

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 25, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 46

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God, as we enter Your presence, gather in our wandering thoughts and our preoccupation with trivia and other things that do not matter that much. Concentrate our attention on You, who have brought us through dangers seen and unseen, even to this legislative chamber. However we would like to believe it, it was not our genius or resourcefulness that got us here.

Now grant, Lord, as we labor that we not be intimidated by the size of our budget, nor beguiled by its political implications, nor ready to blame someone else for our problems, for we are all in the same boat and the bell tolls for each of us.

Remind us that You are the helmsman and that You have promised to lead us safely through troubled waters if we are faithful to the tasks assigned our hands.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 24, 1991, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1749 By Representatives McGEEHAN, BILLOW, MELIO, KOSINSKI, JOSEPHS, WOGAN, TRELLO, J. TAYLOR, KRUSZEWSKI and THOMAS

An Act amending the act of July 11, 1923 (P. L. 1044, No. 425), referred to as the "Prisoner Transfer Law," further providing for the transfer of prisoners in county correctional facilities to State correctional facilities and other county correctional facilities if overcrowded conditions exists; and making a repeal.

Referred to Committee on JUDICIARY, June 25, 1991.

No. 1751 By Representatives LEE, HASAY, BIRMELIN, E. Z. TAYLOR, CHADWICK, SERAFINI, HAYES, PETRARCA, FOX, FARMER, ARGALL, KOSINSKI, PESCI, O'BRIEN, CESSAR, RUDY, ANGSTADT, BATTISTO, DERMODY, NAHILL, COY, BUSH, DeLUCA, DEMPSEY, LEH, FLICK, GERLACH, PICCOLA, MICOZZIE, NOYE, HAGARTY, CIVERA, CARLSON, JOHNSON, MELIO, DENT, HESS, SCHULER, CLYMER, FARGO, DALEY, HECKLER, GEIST, PITTS, ITKIN, KING, PHILLIPS, VEON, SAURMAN, GALLEN, BUNT, TRELLO, HAYDEN, VROON, STRITTMATTER, MARSICO, TIGUE, HERSHEY, CORNELL, REINARD, B. SMITH, OLASZ, TELEK, KENNEY, BELARDI and MAIALE

An Act designating a certain bridge in Wyoming County as the Carmel Sirianni Memorial Bridge.

Referred to Committee on TRANSPORTATION, June 25, 1991.

No. 1752 By Representatives TRELLO, DeWEESE, MERRY, FARGO, GIGLIOTTI, HALUSKA, COLAFELLA, J. TAYLOR, ROBINSON, CARLSON, BILLOW, CORRIGAN, VROON, PISTELLA, E. Z. TAYLOR, GEIST, CORNELL and JOHNSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "abandoned vehicle"; and providing for the removal of vehicles abandoned on the Pennsylvania Turnpike System.

Referred to Committee on TRANSPORTATION, June 25, 1991.

No. 1753 By Representatives BISHOP, GLADECK, SALOOM, OLIVER, KUKOVICH, JOSEPHS, D. R. WRIGHT, DALEY,

HARPER, KRUSZEWSKI, BELARDI,
STEELMAN and MELIO

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the nonprofit school food program.

Referred to Committee on EDUCATION, June 25, 1991.

No. 1754 By Representatives BISHOP, OLIVER,
HARPER, SALOOM, BELFANTI,
KRUSZEWSKI, KASUNIC, STABACK and
MELIO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for abuse of patient.

Referred to Committee on JUDICIARY, June 25, 1991.

No. 1755 By Representatives LESCOVITZ, TRICH
and COLAIZZO

An Act establishing a rural community-based economic development program; providing for the creation of rural investment seed capital funds; providing for duties of the Department of Commerce; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 1991.

No. 1756 By Representatives BARLEY, BIRMELIN,
BUNT, CLARK, CORNELL, FAIRCHILD,
FARGO, FARMER, FLICK, GEIST,
GLADECK, JADLOWIEC, JOHNSON,
LANGTRY, MARSICO, NAHILL,
NAILOR, PITTS, PHILLIPS, REBER,
RYAN, SAURMAN, SCHULER and
SERAFINI

An Act providing for a review process for filings with the Department of Environmental Resources.

Referred to Committee on CONSERVATION, June 25, 1991.

No. 1757 By Representatives HASAY, BARLEY,
BUNT, CLARK, CORNELL, GEIST,
GLADECK, FAIRCHILD, FARGO, FLICK,
HAGARTY, JOHNSON, LANGTRY,
MARSICO, NAILOR, NICKOL, PITTS,
PHILLIPS, RAYMOND, REBER, RYAN,
SAURMAN, SERAFINI, B. SMITH,
G. SNYDER and R. C. WRIGHT

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," abolishing the State Board for Certification of Sewage Treatment Plants and Waterworks Operators; and making repeals.

Referred to Committee on CONSERVATION, June 25, 1991.

No. 1758 By Representatives ARMSTRONG,
BARLEY, BUNT, CLARK, CORNELL,
FAIRCHILD, FARGO, FLICK, GEIST,
GLADECK, HAGARTY, JOHNSON,
LANGTRY, MARSICO, NAILOR,

PHILLIPS, PITTS, REBER, RYAN,
SAURMAN, SERAFINI, D. W. SNYDER
and R. C. WRIGHT

An Act providing for the certification of livestock graders; creating procedures for certification of graders; granting powers and duties to the Department of Agriculture; establishing a penalty; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 1991.

No. 1759 By Representatives HAGARTY, BARLEY,
BUNT, CLARK, CORNELL, FAIRCHILD,
FLICK, GEIST, GLADECK, JOHNSON,
LANGTRY, MARSICO, McHUGH,
PHILLIPS, PICCOLA, PITTS,
RAYMOND, REBER, RYAN, SAURMAN,
B. SMITH, D. W. SNYDER and
G. SNYDER

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," placing the Crime Victims' Compensation Board under the commission; and further providing for the executive director.

Referred to Committee on JUDICIARY, June 25, 1991.

No. 1760 By Representatives FLICK, BARLEY,
BUNT, CORNELL, GEIST, GLADECK,
HASAY, HAGARTY, PITTS, RYAN,
SERAFINI, D. W. SNYDER and
S. H. SMITH

An Act repealing the act of June 25, 1982 (P. L. 633, No. 181), known as the "Regulatory Review Act."

Referred to Committee on STATE GOVERNMENT, June 25, 1991.

No. 1761 By Representatives GEIST, BARLEY,
BUNT, CLARK, CORNELL, FAIRCHILD,
FARGO, FLICK, GLADECK, HASAY,
LANGTRY, MARSICO, PHILLIPS, PITTS,
RAYMOND, RYAN, SAURMAN and
SERAFINI

An Act repealing sections 2803-C, 2804-C, 2805-C, 2806-C, 2807-C, 2808-C, 2809-C, 2810-C, 2811-C, 2812-C and 2813-C of the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," relating to the Energy Development Authority.

Referred to Committee on CONSERVATION, June 25, 1991.

No. 1762 By Representatives JADLOWIEC, BARLEY,
BUNT, BIRMELIN, CORNELL, FARGO,
FLICK, GEIST, GLADECK, PITTS,
REBER and RYAN

An Act repealing the act of July 8, 1986 (P. L. 408, No. 89), known as the "Health Care Cost Containment Act."

Referred to Committee on HEALTH AND WELFARE, June 25, 1991.

No. 1763 By Representatives HECKLER, BARLEY, BUNT, CLARK, CORNELL, FLICK, GLADECK, LANGTRY, MARSICO, PITTS, REBER, RYAN and S. H. SMITH

An Act repealing the act of July 1, 1978 (P. L. 584, No. 109), known as the "Milrite Act."

Referred to Committee on LABOR RELATIONS, June 25, 1991.

No. 1764 By Representatives BUNT, BARLEY, BIRMELIN, CLARK, CORNELL, FARGO, FLICK, GEIST, GLADECK, PITTS, RYAN, SAURMAN and S. H. SMITH

An Act repealing the act of July 22, 1974 (P. L. 598, No. 206), known as the "Pennsylvania Minority Business Development Authority Act."

Referred to Committee on STATE GOVERNMENT, June 25, 1991.

