
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2453 Session of
2002

INTRODUCED BY MAITLAND, CREIGHTON, HORSEY, McILHATTAN,
S. MILLER, R. STEVENSON AND TIGUE, MARCH 26, 2002

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 26, 2002

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 election of
12 presidential electors.

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

15 Section 1. Section 918 of the act of June 3, 1937 (P.L.1333,
16 No.320), known as the Pennsylvania Election Code, is amended to
17 read:

18 Section 918. Presidential Electors; Selection by Nominees;
19 Certification; Vacancies.--The nominee of each political party
20 for the office of President of the United States shall, within
21 thirty days after his nomination by the National convention of
22 such party, nominate [as many persons to be the candidates of

1 his party for the office of presidential elector as the State is
2 then entitled to] one presidential elector from each
3 congressional district and two at-large presidential electors.
4 If for any reason the nominee of any political party for
5 President of the United States fails or is unable to make the
6 said nominations within the time herein provided, then the
7 nominee for such party for the office of Vice-President of the
8 United States shall, as soon as may be possible after the
9 expiration of thirty days, make the nominations. The names of
10 such nominees, with their residences and post-office addresses,
11 shall be certified immediately to the Secretary of the
12 Commonwealth by the nominee for the office of President or Vice-
13 President, as the case may be, making the nominations. Vacancies
14 existing after the date of nomination of presidential electors
15 shall be filled by the nominee for the office of President or
16 Vice-President making the original nomination. Nominations made
17 to fill vacancies shall be certified to the Secretary of the
18 Commonwealth in the manner herein provided for in the case of
19 original nominations.

20 Section 2. Section 1003(a) of the act, amended December 10,
21 1974 (P.L.835, No.280), is amended to read:

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

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

25 OFFICIAL BALLOT

26 District, Ward, City of,
27 County of, State of Pennsylvania
28 Election held on the day of, 19.. A cross (X)

1 or check () mark in the square opposite the name of any
2 candidate indicates a vote for that candidate.

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

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

28 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 Section 3. Section 1107(b) of the act is amended to read:

28 Section 1107. Requirements of Voting Machines.--No voting

29 machine shall, upon any examination or reexamination, be

30 approved by the Secretary of the Commonwealth, or by any

1 examiner appointed by him, unless it shall, at the time, satisfy
2 the following requirements:

3 * * *

4 (b) It shall permit each voter, at other than primary
5 elections, to vote a straight political party ticket in one
6 operation, and, in one operation, to vote for [all the
7 candidates of one political party for presidential electors,]
8 the candidate of one party for presidential elector who is from
9 the voter's congressional district and the two at-large
10 candidates of the same party for presidential elector, and, in
11 one operation, to vote for all the candidates of one political
12 party for every office to be voted for, except those offices as
13 to which he votes for individual candidates.

14 * * *

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

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

24 * * *

25 (3) Permits each voter, at other than primary elections, to
26 vote a straight political party ticket by one mark or act and,
27 by one mark or act, to vote for [all the candidates of one
28 political party for presidential electors] the candidate of one
29 party for presidential elector who is from the voter's
30 congressional district and the two at-large candidates of the

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

14 * * *

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

20 * * *

21 (4) At any general election at which presidential electors
22 are to be chosen, each elector shall be permitted to vote by one
23 operation for [all the presidential electors of a political
24 party or political body.] the candidate of one political party
25 for presidential elector who is from the voter's congressional
26 district and the two at-large candidates of the same party for
27 presidential elector. For each party or body nominating
28 presidential electors, a ballot label shall be provided
29 containing only the words "Presidential Electors," preceded by
30 the names of the party or body and followed by the names of the

1 candidates thereof for the Office of President and Vice-
2 President, and the corresponding counter or registering device
3 shall register votes cast for said electors when thus voted for
4 collectively. If any elector desires to vote a ticket for
5 presidential electors made up of the names of persons nominated
6 by different parties or bodies, or partially of names of persons
7 so in nomination and partially of names of persons not in
8 nomination by any party or body, he may write or deposit a paper
9 ballot prepared by himself in the receptacle provided in or on
10 the voting device for that purpose, or he may list their names
11 on the write-in ballot or envelope provided for that purpose.
12 The voting device shall be so constructed that it will not be
13 possible for any one voter to vote a straight party ticket for
14 presidential electors and at the same time to deposit a ballot
15 for presidential electors in a receptacle as hereinabove
16 provided. When the votes for presidential electors are counted,
17 the votes appearing upon the counter or registering device
18 corresponding to the ballot label containing the names of the
19 candidates for President and Vice-President of any party or body
20 shall be counted as votes for each of the candidates for
21 presidential elector of such party or body for whom the voter is
22 permitted to vote, and thereupon all such candidates for
23 presidential elector shall be credited, in addition, with the
24 votes cast for them upon the ballots deposited in the machine,
25 as hereinabove provided.

26 * * *

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

1 * * *

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

10 Section 5. Sections 1501 and 1502 of the act are amended to
11 read:

12 Section 1501. Election of Presidential Electors.--At the
13 general election to be held in the year 1940, and every fourth
14 year thereafter, there shall be elected by the qualified
15 electors of the Commonwealth, persons to be known as electors of
16 President and Vice-President of the United States, and referred
17 to in this act as presidential electors, equal in number to the
18 whole number of senators and representatives to which this State
19 may be entitled in the Congress of the United States. Each vote
20 cast for the candidates for President and Vice-President of a
21 party shall be counted as one vote for the candidates'
22 presidential elector from the congressional district in which
23 the elector is qualified to vote and one vote for each of the
24 candidates' at-large presidential electors.

25 Section 1502. Meeting of Electors; Duties.--The electors
26 chosen, as aforesaid, shall assemble at the seat of government
27 of this Commonwealth, at 12 o'clock noon of the day which is, or
28 may be, directed by the Congress of the United States, and shall
29 then and there perform the duties enjoined upon them by the
30 Constitution and laws of the United States and the laws of this

1 Commonwealth.

2 Section 6. The act is amended by adding a section to read:

3 Section 1503.1. Casting of Ballots.--The presidential
4 electors at-large shall cast their ballots for the presidential
5 and vice-presidential candidates who received the highest number
6 of votes in the State. The presidential electors of each
7 congressional district shall cast their ballots for the
8 presidential and vice-presidential candidates who received the
9 highest number of votes in each of their respective
10 congressional districts.

11 Section 7. This act shall take effect July 1, 2001.