

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2359 Session of
1988

INTRODUCED BY McVERRY, COY, DISTLER, BOOK, TELEK, FISCHER,
HECKLER, MERRY, McHALE, BELARDI, S. H. SMITH, MORRIS AND
LANGTRY, MAY 2, 1988

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 2, 1988

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. Section 1003(a) and (f) of the act of June 3,
15 1937 (P.L.1333, No.320), known as the Pennsylvania Election
16 Code, amended April 24, 1947 (P.L.68, No.33) and December 10,
17 1974 (P.L.835, No.280), are amended to read:

18 Section 1003. Form of Official Election Ballot.--

19 (a) (1) The official ballots for general, municipal and
20 special elections shall be in substantially the following form:

1 District, Ward, City of
2 County of, State of Pennsylvania
3 Election held on the day of, 19.. A cross (X)
4 or check () mark in the square opposite the name of any
5 candidate indicates a vote for that candidate.

6 (2) [To vote a straight party ticket, mark a cross (X) or
7 check () in the square, in the Party Column, opposite the name
8 of the party of your choice.] To vote for an individual
9 candidate [of another party after making a mark in the party
10 square], mark a cross (X) or check () opposite his name. For an
11 office where more than one candidate is to be voted for, the
12 voter, after marking in the party square, may divide his vote by
13 marking a cross (X) or check () to the right of each candidate
14 for whom he or she desires to vote. For such office votes shall
15 not be counted for candidates not individually marked.

16 (3) To vote for a person whose name is not on the ballot,
17 write, print or paste his name in the blank space provided for
18 that purpose. A cross (X) or check () mark in the square
19 opposite the names of the candidates of any party for President
20 and Vice-President of the United States indicates a vote for all
21 the candidates of that party for presidential elector. To vote
22 for individual candidates for presidential elector, write, print
23 or paste their names in the blank spaces provided for that
24 purpose under the title "Presidential Electors." Mark ballot
25 only in black lead pencil, indelible pencil or blue, black or
26 blue-black ink, in fountain pen or ball point pen; use the same
27 pencil or pen for all markings you place on the ballot.

28 (4) Before leaving the voting compartment, fold this ballot,
29 without displaying the markings thereon, in the same way it was
30 folded when received, then leave the compartment and exhibit the

1 ballot to one of the election officers who shall ascertain by an
2 inspection of the number appearing upon the right hand corner of
3 the back of the ballot whether the ballot so exhibited to him is
4 the same ballot which the elector received before entering the
5 voting compartment. If it is the same, the election officer
6 shall direct the elector, without unfolding the ballot, to
7 remove the perforated corner containing the number, and the
8 elector shall immediately deposit the ballot in the ballot box.
9 Any ballot deposited in a ballot box at any primary or election
10 without having the said number torn off shall be void and shall
11 not be counted.

12	[Party Column	Presidential Electors
13	To Vote a Straight Party Ticket	(Vote for the candidates of
14	Mark a Cross (X) or Check () in	one party for President and
15	this Column.	Vice-President, or insert the
16		names of candidates.)
17		For
18	Democratic	John Stiles
19		and
20		Richard Doe,
21		Democratic
22		For
23	Republican	John Doe
24		and
25		Richard Roe,
26		Republican
27		For
28	Socialist	John Smith

1 and
2 William Jones,
3 Socialist

4 Citizens]

5 United States Senator.

6 (Vote for one)

7 Richard Roe Democratic

8 John Doe Republican

9 Richard Stiles Socialist

10 Governor.

11 (Vote for one)

12 Richard Roe Democratic

13 John Doe Republican

14 Richard Stiles Socialist

15 Representative in Congress,

16 District.

17 (Vote for one)

18 Richard Roe Democratic

19 John Doe Republican

20 Richard Stiles Socialist

21 Senator in the General Assembly,

22 District.

23 (Vote for one)

24 John Doe Democratic

25 Richard Roe Republican

26 * * *

27 [(f) In order that each elector may have the opportunity of
28 designating his choice for all the candidates nominated by one
29 political party or political body, there shall be printed on the
30 extreme left of the ballot, and separated from the rest of the

1 ballot by a space of at least one-half inch, a list of the names
2 of all the political parties or political bodies represented on
3 such ballot which have nominated candidates to be voted for at
4 such election. Such names shall be arranged in the order of the
5 votes obtained at the last gubernatorial election by the
6 candidate for Governor of the parties or bodies nominating,
7 beginning with the party that received the highest number of
8 votes cast. Following the names of such political parties and
9 political bodies shall be the names of the parties and bodies
10 not represented on the ballot at the last gubernatorial
11 election, arranged alphabetically, according to the party name
12 or appellation. A square of sufficient size for the convenient
13 insertion of a cross mark shall be placed at the right of each
14 party name or appellation.]

