.

25 (Vote for one)

26 John Doe Republican

27 Richard Roe Democratic

1 John Stiles Socialist

2 Governor.

3 (Vote for one)

4 John Doe Republican

5 Richard Roe Democratic

6 John Stiles Socialist

7 Representative in Congress....District.

8 (Vote for one)

9 John Doe Republican

10 Richard Roe Democratic

11 John Stiles Socialist

12 Delegates at Large to National Convention.

13 (Vote for.....)

14 John Doe Republican

15 (Committed to Jeremiah Smith)

16 John Stiles Democratic

17 (Uncommitted)

18 Delegate to National Convention.....District.

19 (Vote for.....)

20 John Doe Republican

21 (Committed to Jeremiah Smith)

22 John Stiles Democratic

1 (Uncommitted)

2 Senator in the General Assembly.....District.

3 (Vote for one)

4 John Doe Republican

5 Richard Roe Democratic

6 John Stiles Socialist

7 Member of State Committee.

8 (Vote for one)

9 John Doe Republican

10 Richard Roe Democratic

11 John Stiles Socialist

12 Party Committeemen.

13 (Vote for.....)

14 John Doe Republican

15 Richard Roe Democratic

16 John Stiles Socialist

17 (b) On the back of each ballot shall be printed in prominent
18 type the words "OFFICIAL PRIMARY BALLOT OF PARTY FOR"
19 followed by the designation of the election district for which
20 it is prepared, the date of the primary and the facsimile
21 signatures of the members of the county board of elections. The
22 names of candidates shall in all cases be arranged under the
23 title of the office for which they are candidates, and be
24 printed thereunder in the order determined by the casting of

1 lots as provided by this act. Under the title of such offices
2 where more than one candidate is to be voted for, shall be a
3 column containing the party designation, if any and printed
4 "Vote for not more than" (the blank space to indicate the
5 number of candidates to be voted for the particular office.) At
6 the right of the name of each candidate there shall be a square
7 of sufficient size for the convenient insertion of a cross (X)
8 or check () mark. There shall be left at the end of the list of
9 candidates for each office (or under the title of the office
10 itself in case there be no candidates who have filed nomination
11 petitions therefor) as many blank spaces as there are persons to
12 be voted for, for such office, in which space the elector may
13 insert the name of any person whose name is not printed on the
14 ballot as a candidate for such office. Opposite or under the
15 name of each candidate, except candidates for the office of
16 President of the United States and candidates for delegate or
17 alternate delegate to a National Party Convention, who is to be
18 voted for by the electors of more than one county, shall be
19 printed the name of each candidate except candidates for
20 delegate or alternate delegate to a National Party Convention
21 who is to be voted for by the electors of an entire county or
22 any congressional, senatorial or representative district within
23 the county, shall be printed the name of the city, borough,
24 township or ward, as the case may be, in which such candidate
25 resides.

26 (c) The ballot shall vary in form only as the names of
27 districts, offices, candidates or the provisions of this act may
28 require.

29 Section 4. Section 1004 of the act, amended December 10,
30 1974 (P.L.835, No.280), is amended to read:

1 Section 1004. Form of Ballots; Printing Ballots; Stubs;
2 Numbers.--From the lists furnished by the Secretary of the
3 Commonwealth under the provisions of sections 915 and 984, and
4 from petitions and papers filed in their office, the county
5 election board shall print the official primary and election
6 ballots in accordance with the provisions of this act: Provided,
7 however, That in no event, shall the name of any person
8 consenting to be a candidate for nomination for any one office,
9 except the office of judge of a court of record, or the office
10 of school director in districts where that office is elective or
11 the office of justice of the peace be printed as a candidate for
12 such office [upon the official primary ballot] as a candidate of
13 more than one party. All ballots for use in the same election
14 district at any primary or election shall be alike. They shall
15 be at least six inches long and four inches wide, and shall have
16 a margin extending beyond any printing thereon. They shall be
17 printed with the same kind of type (which shall not be smaller
18 than the size known as "brevier" or "eight point body") upon
19 white paper of uniform quality, without any impression or mark
20 to distinguish one from another, and with sufficient thickness
21 to prevent the printed matter from showing through. Each ballot
22 shall be attached to a stub, and all the ballots for the same
23 election district shall be bound together in books of fifty, in
24 such manner that each ballot may be detached from its stub and
25 removed separately. [The ballots for each party to be used at a
26 primary shall be bound separately.] The stubs of the ballots
27 shall be consecutively numbered. [, and in the case of primary
28 ballots, the number shall be preceded by an initial or
29 abbreviation designating the party name.] The number [and
30 initial or abbreviation] which appears upon the stub shall also

