

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1282 Session of 2011

INTRODUCED BY PILEGGI, SCARNATI, FOLMER, CORMAN, RAFFERTY,  
 PICCOLA, ORIE, MENSCH, M. WHITE, WARD, D. WHITE, SMUCKER AND  
 VANCE, SEPTEMBER 30, 2011

REFERRED TO STATE GOVERNMENT, SEPTEMBER 30, 2011

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," in nomination of candidates, further providing  
 12 for presidential electors, selection by nominees,  
 13 certification and vacancies; in ballots, further providing  
 14 for form of official election ballot; in electronic voting  
 15 systems, further providing for requirements of electronic  
 16 voting systems and for election day procedures and the  
 17 process of voting; in preparation for and conduct of  
 18 primaries and elections, further providing for method of  
 19 marking ballots and depositing same in districts in which  
 20 ballots are used, for instructions of voters and manner of  
 21 voting in districts in which voting machines are used and for  
 22 what ballots shall be counted, manner of counting and  
 23 defective ballots; and in electoral college, further  
 24 providing for election of presidential electors, for meeting  
 25 of electors and duties and for filling of vacancies existing  
 26 in presidential electors.

27 The General Assembly of the Commonwealth of Pennsylvania

28 hereby enacts as follows:

29 Section 1. Section 918 of the act of June 3, 1937 (P.L.1333,

1 No.320), known as the Pennsylvania Election Code, is amended to  
2 read:

3 Section 918. Presidential Electors; Selection by Nominees;  
4 Certification; Vacancies.--(a) The nominee of each political  
5 party for the office of President of the United States shall,  
6 within thirty days after his nomination by the National  
7 convention of such party, nominate as many persons to be the  
8 candidates of his party for the office of presidential elector  
9 as the State is then entitled to. If for any reason the nominee  
10 of any political party for President of the United States fails  
11 or is unable to make the said nominations within the time herein  
12 provided, then the nominee for such party for the office of  
13 Vice-President of the United States shall, as soon as may be  
14 possible after the expiration of thirty days, make the  
15 nominations.

16 (b) In making nominations of candidates of his party for the  
17 office of presidential elector, the nominee for President of the  
18 United States or Vice-President of the United States, as the  
19 case may be, shall designate two nominees as candidates of the  
20 political party for election by the electors of the entire state  
21 as presidential electors at large, and he shall designate one  
22 nominee from each congressional district of the Commonwealth as  
23 the candidate of the political party for election by the  
24 electors of that congressional district.

25 (c) The names of such nominees, with their residences and  
26 post-office addresses, shall be certified immediately to the  
27 Secretary of the Commonwealth by the nominee for the office of  
28 President or Vice-President, as the case may be, making the  
29 nominations.

30 (d) Vacancies existing after the date of nomination of

1 presidential electors shall be filled by the nominee for the  
2 office of President or Vice-President making the original  
3 nomination. Nominations made to fill vacancies shall be  
4 certified to the Secretary of the Commonwealth in the manner  
5 herein provided for in the case of original nominations.

6 Section 2. Section 1003(a), (c) and (e) of the act, amended  
7 April 24, 1947 (P.L.68, No.33) and December 10, 1974 (P.L.835,  
8 No.280), are amended to read:

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

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

12 OFFICIAL BALLOT

13 ..... District, ..... Ward,  
14 City of ....., County of .....,  
15 State of Pennsylvania .....  
16 Election held on the ..... day of ....., 19.....  
17 A cross (X) or check ( ) mark in the square opposite the name of  
18 any candidate indicates a vote for that candidate.

19 To vote a straight party ticket, mark a cross (X) or check  
20 ( ) in the square, in the Party Column, opposite the name of the  
21 party of your choice. To vote for an individual candidate of  
22 another party after making a mark in the party square, mark a  
23 cross (X) or check ( ) opposite his name. For an office where  
24 more than one candidate is to be voted for, the voter, after  
25 marking in the party square, may divide his vote by marking a  
26 cross (X) or check ( ) to the right of each candidate for whom  
27 he or she desires to vote. For such office votes shall not be  
28 counted for candidates not individually marked.

