

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] a
6 countywide election or in an election in a State legislative
7 district was defeated by one-half of a percent or less of the
8 votes cast for the office. [This subclause includes a candidate
9 for retention to a Statewide judicial office.]

10 (ii) A ballot question appearing on the ballot in every
11 election district in this Commonwealth was approved or rejected
12 by one-half of a percent or less of the votes cast on the
13 question.

14 (2) The secretary shall issue an order under clause (1) by
15 five o'clock P. M. of the second Thursday following the day of
16 the election.

17 (3) The secretary shall provide twenty-four (24) hours
18 notice of an order under clause (1) to each candidate and to the
19 county chairman of each party or political body affected by the
20 recount and recanvass. Notice shall be by press release, the
21 World Wide Web site or other means.

22 (4) A candidate affected by the recount and recanvass may be
23 present, in person or by attorney, at the recount and recanvass.
24 A party or body affected by the recount and recanvass may send
25 two representatives to the recount and recanvass.

26 (5) The recount and recanvass shall:

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

28 (ii) be scheduled to be held by the third Wednesday
29 following the day of the election; and

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

1 (6) The results of the recount and recanvass shall be
2 submitted to the secretary by 12 o'clock noon on the day
3 following completion of the recount and recanvass.

4 (7) The secretary shall issue a press release and publish on
5 the World Wide Web site all results received from the county
6 boards of election.

7 (8) Following the completion of the recount and recanvass,
8 the Commonwealth shall pay to each county the sum specified in
9 sections 1701 and 1702. The amounts necessary to pay the
10 counties are hereby appropriated, upon approval of the Governor,
11 to the Department of State.

12 * * *

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