1 be printed in the upper right hand corner of the back of the
2 ballot, separated from the remainder of the ballot by a diagonal
3 perforated line so prepared that the upper right hand corner of
4 the back of the ballot containing the number may be detached
5 from the ballot before it is deposited in the ballot box and
6 beside that corner shall also be printed, "Remove numbered stub
7 immediately before depositing your ballot in ballot box."

8 Section 5. Section 1007 of the act, amended August 13, 1963
9 (P.L.707, No.379), is amended to read:

10 Section 1007. Number of Ballots to Be Printed; Specimen
11 Ballots.--The county board of each county shall provide [for
12 each election district in which a primary is to be held, one
13 book of fifty official ballots of each party for every forty-
14 five registered and enrolled voters of such party and fraction
15 thereof, appearing upon the district register, and shall
16 provide] for each election district in which an election is to
17 be held one book of fifty official ballots for every forty-five
18 registered electors and fraction thereof appearing upon the
19 district register. They may also, in addition to the number of
20 ballots required to be printed for general distribution, have
21 printed [for each election district in which a primary is to be
22 held not less than one book of fifty official ballots of each
23 party for the use of the absentee electors and] for each
24 election district in which an election is to be held not less
25 than one book of official ballots for the use of the absentee
26 electors. They shall also, in addition to the number of ballots
27 required to be printed for general distribution, have printed
28 ten (10) per centum of such number, to be known as reserve
29 official ballots, and, on tinted paper, two (2) per centum of
30 such number to be known as reserve specimen ballots, which

1 ballots shall be kept at the office of the county board for the
2 use of any district, the ballots for which may be lost,
3 destroyed or stolen. They shall also cause to be printed on
4 tinted paper, and without the facsimile endorsements, permanent
5 binding or stubs, copies of the form of ballots provided for
6 each voting place at each primary or election therein, which
7 shall be called specimen ballots, and which shall be of the same
8 size and form as the official ballots, and at each election they
9 shall deliver to the election officers, in addition to the
10 official ballots to be used at such election, specimen ballots
11 for the use of the electors equal in number to one-fifth of the
12 number of official ballots delivered to such election officers.
13 At each primary, specimen ballots [of each party] shall be
14 furnished, equal in number to one-fifth of the number of
15 official ballots [of such party] furnished to the election
16 officers as above provided.

17 Section 6. Subsection (b) of section 1008 is amended to
18 read:

19 Section 1008. Forms of Ballots on File and Open to Public
20 Inspection; Ballots and Diagrams to Be Furnished to Candidates
21 and Parties.--

22 * * *

23 (b) On the Thursday preceding each primary, the county board
24 shall, upon request made at their office, there deliver to each
25 candidate whose name is printed on the ballot, [of any party,]
26 or to his authorized representative, without charge, three
27 specimen ballots [of such party] for the entire district in
28 which such candidate is to be voted for, and the candidate may,
29 at his own expense, have printed on different colored paper as
30 many copies as he requires for conducting his campaign.

1 * * *

2 Section 7. Subsection (a) of section 1111, subsection (a) of
3 section 1210, subsection (c) of section 1216, and section 1221
4 are amended to read:

5 Section 1111. Preparation of Voting Machines by County
6 Election Boards.--

7 (a) The county election board of each county shall cause the
8 proper ballot labels to be placed on each voting machine which
9 is to be used in any election district within such county; and
10 shall cause each machine to be placed in proper order for
11 voting; shall examine each machine before it is sent out to a
12 polling place; shall see that each registering counter, except
13 the protective counter, on each machine is set at zero (000);
14 shall lock each machine so that the counting machinery cannot be
15 operated, and shall seal each machine with a numbered seal. [The
16 county election board or their duly authorized agent shall
17 adjust each machine to be used at a primary election, so that
18 the election officers may lock it on primary election day, in
19 such a way that each voter can vote only for the candidates for
20 nonpartisan nomination, if any, and for the candidates seeking
21 nomination by the political party in which he is enrolled, if he
22 is enrolled as a member of a political party, and so that no
23 voter can vote for the candidates seeking nomination by any
24 political party in which he is not enrolled.]

