

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 334 Session of  
1997

INTRODUCED BY TULLI, BARLEY, NAILOR, McNAUGHTON, RAYMOND, GEIST, MARSICO, VANCE, ROONEY, BELARDI, FARGO, HENNESSEY, FLICK, E. Z. TAYLOR, MASLAND, MILLER, ARGALL, FEESE, WAUGH, MAITLAND, FLEAGLE, B. SMITH, BOSCOLA, ROHRER, DeLUCA, TRAVAGLIO, LEH, SHANER, PETRARCA, READSHAW, TIGUE, TRELLO, ARMSTRONG, BLAUM, VAN HORNE, PETTIT, SANTONI, HALUSKA, COY, BATTISTO, LEVDANSKY, JAMES, HERSHEY, MICHLOVIC, WOGAN, ROBERTS, PESCI, SAYLOR, BUNT, ADOLPH, RAMOS, NICKOL, HERMAN, SCHRODER, DALEY, PLATTS, EGOLF, FICHTER, PHILLIPS, LAUGHLIN, STABACK, DENT, BARD, ALLEN, SAINATO, REBER, HESS, HUTCHINSON, BAKER, ITKIN, RUBLEY, FAIRCHILD, TANGRETTI, HARHART, MELIO, BROWNE, SATHER, LEDERER, J. TAYLOR, ZUG, DiGIROLAMO, WOJNAROSKI, LYNCH, MCGILL, KELLER, SEYFERT, TRUE, SURRA, GIGLIOTTI, BELFANTI, COLAFELLA, WILT, STEVENSON AND STEELMAN, FEBRUARY 10, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 10, 1997

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," further providing for the powers and duties of  
12 the Secretary of the Commonwealth; authorizing the filing of  
13 certain reports by facsimile; and making an appropriation.

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

16 Section 1. Section 201 of the act of June 3, 1937 (P.L.1333,  
17 No.320), known as the Pennsylvania Election Code, is amended to

1 read:

2 Section 201. Powers and Duties of the Secretary of the  
3 Commonwealth.--The Secretary of the Commonwealth shall exercise  
4 in the manner provided by this act all powers granted to him by  
5 this act, and shall perform all the duties imposed upon him by  
6 this act, which shall include the following:

7 (a) To determine, in accordance with the provisions of this  
8 act, the forms of nomination petitions and papers, expense  
9 accounts and all other forms and records, the form of which he  
10 is required to determine under the provisions of this act. The  
11 form of nomination petitions and papers shall require a  
12 statement as to whether the candidate has ever been convicted  
13 of, or pleaded guilty or no contest to, an offense graded higher  
14 than a misdemeanor of the first degree.

15 (b) To examine and reexamine voting machines, and to approve  
16 or disapprove them for use in this State, in accordance with the  
17 provisions of this act.

18 (c) To certify to county boards of elections for primaries  
19 and elections the names of the candidates for President and  
20 Vice-President of the United States, presidential electors,  
21 United States senators, representatives in Congress and all  
22 State offices, including senators, representatives, and judges  
23 of all courts of record, and delegates and alternate delegates  
24 to National Conventions, and members of State committees, and  
25 the form and wording of constitutional amendments or other  
26 questions to be submitted to the electors of the State at large.

27 (d) To receive and determine, as hereinafter provided, the  
28 sufficiency of nomination petitions, certificates and papers of  
29 candidates for President of the United States, presidential  
30 electors, United States senators, representatives in Congress

1 and all State offices, including senators, representatives and  
2 judges of all courts of record, and delegates and alternate  
3 delegates to National Conventions and members of State  
4 committees.

5 (e) To receive such reports from county boards of elections  
6 as are required by this act, and to demand such additional  
7 reports on special matters as he may deem necessary.

8 (f) To receive from county boards of elections the returns of  
9 primaries and elections, to canvass and compute the votes cast  
10 for candidates and upon questions as required by the provisions  
11 of this act; to proclaim the results of such primaries and  
12 elections, and to issue certificates of election to the  
13 successful candidates at such elections, except in cases where  
14 that duty is imposed by law on another officer or board.

15 (g) To perform such other duties as may be prescribed by law.

16 Section 2. Section 1628 of the act, amended July 11, 1980  
17 (P.L.600, No.128), is amended to read:

18 Section 1628. Late Contributions and Independent  
19 Expenditures.--

20 Any candidate or political committee, authorized by a  
21 candidate and created solely for the purpose of influencing an  
22 election on behalf of that candidate, which receives any  
23 contribution or pledge of five hundred dollars (\$500) or more,  
24 and any person making an independent expenditure, as defined by  
25 this act, of five hundred dollars (\$500) or more after the final  
26 pre-election report has been deemed completed shall report such  
27 contribution, pledge or expenditure to the appropriate  
28 supervisor by telegram [or], mailgram or facsimile. Such  
29 telegram [or], mailgram or facsimile shall be sent by the  
30 candidate, chairman or treasurer of the political committee

1 within twenty-four (24) hours of receipt of the contribution. It  
2 shall be the duty of the supervisor to confirm the substance of  
3 such telegram [or], mailgram or facsimile. Original reports  
4 submitted by facsimile shall also be sent to the appropriate  
5 supervisor by regular mail within twenty-four (24) hours of  
6 receipt of the contribution. Any candidate in his own behalf, or  
7 chairman, treasurer or candidate in behalf of the political  
8 committee may also comply with this section by appearing  
9 personally before such supervisor and reporting such late  
10 contributions or pledges.

11 Section 3. The sum of \$1,000, or as much thereof as may be  
12 necessary, is hereby appropriated to the Department of State for  
13 the purchase of a facsimile machine.

14 Section 4. The amendment of section 201(a) of the act shall  
15 apply to filings made after the new forms are established by the  
16 Secretary of the Commonwealth.

17 Section 5. This act shall take effect in 180 days.