House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

<u>MEMORANDUM</u>

TO: All Members of the House of Representatives

FROM: Representative Mark Longietti

DATE: February 13, 2012

SUBJECT: Co-Sponsorship – Redraft of Legislation on Automatic Recounts in Elections

Previously, I circulated a Co-sponsorship Memo to amend the Election Code concerning automatic recounts in very close elections. Currently, the law provides for an automatic recount only in regard to <u>statewide</u> candidates who are defeated by a margin of one-half of one percent of the total votes cast for that office. My intent was to amend the law to cover all candidates for public office who are defeated by such a slim margin. However, the draft language was not clearly worded.

Therefore, I will soon introduce legislation to entitle all candidates for public office (statewide, municipal, and district) to an automatic recount if they are defeated by a margin of one-half of one percent of the total votes cast for that office. I believe that we should not make a distinction, as our current law does, between statewide candidates and other candidates. I have attached a copy of the legislation for your review.

The following have signed on as co-sponsors in response to my previous co-sponsorship memo: BOYLE B., BURNS, CALTAGIRONE, DELUCA, HALUSKA, HARHAI, HENNESSEY, HORNAMAN, KOTIK, MILLER, O'BRIEN M. I will assume that these will continue as co-sponsors unless I hear otherwise. If you would like to join them as co-sponsors, please contact Bob Brownawell at 717-772-4035 or rbrownaw@pahouse.net

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 recounts.

12   The General Assembly of the Commonwealth of Pennsylvania

13 hereby enacts as follows:

14   Section 1. Section 1404(g) of the act of June 3, 1937

15 (P.L.1333, No.320), known as the Pennsylvania Election Code,

16 added October 8, 2004 (P.L.807, No.97), is amended to read:

17   Section 1404. Computation of Returns by County Board;

18 Certification; Issuance of Certificates of Election.--

19   * * *

20   (g) This subsection relates to recounts and recanvasses

21 ordered by the secretary.

22   (1) Except as set forth in subsection (h), the secretary

1 shall order a recount and recanvass to all county boards if the

2 unofficial returns prepared in accordance with subsection (f)

3 reflect any of the following:

4   (i)   [A candidate for a public office which appears on the

5 ballot in every election district in this Commonwealth was

6 defeated by one-half of a percent or less of the votes cast for

7 the office. This subclause includes a candidate for retention to

8 a Statewide judicial office] A candidate for a public office

9 which appears on the ballot in a Statewide election, in an

10 election within any political subdivision of this Commonwealth

11 or in an election in a State legislative district was defeated

12 by one-half of a percent or less of the votes cast for the

13 office. This subclause includes, but is not limited to, a

14 candidate for retention or reelection to a judicial office of

15 the Commonwealth.

16   (ii)   A ballot question appearing on the ballot in every

17 election district in this Commonwealth was approved or rejected

18 by one-half of a percent or less of the votes cast on the

19 question.

20   (2)   The secretary shall issue an order under clause (1) by

21 five o'clock P. M. of the second Thursday following the day of

22 the election.

23   (3)   The secretary shall provide twenty-four (24) hours

24 notice of an order under clause (1) to each candidate and to the

25 county chairman of each party or political body affected by the

26 recount and recanvass. Notice shall be by press release, the

27 World Wide Web site or other means.

28   (4)   A candidate affected by the recount and recanvass may be

29 present, in person or by attorney, at the recount and recanvass.

30 A party or body affected by the recount and recanvass may send

1 two representatives to the recount and recanvass.

2   (5) The recount and recanvass shall:

3   (i) follow procedures specified in subsection (e);

4   (ii) be scheduled to be held by the third Wednesday

5 following the day of the election; and

6   (iii) be completed by noon on the following Tuesday.

7   (6) The results of the recount and recanvass shall be

8 submitted to the secretary by 12 o'clock noon on the day

9 following completion of the recount and recanvass.

10   (7) The secretary shall issue a press release and publish on

11 the World Wide Web site all results received from the county

12 boards of election.

13   (8) Following the completion of the recount and recanvass,

14 the Commonwealth shall pay to each county the sum specified in

15 sections 1701 and 1702. The amounts necessary to pay the

16 counties are hereby appropriated, upon approval of the Governor,

17 to the Department of State.

18   * * *

19   Section 2. This act shall take effect in 60 days.