25 * * *

26 Section 1210. Manner of Applying to Vote; Persons Entitled
27 to Vote; Voter's Certificates; Entries to Be Made in District
28 Register; Numbered Lists of Voters; Challenges.--(a) At every
29 primary and election each elector who desires to vote shall
30 first sign a voter's certificate, and, unless he is a State or

1 Federal employe who has registered under any registration act
2 without declaring his residence by street and number, he shall
3 insert his address therein, and hand the same to the election
4 officer in charge of the district register. Such election
5 officer shall thereupon compare the elector's signature on his
6 voter's certificate with his signature in the district register.
7 If, upon such comparison, the signature upon the voter's
8 certificate appears to be genuine, the elector who has signed
9 the certificate shall, if otherwise qualified, be permitted to
10 vote: Provided, That if the signature on the voter's
11 certificate, as compared with the signature as recorded in the
12 district register, shall not be deemed authentic by any of the
13 election officers, such elector shall not be denied the right to
14 vote for that reason, but shall be considered challenged as to
15 identity and required to make the affidavit and produce the
16 evidence as provided in subsection (d) of this section. When an
17 elector has been found entitled to vote, the election officer
18 who examined his voter's certificate and compared his signature
19 shall sign his name or initials on the voter's certificate,
20 shall, if the elector's signature is not readily legible, print
21 such elector's name over his signature, and the number of the
22 stub of the ballot issued to him or his number in the order of
23 admission to the voting machines, and at primaries a letter or
24 abbreviation designating the party in [whose primary he votes]
25 which he is enrolled, if any, shall also be entered by one of
26 the election officers or clerks. As each voter is found to be
27 qualified and votes, the election officer in charge of the
28 district register shall write or stamp the date of the election
29 or primary, the number of the stub of the ballot issued to him
30 or his number in the order of admission to the voting machines,

1 and at primaries a letter or abbreviation designating the party
2 in [whose primary he votes,] which he is enrolled, if any, and
3 shall sign his name or initials in the proper space on the
4 registration card of such voter contained in the district
5 register.

6 As each voter votes, his name in the order of voting shall be
7 recorded in two (2) numbered lists of voters provided for that
8 purpose, with the addition of a note of each voter's party
9 enrollment after his name at primaries.

10 * * *

11 Section 1216. Instructions of Voters and Manner of Voting in
12 Districts in Which Voting Machines are Used.--

13 * * *

14 [(c) At primaries, before a voter is admitted to the voting
15 machine, it shall be adjusted by the election officer in charge
16 thereof, so that such voter will only be able to vote for the
17 candidates of the party in which he is registered and enrolled
18 and for candidates for nonpartisan nomination, if any.]

19 * * *

20 Section 1221. Duties of Election Officers After the Close of
21 the Polls in Districts in Which Ballots are Used.--After the
22 polls are closed and the last elector has voted in districts in
23 which ballots are used, the election officers, clerks and
24 overseers, if any, shall remain within the enclosed space.
25 Before the ballot box is opened, the number of ballots issued to
26 electors [(at primaries the number issued to the electors of
27 each party)], as shown by the stubs, and the number of ballots
28 [(at primaries the number of ballots of each party)], if any,
29 spoiled and returned by voters and cancelled, shall be announced
30 to all present in the voting room, and entered on the general

1 returns of votes cast at such primary or election. The election
2 officers shall then compare the number of electors voting as
3 shown by the stubs with the number of names marked as voting in
4 the district register, "Voting Check List," and numbered lists
5 of voters, shall announce the result, and shall enter on the
6 general returns the number of electors who have voted, as shown
7 by the "Voter's Check List." If any differences exist, they
8 shall be reconciled, if possible, otherwise they shall be noted
9 on the general returns. The district register, the "Voting Check
10 List," the numbered lists of voters and the stubs of all ballots
11 used, together with all unused ballots, and all spoiled and
12 cancelled ballots, and all rejected voter's certificates shall
13 then be placed in separate packages, containers or envelopes,
14 and sealed, before the ballot box is opened.