15 * * *

16 Section 2. Section 1107(b) of the act is amended to read:

17 Section 1107. Requirements of Voting Machines.--No voting
18 machine shall, upon any examination or reexamination, be
19 approved by the Secretary of the Commonwealth, or by any
20 examiner appointed by him, unless it shall, at the time, satisfy
21 the following requirements:

22 * * *

23 (b) It shall permit each voter, at other than primary
24 elections, [to vote a straight political party ticket in one
25 operation, and,] in one operation, to vote for all the
26 candidates of one political party for presidential electors[,
27 and, in one operation, to vote for all the candidates of one
28 political party for every office to be voted for, except those
29 offices as to which he votes for individual candidates].

30 * * *

1 Section 3. Section 1110(h) of the act, amended December 22,
2 1971 (P.L.613, No.165), is amended to read:

3 Section 1110. Form of Ballot Labels on Voting Machines.--

4 * * *

5 (h) The names of all candidates of a political party shall
6 appear in the same row or column, and except in cases of names
7 of presidential commitments of nominees for delegate or
8 alternate delegate to political party National conventions no
9 other names shall appear in the same row or column[, to the left
10 or top of which shall be a straight party lever, by means of
11 which an elector may, in one operation, vote for all the
12 candidates of that political party for every office to be voted
13 for]. Where the names of the delegate or alternate delegate and
14 the presidential candidate he is supporting shall both appear,
15 the print size of the name of the delegate or alternate delegate
16 shall be equal to the size of the name of the particular
17 presidential candidate to whom he is committed, or in the case
18 where he is uncommitted, the word "uncommitted" shall appear in
19 the same size print. The names of such candidates shall be
20 arranged under or opposite the title of the office for which
21 they are candidates, and shall appear in the order of the votes
22 obtained by the candidate for Governor of the party nominated at
23 the last gubernatorial election, beginning with the party
24 obtaining the highest number of votes: Provided, however, That
25 in the case of parties or bodies not represented on the ballot
26 at the last gubernatorial election, the names of the candidates
27 of such parties shall be arranged alphabetically, according to
28 the party or body name. The names of all candidates of a
29 political body shall appear in the same row or column, and, if
30 the number of parties and bodies permits, each political body

1 shall be entitled exclusively to a separate row or column[, with
2 a straight party lever]. If, however, the number of political
3 parties and political bodies renders it impossible or
4 impracticable to so arrange the political bodies, in such case
5 said bodies shall not be entitled to a separate row or column
6 [and a straight party lever], but shall be listed by political
7 appellations on the first left hand or top row, with the
8 designating letter and number of the ballot label where their
9 candidates may be found, together with the political
10 appellations of other political bodies, whose candidates may be
11 interspersed on the same row or column. Subject to the aforesaid
12 limitations, the form and arrangement of ballot labels, as to
13 the placing thereon of political bodies, shall be within the
14 discretion of the county board.

15 * * *

16 Section 4. Sections 1107-A(3), 1109-A(a)(2) and (d) and
17 1112-A(a)(2) and (b)(4) of the act, added July 11, 1980
18 (P.L.600, No.128), are amended to read:

19 Section 1107-A. Requirements of Electronic Voting Systems.--
20 No electronic voting system shall, upon any examination or
21 reexamination, be approved by the Secretary of the Commonwealth,
22 or by any examiner appointed by him, unless it shall be
23 established that such system, at the time of such examination or
24 reexamination:

25 * * *

26 (3) Permits each voter, at other than primary elections, [to
27 vote a straight political party ticket by one mark or act and,]
28 by one mark or act, to vote for all the candidates of one
29 political party for presidential electors [and, by one mark or
30 act, to vote for all the candidates of one political party for

1 every office to be voted for, and every such mark or act shall
2 be equivalent to and shall be counted as a vote for every
3 candidate of the political party so marked including its
4 candidates for presidential electors, except with respect to
5 those offices as to which the voter has registered a vote for
6 individual candidates of the same or another political party or
7 political body, in which case the automatic tabulating equipment
8 shall credit the vote for that office only for the candidate
9 individually so selected, notwithstanding the fact that the
10 voter may not have individually voted for the full number of
11 candidates for that office for which he was entitled to vote].

