

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 33 Session of
2009

INTRODUCED BY PILEGGI, SCARNATI, MELLOW, ALLOWAY, ORIE,
RAFFERTY, FERLO, FOLMER, ROBBINS, O'PAKE, TARTAGLIONE, EARLL,
KASUNIC, TOMLINSON, PICCOLA, McILHINNEY, STACK, PIPPY, LOGAN,
YAW, WARD, WASHINGTON, BOSCOLA AND D. WHITE, JANUARY 20, 2009

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 29, 2009

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 POWERS AND DUTIES OF THE
12 SECRETARY OF THE COMMONWEALTH, FOR VOTING STANDARDS
13 DEVELOPMENT BOARD AND FOR restrictions on alteration of
14 boundaries of election districts. ←

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

17 ~~Section 1. Section 536 of the act of June 3, 1937 (P.L.1333,~~ ←
18 ~~No.320), known as the Pennsylvania Election Code, amended May~~
19 ~~16, 2002 (P.L.310, No.44), is amended to read:~~

20 SECTION 1. SECTION 201(B) OF THE ACT OF JUNE 3, 1937 ←
21 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE,
22 AMENDED OCTOBER 8, 2004 (P.L.807, NO.97), IS AMENDED TO READ:

SECTION 201. POWERS AND DUTIES OF THE SECRETARY OF THE COMMONWEALTH.--THE SECRETARY OF THE COMMONWEALTH SHALL EXERCISE IN THE MANNER PROVIDED BY THIS ACT ALL POWERS GRANTED TO HIM BY THIS ACT, AND SHALL PERFORM ALL THE DUTIES IMPOSED UPON HIM BY THIS ACT, WHICH SHALL INCLUDE THE FOLLOWING:

* * *

(B) TO EXAMINE AND REEXAMINE VOTING MACHINES, AND TO APPROVE OR DISAPPROVE THEM FOR USE IN THIS STATE, IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT. THE SECRETARY SHALL NOT APPROVE ANY VOTING MACHINE FOR ANY ELECTION, FEDERAL OR STATE, IN THIS COMMONWEALTH, THAT DOES NOT COMPLY WITH THE REQUIREMENTS OF SECTION 301 OF THE HELP AMERICA VOTE ACT OF 2002 (PUBLIC LAW 107-252, 42 U.S.C. § 15481).

* * *

SECTION 2. SECTION 204(H) OF THE ACT, AMENDED MAY 12, 2006 (P.L.178, NO.45), IS AMENDED TO READ:

SECTION 204. VOTING STANDARDS DEVELOPMENT BOARD.--* * *

(H) (1) THE BOARD SHALL HAVE THE POWER AND DUTY TO DEVELOP UNIFORM AND NONDISCRIMINATORY STANDARDS THAT DEFINE WHAT CONSTITUTES A VALID VOTE CAST THROUGH A PAPER BALLOT AND WHAT CONSTITUTES A VALID VOTE THROUGH EACH TYPE OF ELECTRONIC VOTING SYSTEM USED IN THE COMMONWEALTH. ON OR BEFORE JULY 1, 2003, THE BOARD SHALL ADOPT STANDARDS FOR PAPER BALLOTS AND EACH TYPE OF ELECTRONIC VOTING SYSTEM. THE DEPARTMENT SHALL CAUSE THESE STANDARDS TO BE PUBLISHED AS A NOTICE IN THE PENNSYLVANIA BULLETIN.

(2) THE STANDARDS ADOPTED BY THE BOARD AND PUBLISHED BY THE DEPARTMENT OF STATE IN THE PENNSYLVANIA BULLETIN VOLUME 33 NUMBER 31 ON AUGUST 2, 2003, SHALL, FOR THE GENERAL ELECTION IN 2004 AND ANY PRIMARY, MUNICIPAL, SPECIAL AND GENERAL ELECTION IN

1 2006 [AND], 2007, 2009 AND 2010, HAVE THE FORCE AND EFFECT OF
2 LAW.

3 SECTION 3. SECTION 536 OF THE ACT, AMENDED MAY 16, 2002
4 (P.L.310, NO.44), IS AMENDED TO READ:

5 Section 536. Restrictions on Alteration.--(a) Except as
6 provided in subsection (b), there shall be no power to
7 establish, abolish, divide, consolidate or alter in any manner
8 an election district during the period [June 1, 2000] ~~June~~ JULY
9 ± 15, 2009, through [June 30, 2002] November 30, 2012, or
10 through resolution of all judicial appeals to the [2002] 2012
11 Congressional [Reapportionment] Redistricting Plan, whichever
12 occurs later.

13 (b) During the period from [June 1, 2000] ~~June~~ JULY ± 15,
14 2009, through December 31, [2000] 2010, an election district may
15 be divided or election districts may be combined if the
16 following are met:

17 (1) In the case of the division of an election district, the
18 boundary of each resulting district is composed entirely of
19 clearly visible physical features conforming with the census
20 block lines or portions of the original boundary of the election
21 district which was divided.

22 (2) In the case of the combination of election districts,
23 the boundary of each resulting district is composed entirely of
24 portions of the original boundaries of the election districts
25 which were combined.

26 (c) If an alteration of an election district under
27 subsection (b) is sought, the following shall apply:

28 (1) The county board of elections shall notify the [bureau]
29 secretary, in writing, of the proposed alteration. The notice
30 shall include a map and a description of the proposed boundary

1 of any new or altered district or districts. The [bureau]
2 secretary shall forward a copy of any notice of proposed
3 alteration to the Legislative Data Processing Center within
4 seven (7) days of receipt.

5 (2) Before a county board of elections may petition the
6 court for a change in the boundary of an election district under
7 this [act] section, the secretary must make a determination that
8 the board has complied with subsection (b). Any of the following
9 constitute evidence of the determination under this clause:

10 (i) A certification by the secretary that the determination
11 has been made.

12 (ii) A certification by the board that notice under this
13 clause has been given to the [bureau] secretary and that the
14 secretary has not acted within forty-five (45) days of the
15 notice.

16 (3) The board shall forward a copy of the order approving
17 any alteration to the secretary and the Legislative Data
18 Processing Center within seven (7) days of the issuance of that
19 order.

20 Section ~~2~~ 4. To facilitate effective reapportionment and
21 redistricting processes following the 2010 United States Census,
22 no later than August 15, 2009, the Secretary of the Commonwealth
23 shall submit to the United States Department of Commerce, Bureau
24 of the Census, any corrections to municipal boundaries and
25 election district boundaries as depicted on the maps maintained
26 by the Bureau which may be necessary to conform the boundaries
27 to the official municipal boundaries and election district
28 boundaries of the Commonwealth. If the Secretary of the
29 Commonwealth determines that no corrections are necessary, the
30 secretary shall so notify the Majority Leader and the Minority



1 Leader of the Senate and the Majority Leader and the Minority
2 Leader of the House of Representatives.

3 ~~Section 3. This act shall take effect immediately.~~ ←

4 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: ←

5 (1) THE AMENDMENT OF SECTION 204(H) OF THE ACT SHALL
6 TAKE EFFECT IN 60 DAYS.

7 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
8 IMMEDIATELY.