15 Section 8. Section 1222 of the act, amended July 14, 1961
16 (P.L.644, No.332), is amended to read:

17 Section 1222. Count and Return of Votes in Districts in
18 Which Ballots are Used.--

19 (a) As soon as all the ballots have been properly accounted
20 for, and those outside the ballot box, as well as the "Voting
21 Check List," numbered lists of voters and district register
22 sealed, the election officers shall forthwith open the ballot
23 box, and take therefrom all ballots therein.[, and at primaries,
24 separate the same according to the party to which they belong.]
25 The ballots shall then be counted one by one, and a record made
26 of the total number.[, and at primaries of the total number cast
27 for each party.] Then the judge, under the scrutiny of the
28 minority inspector, or the minority inspector, under the
29 scrutiny of the judge, in the presence of the other officers,
30 clerks, and of the overseers, if any, and within the hearing and

1 sight of the watchers outside the enclosed space, shall read
2 aloud the names of the candidates marked or inserted upon each
3 ballot [(at primaries the ballots of each party being read in
4 sequence)], together with the office for which the person named
5 is a candidate, and the answers contained on the ballots to the
6 questions submitted, if any, and the majority inspector and
7 clerks shall carefully enter each vote as read, and keep account
8 of the same in ink in triplicate tally papers [(triplicate tally
9 papers for each party at primaries)] to be provided by the
10 county board of elections for that purpose, all three of which
11 shall be made at the same time: Provided, That at all general,
12 municipal and special elections, in entering each vote received
13 by candidates at such election, it shall not be necessary to
14 enter separate tally marks for each vote received by such
15 candidates upon the ballots containing the same votes for the
16 same names, commonly known, and in this act designated as
17 "Straight Party Tickets" for such purpose straight party ticket
18 votes shall be entered carefully as each straight party ticket
19 vote is read on the triplicate tally sheets under the heading
20 "Number of votes received upon the
21 straight party tickets." Upon completing the number of votes
22 received by each straight party ticket, the number so tallied
23 for each party shall be entered numerically on the extreme right
24 hand margin of each such tally paper. All ballots, after being
25 removed from the box, shall be kept within the unobstructed view
26 of all persons in the voting room until replaced in the box. No
27 person while handling the ballots shall have in his hand any
28 pencil, pen, stamp or other means of marking or spoiling any
29 ballot. The election officers shall forthwith proceed to canvass
30 and compute the votes cast, and shall not adjourn or postpone

1 the canvass or computation until it shall have been fully
2 completed.

3 (b) When the vote cast for the different persons named upon
4 the ballots and upon the questions, if any, appearing thereon,
5 shall have been fully recorded in the tally papers and counted,
6 the election officers shall duly certify to the number of votes
7 cast for each person [(upon the respective party tickets at
8 primaries)], and shall prepare in ink two (2) general returns,
9 showing, in addition to the entries made thereon as aforesaid,
10 the total number of ballots received from the county board [(the
11 total of each party at primaries)], the number of ballots cast
12 [(the number of each party at primaries)], the number of ballots
13 [(of each party at primaries)] declared void, and the number of
14 ballots spoiled and cancelled, and any blank ballots cast, as
15 well as the votes cast for each candidate. At elections, the
16 number of votes cast for each candidate by each political party
17 or political body of which such candidate is a nominee shall be
18 separately stated: Provided, That the number of votes received
19 by each set of candidates upon "straight party tickets" shall be
20 entered opposite the names of the respective candidates in a
21 column immediately adjoining upon the left which column shall be
22 of convenient width and shall be headed "number of votes
23 received upon straight party tickets." In an immediate column to
24 the left thereto, the number of votes received by each candidate
25 upon all ballots other than "straight party tickets" including
26 all ballots known as "split tickets" shall be entered, such
27 column to be of convenient width and shall be headed "number of
28 votes received other than upon straight party tickets." The
29 number of votes received by each candidate as shown in the
30 column headed "number of votes received upon straight party

1 tickets" shall then be added, together with the number of votes
2 received by each candidate as shown in the column headed "number
3 of votes received other than upon straight party tickets" and
4 thereupon, the total number of votes received by each candidate
5 shall be entered in a column on the extreme right-hand side of
6 the return sheets, which column shall be of convenient width and
7 shall be headed "total number of votes."