No. 1765 By Representatives DENT, BARLEY, BUNT, BUSH, CLARK, CORNELL, DEMPSEY, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, HASAY, HECKLER, JADLOWIEC, JOHNSON, LANGTRY, MARSICO, NAILOR, NICKOL, PITTS, PHILLIPS, RAYMOND, REBER, RYAN, SAURMAN, SCHULER, SERAFINI, S. H. SMITH, D. W. SNYDER and G. SNYDER

An Act to consolidate the various service agencies of the legislative branch into the Legislative Information Agency; creating the Legislative Information Commission; providing for their responsibilities; and making repeals.

Referred to Committee on STATE GOVERNMENT, June 25, 1991.

No. 1766 By Representatives D. W. SNYDER, BIRMELIN, BARLEY, BUNT, CLARK, CORNELL, DEMPSEY, FARGO, FLICK, GEIST, GLADECK, HECKLER, JOHNSON, MARSICO, NOYE, PITTS, REBER, RYAN, SAURMAN, SERAFINI and S. H. SMITH

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," repealing provisions relating to certificates of need; and making an editorial change.

Referred to Committee on HEALTH AND WELFARE, June 25, 1991.

No. 1767 By Representatives NOYE, BARLEY, BUNT, BIRMELIN, CLARK, CORNELL, FAIRCHILD, FARGO, FLICK, GLADECK, HECKLER, JADLOWIEC, JOHNSON, LANGTRY, MARSICO, McHUGH, NAHILL, NAILOR, PHILLIPS, PITTS, RAYMOND, REBER, RYAN, SAURMAN, S. H. SMITH, G. SNYDER, WOGAN and R. C. WRIGHT

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), known as the "Pennsylvania Urban Mass Transportation Law," providing for consumer protection in relation to public transportation; requiring public transportation companies to seek competitive proposals from private transportation companies to operate at least 10% of their lines; further providing for certain contracts; and providing for performance audits.

Referred to Committee on TRANSPORTATION, June 25, 1991.

No. 1768 By Representatives PICCOLA, BARLEY, BIRMELIN, BUNT, CLARK, CORNELL, DEMPSEY, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, HAGARTY, HECKLER, JADLOWIEC, JOHNSON, LANGTRY, MARSICO, NAILOR, PITTS, RAYMOND, RYAN, SAURMAN, SERAFINI, TOMLINSON and R. C. WRIGHT

An Act regulating private correctional facilities; providing for contracts with, licensing of and employee status for private correctional facilities; imposing powers and duties on the Department of Corrections; and providing for enforcement and penalties.

Referred to Committee on JUDICIARY, June 25, 1991.

No. 1769 By Representatives BARLEY, BUNT, BIRMELIN, CLARK, CORNELL, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, HASAY, JADLOWIEC, JOHNSON, MARSICO, McHUGH, NAHILL, NICKOL, PHILLIPS, PITTS, REBER, RYAN, SAURMAN, SCHULER, SERAFINI, S. H. SMITH and R. C. WRIGHT

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," transferring the State Conservation Commission from the Department of Environmental Resources to the Department of Agriculture.

Referred to Committee on CONSERVATION, June 25, 1991.

No. 1770 By Representatives FAIRCHILD, BARLEY, BIRMELIN, BUNT, CLARK, CORNELL, FARGO, FLICK, GEIST, GLADECK, HAGARTY, JOHNSON, LANGTRY, MARSICO, NAILOR, NICKOL, PHILLIPS, PITTS, REBER, RYAN, SAURMAN, SERAFINI, D. W. SNYDER, G. SNYDER, R. C. WRIGHT and ARMSTRONG

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the powers and duties of the Department of Agriculture; transferring the powers, duties and functions of the Agricultural Lands Condemnation Approval Board to the State Agricultural Land Preservation Board; and making repeals.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 1991.

No. 1771 By Representatives WOGAN, BARLEY, BUNT, BIRMELIN, CLARK, CORNELL, FARGO, FARMER, FLICK, GEIST, GLADECK, JOHNSON, MARSICO, McHUGH, NAILOR, PITTS, REBER, RYAN, SAURMAN, SERAFINI, S. H. SMITH and D. W. SNYDER

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," creating a Bureau of Womens' Affairs and a Bureau of Latino Affairs.

Referred to Committee on STATE GOVERNMENT, June 25, 1991.

No. 1772 By Representatives LANGTRY, BARLEY, BUNT, BIRMELIN, BUSH, CLARK, CORNELL, DEMPSEY, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, HARLEY, HAGARTY, HECKLER, JADLOWIEC, JOHNSON, MARSICO, NAILOR, NAHILL, PHILLIPS, PITTS, RAYMOND, REBER, RYAN, SAURMAN, SCHULER, SERAFINI, S. H. SMITH, D. W. SNYDER, G. SNYDER, TOMLINSON and M. N. WRIGHT

An Act providing for privatization of governmental functions; providing for duties of the Department of General Services and other executive agencies; and providing for reports to the General Assembly.

Referred to Committee on STATE GOVERNMENT, June 25, 1991.

No. 1773 By Representatives PICCOLA, BARLEY, BUNT, CLARK, CORNELL, DEMPSEY, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, JADLOWIEC, JOHNSON, LANGTRY, MARSICO, NAILOR, PITTS, RAYMOND, REBER, RYAN, SAURMAN, SERAFINI, D. W. SNYDER, TOMLINSON, WOGAN and R. C. WRIGHT

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for children's institutions; providing for youth centers; and making a repeal.

Referred to Committee on AGING AND YOUTH, June 25, 1991.

No. 1774 By Representatives S. H. SMITH, BARLEY, BUNT, CLARK, CORNELL, FLICK, GEIST, GLADECK, LANGTRY, PICCOLA, PITTS, REBER, RYAN, SAURMAN and R. C. WRIGHT

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," abolishing the Capitol Police; providing for State Capitol security services through contract with a private security firm; transferring

Capitol Police Patrol Officers to the Pennsylvania State Police; making certain other transfers to the Pennsylvania State Police and to the Department of General Services; and making editorial changes.

Referred to Committee on STATE GOVERNMENT, June 25, 1991.

No. 1775 By Representatives BIRMELIN, BARLEY, BUNT, CLARK, CORNELL, FARGO, FLICK, GEIST, GLADECK, HASAY, JOHNSON, McHUGH, RYAN and S. H. SMITH

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," abolishing the Citizens Advisory Council; and further providing for the Environmental Quality Board.

Referred to Committee on CONSERVATION, June 25, 1991.

No. 1776 By Representatives HAGARTY, BARLEY, BUNT, CLARK, CORNELL, FAIRCHILD, FLICK, GEIST, GLADECK, JOHNSON, LANGTRY, MARSICO, McHUGH, PHILLIPS, PICCOLA, PITTS, RAYMOND, REBER, RYAN, B. SMITH, SAURMAN, D. W. SNYDER and G. SNYDER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," placing the Crime Victim's Compensation Board under the Pennsylvania Commission on Crime and Delinquency; and further providing for compensation and expenses and for an executive director.

Referred to Committee on JUDICIARY, June 25, 1991.

No. 1777 By Representatives STAIRS, ARMSTRONG, BARLEY, BUNT, CLARK, CORNELL, FAIRCHILD, FARGO, FLICK, GEIST, GLADECK, HAGARTY, JOHNSON, LANGTRY, MARSICO, NAILOR, PHILLIPS, PITTS, REBER, RYAN, SAURMAN, SCHULER, B. SMITH, S. H. SMITH and R. C. WRIGHT

An Act providing for the inspection of egg sale, processing, distribution or food preparation operations; creating procedures for the licensing of inspectors; creating the Egg Inspection Fund; imposing penalties; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 1991.

No. 1778 By Representatives NYCE, BARLEY, BUNT, BUSH, CLARK, CORNELL, DEMPSEY, DENT, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, HAGARTY, HASAY, HECKLER, JADLOWIEC, JOHNSON, LANGTRY, MARSICO, NAHILL, NAILOR, PHILLIPS, PITTS, RAYMOND, REBER, RYAN, SAURMAN, SCHULER, SERAFINI, B. SMITH,

G. SNYDER, TOMLINSON, TULLI,
WOGAN, R. C. WRIGHT, S. H. SMITH
and D. W. SNYDER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing an amnesty program for the payment of delinquent taxes.

Referred to Committee on FINANCE, June 25, 1991.

No. 1779 By Representatives HARLEY, BARLEY, BUNT, CLARK, CORNELL, DEMPSEY, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, HAGARTY, HECKLER, JOHNSON, LANGTRY, MARSICO, NAILOR, NICKOL, PITTS, PHILLIPS, RAYMOND, REBER, RYAN, SAURMAN, SERAFINI, B. SMITH, S. H. SMITH, D. W. SNYDER, TULLI, VANCE, R. C. WRIGHT and G. SNYDER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the transfer of the positive ending balance of the General Fund to the Tax Stabilization Reserve Fund.

