

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1981

Session of
1999

INTRODUCED BY DeWEESE, VEON, THOMAS, SCRIMENTI, WATERS, BLAUM,
STURLA, BELFANTI, BROWNE, COSTA, CURRY, FRANKEL, TANGRETTI,
NICKOL, PETRONE, MANN, TRAVAGLIO, WOJNAROSKI, SANTONI,
GEORGE, CALTAGIRONE, BEBKO-JONES, ZUG AND CAPPABIANCA,
OCTOBER 20, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 9, 1999

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 ELECTION DISTRICT ALTERATION AND <—
12 DATA REPORTING; further providing for the date of the general
13 primary election in the year 2000; MAKING AN EDITORIAL <—
14 CHANGE; AND MAKING A REPEAL.

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

17 ~~Section 1. Section 603 of the act of June 3, 1937 (P.L.1333, <—~~
18 ~~No.320), known as the Pennsylvania Election Code, amended~~
19 ~~October 12, 1990 (P.L.534, No.131), is amended to read:~~

20 SECTION 1. ARTICLE V HEADING OF THE ACT OF JUNE 3, 1937 <—
21 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE,
22 AMENDED APRIL 2, 1965 (P.L.7, NO.7), IS AMENDED AND THE ARTICLE

1 IS AMENDED BY ADDING A SUBDIVISION TO READ:

2 ARTICLE V

3 ELECTION DISTRICTS AND POLLING PLACES

4 [IN CITIES OF THE FIRST CLASS, DIVISION

5 OF WARDS]

6 * * *

7 (D) ELECTION DISTRICT ALTERATION

8 AND DATA REPORTING

9 SECTION 535. DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES
10 WHEN USED IN THIS SUBDIVISION SHALL HAVE THE MEANINGS UNLESS
11 OTHERWISE CLEARLY APPARENT FROM THE CONTEXT:

12 THE WORD "BUREAU" SHALL MEAN THE BUREAU OF COMMISSIONS,
13 ELECTIONS AND LEGISLATION OF THE DEPARTMENT OF STATE.

14 THE WORD "SECRETARY" SHALL MEAN THE SECRETARY OF THE
15 COMMONWEALTH.

16 SECTION 536. RESTRICTIONS ON ALTERATION.--(A) EXCEPT AS
17 PROVIDED IN SUBSECTION (B), THERE SHALL BE NO POWER TO
18 ESTABLISH, ABOLISH, DIVIDE OR CONSOLIDATE AN ELECTION DISTRICT
19 DURING THE PERIOD JUNE 1, 2000, THROUGH APRIL 30, 2002.

20 (B) DURING THE PERIOD FROM JUNE 1, 2000, THROUGH DECEMBER
21 31, 2000, AN ELECTION DISTRICT MAY BE DIVIDED OR ELECTION
22 DISTRICTS MAY BE COMBINED IF THE FOLLOWING ARE MET:

23 (1) IN THE CASE OF THE DIVISION OF AN ELECTION DISTRICT, THE
24 BOUNDARY OF EACH RESULTING DISTRICT IS COMPOSED ENTIRELY OF
25 CLEARLY VISIBLE PHYSICAL FEATURES CONFORMING WITH THE CENSUS
26 BLOCK LINES OR PORTIONS OF THE ORIGINAL BOUNDARY OF THE ELECTION
27 DISTRICT WHICH WAS DIVIDED.

28 (2) IN THE CASE OF THE COMBINATION OF ELECTION DISTRICTS,
29 THE BOUNDARY OF EACH RESULTING DISTRICT IS COMPOSED ENTIRELY OF
30 PORTIONS OF THE ORIGINAL BOUNDARIES OF THE ELECTION DISTRICTS

1 WHICH WERE COMBINED.

2 (C) IF AN ALTERATION OF AN ELECTION DISTRICT UNDER
3 SUBSECTION (B) IS SOUGHT, THE FOLLOWING SHALL APPLY:

4 (1) THE COUNTY BOARD OF ELECTIONS SHALL NOTIFY THE BUREAU,
5 IN WRITING, OF THE PROPOSED ALTERATION. THE NOTICE SHALL INCLUDE
6 A MAP AND A DESCRIPTION OF THE PROPOSED BOUNDARY OF ANY NEW OR
7 ALTERED DISTRICT OR DISTRICTS. THE BUREAU SHALL FORWARD A COPY
8 OF ANY NOTICE OF PROPOSED ALTERATION TO THE LEGISLATIVE DATA
9 PROCESSING CENTER WITHIN SEVEN (7) DAYS OF RECEIPT.

10 (2) BEFORE A COUNTY BOARD OF ELECTIONS MAY PETITION THE
11 COURT FOR A CHANGE IN THE BOUNDARY OF AN ELECTION DISTRICT UNDER
12 THIS ACT, THE SECRETARY MUST MAKE A DETERMINATION THAT THE BOARD
13 HAS COMPLIED WITH SUBSECTION (B). ANY OF THE FOLLOWING
14 CONSTITUTE EVIDENCE OF THE DETERMINATION UNDER THIS CLAUSE:

15 (I) A CERTIFICATION BY THE SECRETARY THAT THE DETERMINATION
16 HAS BEEN MADE.