8 Nothing in this section contained shall be construed to
9 authorize or permit the canvassing, counting or tallying ballots
10 with any less degree of strictness than otherwise required by
11 law, the intention of this section being to dispense with the
12 individual tally marks only so far as the so-called "straight
13 party tickets" are concerned, and all other operations of
14 tallying, counting, canvassing and announcing the votes shall
15 proceed as near as may be in accordance with the other
16 provisions of this act.

17 (c) In returning any votes cast for any person whose name is
18 not printed on the ballot, the election officers shall record
19 any such names exactly as they were written, stamped or applied
20 to the ballot by sticker.

21 Section 9. Subsection (b) of section 1227, amended February
22 2, 1965 (P.L.1859, No.585), is amended to read:

23 Section 1227. Canvass and Return of Votes in Districts in
24 Which Voting Machines are Used.--* * *

25 (b) The vote as registered shall be entered by the election
26 officers, in ink, on duplicate return sheets, and also on a
27 general return sheet and statement, all of which, after the
28 canvass is completed, shall be signed by the election officers,
29 the clerk, and certified by the overseers, if any. If any
30 election officer, clerk or overseer shall refuse to sign or

1 certify the general or duplicate return sheets or statement, he
2 shall write his reasons therefor upon said sheets. The vote for
3 presidential electors shall be computed and returned as provided
4 hereinbefore in section 1215 of this act. If more than one
5 voting machine is used in any election district, the vote
6 registered on each machine shall be ascertained in like manner,
7 and separately entered in appropriate spaces on the general and
8 duplicate return sheets and statement. The total vote cast for
9 each candidate, and for and against each question, shall then be
10 computed and entered on the general and duplicate return sheets
11 and statement. There shall also be entered on the general return
12 sheet and statement the number of voters who have voted [and in
13 primaries, the number of voters who voted in each party,] as
14 shown by the numbered lists of voters, district register, and
15 voting check list, and the number on each machine, as shown by
16 the public counters, and also the number registered on the
17 protective counter or device on each machine immediately prior
18 to the opening of the polls and immediately after the closing
19 thereof and sealing of the machine. The number or other
20 designation of each machine used shall also be entered thereon.
21 In the case of primary elections, duplicate return sheets shall
22 be prepared as for other elections. The registering counters of
23 the voting machine or the paper proof sheets, as the case may
24 be, shall remain exposed to view until the said returns, and all
25 other reports have been fully completed and checked by the
26 inspectors, clerk and overseers, if any. During such time, any
27 candidate, or duly accredited watcher, who may desire to be
28 present shall be admitted to the polling place.

29 * * *

30 Section 10. Subsections (b) and (e) of section 1302, amended

1 December 11, 1968 (P.L.1183, No.375), are amended to read:

2 Section 1302. Applications for Official Absentee Ballots.--

3 * * *

4 (b) The application shall contain the following information:

5 Home residence at the time of entrance into actual military
6 service or Federal employment, length of time a citizen, length
7 of residence in Pennsylvania, date of birth, length of time a
8 resident of voting district, voting district if known, [party
9 choice in case of primary,] name and, for a military elector,
10 his stateside military address, FPO or APO number and serial
11 number. Any elector other than a military elector shall in
12 addition specify the nature of his employment, the address to
13 which ballot is to be sent, relationship where necessary, and
14 such other information as may be determined and prescribed by
15 the Secretary of the Commonwealth. When such application is
16 received by the Secretary of the Commonwealth it shall be
17 forwarded to the proper county board of election.

18 * * *

19 (e) Any qualified bedridden or hospitalized veteran absent
20 from the State or county of his residence and unable to attend
21 his polling place because of such illness or physical
22 disability, regardless of whether he is registered or enrolled,
23 may apply at any time before any primary or election for an
24 official absentee ballot on any official county board of
25 election form addressed to the Secretary of the Commonwealth of
26 Pennsylvania or the county board of elections of the county in
27 which his voting residence is located. The request for an
28 application shall be in writing, signed and transmitted by mail.