Referred to Committee on APPROPRIATIONS, June 25, 1991.

No. 1780 By Representatives TOMLINSON, BUNT, BARLEY, CLARK, CORNELL, FAIRCHILD, FARGO, FLICK, GEIST, GLADECK, HAGARTY, HECKLER, JOHNSON, LANGTRY, MARSICO, NAHILL, NAILOR, NICKOL, PHILLIPS, PITTS, RAYMOND, REBER, RYAN, SAURMAN, SCHULER, S. H. SMITH, D. W. SNYDER and G. SNYDER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," limiting the use of certain debt-incurred funds for administrative purposes.

Referred to Committee on APPROPRIATIONS, June 25, 1991.

No. 1781 By Representatives COLE, COY, ARMSTRONG, HERSHEY, BILLOW, ARNOLD, KREBS and CARONE

An Act providing for the protection of agriculture and horticulture from plant pests, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or their products; revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; establishing and funding special testing and certification procedures and programs; providing penalties; and making a repeal.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 1991.

No. 1782 By Representatives VEON, GIGLIOTTI, COLAFELLA, FEE, LAUGHLIN, MELIO, KOSINSKI, McGEEHAN, VAN HORNE, KRUSZEWSKI, BELFANTI, JAMES,

BELARDI, HARPER, DALEY, TRELLO
and BILLOW

An Act providing for the establishment of prevailing wages for certain airport employees.

Referred to Committee on LABOR RELATIONS, June 25, 1991.

No. 1784 By Representatives FREIND, CESSAR, FARGO, GEIST, NICKOL, KOSINSKI, FAIRCHILD, PITTS, MELIO, ROBINSON, HAGARTY, GERLACH, OLASZ, RAYMOND, BELARDI, CAWLEY, HERSHEY, NAHILL, TIGUE, CLYMER, TRELLO, MARKOSEK, S. H. SMITH, DEMPSEY, STISH, M. N. WRIGHT, STABACK, REINARD, THOMAS, PESCI, ARMSTRONG, TOMLINSON, KASUNIC, COLAFELLA, J. TAYLOR, E. Z. TAYLOR, MAIALE, LaGROTTA, LEH, KRUSZEWSKI, NOYE, ITKIN, ADOLPH and KENNEY

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for renewal of policies.

Referred to Committee on INSURANCE, June 25, 1991.

No. 1785 By Representatives BATTISTO, OLIVER, STRITTMATTER, LEH, GIGLIOTTI and ROEBUCK

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for the right to freedom from discrimination in employment, housing and public accommodations; prohibiting discrimination because of familial status; amending and adding certain definitions; further providing for the powers and duties of the Pennsylvania Human Relations Commission; further providing for enforcement, remedies and penalties; making editorial changes; and continuing the Pennsylvania Human Relations Commission pursuant to the Sunset Act.

Referred to Committee on STATE GOVERNMENT, June 25, 1991.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 153 By Representatives DEMPSEY, BUSH, CARLSON, CHADWICK and S. H. SMITH

A Resolution designating the week of August 18 through 24, 1991, as "Little League Week" in Pennsylvania.

Referred to Committee on RULES, June 25, 1991.

No. 154 By Representatives TULLI, ARGALL, BARLEY, BIRMELIN, BUNT, BUSH, CLARK, CORNELL, DEMPSEY, FAIRCHILD, FARGO, FARMER, FLICK, GEIST, GLADECK, HAGARTY,

HARLEY, HECKLER, HERMAN, JOHNSON, LANGTRY, MARSICO, McHUGH, NAHILL, NAILOR, NICKOL, PITTS, PHILLIPS, RAYMOND, REBER, RYAN, SAURMAN, SCHULER, SERAFINI, S. H. SMITH, D. W. SNYDER, G. SNYDER, TOMLINSON, VANCE and WOGAN

A Resolution to create a commission of public and private cost-minded leaders of this Commonwealth to study the management of current government operations and make recommendations of cost-cutting measures.

Referred to Committee on RULES, June 25, 1991.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 88, PN 1328

Referred to Committee on LABOR RELATIONS, June 25, 1991.

SB 752, PN 1354

Referred to Committee on LOCAL GOVERNMENT, June 25, 1991.

SB 985, PN 1361

Referred to Committee on LOCAL GOVERNMENT, June 25, 1991.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for the day for the gentleman from Westmoreland, Mr. PETRARCA.

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—201

Acosta	Durham	LaGrotta	Rudy
Adolph	Evans	Langtry	Ryan
Allen	Fairchild	Laughlin	Saloom
Anderson	Fajt	Lawless	Saurman
Angstadt	Fargo	Lee	Scheetz
Argall	Farmer	Leh	Schuler
Armstrong	Fee	Lescovitz	Scrimenti
Arnold	Fleagle	Levdansky	Semmel
Barley	Flick	Linton	Serafini
Battisto	Foster	Lloyd	Smith, B.
Belardi	Fox	Lucyk	Smith, S. H.
Belfanti	Freeman	McCall	Snyder, D. W.
Billow	Freind	McGeehan	Snyder, G.
Birmelin	Gallen	McHale	Staback
Bishop	Gamble	McHugh	Stairs
Black	Gannon	McNally	Steelman

Blaum	Geist	Maiale	Steighner
Bowley	George	Markosek	Stetler
Boyes	Gerlach	Marsico	Stish
Broujos	Gigliotti	Mayernik	Strittmatter
Brown	Gladeck	Melio	Stuban
Bunt	Godshall	Merry	Sturla
Bush	Gruitza	Michlovic	Surra
Butkovitz	Gruppo	Micozzie	Tangretti
Caltagirone	Hagarty	Mihalich	Taylor, E. Z.
Cappabianca	Haluska	Mrkonic	Taylor, F.
Carlson	Hanna	Mundy	Taylor, J.
Carn	Harley	Murphy	Telek
Carone	Harper	Nahill	Thomas
Cawley	Hasay	Nailor	Tigue
Cessar	Hayden	Nickol	Tomlinson
Chadwick	Hayes	Noye	Trello
Civera	Heckler	Nyce	Trich
Clark	Herman	O'Brien	Tulli
Clymer	Hershey	Olasz	Uliana
Cohen	Hess	Oliver	Van Horne
Colafella	Hughes	Perzel	Vance
Colaizzo	Itkin	Pesci	Veon
Cole	Jadlowiec	Petrone	Vroon
Cornell	James	Phillips	Wambach
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich	Roebuck	

ADDITIONS—1

Pitts

NOT VOTING—0

EXCUSED—1

Petrarca

CALENDAR

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1393, PN 2091; HB 1605, PN 1879; and SB 820, PN 1380.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1403, PN 1642**, entitled:

An Act providing for the establishment, implementation and administration of a Small Water Systems Regionalization Grant Program; providing for financial assistance for comprehensive water systems regionalization studies; imposing additional duties on the Department of Community Affairs; and making an appropriation.

On the question,
Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—201

Acosta	Durham	LaGrotta	Rudy
Adolph	Evans	Langtry	Ryan
Allen	Fairchild	Laughlin	Saloom
Anderson	Fajt	Lawless	Saurman
Angstadt	Fargo	Lee	Scheetz
Argall	Farmer	Leh	Schuler
Armstrong	Fee	Lescovitz	Scrimenti
Arnold	Fleagle	Levdansky	Semmel
Barley	Flick	Linton	Serafini
Battisto	Foster	Lloyd	Smith, B.
Belardi	Fox	Lucyk	Smith, S. H.
Belfanti	Freeman	McCall	Snyder, D. W.
Billow	Freind	McGeehan	Snyder, G.
Birmelin	Gallen	McHale	Staback
Bishop	Gamble	McHugh	Stairs
Black	Gannon	McNally	Steelman
Blaum	Geist	Maiale	Steighner
Bowley	George	Markosek	Stetler
Boyes	Gerlach	Marsico	Stish
Broujos	Gigliotti	Mayernik	Strittmatter
Brown	Gladeck	Melio	Stuban
Bunt	Godshall	Merry	Sturla
Bush	Gruitza	Michlovic	Surra
Butkovitz	Gruppo	Micozzie	Tangretti
Caltagirone	Hagarty	Mihalich	Taylor, E. Z.
Cappabianca	Haluska	Mrkonic	Taylor, F.
Carlson	Hanna	Mundy	Taylor, J.
Carn	Harley	Murphy	Telek
Carone	Harper	Nahill	Thomas
Cawley	Hasay	Nailor	Tigue
Cessar	Hayden	Nickol	Tomlinson
Chadwick	Hayes	Noye	Trello
Civera	Heckler	Nyce	Trich
Clark	Herman	O'Brien	Tulli
Clymer	Hershey	Olasz	Uliana
Cohen	Hess	Oliver	Van Horne
Colafella	Hughes	Perzel	Vance
Colaizzo	Itkin	Pesci	Veon
Cole	Jadlowiec	Petrone	Vroon
Cornell	James	Phillips	Wambach
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich	Roebuck	

NAYS—0

NOT VOTING—1

Pitts

EXCUSED—1

Petrarca

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 75, PN 2006**, entitled:

An Act regulating the check-cashing industry; providing for the licensing of check cashers; providing for additional duties of the Department of Banking; providing for certain terms and conditions of the business of check cashing; establishing the Check Cashing Industry Recovery Fund; and providing penalties.

