

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1540 Session of
2002

INTRODUCED BY LEMMOND, TARTAGLIONE, PICCOLA, CONTI, KUKOVICH,
LAVALLE, MURPHY, MOWERY, RHOADES, CORMAN, WENGER, THOMPSON
AND GREENLEAF, OCTOBER 15, 2002

REFERRED TO STATE GOVERNMENT, OCTOBER 15, 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 definitions and for powers
12 and duties of the Secretary of the Commonwealth; providing
13 for emergency powers of the Governor; further providing for
14 qualifications of election officers, for vacancies in
15 election boards, for definitions of "political parties" and
16 "political bodies," for manner of signing nomination
17 petitions, for nominations by political bodies, for
18 limitations on eligibility of candidates, for placing the
19 question on the ballot, for installation of electronic voting
20 systems, for examination and approval of electronic voting
21 systems by the Secretary of the Commonwealth, for
22 experimental use of electronic voting systems, for
23 requirements of electronic voting systems; providing for an
24 advisory group; and further providing for applications for
25 official absentee ballots, for date of application for
26 absentee ballot, for manner of computing irregular ballots,
27 for recanvassing voting machines upon petition of electors
28 alleging fraud or error and for petition.

29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

1 Section 1. Sections 102 and 201 of the act of June 3, 1937
2 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
3 amended by adding clauses to read:

4 Section 102. Definitions.--The following words, when used in
5 this act, shall have the following meanings, unless otherwise
6 clearly apparent from the context:

7 * * *

8 (c.1) The word "day" shall mean a calendar day.

9 * * *

10 (g.1) The words "election officer" shall include the judge
11 of elections and the majority and minority inspectors elected or
12 appointed by a county board of elections and the clerk or
13 machine inspector appointed by a county board of elections.

14 * * *

15 Section 201. Powers and Duties of the Secretary of the
16 Commonwealth.--The Secretary of the Commonwealth shall exercise
17 in the manner provided by this act all powers granted to him by
18 this act, and shall perform all the duties imposed upon him by
19 this act, which shall include the following:

20 * * *

21 (e.1) To receive from county boards of elections information
22 on voting system errors or difficulties or other election data
23 pursuant to regulation.

24 * * *

25 (f.1) To develop a voluntary professional certification
26 program for county election officials in consultation with
27 county boards of elections.

28 (f.2) To, at the discretion of the secretary, consult with
29 voting system manufacturers and county boards of elections
30 concerning the feasibility of making voting systems currently

1 approved under this act more accessible for disabled voters.

2 * * *

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

4 Section 201.2. Emergency Powers of the Governor.--In the
5 event of the declaration of a disaster emergency by the Governor
6 pursuant to 35 Pa.C.S. § 7301 (relating to general authority of
7 Governor), the Governor may extend the time periods or dates
8 required by this act for a time and in a manner as might be
9 warranted.

10 Section 3. Section 402 of the act, amended May 5, 1982
11 (P.L.374, No.108), is amended to read:

12 Section 402. Qualifications of Election Officers.--
13 [Election] (a) Except as provided in subsection (b), election
14 officers shall be qualified registered electors of the district
15 in which they are elected or appointed. No person shall be
16 qualified to serve as an election officer who shall hold, or
17 shall within two months have held, any office, appointment or
18 employment in or under the Government of the United States or of
19 this State or of any city or county or poor district, of any
20 municipal board, commission or trust in any city, save only
21 district justices, notaries public and persons in the militia
22 service of the State; nor shall any election officer be eligible
23 to any civil office to be voted for at a primary or election at
24 which he shall serve, except that of an election officer.

25 (b) The county board may appoint students notwithstanding
26 their eligibility to vote to serve as election officers pursuant
27 to the following:

28 (1) The county board may appoint no more than two students
29 per precinct.

30 (2) The county board shall designate an election board

1 member or members who shall have direct supervision of the
2 student.

3 (3) The county board may compensate the student.

4 (4) The county board shall comply with all applicable
5 Federal and State laws.