12 * * *

13 Section 1109-A. Forms.--(a) * * *

14 (2) The pages placed on the voting device shall be of
15 sufficient number to include, following the listing of
16 particular candidates, the names of candidates for any
17 nonpartisan offices and any measures for which a voter may be
18 qualified to vote on a given election day[, provided further
19 that for municipal, general or special elections, the first
20 ballot page shall list in the order that such political parties
21 are entitled to priority on the ballot, the names of such
22 political parties with designating arrows so as to indicate the
23 voting square or position on the ballot card where the voter may
24 insert by one mark or punch the straight party ticket of his
25 choice].

26 * * *

27 [(d) In partisan elections the ballot cards shall include a
28 voting square or position whereby the voter may by one punch or
29 mark record a straight party ticket vote for all the candidates
30 of one party or may vote a split ticket for the candidates of

1 his choice.]

2 * * *

3 Section 1112-A. Election Day Procedures and the Process of
4 Voting.--(a) In an election district which uses an electronic
5 voting system in which votes are registered electronically, the
6 following procedures will be applicable for the conduct of the
7 election at the election district:

8 * * *

9 (2) At primary elections, the voter shall be able to vote
10 for each candidate individually by the means provided. At all
11 other elections, he may vote for each candidate individually[,
12 or he may vote a straight political party ticket in one
13 operation by operating the straight political party mechanism of
14 the political party or political body of his choice]. He may
15 also, [after having operated the straight party mechanism and]
16 before recording his vote, cancel the vote for any candidate [of
17 such political party or political body] and may thereupon vote
18 for a candidate of another party, or political body for the same
19 office. The voter may also vote individually for or against a
20 question submitted to the vote of the electors.

21 * * *

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

26 * * *

27 (4) If the voter [desires to vote for every candidate of a
28 political party or political body, except its candidates for
29 offices as to which he votes for individual candidates in the
30 manner hereinafter provided, he may make a cross (X) or check

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

1 * * *

2 Section 5. Section 1215(c) of the act, amended January 8,
3 1959 (P.L.2142, No.790), is amended to read:

4 Section 1215. Method of Marking Ballots and Depositing Same
5 in Districts in Which Ballots are Used.--* * *

6 (c) At elections, the elector shall prepare his ballot in the
7 following manner: He may vote for the candidates of his choice
8 for each office to be filled according to the number of persons
9 to be voted for by him for each office, by making a cross (X) or
10 check () mark in the square opposite the name of the candidate,
11 or he may insert by writing, stamping or sticker, in the blank
12 spaces provided therefor, any name not already printed on the
13 ballot, and such insertion shall count as a vote without the
14 making of a cross (X) or check () mark. [If he desires to vote
15 for every candidate of a political party or political body,
16 except its candidates for offices as to which he votes for
17 individual candidates in the manner hereinafter provided, he may
18 make a cross (X) or check () mark in the square opposite the
19 name of the party or political body of his choice in the party
20 column on the left of the ballot, and every such cross (X) or
21 check () mark shall be equivalent to and be counted as a vote
22 for every candidate of a party or political body so marked,
23 including its candidates for presidential electors, except for
24 those offices as to which he has indicated a choice for
25 individual candidates of the same or another party or political
26 body, by making a cross (X) or check () mark opposite their
27 names in the manner hereinabove provided, as to which offices
28 his ballot shall be counted only for the candidates which he has
29 thus individually marked, notwithstanding the fact that he made
30 a mark in the party column, and even though in the case of an

1 office for which more than one candidate is to be voted for, he
2 has not individually marked for such office the full number of
3 candidates for which he is entitled to vote.] If he desires to
4 vote for the entire group of presidential electors nominated by
5 any party or political body, he may make a cross (X) or check
6 () mark in the appropriate square at the right of the names of
7 the candidates for President and Vice-President of such party or
8 body. If he desires to vote a ticket for presidential electors
9 made up of the names of persons nominated by different parties
10 or political bodies, or partially of names of persons so in
11 nomination and partially of names of persons not in nomination
12 by any party or political body, or wholly of names of persons
13 not in nomination by any party or political body, he shall
14 insert the names of the candidates for presidential electors for
15 whom he desires to vote in the blank spaces provided therefor
16 under the title of the office "Presidential Electors." In case
17 of a question submitted to the vote of the electors, he may make
18 a cross (X) or check () mark in the appropriate square opposite
19 the answer which he desires to give.