On the question,
Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 75 be recommended to the Appropriations Committee.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 393, PN 2004**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining "tangible personal property" with respect to new manufactured housing; and further providing for the imposition of certain taxes thereon.

On the question,
Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 393 be recommended to the Appropriations Committee.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1497, PN 2005**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for realty transfer tax.

On the question,
Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1497 be recommitted to the Appropriations Committee.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1522, PN 1784**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the imposition of the gross receipts tax.

On the question,
Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1522 be recommitted to the Appropriations Committee.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 544, PN 629**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for absentee ballots.

On the question,
Will the House agree to the bill on third consideration?

Mr. SCRIMENTI offered the following amendments No. A1118:

Amend Title, page 1, line 11, by removing the period after "ballots" and inserting
; and providing for a reduction in the requisite number of signatures for nomination petitions of candidates at primaries in certain third class cities.

Amend Bill, page 1, by inserting between lines 13 and 14

Section 1. Section 912.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 13, 1989 (P.L.1, No.1), is amended to read:

Section 912.1. Number of Signers Required for Nomination Petitions of Candidates at Primaries.—Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below:

- (1) President of the United States: Two thousand.
- (2) United States Senate: Two thousand.
- (3) Governor: Two thousand including at least one hundred from each of at least ten counties.
- (4) Lieutenant Governor: One thousand including at least one hundred from each of at least five counties.
- (5) Treasurer: One thousand including at least one hundred from each of at least five counties.
- (6) Auditor General: One thousand including at least one hundred from each of at least five counties.

(7) Attorney General: One thousand including at least one hundred from each of at least five counties.

(8) Justice of the Supreme Court: One thousand including at least one hundred from each of at least five counties.

(9) Judge of the Superior Court: One thousand including at least one hundred from each of at least five counties.

(10) Judge of the Commonwealth Court: One thousand including at least one hundred from each of at least five counties.

(11) For any other office to be filled by the vote of the electors of the State at large or for any other party office to be elected by the electors of the State at large: One thousand including at least one hundred from each of at least five counties.

(12) Representative in Congress: One thousand.

(13) Senator in the General Assembly: Five hundred.

(14) Representative in the General Assembly: Three hundred.

(15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.

(16) Public or party offices to be filled by a vote of the electors in counties of the second class at large: Five hundred.

(17) Public or party offices to be filled by a vote of the electors in cities of the first class at large: One thousand.

(18) Public or party offices to be filled by a vote of the electors in counties of the second class A at large: Two hundred fifty.

(19) Public or party offices to be filled by a vote of the electors in counties of the third class at large: Two hundred fifty.

(20) Public or party offices to be filled by a vote of the electors in counties of the fourth class at large: Two hundred fifty.

(21) Public or party offices to be filled by a vote of the electors in cities of the second class at large: Two hundred fifty.

(22) Public or party offices to be filled by a vote of the electors in cities of the second class A at large: One hundred.

(23) Public or party offices to be filled by a vote of the electors in cities of the third class [at large: One hundred.] with a population of ten thousand or more: One hundred.

(23.1) Public or party offices to be filled by a vote of the electors in cities of the third class with a population under ten thousand: Ten.

(24) Public or party offices to be filled by a vote of the electors in counties of the fifth class at large: One hundred.

(25) Public or party offices to be filled by a vote of the electors in counties of the sixth class at large: One hundred.

(26) Public or party offices to be filled by a vote of the electors in counties of the seventh class at large: One hundred.

(27) Public or party offices to be filled by a vote of the electors in counties of the eighth class at large: One hundred.

(28) Office of judge of any court of record other than a Statewide court or a court in a county of the first or second class: Two hundred fifty.

(29) District delegate or alternate district delegate to a National party convention: Two hundred fifty.

(30) Member of State committee: One hundred.

(31) Office of district council member in a city of the first class: Seven hundred fifty.

(31.1) Office of district council member in a city of the second class: One hundred.

(32) Office of district justice: One hundred.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

(35) All other public and party offices: Ten.

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code"

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question,
Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

This amendment simply changes the petition signature requirements for third-class cities with populations of less than 10,000 people by changing the required number of petition signatures from 100 to 10 for all the elected officials in third-class cities. This is to make it more in conformance with sizes of municipalities, such as boroughs, and make it easier for the electorate to participate in the electoral process.

I encourage all support on this amendment. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—173

Acosta	Fairchild	Kruszewski	Rudy
Adolph	Fajt	Kukovich	Ryan
Allen	Fargo	Langtry	Saurman
Anderson	Farmer	Laughlin	Scheetz
Angstadt	Fleagle	Lawless	Schuler
Argall	Flick	Lee	Scrimenti
Armstrong	Foster	Leh	Semmel
Arnold	Fox	Levdansky	Serafini
Barley	Freeman	Linton	Smith, B.
Belardi	Freind	Lloyd	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	Maiale	Stairs
Blaum	Gerlach	Markosek	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Merry	Stetler
Brown	Godshall	Michlovic	Strittmatter
Bunt	Gruitza	Micozzie	Stuban
Bush	Gruppo	Mihalich	Sturla
Butkovitz	Hagarty	Mrkonic	Surra
Cappabianca	Haluska	Mundy	Taylor, E. Z.
Carlson	Hanna	Nahill	Taylor, J.
Carn	Harley	Nailor	Telek
Carone	Harper	Nickol	Thomas
Cawley	Hasay	Noye	Tigue
Cessar	Hayden	Nyce	Tomlinson
Chadwick	Hayes	O'Brien	Trello
Civera	Heckler	Olasz	Trich
Clark	Herman	Oliver	Tulli
Clymer	Hershey	Perzel	Uliana
Cohen	Hess	Pesci	Van Horne
Cornell	Hughes	Petrone	Vance
Corrigan	Itkin	Phillips	Vroon
Cowell	Jadlowiec	Piccola	Wambach
DeLuca	James	Preston	Wilson
DeWeese	Jarolin	Raymond	Wogan
Daley	Johnson	Reber	Wozniak
Davies	Josephs	Reinard	Wright, M. N.
Dempsey	Kaiser	Richardson	Wright, R. C.
Dent	Kenney	Rieger	
Donatucci	King	Ritter	O'Donnell,
Durham	Kosinski	Robinson	Speaker
Evans	Krebs	Roebuck	

NAYS—22

Battisto	Cole	Lescovitz	Saloom
Belfanti	Coy	Lucyk	Stish
Bowley	Dermody	McCall	Tangretti
Caltagirone	Fee	Mayernik	Taylor, F.
Colafella	George	Melio	Wright, D. R.

Colaizzo LaGrotta
NOT VOTING—7

Kasunic Murphy Pitts Williams
McNally Pistella Veon
EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the presence of Mr. Pitts in the hall of the House. His name will be added to the master roll.

VOTE CORRECTION

Mr. PITTS. I would like to be voted affirmative on the last two votes.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

CONSIDERATION OF HB 544 CONTINUED

On the question,
Will the House agree to the bill on third consideration as amended?