6 (5) The student must, at the time of the election for which
7 the student shall serve as an election officer:

8 (i) be at least seventeen (17) years of age;

9 (ii) be a United States citizen and a resident of the county
10 in which he was appointed to serve;

11 (iii) be enrolled in a secondary educational institution
12 with an exemplary academic record, as determined by the
13 educational institution;

14 (iv) be approved by the principal or director of the
15 secondary educational institution; and

16 (v) have obtained the consent of their parent or guardian.

17 (6) The student may not serve as a judge or majority or
18 minority inspector.

19 Section 4. Section 405 of the act is amended by adding a
20 subsection to read:

21 Section 405. Vacancies in Election Boards; Appointment;
22 Judge and Majority Inspector to Be Members of Majority Party;
23 Minority Inspector to Be Member of Minority Party.--* * *

24 (a.1) Vacancies in county boards existing by reason of the
25 disqualification, removal, resignation or death of a clerk or
26 machine inspector appointed pursuant to section 404, or a
27 vacancy of a clerk or machine inspector from any other cause
28 occurring prior to the day of any primary or election, may be
29 filled by a student pursuant to section 402(b).

30 * * *

1 Section 5. Section 801 of the act, amended July 28, 1941
2 (P.L.526, No.213) and December 22, 1971 (P.L.613, No.165), is
3 amended to read:

4 Section 801. Definition of Political Parties and Political
5 Bodies.--

6 (a) [Any] Except as provided in section 912.2, any party or
7 political body, one of whose candidates at the general election
8 next preceding the primary polled in each of at least ten
9 counties of the State not less than two per centum of the
10 largest entire vote cast in each of said counties for any
11 elected candidate, and polled a total vote in the State equal to
12 at least two per centum of the largest entire vote cast in the
13 State for any elected candidate, is hereby declared to be a
14 political party within the State, and shall nominate all its
15 candidates for any of the offices provided for in this act, and
16 shall elect its delegates and alternate delegates to the
17 National convention as party rules provide. State committee
18 members, and also such party officers, including members of the
19 National committee, as its rules provide, shall be elected by a
20 vote of the party electors, in accordance with the provisions of
21 this act and party rules.

22 (b) [Any] Except as provided in section 912.2, any party or
23 political body, one of whose candidates at either the general or
24 municipal election preceding the primary polled at least five
25 per centum of the largest entire vote cast for any elected
26 candidate in any county, is hereby declared to be a political
27 party within said county; and shall nominate all its candidates
28 for office in such county and in all political districts within
29 said county, or of which said county forms a part, and shall
30 elect such party officers as its rules provide shall be elected

1 therein, by a vote of the party electors, in accordance with the
2 provisions of this act.

3 (c) Any political body which is not a political party, as
4 hereinabove defined, but which has nominated candidates for such
5 general or municipal election by nomination papers in the manner
6 provided by this act, shall be deemed to be a political body
7 within the meaning of this act, but such political body shall
8 not be entitled to nominate its candidates or elect its party
9 officers at primaries held under the provisions of this act.

10 (d) Provided, however, That the words "political party" and
11 the words "political body", as hereinabove defined, shall not
12 include any political party, political organization or political
13 body composed of a group of electors, whose purposes or aims, or
14 one of whose purposes or aims, is the establishment, control,
15 conduct, seizure or overthrow of the Government of the
16 Commonwealth of Pennsylvania or the United States of America by
17 the use of force, violence, military measures, or threats of one
18 or more of the foregoing.

19 Section 6. Section 908 of the act, amended August 13, 1963
20 (P.L.707, No.379), is amended to read:

21 Section 908. Manner of Signing Nomination Petitions; Time of
22 Circulating.--Each signer of a nomination petition shall sign
23 but one such petition for each office to be filled, and shall
24 declare therein that he is a registered and enrolled member of
25 the party designated in such petition: Provided, however, That
26 where there are to be elected two or more persons to the same
27 office, each signer may sign petitions for as many candidates
28 for such office as, and no more than, he could vote for at the
29 succeeding election. He shall also declare therein that he is a
30 qualified elector of the county therein named, and in case the