29 To vote for a person whose name is not on the ballot, write,  
30 print or paste his name in the blank space provided for that

1 purpose. A cross (X) or check ( ) mark in the square opposite  
2 the names of the candidates of any party for President and Vice-  
3 President of the United States indicates a vote for all [the] of  
4 those candidates of that party for presidential elector, that  
5 are to be voted upon by voters in your congressional district.

6 To vote for individual candidates for presidential elector,  
7 write, print or paste their names in the blank spaces provided  
8 for that purpose under the title "Presidential Electors." Mark  
9 ballot only in black lead pencil, indelible pencil or blue,  
10 black or blue-black ink, in fountain pen or ball point pen; use  
11 the same pencil or pen for all markings you place on the ballot.

12 Before leaving the voting compartment, fold this ballot,  
13 without displaying the markings thereon, in the same way it was  
14 folded when received, then leave the compartment and exhibit the  
15 ballot to one of the election officers who shall ascertain by an  
16 inspection of the number appearing upon the right hand corner of  
17 the back of the ballot whether the ballot so exhibited to him is  
18 the same ballot which the elector received before entering the  
19 voting compartment. If it is the same, the election officer  
20 shall direct the elector, without unfolding the ballot, to  
21 remove the perforated corner containing the number, and the  
22 elector shall immediately deposit the ballot in the ballot box.  
23 Any ballot deposited in a ballot box at any primary or election  
24 without having the said number torn off shall be void and shall  
25 not be counted.

Party Column	Presidential Electors
27 To Vote a Straight Party Ticket 28 Mark a Cross (X) or Check ( ) in 29 this Column.	(Vote for the candidates of one party for President and Vice-President, or insert the names of candidates.)

1 For  
2 Democratic John Stiles  
3 and  
4 Richard Doe,  
5 Democratic .....

6 For  
7 Republican John Doe  
8 and  
9 Richard Roe,  
10 Republican .....

11 For  
12 Socialist John Smith  
13 and  
14 William Jones,  
15 Socialist .....

16 Citizens  
17 United States Senator.

18 (Vote for one)  
19 Richard Roe ..... Democratic  
20 John Doe ..... Republican  
21 Richard Stiles ..... Socialist

22 Governor.  
23 (Vote for one)

24 Richard Roe ..... Democratic  
25 John Doe ..... Republican  
26 Richard Stiles ..... Socialist

27 Representatives in Congress,  
28 ..... District.

29 (Vote for one)  
30 Richard Roe ..... Democratic

1 John Doe ..... Republican  
2 Richard Stiles ..... Socialist  
3                   Senator in the General Assembly,  
4                   ..... District.

5                   (Vote for one)

6 John Doe ..... Democratic  
7 Richard Roe ..... Republican  
8 \* \* \*

9       (c) When presidential electors are to be elected, their  
10 names shall not be printed upon the ballot, but in lieu thereof,  
11 the names of the candidates of their respective parties or  
12 political bodies for President and Vice-President of the United  
13 States shall be printed together in pairs under the title  
14 "Presidential Electors." All ballots marked for the candidates  
15 for President and Vice-President of a party or political body  
16 shall be counted as votes for each [candidate] of those  
17 candidates for presidential elector of such party or political  
18 body, that are to be voted upon in the congressional district  
19 where the ballots are cast.

20 \* \* \*

21       (e) There shall be left at the end of the group of  
22 candidates for President and Vice-President of the United States  
23 under the title "Presidential Electors," [as many] three blank  
24 spaces [as there are presidential electors to be elected], in  
25 which spaces the elector may insert the names of any individual  
26 candidates for presidential electors for whom he desires to  
27 vote. There shall also be left at the end of each group of  
28 candidates for each other office (or under the title of the  
29 office itself in case no candidates have been nominated  
30 therefor), as many blank spaces as there are persons to be voted

1 for for such office, in which space the elector may insert the  
2 name of any person or persons whose name is not printed on the  
3 ballot as a candidate for such office.