Mr. PHILLIPS offered the following amendments No. A1008:

Amend Sec. 1 (Sec. 1302.1), page 2, line 15, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1302.1), page 2, line 16, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.1), page 2, line 16, by inserting after "any"

primary or

Amend Sec. 1 (Sec. 1302.1), page 2, lines 16 and 17, by striking out "of the day before a primary or" and inserting "eight o'clock P.M. on the day of any"

Amend Sec. 1 (Sec. 1302.2), page 3, line 23, by inserting a bracket before "5:00"

Amend Sec. 1 (Sec. 1302.2), page 3, line 24, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 3, lines 24 and 25, by striking out "of the day before the primary or" and inserting "8:00 o'clock P.M. on the day of any"

Amend Sec. 1 (Sec. 1302.2), page 4, line 23, by inserting a bracket before "5:00"

Amend Sec. 1 (Sec. 1302.2), page 4, line 23, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 4, lines 23 and 24, by striking out "of the day before the primary or" and inserting "8:00 o'clock P.M. on the day of any"

Amend Sec. 1 (Sec. 1302.2), page 5, line 12, by inserting a bracket before "5:00"

Amend Sec. 1 (Sec. 1302.2), page 5, line 12, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 5, line 13, by striking out "of the day before the primary or" and inserting "8:00 o'clock P.M. on the day of any"

Amend Sec. 1 (Sec. 1302.2), page 5, line 28, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1302.2), page 5, line 28, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 5, line 29, by inserting after "to"

the primary or

Amend Sec. 1 (Sec. 1302.2), page 5, lines 16 and 17, by striking out "of the day before the primary or" and inserting

8:00 o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1306), page 7, line 5, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1306), page 7, line 5, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1306), page 7, line 5, by inserting after "to"

the primary or

Amend Sec. 1 (Sec. 1306), page 7, lines 5 and 6, by striking out "of the day before the primary or" and inserting

eight o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1308), page 8, line 23, by inserting after "Commonwealth."

Official absentee ballots received after five o'clock P.M. on the Friday immediately preceding the primary or election day and before eight o'clock P.M. on the primary or election day shall be canvassed by the county board of elections.

Amend Sec. 1 (Sec. 1308), page 8, line 25, by inserting after "ballots"

received prior to five o'clock P.M. on the Friday immediately preceding the primary or election day

Amend Sec. 1 (Sec. 1308), page 9, line 4, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1308), page 9, line 5, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1308), page 9, line 5, by inserting after "the" where it appears the second time

primary or November

Amend Sec. 1 (Sec. 1308), page 9, lines 5 and 6, by striking out "of the day before a primary or November" and inserting

eight o'clock P.M. on the day of any

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

This amendment would change the date that absentee ballots could be accepted and that challenges could be made from 5 p.m. the day before to the day of election at 8 p.m. It would also allow that any absentee ballots received after Friday, 5 p.m., prior to the election would remain at the county and be canvassed at that point. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Pesci.

Mr. PESCI. Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. PESCI. In your amendment, sir, are you saying that the person may vote absentee up until 8 o'clock the day of the primary and/or the general election?

Mr. PHILLIPS. That is correct.

Mr. PESCI. Under the code, sir, is it not that the absentee ballots must be at the polling place prior to 8 o'clock?

Mr. PHILLIPS. That should alleviate that, because I think the way the bill is now, those ballots received up to 5 p.m. the day before, it would be almost impossible to have them returned to the voting precinct.

Mr. PESCI. I believe the law states that the absentee ballot must be at the polling place prior to 8 o'clock, and under this amendment, sir, I do not believe that can be.

I ask for a nonconcurrency on this amendment, a "no" vote.

Mr. PHILLIPS. I do not think the bill would do that, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I get very concerned when we start dealing with the absentee ballots. I know within my own legislative district I have some precincts that average 40 to 80 absentee ballots every election, and in a general election it is even more. Already, currently now, even though we receive the absentee ballots then, they are still there sometimes until 9:30 or 10 o'clock at night.

I raise a strong concern when we start talking about people delivering absentee ballots at the last moment and even then, as far as election day is concerned, to be able to get them out. Maybe the gentleman does not have as many absentee ballots, but alone, even in my legislative district, we average anywhere from 250 to 300 absentee ballots every election, and it makes me kind of nervous, especially even currently right now we have several elections that are being contested because of the way the absentee ballots have been counted as compared to on the machine. This way if we have them in an earlier fashion, we would be able to have a chance to be able to count. Currently right now several elections have been contested because it appeared that more people voted than actual votes cast.

I raise a strong concern, and I would ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, although the gentleman, Mr. Phillips' amendment is well intentioned, I think for the reasons cited by the gentleman, Mr. Preston, and the gentleman, Mr. Pesci, we should be voting "no" on this amendment.

I think it is flawed. I think that in terms of an administrative standpoint, we would be facing some serious problems in trying to get absentee ballots to the appropriate polling place by the deadline. I think the language that currently is within the Pesci bill addresses the concern about making sure that absentee ballots are available to those who need them at an appropriate time. We are extending the period of time under the Pesci bill.

So I would urge the membership to vote "no" on the Phillips amendment and to support the Pesci language. Thank you.

The SPEAKER. The Chair recognizes Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I think the point that we seem to be missing here is that the absentee ballots that are received after Friday, 5 p.m., prior to the election, those ballots will remain in the county and will not be sent back to the voting precinct. So therefore, it should not really cause a problem with them remaining there and be canvassed at that point. And I think the thing we have to keep in mind is that anybody who goes to the voting precincts or to the polls to vote, their ballot or their vote is counted up until 8 p.m. on the day of election, and I think the same thing should be given to those who are voting absentee ballot. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—99

Adolph	Dent	Jadlowiec	Saloom
Allen	Durham	Johnson	Saurman
Anderson	Fairchild	King	Scheetz
Argall	Fargo	Krebs	Schuler
Armstrong	Farmer	Langtry	Semmel
Barley	Fleagle	Lawless	Serafini
Belardi	Flick	Lee	Smith, B.
Belfanti	Foster	Leh	Smith, S. H.
Birmelin	Fox	Lloyd	Snyder, D. W.
Black	Freind	Marsico	Snyder, G.
Bowley	Gallen	Merry	Staback
Brown	Gannon	Micozzie	Stairs
Bunt	Geist	Nahill	Strittmatter
Bush	Gerlach	Nailor	Stuban
Carlson	Gladeck	Nickol	Taylor, E. Z.
Carone	Godshall	Noye	Telek
Cawley	Gruppo	Nyce	Tomlinson
Cessar	Hagarty	Phillips	Tulli
Chadwick	Harley	Piccola	Uliana
Civera	Hasay	Pitts	Vance
Clark	Hayes	Raymond	Vroon
Clymer	Heckler	Reber	Wilson
Cornell	Herman	Reinard	Wozniak
Davies	Hershey	Rudy	Wright, R. C.
Dempsey	Hess	Ryan	

NAYS—103

Acosta	Fee	Lucyk	Robinson
Angstadt	Freeman	McCall	Roebuck
Arnold	Gamble	McGeehan	Scrimenti
Battisto	George	McHale	Steelman
Billow	Gigliotti	McHugh	Steighner
Bishop	Gruitza	McNally	Stetler
Blaum	Haluska	Maiale	Stish
Boyes	Hanna	Markosek	Sturla
Broujos	Harper	Mayernik	Surra
Butkovitz	Hayden	Melio	Tangretti
Caltagirone	Hughes	Michlovic	Taylor, F.
Cappabianca	Itkin	Mihalich	Taylor, J.
Carn	James	Mrkonic	Thomas
Cohen	Jarolin	Mundy	Tigue
Colaella	Josephs	Murphy	Trello
Colaizzo	Kaiser	O'Brien	Trich
Cole	Kasunic	Olasz	Van Horne
Corrigan	Kenney	Oliver	Veon
Cowell	Kosinski	Perzel	Wambach
Coy	Kruszewski	Pesci	Williams
DeLuca	Kukovich	Petrone	Wogan
DeWeese	LaGrotta	Pistella	Wright, D. R.
Daley	Laughlin	Preston	Wright, M. N.
Dermody	Lescovitz	Richardson	
Donatucci	Levdansky	Rieger	O'Donnell,
Evans	Linton	Ritter	Speaker
Fajt			

NOT VOTING—0

EXCUSED—1

Petrarca

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. CHADWICK offered the following amendments No. A0993:

Amend Bill, page 1, by inserting between lines 13 and 14

Section 1. Section 1302(e.1) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended May 5, 1986 (P.L.150, No.47), is amended to read:

Section 1302. Applications for Official Absentee Ballots.—
* * *

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act [may,] shall, upon application and with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section but such person must submit a written statement asserting continuing disability every four years in order to maintain his eligibility to vote under the provisions of this subsection. Should any such person lose his disability he shall inform the county board of elections of the county of his residence. No person shall be placed on a permanently disabled absentee ballot list file without express voluntary authorization by the person permitting the county board of elections to do so. Further, persons placed on a permanently disabled absentee ballot list file may require the county board of elections to remove their names from such list at any time without condition by submitting a written statement to the county board of elections requesting such action. No person shall be placed on a permanently disabled absentee ballot list file solely based on the accessibility, inaccessibility or physical condition of polling places in the county in which the person is registered to vote.