1 nomination is not to be made or candidates are not to be elected
2 by the electors of the State at large, of the political district
3 therein named, in which the nomination is to be made or the
4 election is to be held. He shall add his [occupation and]
5 residence, giving city, borough or township, with street and
6 number, if any, and shall print his name and add the date of
7 signing, expressed in words or numbers: Provided, however, That
8 if the said political district named in the petition lies wholly
9 within any city, borough or township, or is coextensive with
10 same, it shall not be necessary for any signer of a nomination
11 petition to state therein the city, borough or township of his
12 residence. No nomination petition shall be circulated prior to
13 the thirteenth Tuesday before the primary, and no signature
14 shall be counted unless it bears a date affixed not earlier than
15 the thirteenth Tuesday nor later than the tenth Tuesday prior to
16 the primary.

17 Section 7. Section 951(c) and (e) of the act, amended
18 February 13, 1998 (P.L.72, No.18), are amended to read:

19 Section 951. Nominations by Political Bodies.--* * *

20 (c) Each person signing a nomination paper shall declare
21 therein that he is a qualified elector of the State or district,
22 as the case may be, and shall add to his signature his
23 [occupation] printed name and residence, giving city, borough or
24 township, with street and number, if any, and shall also add the
25 date of signing, expressed in words or numbers: Provided,
26 however, That if said political district named in the papers
27 lies wholly within any city, borough or township, or is
28 coextensive with same, it shall not be necessary for any signer
29 of a paper to state therein the city, borough or township of his
30 residence. No elector shall sign more than one nomination paper

1 for each office to be filled, unless there are two or more
2 persons to be elected to the same office, in which case he may
3 sign nomination papers for as many candidates for such office
4 as, and no more than, he could vote for at the succeeding
5 election. More than one candidate may be nominated by one
6 nomination paper and candidates for more than one office may be
7 nominated by one nomination paper: Provided, That each political
8 body nominating does not nominate more candidates than there are
9 offices to be voted for at the ensuing election: And provided,
10 That all the signers on each nomination paper are qualified to
11 vote for all the candidates nominated therein.

12 * * *

13 (e) There shall be appended to each nomination paper offered
14 for filing an affidavit of each candidate nominated therein,
15 stating--(1) the election district in which he resides; (2) the
16 name of the office for which he consents to be a candidate; (3)
17 that he is eligible for such office; (4) that he will not
18 knowingly violate any provision of this act, or of any law
19 regulating and limiting election expenses, and prohibiting
20 corrupt practices in connection therewith; (5) that his name has
21 not been presented as a candidate by nomination petitions for
22 any public office, except that of judge of a court of common
23 pleas, the Philadelphia Municipal Court or the Traffic Court of
24 Philadelphia, school director in a school district where that
25 office is elected or justice of the peace, to be voted for at
26 the ensuing primary election, nor has he been nominated by any
27 other nomination papers filed for any such office; (6) that in
28 the case where he is a candidate for election at a general or
29 municipal election, he was not a registered and enrolled member
30 of a party thirty (30) days before the primary held prior to the

1 general or municipal election in that same year; (7) that, in
2 the case where he is a candidate for election at a special
3 election, he is not a registered and enrolled member of a party.

4 Section 8. Sections 951.1 and 953(b) of the act, amended or
5 added July 12, 1980 (P.L.649, No.134), are amended to read:

6 Section 951.1. Limitations on Eligibility of Candidates.--

7 Any person who is a registered and enrolled member of a party
8 during any period of time beginning with thirty (30) days before
9 the primary and extending through the general or municipal
10 election of that same year shall be ineligible to be the
11 candidate of a political body in a general or municipal election
12 held in that same year nor shall any person who is a registered
13 and enrolled member of a party be eligible to be the candidate
14 of a political body for a special election[.] unless the person
15 is a candidate for judge of a court of common pleas, the
16 Philadelphia Municipal Court or the Traffic Court of
17 Philadelphia, school director in a school district where that
18 office is elected or justice of the peace.

19 Section 953. Place and Time of Filing Nomination Papers.--

20 * * *

21 (b) No nomination paper shall be circulated prior to the
22 [tenth Wednesday prior to] day after the primary, and no
23 signature shall be counted unless it bears a date affixed [not
24 earlier than the tenth Wednesday prior to the primary nor later
25 than the second Friday] not later than the August 1 subsequent
26 to the primary.