20 * * *

21 Section 6. Section 1216(d) of the act is amended to read:

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

24 * * *

25 (d) At primaries, he shall vote for each candidate
26 individually by operating the key, handle, pointer or knob, upon
27 or adjacent to which the name of such candidate is placed. At
28 elections, he may vote for each candidate individually by
29 operating the key, handle, pointer or knob, upon or adjacent to
30 which the names of candidates of his choice are placed[, or he

1 may vote a straight political party ticket in one operation by
2 operating the straight political party lever of the political
3 party or political body of his choice, if such machine has
4 thereon a separate lever for all the candidates of the political
5 body]. He may also, [after having operated the straight party
6 lever, and] before recording his vote, cancel the vote for any
7 candidate [of such political party or political body] by
8 replacing the individual key, handle, pointer or knob of such
9 candidate, and may thereupon vote for a candidate of another
10 party, or political body for the same office by operating the
11 key, handle, pointer or knob, upon or adjacent to which the name
12 of such candidate appears. In the case of a question submitted
13 to the vote of the electors, the elector shall operate the key,
14 handle, pointer or knob corresponding to the answer which he
15 desires to give.

16 * * *

17 Section 7. Section 1222 of the act, amended July 14, 1961
18 (P.L.644, No.332), is amended to read:

19 Section 1222. Count and Return of Votes in Districts in
20 Which Ballots are Used.--

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

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

1 election officers shall forthwith proceed to canvass and compute
2 the votes cast, and shall not adjourn or postpone the canvass or
3 computation until it shall have been fully completed.

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

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

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

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

22 Section 8. Section 1223 of the act, amended January 8, 1960
23 (1959 P.L.2142, No.790) and August 13, 1963 (P.L.707, No.379),
24 is amended to read:

25 Section 1223. What Ballots Shall Be Counted; Manner of
26 Counting; Defective Ballots.--[(a)] No ballot which is so marked
27 as to be capable of identification shall be counted. Any ballot
28 that is marked in blue, black or blue-black ink, in fountain pen
29 or ball point pen, or black lead pencil or indelible pencil,
30 shall be valid and counted: Provided, That all markings on the

1 ballot are made by the same pen or pencil. Any ballot marked by
2 any other mark than an (X) or check () in the spaces provided
3 for that purpose shall be void and not counted: Provided,
4 however, That no vote recorded thereon shall be declared void
5 because a cross (X) or check () mark thereon is irregular in
6 form. [Any erasure, mutilation or defective marking of the
7 straight party column at November elections shall render the
8 entire ballot void, unless the voter has properly indicated his
9 choice for candidates in any office block, in which case the
10 vote or votes for such candidates only shall be counted.] Any
11 erasure or mutilation in the vote in any office block shall
12 render void the vote for any candidates in said block, but shall
13 not invalidate the votes cast on the remainder of the ballot, if
14 otherwise properly marked. Any ballot indicating a vote for any
15 person whose name is not printed on the ballot, by writing,
16 stamping or sticker, shall be counted as a vote for such person,
17 if placed in the proper space or spaces provided for that
18 purpose, whether or not an (X) or check () is placed after the
19 name of such person: Provided, however, That if such writing,
20 stamping or sticker is placed over the name of a candidate
21 printed on the ballot, it shall render the entire vote in said
22 office block void. If an elector shall mark his ballot for more
23 persons for any office than there are candidates to be voted for
24 for such office, or if, for any reason, it may be impossible to
25 determine his choice for any office, his ballot shall not be
26 counted for such office, but the ballot shall be counted for all
27 offices for which it is properly marked. Ballots not marked, or
28 improperly or defectively marked, so that the whole ballot is
29 void, shall be set aside and shall be preserved with the other
30 ballots.

1 [(b) At November elections, a cross (X) or check () mark in
2 the square opposite the name of political party or political
3 body in the party column shall be counted as a vote for every
4 candidate of that party or body so marked, including its
5 candidates for presidential electors, except for those offices
6 as to which the voter has indicated a choice for individual
7 candidates of the same or another party or body in any office
8 block, in which case the ballot for such office block shall be
9 counted only for the candidates thus individually marked,
10 notwithstanding the fact that the voter has made a mark in the
11 party column, and even though in the case of an office for which
12 more than one candidate is to be voted for, he has not
13 individually marked for such office the full number of
14 candidates for which he is entitled to vote.]

15 Section 9. This act shall apply to the municipal or general
16 election next following six months from the effective date of
17 this act, and to each municipal and general election thereafter.

18 Section 10. This act shall take effect immediately.