* * *

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code"

Amend Bill, page 9, line 8, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

(1) The amendments of sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Chadwick.
Mr. CHADWICK. Thank you, Mr. Speaker.

Let me preface my remarks by saying that this is the same legislation that the House passed unanimously last session, and it deals with the subject of permanently handicapped voters, those people who are never going to be able to get to a polling place.

Several years ago the General Assembly enacted legislation that permits counties to set up registrations of permanently disabled voters and automatically send those people an application for an absentee ballot for each primary and general election. The problem is that very few counties have done that, and permanently handicapped voters are required to watch for the time to apply for absentee ballot applications twice a year.

This amendment would simply change "may" to "shall" and require all the counties to automatically send absentee ballot applications to permanently disabled voters.

I urge your support. Thank you.

The SPEAKER. The Chair recognizes Mr. Pesci.

Mr. PESCI. Mr. Speaker, this is an agreed-to amendment, and I would ask for a "yes" vote.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Donatucci	Kruszewski	Roebuck
Adolph	Durham	Kukovich	Rudy
Allen	Evans	LaGrotta	Ryan
Anderson	Fairchild	Langtry	Saloom
Angstadt	Fajt	Laughlin	Scheetz
Argall	Fargo	Lawless	Schuler
Armstrong	Farmer	Lee	Scrimenti
Arnold	Fec	Leh	Semmel
Barley	Fleagle	Lescovitz	Serafini
Battisto	Flick	Levdansky	Smith, B.
Belardi	Foster	Lloyd	Smith, S. H.
Belfanti	Fox	Lucyk	Snyder, D. W.
Billow	Freeman	McCall	Snyder, G.
Birmelin	Freind	McGeehan	Staback
Bishop	Gallen	McHale	Stairs
Black	Gamble	McNally	Steelman
Blaum	Gannon	Maiale	Steighner
Bowley	Geist	Markosek	Stetler
Boyes	George	Marsico	Stish
Broujos	Gerlach	Mayernik	Strittmatter
Brown	Gigliotti	Melio	Stuban
Bunt	Gladeck	Merry	Sturla
Bush	Godshall	Michlovic	Surra
Butkovitz	Gruitza	Micozzie	Tangretti
Caltagirone	Gruppo	Mihalich	Taylor, E. Z.
Cappabianca	Hagarty	Mrkonic	Taylor, F.
Carlson	Haluska	Mundy	Taylor, J.
Carn	Hanna	Murphy	Telek
Carone	Harley	Nahill	Thomas
Cawley	Harper	Nailor	Tigue
Cessar	Hasay	Nickol	Tomlinson
Chadwick	Hayden	Noye	Trello
Civera	Hayes	Nyce	Trich
Clark	Heckler	Olasz	Tulli
Clymer	Herman	Oliver	Uliana
Cohen	Hershey	Perzel	Van Horne
Colafella	Hess	Pesci	Vance

Colaizzo	Hughes	Petrone	Veon
Cole	Itkin	Phillips	Vroon
Cornell	Jadlowiec	Piccola	Wambach
Corrigan	James	Pistella	Williams
Cowell	Jarolin	Pitts	Wilson
Coy	Johnson	Preston	Wogan
DeLuca	Josephs	Raymond	Wozniak
DeWeese	Kaiser	Reber	Wright, D. R.
Daley	Kasunic	Reinard	Wright, M. N.
Davies	Kenney	Richardson	
Dempsey	King	Rieger	O'Donnell,
Dent	Kosinski	Ritter	Speaker
Dermody	Krebs	Robinson	

NAYS—2

McHugh O'Brien

NOT VOTING—3

Linton Saurman Wright, R. C.

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. LEH offered the following amendments No. A0968:

Amend Title, page 1, line 11, by removing the period after "ballots" and inserting
; authorizing the filing of certain reports by facsimile; and making an appropriation.

Amend Bill, page 9, by inserting between lines 7 and 8

Section 2. Section 1628 of the act, amended July 11, 1980 (P.L. 600, No. 128), is amended to read:

Section 1628. Late Contributions and Independent Expenditures.—

Any candidate or political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, which receives any contribution or pledge of five hundred dollars (\$500) or more, and any person making an independent expenditure, as defined by this act, of five hundred dollars (\$500) or more after the final pre-election report has been deemed completed shall report such contribution, pledge or expenditure to the appropriate supervisor by telegram [or], mailgram or facsimile. Such telegram [or], mailgram or facsimile shall be sent by the candidate, chairman or treasurer of the political committee within twenty-four (24) hours of receipt of the contribution. It shall be the duty of the supervisor to confirm the substance of such telegram [or], mailgram or facsimile. Original reports submitted by facsimile shall also be sent to the appropriate supervisor by regular mail within twenty-four (24) hours of receipt of the contribution. Any candidate in his own behalf, or chairman, treasurer or candidate in behalf of the political committee may also comply with this section by appearing personally before such supervisor and reporting such late contributions or pledges.

Section 3. The sum of \$1,000, or as much thereof as may be necessary, is hereby appropriated to the Department of State for the purchase of a facsimile machine.

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

May I comment on the amendment?

My amendment simply adds a fax machine to the means by which we can transmit our late campaign expense filings to the department.

I think many of you have experienced getting a campaign contribution right before the election and you have to take it to the Western Union or whatever, and it can be very cumbersome and a burden. My amendment simply allows us to use the fax machine. The fiscal note, I think, is \$1,000 for the purchase of a fax machine.

I understand it is agreed to. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Pesci.

Mr. PESCI. Mr. Speaker, this is an agreed-to amendment, and I would ask for a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Durham	LaGrotta	Roebuck
Adolph	Evans	Langtry	Rudy
Allen	Fairchild	Laughlin	Ryan
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Lee	Saurman
Argall	Farmer	Leh	Scheetz
Armstrong	Fee	Lescovitz	Schuler
Arnold	Fleagle	Levdansky	Scrimenti
Barley	Flick	Linton	Semmel
Battisto	Fox	Lloyd	Serafini
Belardi	Freeman	Lucyk	Smith, B.
Belfanti	Freind	McCall	Smith, S. H.
Billow	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mrkonic	Taylor, E. Z.
Carlson	Harley	Mundy	Taylor, F.
Carn	Harper	Murphy	Taylor, J.
Carone	Hasay	Nahill	Telek
Cawley	Hayden	Nailor	Thomas
Cessar	Hayes	Nickol	Tigue
Chadwick	Heckler	Noye	Tomlinson
Civera	Herman	Nyce	Trello
Clark	Hershey	O'Brien	Trich
Clymer	Hess	Olasz	Tulli
Cohen	Hughes	Oliver	Uliana
Colafiglia	Itkin	Perzel	Van Horne
Colaizzo	Jadlowiec	Pesci	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Piccola	Vroon
Corrigan	Johnson	Pistella	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak

Daley	King	Reinard	Wright, D. R.
Dempsey	Kosinski	Richardson	Wright, M. N.
Dent	Krebs	Rieger	
Dermody	Kruszewski	Ritter	O'Donnell,
Donatucci	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—4

Davies	Foster	Phillips	Wright, R. C.
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EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. BOWLEY offered the following amendments No. A1290:

Amend Title, page 1, line 11, by inserting after "for" form of ballots, voting machines and

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. Section 1003(a) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended December 10, 1974 (P.L.835, No.280), is amended to read:

Section 1003. Form of Official Election Ballot.—

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

OFFICIAL BALLOT

..... District, Ward, City of,
County of, State of Pennsylvania

Election held on the day of, 19.. A cross (X) or check (/) mark in the square opposite the name of any candidate indicates a vote for that candidate.

[To vote a straight party ticket, mark a cross (X) or check (/) in the square, in the Party Column, opposite the name of the party of your choice.] To vote for [an individual] any candidate [of another party after making a mark in the party square,] mark a cross (X) or check (/) opposite his name. For an office where more than one candidate is to be voted for, the voter[, after marking in the party square,] may divide his vote among the candidates of the various parties by marking a cross (X) or check (/) to the right of each candidate for whom he or she desires to vote. For such office votes shall not be counted for candidates not individually marked.