4 \* \* \*

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

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

14 \* \* \*

15 (3) Permits each voter, at other than primary elections, to  
16 vote a straight political party ticket by one mark or act and,  
17 by one mark or act, to vote for all [the] of those candidates of  
18 one political party for presidential electors, that are to be  
19 voted upon in the congressional district where the vote is cast,  
20 and, by one mark or act, to vote for all the candidates of one  
21 political party for every office to be voted for, and every such  
22 mark or act shall be equivalent to and shall be counted as a  
23 vote for every candidate of the political party so marked  
24 including its candidates for presidential electors, except with  
25 respect to those offices as to which the voter has registered a  
26 vote for individual candidates of the same or another political  
27 party or political body, in which case the automatic tabulating  
28 equipment shall credit the vote for that office only for the  
29 candidate individually so selected, notwithstanding the fact  
30 that the voter may not have individually voted for the full

1 number of candidates for that office for which he was entitled  
2 to vote.

3 \* \* \*

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

9 \* \* \*

10 (4) At any general election at which presidential electors  
11 are to be chosen, each elector shall be permitted to vote by one  
12 operation for all [the] of those presidential electors of a  
13 political party or political body, that are to be voted upon in  
14 the congressional district where the elector casts his ballot.

15 For each party or body nominating presidential electors, a  
16 ballot label shall be provided containing only the words  
17 "Presidential Electors," preceded by the names of the party or  
18 body and followed by the names of the candidates thereof for the  
19 Office of President and Vice-President, and the corresponding  
20 counter or registering device shall register votes cast for said  
21 electors when thus voted for collectively. If any elector  
22 desires to vote a ticket for presidential electors made up of  
23 the names of persons nominated by different parties or bodies,  
24 or partially of names of persons so in nomination and partially  
25 of names of persons not in nomination by any party or body, he  
26 may write or deposit a paper ballot prepared by himself in the  
27 receptacle provided in or on the voting device for that purpose,  
28 or he may list their names on the write-in ballot or envelope  
29 provided for that purpose. The voting device shall be so  
30 constructed that it will not be possible for any one voter to

1 vote a straight party ticket for presidential electors and at  
2 the same time to deposit a ballot for presidential electors in a  
3 receptacle as hereinabove provided. When the votes for  
4 presidential electors are counted, the votes appearing upon the  
5 counter or registering device corresponding to the ballot label  
6 containing the names of the candidates for President and Vice-  
7 President of any party or body shall be counted as votes for  
8 each of [the] those candidates for presidential elector of such  
9 party or body, that are to be voted upon in the congressional  
10 district where the votes are cast, and thereupon all such  
11 candidates for presidential elector shall be credited, in  
12 addition, with the votes cast for them upon the ballots  
13 deposited in the machine, as hereinabove provided.

14 \* \* \*

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

19 \* \* \*

20 (4) If the voter desires to vote for every candidate of a  
21 political party or political body, except its candidates for  
22 offices as to which he votes for individual candidates in the  
23 manner hereinafter provided, he may make a cross (X) or check  
24 ( ) or punch or mark sense mark in the square opposite the name  
25 of the party or political body so marked, including its  
26 candidates for presidential electors, except for those offices  
27 as to which he has indicated a choice for individual candidates  
28 of the same or another party or political body, by making a  
29 cross (X) or check ( ) or punch or mark sense mark opposite  
30 their names in the manner hereinabove provided, as to which