29 The application shall contain the following information:

30 Residence at the time of becoming bedridden or hospitalized,

1 length of time a citizen, length of residence in Pennsylvania,
2 date of birth, length of time a resident in voting district,
3 voting district if known, [party choice in case of primary,]
4 name and address of present residence or hospital at which
5 hospitalized. When such application is received by the Secretary
6 of the Commonwealth, it shall be forwarded to the proper county
7 board of elections.

8 The application for an official absentee ballot for any
9 primary or election shall be made on information supplied over
10 the signature of the bedridden or hospitalized veteran as
11 required in the preceding subsection. Any qualified registered
12 elector, including a spouse or dependent referred to in
13 subsection (1) of section 1301, who expects to be or is absent
14 from the Commonwealth or county of his residence because his
15 duties, occupation or business require him to be elsewhere on
16 the day of any primary or election and any qualified registered
17 elector who is unable to attend his polling place on the day of
18 any primary or election because of illness or physical
19 disability and any qualified registered bedridden or
20 hospitalized veteran in the county of residence, may apply to
21 the county board of elections of the county in which his voting
22 residence is located for an Official Absentee Ballot. Such
23 application shall be made upon an official application form
24 supplied by the county board of elections. Such official
25 application form shall be determined and prescribed by the
26 Secretary of the Commonwealth of Pennsylvania. An application
27 shall be issued only to an elector who appears in person at the
28 office of the county board of election and signs for the
29 application, or who, by mail, requests an application with a
30 written and signed communication. A copy of the request for the

1 application shall be kept on record at the office of the county
2 board of elections.

3 (1) The application of any qualified registered elector,
4 including spouse or dependent referred to in subsection (1) of
5 section 1301, who expects to be or is absent from the
6 Commonwealth or county of his residence because his duties,
7 occupation or business require him to be elsewhere on the day of
8 any primary or election, shall be signed by the applicant and
9 shall include the surname and christian name or names of the
10 applicant, his occupation, date of birth, length of time a
11 resident in voting district, voting district if known, place of
12 residence, post office address to which ballot is to be mailed,
13 the reason for his absence, and such other information as shall
14 make clear to the county board of elections the applicant's
15 right to an official absentee ballot.

16 (2) The application of any qualified registered elector who
17 is unable to attend his polling place on the day of any primary
18 or election because of illness or physical disability and the
19 application of any qualified registered bedridden or
20 hospitalized veteran in the county of residence shall be signed
21 by the applicant and shall include surname and christian name or
22 names of the applicant, his occupation, date of birth, residence
23 at the time of becoming bedridden or hospitalized, length of
24 time a resident in voting district, voting district if known,
25 place of residence, post office address to which ballot is to be
26 mailed, and such other information as shall make clear to the
27 county board of elections the applicant's right to an official
28 ballot. In addition, the application of such electors shall
29 include a declaration stating the nature of their disability or
30 illness, and the name of their attending physician, if any,

1 together with a supporting declaration signed by such attending
2 physician, or, if none, by a registered elector unrelated by
3 blood or marriage of the election district of the residence of
4 the applicant: Provided, however, That in the event any elector
5 entitled to an absentee ballot under this subsection be unable
6 to sign his application because of illness or physical
7 disability, he shall be excused from signing upon making a
8 statement which shall be witnessed by one adult person in
9 substantially the following form: I hereby state that I am
10 unable to sign my application for an absentee ballot without
11 assistance because I am unable to write by reason of my illness
12 or physical disability. I have made or have received assistance
13 in making my mark in lieu of my signature.

14 (Mark)

15 (Date)

16

17 (Complete Address of Witness) (Signature of Witness)

18 No more than one application for an absentee ballot shall be
19 issued to any elector. A copy of the request for the application
20 shall be kept on record at the office of the county board of
21 election.