27 * * *

28 Section 9. Sections 1103-A(e) and 1104-A(b) and (d) of the
29 act, added July 11, 1980 (P.L.600, No.128), are amended to read:

30 Section 1103-A. Placing the Question on the Ballot; Election

1 Thereon.--* * *

2 (e) If a majority of the electors of any county or
3 municipality, voting on such question, shall vote against the
4 adoption of an electronic voting system the question [shall not]
5 may again be submitted to the voters of such county or
6 municipality [within a period of one hundred three weeks].

7 * * *

8 Section 1104-A. Installation of Electronic Voting Systems.--

9 * * *

10 (b) The installation throughout the county or municipality
11 of the electronic voting system adopted by the county board of
12 elections may be accomplished either simultaneously in all
13 election districts or in stages at the discretion of the county
14 board, and the manner of implementation as among election
15 districts shall also be at the discretion of the county board:
16 Provided, however, That the electronic voting system adopted by
17 the county board shall be fully implemented throughout the
18 county or municipality within one hundred and three weeks after
19 the approval of the adoption of an electronic voting system by
20 the electors of the county or municipality. Upon the
21 installation of an electronic voting system in any election
22 district, the use therein of paper ballots and of voting
23 machines shall be discontinued, except as otherwise provided
24 herein[.], unless upon request of the county board the Secretary
25 of the Commonwealth grants a time extension for good cause,
26 which shall include an inability to implement the electronic
27 voting system because of difficulty finding a qualified vendor,
28 because a selected vendor is unable to meet the implementation
29 deadline or any other reason that the Secretary of the
30 Commonwealth in his discretion might deem sufficient.

1 * * *

2 (d) [If, upon the expiration of said thirty days, the county
3 board of elections still shall not have made and executed a
4 contract or contracts providing for the purchase, lease or other
5 procurement of an electronic voting system as aforesaid, the
6 Secretary of the Commonwealth, on behalf of the said county and
7 upon the approval of the Attorney General as to form, shall
8 thereupon award, make and execute a contract or contracts for
9 the purchase, lease or other procurement of an electronic voting
10 system, approved as required by this act, for each election
11 district within such county or municipality, and the cost of
12 such system, including the preparation and printing of
13 specifications and all other necessary expenses incidental
14 thereto, shall be the debt of the said county, and upon the
15 certificate of the Secretary of the Commonwealth, it shall be
16 the duty of the controller, if any, to allow, and of the
17 treasurer of the county to pay, the sum out of any appropriation
18 available therefore or out of the first unappropriated moneys
19 that come into the treasury of the county.] If the Secretary of
20 the Commonwealth shall find it impracticable to procure an
21 electronic voting system for installation in each election
22 district of the county or municipality for use at the election
23 then next ensuing, he shall provide for the installation of such
24 a system in as many election districts of the county or
25 municipality as shall be practicable and, as soon thereafter as
26 practicable, shall provide for the installation of such system
27 in the remainder of the election districts of the county or
28 municipality.

29 * * *

30 Section 10. Section 1105-A(a), (b), (e) and (f) of the act,

1 added July 11, 1980 (P.L.600, No.128), are amended and the
2 section is amended by adding a subsection to read:

3 Section 1105-A. Examination and Approval of Electronic
4 Voting Systems by the Secretary of the Commonwealth.--(a) Any
5 person or corporation owning, manufacturing or selling, or being
6 interested in the manufacture or sale of, any electronic voting
7 system, may request the Secretary of the Commonwealth to examine
8 such system[.] if the voting system has been examined and
9 approved by a federally recognized independent testing authority
10 and if it meets any voting system performance and test standards
11 established by the Federal government. The costs of the
12 examination shall be paid by the person requesting the
13 examination in an amount set by the Secretary of the
14 Commonwealth. Any ten or more persons, being qualified
15 registered electors of this Commonwealth, may, at any time,
16 request the Secretary of the Commonwealth to reexamine any
17 electronic voting system theretofore examined and approved by
18 him. Before any [such examination or] reexamination, the person,
19 persons, or corporation, requesting such [examination or]
20 reexamination, shall pay to the Treasurer of the Commonwealth
21 [an examination] a reexamination fee of four hundred fifty
22 dollars (\$450). The Secretary of the Commonwealth may, at any
23 time, in his discretion, reexamine any such system therefore
24 examined and approved by him. The Secretary of the Commonwealth
25 may issue directives or instructions for implementation of
26 electronic voting procedures and for the operation of electronic
27 voting systems.