To vote for a person whose name is not on the ballot, write, print or paste his name in the blank space provided for that purpose. A cross (X) or check (/) mark in the square opposite the names of the candidates of any party for President and Vice-President of the United States indicates a vote for all the candidates of that party for presidential elector. To vote for individual candidates for presidential elector, write, print or paste their names in the blank spaces provided for that purpose under the title "Presidential Electors." Mark ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen; use the same pencil or pen for all markings you place on the ballot.

Before leaving the voting compartment, fold this ballot, without displaying the markings thereon, in the same way it was folded when received, then leave the compartment and exhibit the ballot to one of the election officers who shall ascertain by an inspection of the number appearing upon the right hand corner of the back of the ballot whether the ballot so exhibited to him is the

same ballot which the elector received before entering the voting compartment. If it is the same, the election officer shall direct the elector, without unfolding the ballot, to remove the perforated corner containing the number, and the elector shall immediately deposit the ballot in the ballot box. Any ballot deposited in a ballot box at any primary or election without having the said number torn off shall be void and shall not be counted.

Party Column	Presidential Electors
[To Vote a Straight Party Ticket Mark a Cross (X) or Check (/) in this Column.]	(Vote for the candidates of one party for President and Vice-President, or insert the names of candidates.)
	For
Democratic	John Stiles and Richard Doe, Democratic.....
	For
Republican	John Doe and Richard Roe, Republican.....
	For
Socialist	John Smith and William Jones, Socialist.....
	For
Citizens	United States Senator. (Vote for one)

Richard Roe.....	Democratic
John Doe.....	Republican
Richard Stiles.....	Socialist

Governor.
(Vote for one)

Richard Roe.....	Democratic
John Doe.....	Republican
Richard Stiles.....	Socialist

Representative in Congress,
..... District.
(Vote for one)

Richard Roe.....	Democratic
John Doe.....	Republican
Richard Stiles.....	Socialist

Senator in the General Assembly,
..... District.
(Vote for one)

John Doe.....	Democratic
Richard Roe.....	Republican

Section 2. Sections 1107(b) and 1216(d) and (f) of the act are amended to read:

Section 1107. Requirements of Voting Machines.—No voting machine shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall, at the time, satisfy the following requirements:

(b) It shall not permit [each] a voter[, at other than primary elections,] to vote a straight political party ticket in one operation[, and, in one operation, to vote for all the candidates of one political party for presidential electors, and, in one operation, to vote for all the candidates of one political party for every office to be voted for, except those offices as to which he votes for individual candidates].

Section 1216. Instructions of Voters and Manner of Voting in Districts in Which Voting Machines are Used.—

(d) At primaries, he shall vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate is placed. At elections, he may vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the names of candidates of his choice are placed[, or he may vote a straight political party ticket in one operation by operating the straight political party lever of the political party or political body of his choice, if such machine has thereon a separate lever for all the candidates of the political body]. He may also, [after having operated the straight party lever, and] before recording his vote, cancel the vote for any candidate of such political party or political body by replacing the individual key, handle, pointer or knob of such candidate, and may thereupon vote for a candidate of another party, or political body for the same office by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate appears. In the case of a question submitted to the vote of the electors, the elector shall operate the key, handle, pointer or knob corresponding to the answer which he desires to give.

(f) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote [by one operation] for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, or wholly of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the machine for the purpose. The machine shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as hereinabove provided.

Section 3. Section 1223(b) of the act, amended January 8, 1960 (1959 P.L. 2142, No. 790), is amended to read:

Section 1223. What Ballots Shall Be Counted; Manner of Counting; Defective Ballots.—***

(b) At November elections, a cross (X) or check (/) mark in the square opposite the name of [political party or political body] in the party column shall be counted as a vote for every candidate of that party or body so marked, including its candidates for presidential electors, except for those offices as to which the voter has indicated a choice for] the individual candidates [of the same or another party or body] in any office block, [in which case the ballot for such office block] shall be counted only for the candidates thus individually marked, [notwithstanding the fact that the voter has made a mark in the party column, and] even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote.

Section 4. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

5

On the question,
Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1290 would simply eliminate the ability to vote a straight party ticket by marking one box or pulling one lever. A person would have to vote for all the candidates that they would like to vote for by individually marking the box. Thank you.

I ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Mr. Speaker, would the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. CLYMER. Mr. Speaker, in a primary election where Democrats vote for Democrats and Republicans vote for Republicans, would that be changed at all under your amendment?

Mr. BOWLEY. No, Mr. Speaker.

Mr. CLYMER. Okay. All you are saying is that in a general election the same thing would occur— In a general election, of course, what you are saying is that you could not vote the one lever, either Democrat or Republican, to vote for all the candidates. You would have to individually mark those candidates that were running for election. Is that correct?

Mr. BOWLEY. That is correct.

Mr. CLYMER. All right. That is the end of my interrogation.

I would like to speak on the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. CLYMER. Mr. Speaker, it seems the whole purpose of these bills that we have looked at over the last 2 weeks on the Election Code is to make it easier for people to vote. And I know that there are many voters, whether they be young people or senior citizens, you know, it is their preference that they go in and pull the one lever, and that is the way they like to vote and I think that is an option that should be made available to them, and this amendment would take it away.

Therefore, Mr. Speaker, for those reasons, I would ask that we nonconcur in this amendment 1290. I ask for a negative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Bowley amendment. What we would be doing there is just creating, in my opinion, another primary election. This is one reason why in the primaries we have such a light turnout, because of the fact that our senior citizens do not like to come out and pull the individual levers.

For that reason, Mr. Speaker, I would ask this House to oppose the Bowley amendment.

The SPEAKER. The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

I have a few questions for the maker of the amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. HECKLER. Thank you.

Mr. Speaker, do you have any idea whether the enactment of your amendment would have a fiscal impact upon the various communities, for instance, with voting machines which already have levers as part of their makeup?

Mr. BOWLEY. Mr. Speaker, I do not have a fiscal note, because, in my opinion, there is no fiscal cost. The machines are already set up to lock out that lever during the primary elections, so the same procedure will be used in the fall.

Mr. HECKLER. Thank you. I have no other questions.

The SPEAKER. The Chair recognizes Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

May I comment on the amendment?

When I first read this amendment, I was, I think, automatically opposed to it, but as I thought it over, I think I kind of like the idea.

Today we are trying to enhance the election process. I think we want the electorate to be knowledgeable, to take more of an active role in electing their officials, and I think requiring them to actually go down over the list of candidates is going to further promote quality in our election process.

For those reasons, I am going to support the Bowley amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—35

Armstrong	Foster	Melio	Strittmatter
Belardi	Gladeck	Micozzie	Surra
Birmelin	Heckler	Mundy	Taylor, J.
Blaum	Josephs	Nickol	Tomlinson
Bowley	Krebs	Rudy	Trich
Broujos	Lee	Scrimenti	Vroon
Carone	Leh	Smith, S. H.	Wright, D. R.
Cole	Lloyd	Snyder, D. W.	Wright, M. N.
Coy	McHale	Snyder, G.	