22 * * *

23 Section 11. Subsections (b), (c) and (d) of section 1404,
24 are amended to read:

25 Section 1404. Computation of Returns by County Board;
26 Certification; Issuance of Certificates of Election.--

27 * * *

28 (b) It shall be the duty of each board of registration
29 commissioners in each county, before the time fixed for the

1 county board to convene for purpose of computing and canvassing
2 returns of any primary or election, to certify to said county
3 board the total registration of each election district within
4 its jurisdiction, and the enrollment of each district by
5 political parties at primaries. The county board, before
6 computing the votes cast in any election district, shall compare
7 said registration and enrollment figures with the certificates
8 returned by the election officers showing the number of persons
9 who voted in each district or the number of ballots cast. If,
10 upon consideration by said return board of the returns before it
11 from any election district and the certificates aforesaid, it
12 shall appear that the total vote returned for any candidate or
13 candidates for the same office or nomination or on any question
14 exceeds the number of registered or enrolled electors in said
15 election district or exceeds the total number of persons who
16 voted in said election district or the total number of ballots
17 cast therein, [or, if it shall appear that the total number of
18 partisan votes returned for any candidate or candidates for the
19 same office or nomination at any primary exceeds the number of
20 electors registered or enrolled in said district as members of
21 that political party, or exceeds the total number of persons
22 belonging to that party who voted in said district or the total
23 number of ballots of that party cast therein,] in any such case,
24 such excess shall be deemed a discrepancy and palpable error,
25 and shall be investigated by the return board, and no votes
26 shall be recorded from such district until such investigation
27 shall be had, and such excess shall authorize--(a) the summoning
28 of the election officers, overseers, machine inspectors, and
29 clerks to appear forthwith with any election papers in their
30 possession; (b) the production of the ballot box before the

1 return board, and the examination and scrutiny of all of its
2 contents, and all of the registration and election documents
3 whatever, relating to said district, in the presence of
4 representatives of each party and candidate interested who are
5 attending the canvass of such votes; and the recount of the
6 ballots contained in said ballot box, either generally or
7 respecting the particular office, nomination, or question as to
8 which the excess exists, in the discretion of the return board;
9 (c) the correction of the returns in accordance with the result
10 of said recount; (d) in the discretion of the return board, the
11 exclusion of the poll of that district, either as to all
12 offices, candidates, questions, and parties, or as to any
13 particular offices, candidates, questions, or parties as to
14 which said excess exists, if the ballot box be found to contain
15 more ballots than there are electors registered or enrolled in
16 said election district, [or more ballots of one party than there
17 are electors registered or enrolled in said district as members
18 of that party,] or more ballots than the number of voters who
19 voted at said election[, or more ballots of one party than the
20 number of voters of that party who voted at said election]; (e)
21 a report of the facts of the case to the district attorney where
22 such action appears to be warranted.

23 (c) The county board shall first publicly account for all
24 extra official ballots printed under the provisions of section
25 1007 of this act. The general returns made by the election
26 officers from the various election districts shall then be read
27 one after another in the usual order, slowly and audibly, by one
28 of the clerks who shall, in each case of a return from a
29 district in which ballots were used, read therefrom the number
30 of ballots [(in the case of primaries the number of ballots of

1 each party)] issued, spoiled and cancelled, and cast,
2 respectively, whereupon the clerk having charge of the records
3 of the county board showing the number of ballots furnished for
4 each election district, including the number of extra official
5 ballots as provided by section 1007 of this act as so furnished,
6 and the number of stubs and unused ballots and spoiled and
7 cancelled ballots returned, shall publicly announce the number
8 of the same respectively, and unless it appears by said number
9 or calculations therefrom that said records, and the said
10 general return correspond, no further returns shall be read from
11 the latter until all discrepancies are explained to the
12 satisfaction of the county board. In the case of districts in
13 which voting machines are used, there shall be read from the
14 general return the identifying number or other designation of
15 each voting machine used, the numbers registered on the
16 protective counter or device on each machine prior to the
17 opening of the polls and immediately after close of the same,
18 whereupon the clerk having charge of the records of the county
19 board showing the number registered on the protective counter or
20 device of each voting machine prior to delivery at the polling
21 place, shall publicly announce the numbers so registered, and
22 unless it appears that the said records, and the said general
23 return correspond, no further returns shall be read from the
24 latter until any and all discrepancies are explained to the
25 satisfaction of the county board.