28 (b) Upon receipt of a request for examination or
29 reexamination of an electronic voting system as herein provided
30 for or in the event he determines to reexamine any such system,

1 the Secretary of the Commonwealth [shall require such electronic
2 voting system to be examined or reexamined by three examiners
3 whom he shall appoint for that purpose, of whom one shall be an
4 expert in patent law and the other two shall be experts in
5 electronic computer systems, automatic tabulating equipment or
6 such other fields as in the judgment of the Secretary of the
7 Commonwealth shall be reasonably related to the operation of the
8 electronic voting system under examination, and he shall require
9 of them a written report on such system, attested by their
10 signatures; and the Secretary of the Commonwealth himself] shall
11 examine the electronic voting system and shall make and file in
12 his office[, together with the reports of the examiners
13 appointed by him, his own] his report, attested by his signature
14 and the seal of his office, stating whether, in his opinion [and
15 in consideration of the reports of the examiners aforesaid,] the
16 system so examined can be safely used by voters at elections as
17 provided in this act and meets all of the requirements
18 hereinafter set forth. If his report states that the system can
19 be so used and meets all such requirements, such system shall be
20 deemed approved and may be adopted for use at elections, as
21 herein provided. With respect to any electronic voting system
22 approved for use in this Commonwealth by the secretary, the
23 report of the secretary shall specify the capacity of the
24 components of that system, the number of voters who may
25 reasonably be accommodated by the voting devices and automatic
26 tabulating equipment which comprise such system and the number
27 of [additional] clerks and machine inspectors, if any, [that may
28 be] required based on the number of registered electors in any
29 election district in which the voting system is to be used, such
30 specifications being based upon [the reports of the examiners

1 and] the secretary's [own] examination of the system. Any county
2 which thereafter may adopt any such approved system shall
3 provide the components of such system in a number no less than
4 that sufficient to accommodate the voters of that county or
5 municipality in accordance with the minimum capacity standards
6 so prescribed by the secretary.

7 * * *

8 (e) Neither the Secretary of the Commonwealth[, nor any
9 examiner appointed by him for the purposes prescribed by this
10 section], nor any member of a county board of elections shall
11 have any pecuniary interest in any electronic voting system or
12 in any of the components thereof, or in the design, manufacture
13 or sale thereof.

14 [(f) Each examiner appointed hereunder shall receive a
15 compensation of one hundred and fifty dollars (\$150) for each
16 type of electronic voting system examined by him.]

17 (g) The county board shall comply with the requirements for
18 the use of the electronic voting system as set forth in the
19 report by the Secretary of the Commonwealth.

20 Section 11. Sections 1106-A and 1107-A(3) of the act, added
21 July 11, 1980 (P.L.600, No.128), are amended to read:

22 Section 1106-A. Experimental Use of Electronic Voting
23 Systems.--(a) The county board of elections of any county may
24 provide for experimental use at any primary or election in one
25 or more election districts of said county, of an electronic
26 voting system, and the use of such system shall be as valid for
27 all purposes as if the electronic voting system had been adopted
28 in accordance with the provisions of this act.

29 (b) The Secretary of the Commonwealth may approve the use of
30 an experimental electronic voting system which complies with

1 section 1306(a) for absentee voters as provided for in the
2 Uniformed and Overseas Citizens Absentee Voting Act (Public Law
3 99-410, 100 Stat. 924).