1 offices his ballot shall be counted only for the candidates  
2 which he has thus individually marked, notwithstanding the fact  
3 that he made a mark in the party column, and even though in the  
4 case of an office for which more than one candidate is to be  
5 voted for, he has not individually marked for such office the  
6 full number of candidates for which he is entitled to vote. If  
7 he desires to vote for the entire group of presidential electors  
8 nominated by any party or political body, that are to be voted  
9 upon in his congressional district, he may make a cross (X) or  
10 check ( ) or punch or mark sense mark in the appropriate space  
11 opposite the names of the candidates for President and Vice-  
12 President of such party or body. If he desires to vote a ticket  
13 for presidential electors made up of the names of persons  
14 nominated by different parties or political bodies, or partially  
15 of names of persons so in nomination and partially of names of  
16 persons not in nomination by any party or political body, or  
17 wholly of names of persons not in nomination by any party or  
18 political body, he shall insert the names of the candidates for  
19 presidential electors for whom he desires to vote in the blank  
20 spaces provided therefor on the write-in ballot under the title  
21 of the office "Presidential Electors". In case of a question  
22 submitted to the vote of the electors, he may make a cross (X)  
23 or check ( ) or punch or mark sense mark in the appropriate  
24 square opposite the answer which he desires to give.

25 \* \* \*

26 Section 4. Section 1215(c) of the act, amended January 8,  
27 1960 (1959 P.L.2142, No.790), is amended to read:

28 Section 1215. Method of Marking Ballots and Depositing Same  
29 in Districts in Which Ballots are Used.--\* \* \*

30 (c) At elections, the elector shall prepare his ballot in the

1 following manner: He may vote for the candidates of his choice  
2 for each office to be filled according to the number of persons  
3 to be voted for by him for each office, by making a cross (X) or  
4 check ( ) mark in the square opposite the name of the candidate,  
5 or he may insert by writing, stamping or sticker, in the blank  
6 spaces provided therefor, any name not already printed on the  
7 ballot, and such insertion shall count as a vote without the  
8 making of a cross (X) or check ( ) mark. If he desires to vote  
9 for every candidate of a political party or political body,  
10 except its candidates for offices as to which he votes for  
11 individual candidates in the manner hereinafter provided, he may  
12 make a cross (X) or check ( ) mark in the square opposite the  
13 name of the party or political body of his choice in the party  
14 column on the left of the ballot, and every such cross (X) or  
15 check ( ) mark shall be equivalent to and be counted as a vote  
16 for every candidate of a party or political body so marked,  
17 including its candidates for presidential electors, that are to  
18 be voted upon in the congressional district where the vote is  
19 cast, except for those offices as to which he has indicated a  
20 choice for individual candidates of the same or another party or  
21 political body, by making a cross (X) or check ( ) mark opposite  
22 their names in the manner hereinabove provided, as to which  
23 offices his ballot shall be counted only for the candidates  
24 which he has thus individually marked, notwithstanding the fact  
25 that he made a mark in the party column, and even though in the  
26 case of an office for which more than one candidate is to be  
27 voted for, he has not individually marked for such office the  
28 full number of candidates for which he is entitled to vote. If  
29 he desires to vote for the entire group of presidential electors  
30 nominated by any party or political body that are to be voted

1 upon in the congressional district in which he is voting, he may  
2 make a cross (X) or check ( ) mark in the appropriate square at  
3 the right of the names of the candidates for President and Vice-  
4 President of such party or body. If he desires to vote a ticket  
5 for presidential electors made up of the names of persons  
6 nominated by different parties or political bodies, or partially  
7 of names of persons so in nomination and partially of names of  
8 persons not in nomination by any party or political body, or  
9 wholly of names of persons not in nomination by any party or  
10 political body, he shall insert the names of the candidates for  
11 presidential electors for whom he desires to vote in the blank  
12 spaces provided therefor under the title of the office  
13 "Presidential Electors." In case of a question submitted to the  
14 vote of the electors, he may make a cross (X) or check ( ) mark  
15 in the appropriate square opposite the answer which he desires  
16 to give.