17 (II) A CERTIFICATION BY THE BOARD THAT NOTICE UNDER THIS
18 CLAUSE HAS BEEN GIVEN TO THE BUREAU AND THAT THE SECRETARY HAS
19 NOT ACTED WITHIN FORTY-FIVE (45) DAYS OF THE NOTICE.

20 (3) THE BOARD SHALL FORWARD A COPY OF THE ORDER APPROVING
21 ANY ALTERATION TO THE SECRETARY AND THE LEGISLATIVE DATA
22 PROCESSING CENTER WITHIN SEVEN (7) DAYS OF THE ISSUANCE OF THAT
23 ORDER.

24 SECTION 537. ALTERATIONS AFTER PERIOD OF RESTRICTION.--(A)
25 UNLESS OTHERWISE PROVIDED IN THIS ACT, AN ELECTION DISTRICT MAY
26 BE ESTABLISHED, ABOLISHED, DIVIDED OR CONSOLIDATED IF THE
27 BOUNDARY OF EACH RESULTING DISTRICT IS COMPOSED ENTIRELY OF
28 CLEARLY VISIBLE PHYSICAL FEATURES CONFORMING WITH CENSUS BLOCK
29 LINES FROM THE MOST RECENTLY COMPLETED FEDERAL DECENNIAL CENSUS.

30 (B) WITHIN THIRTY (30) DAYS OF AN ALTERATION UNDER

1 SUBSECTION (A), THE COUNTY BOARD OF ELECTIONS SHALL SUBMIT TO
2 THE BUREAU A REPORT, INCLUDING A MAP AND A VERBAL DESCRIPTION,
3 OF THE BOUNDARIES OF EACH RESULTING DISTRICT.

4 SECTION 538. REPORTS.--(A) WITHIN SIX (6) MONTHS OF THE
5 EFFECTIVE DATE OF THIS SUBDIVISION, EACH COUNTY BOARD OF
6 ELECTIONS SHALL SUBMIT TO THE BUREAU A REPORT, INCLUDING MAPS
7 AND VERBAL DESCRIPTIONS, OF THE BOUNDARIES OF EVERY ELECTION
8 DISTRICT WITHIN THE COUNTY. ALL REPORTS FILED UNDER SECTION 536
9 OR 537 SHALL BE FILED AS AMENDMENTS TO THIS INITIAL REPORT.

10 (B) THE BUREAU SHALL RETAIN AT ALL TIMES THE REPORTS OF THE
11 CURRENT BOUNDARIES OF ALL ELECTION DISTRICTS, INCLUDING MAPS AND
12 VERBAL DESCRIPTIONS. COPIES OF SUCH REPORTS SHALL BE MADE
13 AVAILABLE TO THE GENERAL ASSEMBLY, ON REQUEST, AND TO THE PUBLIC
14 FOR A FEE, AS ESTABLISHED BY THE DEPARTMENT.

15 SECTION 539. ELECTION RESULTS; REGISTRATION.--IN ADDITION TO
16 ANY OTHER REPORTS, RETURNS OR CERTIFICATIONS REQUIRED BY ANY
17 OTHER LAW, WITHIN THIRTY (30) DAYS AFTER A PRIMARY, MUNICIPAL,
18 SPECIAL OR GENERAL ELECTION, THE COUNTY BOARD OF ELECTIONS SHALL
19 SUBMIT TO THE BUREAU A REPORT STATING THE TOTAL NUMBER OF VOTES
20 CAST IN EACH VOTING DISTRICT FOR EACH CANDIDATE FOR THE
21 FOLLOWING OFFICES:

22 (1) A STATEWIDE OFFICE.

23 (2) STATE SENATOR.

24 (3) STATE REPRESENTATIVE.

25 (4) UNITED STATES REPRESENTATIVE.

26 SECTION 540. REGULATIONS.--THE SECRETARY MAY PROMULGATE
27 REGULATIONS TO ADMINISTER THIS SUBDIVISION.

28 SECTION 2. SECTION 603 OF THE ACT, AMENDED OCTOBER 12, 1990
29 (P.L.534, NO.131), IS AMENDED TO READ:

30 Section 603. General Primary; Candidates to Be Nominated and

1 Party Officers to Be Elected.--(a) There shall be a General
2 primary preceding each general election which shall be held on
3 the third Tuesday of May in all even-numbered years, except in
4 the year of the nomination of a President of the United States,
5 in which year the General primary shall be held on the fourth
6 Tuesday of April. Candidates for all offices to be filled at the
7 ensuing general election shall be nominated at the General
8 primary. The vote for candidates for the office of President of
9 the United States, as provided for by this act, shall be cast at
10 the General primary.

11 (b.1) Notwithstanding subsection (a), the General primary
12 for [1994] 2000 shall be held on [May 10, 1994] ~~May 2, 2000~~ <—
13 APRIL 4, 2000. <—

14 SECTION 3. THE ACT OF DECEMBER 22, 1989 (P.L.732, NO.101), <—
15 KNOWN AS THE ELECTION DISTRICT ALTERATION AND DATA REPORTING
16 ACT, IS REPEALED.

17 Section ~~2~~ 4. This act shall take effect immediately. <—