4 Section 1107-A. Requirements of Electronic Voting Systems.--
5 No electronic voting system shall, upon any examination or
6 reexamination, be approved by the Secretary of the Commonwealth,
7 or by any examiner appointed by him, unless it shall be
8 established that such system, at the time of such examination or
9 reexamination:

10 * * *

11 (3) Permits each voter, at other than primary elections, to
12 vote a straight political party ticket by one mark or act and,
13 by one mark or act, to vote for all the candidates of one
14 political party for presidential electors and, by one mark or
15 act, to vote for all the candidates of one political party for
16 every office to be voted for, and every such mark or act shall
17 be equivalent to and shall be counted as a vote for every
18 candidate of the political party so marked including its
19 candidates for presidential electors, except with respect to
20 those offices as to which the voter has registered a vote for
21 individual candidates of the same or another political party or
22 political body, in which case [the automatic tabulating
23 equipment shall credit the vote for that office only for the
24 candidate individually so selected, notwithstanding the fact
25 that the voter may not have individually voted for the full
26 number of candidates for that office for which he was entitled
27 to vote.] the voter must deselect one of the candidates for whom
28 he cast his vote and may then select another candidate for that
29 office. Vendors of electronic voting systems prior to the
30 effective date of the amendment of this paragraph must

1 demonstrate compliance of the voting system with this section to
2 the Secretary of the Commonwealth before the electronic voting
3 system may be used in any primary or election.

4 * * *

5 Section 12. The act is amended by adding a section to read:

6 Section 1231. Advisory Group.--In consultation with the
7 county boards, the Secretary of the Commonwealth shall form an
8 advisory group prior to December 31, 2002, for the purpose of
9 specifying the criteria for determining what constitutes a valid
10 vote cast through an electronic voting system or paper ballot
11 and for determining recount procedures. The secretary shall
12 submit his findings to the Joint Select Committee to Examine
13 Election Issues and the State Government Committee of the Senate
14 and the State Government Committee of the House of
15 Representatives.

16 Section 13. Sections 1302(c) and 1302.1 of the act, amended
17 February 13, 1998 (P.L.72, No.18), are amended to read:

18 Section 1302. Applications for Official Absentee Ballots.--*

19 * *

20 (c) The application of any qualified [military] elector, as
21 defined in [preceding section 1301 subsection (a)] section
22 1301(a), (b), (c), (d), (e), (f), (g) and (h), for an official
23 absentee ballot in any primary or election may not be made over
24 the signature of any person, other than the qualified elector or
25 an adult member of his immediate family, as required in the
26 preceding subsection. A qualified absentee military or overseas
27 elector as defined by the Uniformed and Overseas Citizens
28 Absentee Voting Act (Public Law 99-410, 100 Stat. 924) may
29 submit his application for an official absentee ballot, but not
30 the official absentee ballot in any primary or election, by

1 facsimile method if the original application is received prior
2 to the election by the county election office.

3 * * *

4 Section 1302.1. Date of Application for Absentee Ballot.--

5 Applications for absentee ballots unless otherwise specified
6 shall be received in the office of the county board of elections
7 not earlier than fifty (50) days before the primary or election
8 and not later than five o'clock P.M. of the first Tuesday prior
9 to the day of any primary or election: Provided, however, That
10 in the event any elector otherwise qualified who is so
11 physically disabled or ill on or before the first Tuesday prior
12 to any primary or election that he is unable to file his
13 application or who becomes physically disabled or ill after the
14 first Tuesday prior to any primary or election and is unable to
15 appear at his polling place or any elector otherwise qualified
16 who because of the conduct of his business, duties or occupation
17 will necessarily be absent from the municipality of his
18 residence on the day of the primary or election, which fact was
19 not and could not reasonably be known to said elector on or
20 before the first Tuesday prior to any primary or election, shall
21 be entitled to an absentee ballot at any time prior to five
22 o'clock P.M. on the first [Friday] Monday preceding any primary
23 or election upon execution of an Emergency Application in such
24 form prescribed by the Secretary of the Commonwealth.

25 In the case of an elector who is physically disabled or ill
26 on or before the first Tuesday prior to a primary or election or
27 becomes physically disabled or ill after the first Tuesday prior
28 to a primary or election, such Emergency Application shall
29 contain a supporting affidavit from his attending physician
30 stating that due to physical disability or illness said elector

1 was unable to apply for an absentee ballot on or before the
2 first Tuesday prior to the primary or election or became
3 physically disabled or ill after that period.