17 \* \* \*

18 Section 5. Section 1216(f) of the act is amended to read:

19 Section 1216. Instructions of Voters and Manner of Voting in  
20 Districts in Which Voting Machines are Used.--

21 \* \* \*

22 (f) At any general election at which presidential electors  
23 are to be chosen, each elector shall be permitted to vote by one  
24 operation for all [the] of those presidential electors of a  
25 political party or political body, that are to be voted upon in  
26 the congressional district where that elector votes. For each  
27 party or body nominating presidential electors, a ballot label  
28 shall be provided containing only the words "Presidential  
29 Electors," preceded by the names of the party or body and  
30 followed by the names of the candidates thereof for the office

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

25 \* \* \*

26 Section 6. Section 1223(b) of the act, amended January 8,  
27 1960 (1959 P.L.2142, No.790), is amended to read:

28 Section 1223. What Ballots Shall Be Counted; Manner of  
29 Counting; Defective Ballots.--\* \* \*

30 (b) At November elections, a cross (X) or check ( ) mark in

1 the square opposite the name of political party or political  
2 body in the party column shall be counted as a vote for every  
3 candidate of that party or body so marked, including those of  
4 its candidates for presidential electors, that are to be voted  
5 upon in the congressional district where the ballot is cast,  
6 except for those offices as to which the voter has indicated a  
7 choice for individual candidates of the same or another party or  
8 body in any office block, in which case the ballot for such  
9 office block shall be counted only for the candidates thus  
10 individually marked, notwithstanding the fact that the voter has  
11 made a mark in the party column, and even though in the case of  
12 an office for which more than one candidate is to be voted for,  
13 he has not individually marked for such office the full number  
14 of candidates for which he is entitled to vote.

15 Section 7. Sections 1501, 1502 and 1503 of the act are  
16 amended to read:

17 Section 1501. Election of Presidential Electors.--At the  
18 general election to be held in the year 1940, and every fourth  
19 year thereafter, there shall be elected by the qualified  
20 electors of the Commonwealth, persons to be known as electors of  
21 President and Vice-President of the United States, and referred  
22 to in this act as presidential electors, equal in number to the  
23 whole number of senators and representatives to which this State  
24 may be entitled in the Congress of the United States. One  
25 presidential elector shall be chosen from each congressional  
26 district, and two presidential electors shall be chosen at  
27 large.

28 Section 1502. Meeting of Electors; Duties.--(a) The  
29 electors chosen, as aforesaid, shall assemble at the seat of  
30 government of this Commonwealth, at 12 o'clock noon of the day

1 which is, or may be, directed by the Congress of the United  
2 States, and shall then and there perform the duties enjoined  
3 upon them by the Constitution and laws of the United States.

4 (b) Each at-large presidential elector shall cast his ballot  
5 for the presidential and vice-presidential candidates who  
6 received the highest number of votes Statewide. Each  
7 presidential elector chosen by the electors of a congressional  
8 district, or a presidential elector elected under section 1503  
9 to fill a vacancy in such office, shall cast his ballot for the  
10 presidential and vice-presidential candidates who received the  
11 highest number of votes in the congressional district.

12 Section 1503. Filling of Vacancies Existing in Presidential  
13 Electors.--If any such presidential elector shall die, or for  
14 any cause fail to attend at the seat of government at the time  
15 appointed by law, the presidential electors present, who are of  
16 the same political party as such deceased or absent presidential  
17 elector, shall proceed to choose viva voce a person of the same  
18 political party as such deceased or absent elector, to fill the  
19 vacancy occasioned thereby, and immediately after such choice  
20 the name of the person so chosen shall be transmitted by the  
21 presiding officer of the college to the Governor, who shall  
22 forthwith cause notice in writing to be given to such person of  
23 his election; and the person so elected (and not the person in  
24 whose place he shall have been chosen) shall be an elector and  
25 shall, with the other electors, perform the duties enjoined on  
26 them.

27 Section 8. This act shall take effect in 60 days.