26 (d) (1) In districts in which paper ballots have been used,
27 when the records agree with said returns regarding the number of
28 ballots and the number of votes recorded for each candidate [(on
29 each party ticket at primaries)], said votes for each candidate
30 shall be read by the clerk slowly, audibly, and in an orderly

1 manner from the general return which has been returned unsealed,
2 and the figures announced shall be compared by other clerks with
3 the general return which has been returned sealed. The figures
4 announced for all districts shall be compared by one of the
5 clerks with the tally papers from the respective districts. If
6 any discrepancies are discovered, the county board shall
7 thereupon examine all of the return sheets, tally papers and
8 other papers in its possession relating to the same election
9 district. If the tally papers and sealed general return sheet
10 agree, the unsealed general return shall be forthwith corrected
11 to conform thereto. But in every other case the county board
12 shall forthwith cause the ballot box of the district to be
13 opened and the vote therein to be recounted in the presence of
14 attorneys, watchers, and candidates interested, and if the
15 recount shall not be sufficient to correct the error, the county
16 board may summon the election officers and overseers, if any, to
17 appear forthwith with all election papers in their possession.

18 (2) In districts in which voting machines have been used,
19 when the records agree with the returns regarding the number
20 registered on the voting machine, the votes recorded for each
21 candidate shall be read by the clerk slowly, audibly, and in an
22 orderly manner from the general return sheet which has been
23 returned unsealed, and the figures announced shall be compared
24 by other clerks with the duplicate return sheet which has been
25 returned sealed, and if the voting machine is of the type
26 equipped with mechanism for printing paper proof sheets, said
27 general and duplicate return sheets shall also be compared with
28 said proof sheets, which have been returned as aforesaid. If any
29 discrepancies are discovered, the county board shall thereupon
30 examine all of the return sheets, proof sheets and other papers

1 in its possession relating to the same election district. The
2 said proof sheets shall be deemed to be the primary evidence of
3 the result of the election and to be prima facie accurate, and
4 if the proper proof sheets properly identified, shall be
5 mutually consistent, and if the general and duplicate returns,
6 or either of them, from said district shall not correspond with
7 said proof sheets, they shall be corrected so as to correspond
8 with same, in the absence of allegation of specific fraud or
9 error, proved to the satisfaction of the county board.

10 (3) If any error or fraud is discovered, the county board
11 shall compute and certify the votes justly regardless of any
12 fraudulent or erroneous returns presented to it, and shall
13 report the facts to the district attorney of the proper county
14 for action.

15 * * *

16 Section 12. Sections 1824 and 1834 of the act, are amended
17 to read:

18 Section 1824. Election Officers Refusing to Permit Elector
19 to Vote in [Proper Party at] Primaries.--Any judge, inspector or
20 clerk of election who refuses to permit an elector at any
21 primary at which ballots are used to receive [the ballot of the
22 party with which he is enrolled, or who gives to any such
23 elector the ballot of any party in which he is not enrolled,] a
24 ballot or any judge, or inspector of election, or machine
25 inspector who, at any primary at which voting machines are used,
26 adjusts any voting machine about to be used by an elector so as
27 not to permit him to vote for the candidates of the party in
28 which he is enrolled, or so as to permit him to vote for [the
29 candidates of any party in which he is not enrolled,] any
30 candidate of any party shall be guilty of a misdemeanor, and,

1 upon conviction thereof, shall be sentenced to pay a fine not
2 exceeding one thousand (\$1,000) dollars, or to undergo an
3 imprisonment of not less than one (1) month nor more than two
4 (2) years, or both, in the discretion of the court.

5 [Section 1834. Elector Voting Ballot of Wrong Party at
6 Primary.--Any elector who shall wilfully vote at any primary the
7 ballot of a party in which he is not enrolled, in violation of
8 the provisions of this act, shall be guilty of a misdemeanor,
9 and, upon conviction thereof, shall be sentenced to pay a fine
10 not exceeding one thousand (\$1,000) dollars, or to undergo an
11 imprisonment of not more than one (1) year, or both, in the
12 discretion of the court.]

13 Section 13. All acts and parts of the act are repealed
14 insofar as they are inconsistent herewith.

15 Section 14. This act shall take effect immediately.