4 In the case of an elector who is necessarily absent because
5 of the conduct of his business, duties or occupation under the
6 unforeseen circumstances specified in this subsection, such
7 Emergency Application shall contain a supporting affidavit from
8 such elector stating that because of the conduct of his
9 business, duties or occupation said elector will necessarily be
10 absent from the municipality of his residence on the day of the
11 primary or election which fact was not and could not reasonably
12 be known to said elector on or before the first Tuesday prior to
13 the primary or election.

14 Section 14. Section 1405 of the act, amended December 22,
15 1971 (P.L.613, No.165), is amended to read:

16 Section 1405. Manner of Computing Irregular Ballots.--The
17 county board, in computing the votes cast at any primary or
18 election, shall compute and certify votes cast on irregular
19 ballots exactly as such names were written, stamped, affixed to
20 the ballot by sticker, or deposited or affixed in or on
21 receptacles for that purpose, and as they have been so returned
22 by the election officers. In the primary the Secretary of the
23 Commonwealth shall not certify the votes cast on irregular
24 ballots for any person for a National office including that of
25 the President of the United States, United States Senator and
26 Representative in Congress; or for any State office including
27 that of Governor and Lieutenant Governor, Attorney General,
28 Auditor General, State Treasurer, Senator and Representative in
29 the General Assembly, justices and judges of courts of record or
30 for any party office including that of delegate or alternate

1 delegate to National conventions and member of State committee
2 unless the total number of votes cast for said person is equal
3 to or greater than the number of signatures required on a
4 nomination petition for the particular office. In the primary
5 the county board shall not certify the votes cast on irregular
6 ballots for any person for a justice of the peace, constable,
7 National, State, county, city, borough, town, township, ward,
8 school district, election [or], local party office or any
9 candidate whose district is entirely within the county unless
10 the total number of votes cast for said person is equal to or
11 greater than the number of signatures required on a nomination
12 petition for the particular office.

13 Section 15. Section 1702(a.1) of the act, amended December
14 17, 1959 (P.L.1891, No.692), is amended to read:

15 Section 1702. Recanvassing Voting Machines upon Petition of
16 Electors Alleging Fraud or Error.--* * *

17 (a.1) Every petition for the recanvassing of votes cast in
18 [the] each voting machine[, or voting machines of an] of each
19 election district, under the provisions of this section, shall
20 be filed in the office of the prothonotary of the proper county
21 accompanied by a deposit of cash in the amount of fifty (\$50)
22 dollars, or by a bond signed by the petitioners as principals
23 and by a corporate surety to be approved by the court in the
24 amount of one hundred (\$100) dollars, conditioned upon the
25 payment to the county treasurer for the use of the county of the
26 sum of fifty (\$50) dollars, in the event that upon the
27 recanvassing of the votes cast in a voting machine or voting
28 machines, it does not appear that fraud or substantial error was
29 committed in the canvassing of the votes cast on such machine or
30 otherwise in connection with such voting machines.

1 * * *

2 Section 16. Section 1756 of the act is amended to read:

3 Section 1756. Petition; Time of Filing; Amendment.--The
4 commencement of proceedings in the case of contests of the
5 second, third, fourth and fifth classes shall be by petition,
6 which shall be made and filed, as herein required, within
7 [twenty] five days after [the day] certification of the primary
8 or election results, as the case may be. The petition shall
9 concisely set forth the cause of complaint, showing wherein it
10 is claimed that the primary or election is illegal, and after
11 filing may be amended with leave of court, so as to include
12 additional specifications of complaint. After any such
13 amendment, a reasonable time shall be given to the other party
14 to answer.

15 Section 17. This act shall take effect as follows:

16 (1) The following provisions shall take effect
17 immediately:

18 (i) The amendment of sections 102, 402, 405, 801,
19 908, 951(c) and (e), 951.1, 953(b), 1302(c), 1302.1,
20 1405, 1702(a.1) and 1756 of the act.

21 (ii) The addition of sections 201.2 and 1231 of the
22 act.

23 (iii) This section.

24 (2) The remainder of this act shall take effect in one
25 year.