NAYS—165

Acosta	Durham	King	Richardson
Adolph	Evans	Kosinski	Rieger
Allen	Fairchild	Kruszewski	Ritter
Anderson	Fajt	Kukovich	Robinson
Angstadt	Fargo	LaGrotta	Roebuck
Argall	Farmer	Langtry	Ryan
Arnold	Fee	Laughlin	Saloom
Barley	Fleagle	Lawless	Saurman
Battisto	Flick	Lescovitz	Scheetz
Belfanti	Fox	Levdansky	Schuler
Billow	Freeman	Linton	Semmel
Bishop	Freind	Lucyk	Serafini
Black	Gallen	McCall	Smith, B.
Boyes	Gamble	McGeehan	Staback
Brown	Gannon	McHugh	Stairs
Bunt	Geist	McNally	Steelman
Bush	George	Maiale	Steighner
Butkovitz	Gerlach	Markosek	Stetler

Caltagirone	Gigliotti	Marsico	Stish
Cappabianca	Godshall	Mayernik	Stuban
Carlson	Gruitza	Merry	Sturla
Carn	Gruppo	Michlovic	Tangretti
Cawley	Hagarty	Mihalich	Taylor, E. Z.
Cessar	Haluska	Mrkonic	Taylor, F.
Chadwick	Hanna	Nahill	Telek
Civera	Harley	Nailor	Thomas
Clark	Harper	Noye	Tigue
Clymer	Hasay	Nyce	Trello
Cohen	Hayden	O'Brien	Tulli
Colafigliola	Hayes	Olasz	Uliana
Colaizzo	Herman	Oliver	Van Horne
Cornell	Hershey	Perzel	Vance
Corrigan	Hess	Pesci	Veon
Cowell	Hughes	Petrone	Wambach
DeLuca	Itkin	Phillips	Williams
DeWeese	Jadlowiec	Piccola	Wilson
Daley	James	Pistella	Wogan
Davies	Jarolin	Pitts	Wozniak
Dempsey	Johnson	Preston	
Dent	Kaiser	Raymond	O'Donnell,
Dermody	Kasunic	Reber	Speaker
Donatucci	Kenney	Reinard	

NOT VOTING—2

Murphy Wright, R. C. _____

EXCUSED—1

Petrarca

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. G. M. SNYDER offered the following amendments No. A1271:

Amend Title, page 1, line 11, by inserting after "elections," further providing for certain specimen ballots; and

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. Section 1008 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 1008. Forms of Ballots on File and Open to Public Inspection; Ballots and Diagrams to Be Furnished to Candidates and Parties.—

(a) The county board of elections shall have on file in its office, on and after the [Thursday] twentieth day preceding each primary and election, open to public inspection, forms of the ballots and ballot labels, with the names and such statements and notations as may be required by the provisions of this act, printed thereon, which shall be used in each election district within the county.

(b) [On the Thursday] On and after the twentieth day preceding each primary, the county board shall, upon request made at their office, there deliver to each candidate whose name is printed on the ballot of any party, or to his authorized representative, without charge, three specimen ballots of such party for the entire district in which such candidate is to be voted for, and the candidate may, at his own expense, have printed on different colored paper as many copies as he requires for conducting his campaign.

(c) [On the Thursday] On and after the twentieth day preceding each November election, the county board shall, upon request made at their office, there deliver to the county chairman or other authorized representative of each political party and political body in the county, without charge, two specimen ballots or diag-

rams for each election district within the county in which candidates of such party or political body are to be voted for, and such political party or political body may, at its own expense, have printed on different colored paper as many copies as it requires for conducting its campaign.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Snyder.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

My amendment would very simply require the local election boards to have ready and provide to the public 20 days before an election what we call in York County sample ballots. My rationale for offering this amendment is that in many counties, including York County, these sample ballots are widely distributed to voters to help them to make their decisions on election day.

I ask for your support.

The SPEAKER. The Chair recognizes Mr. Bowley.

Mr. BOWLEY. Mr. Speaker, may I please comment on the amendment?

Mr. Speaker, I would like to rise to oppose the amendment for two reasons. Number one, I am not sure if there would be an additional cost to our local county boards of elections if all of a sudden 10,000 of our constituents came into the county board of elections and wanted to see a sample ballot. And number two, I am not sure whether the county commissioners and county board of elections can have these sample ballots printed 20 days before the election. There may be some reason that the printer does not have the ballots printed, and it may cause an inconvenience on our county board of elections.

For those two reasons, I would ask for a negative vote. Thank you.

The SPEAKER. The Chair recognizes Mr. Snyder.

Mr. G. M. SNYDER. Mr. Speaker, in response to the gentleman's objections, let us take them one at a time. Number one, as far as cost, there is no cost. The election boards, the county election boards, already today are required to provide these sample ballots. The only change my amendment makes is that instead of requiring them to have them 5 days before an election, they must now have them 20 days before an election.

Now, let us take the second objection. The second objection has to do with, well, what if for some reason they cannot get these ready in 20 days? There is absolutely no reason why they should not be able to have these ballots ready well before an election, including 30 days before an election. My amendment only calls for 20 days.

The candidates are set well before, a month before the election. There is no reason why these cannot be made available to help our constituents make wise decisions regarding what they do on election day. There is no cost. I am just changing the date, not the requirement that they be provided, and there

certainly is no legitimate reason why these things cannot be printed 20 days before an election.

I again ask for your support. Thank you.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Apparently the reason for all of the package of bills is to make it easier for people to vote. I certainly think if we want to make it easier for them to vote, we want them to have all the information that will enable them to vote.

I strongly support the gentleman's amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—165

Adolph	Farmer	LaGrotta	Scheetz
Allen	Fee	Langtry	Schuler
Anderson	Fleagle	Laughlin	Semmel
Angstadt	Flick	Lawless	Serafini
Argall	Foster	Lee	Smith, B.
Armstrong	Fox	Leh	Smith, S. H.
Arnold	Freeman	Lescovitz	Snyder, D. W.
Barley	Freind	Linton	Snyder, G.
Battisto	Gallen	Lucyk	Stairs
Belfanti	Gamble	McCall	Steelman
Billow	Gannon	McGeehan	Steighner
Birmelin	Geist	McHale	Stetler
Black	George	McHugh	Stish
Blaum	Gerlach	McNally	Strittmatter
Boyes	Gladeck	Maiale	Stuban
Brown	Godshall	Marsico	Sturta
Bunt	Gruitza	Mayernik	Surra
Bush	Gruppo	Merry	Tangretti
Butkovitz	Hagarty	Micozzie	Taylor, E. Z.
Caltagirone	Haluska	Nahill	Taylor, F.
Carlson	Hanna	Nailor	Taylor, J.
Carn	Harley	Nickol	Telek
Cessar	Harper	Noye	Thomas
Chadwick	Hasay	Nyce	Tigue
Civera	Hayes	O'Brien	Tomlinson
Clark	Heckler	Perzel	Trich
Clymer	Herman	Pesci	Tulli
Colafrilla	Hershey	Phillips	Uliana
Cole	Hess	Piccola	Vance
Cornell	Hughes	Pistella	Veon
Corrigan	Itkin	Pitts	Vroon
DeLuca	Jadlowiec	Preston	Wambach
DeWeese	James	Raymond	Williams
Daley	Jarolin	Reber	Wilson
Davies	Johnson	Reinard	Wogan
Dempsey	Josephs	Richardson	Wozniak
Dent	Kaiser	Ritter	Wright, D. R.
Durham	Kasunic	Robinson	Wright, M. N.
Evans	Kenney	Roebuck	
Fairchild	King	Ryan	O'Donnell,
Fajt	Kruszewski	Saloom	Speaker
Fargo	Kukovich	Saurman	

NAYS—34

Acosta	Colaizzo	Lloyd	Oliver
Belardi	Cowell	Markosek	Petrone
Bishop	Coy	Melio	Rieger
Bowley	Dermody	Michlovic	Rudy
Broujos	Donatucci	Mihalich	Scrimenti
Cappabianca	Gigliotti	Mrkonic	Staback
Carone	Hayden	Mundy	Trello
Cawley	Krebs	Olasz	Van Horne
Cohen	Levdansky		

NOT VOTING—3

Kosinski Murphy Wright, R. C.
EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. SALOOM offered the following amendments No. A1350:

Amend Title, page 1, line 11, by inserting after "elections," "eliminating cross-filing by a candidate for school board; and

Amend Bill, page 1, by inserting between lines 13 and 14 Section 1. Sections 630.1, 910, the first paragraph of 976, 981.1, 993(a), 998(a) and (b) and 1004 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 19, 1986 (P.L.29, No.11), are amended to read:

Section 630.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school board in a district where that office is elective or] for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case of a candidate for the office of Representative in the General Assembly, the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street

and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for [the office of school director in a district where that office is elective or for] the office of justice of the peace that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term "uncommitted"; and (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures. In cases of petitions for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that in the case of a candidate for the office of Senator in the General Assembly that the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that in the case of a candidate for the office of Representative in the General Assembly that the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination Petitions, Certificates and Papers.—When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if—(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of signatures as required by law; Provided, however, That the Secretary of the Commonwealth or the county board of elections, although not hereby required so to do, may question the genuineness of any signature or signatures appearing thereon, and if he or it shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded in determining whether the nomination petition, nomination paper or nomination certificate contains a sufficient number of signatures as required by law; or (d) in the case of nomination peti-

tions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, [or the office of school director in districts where that office is elective] or the office of justice of the peace upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for any public office for the ensuing primary, or has been nominated for any such office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court upon an application to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing.

Section 981.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school board in a district where that office is elective or] for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case of a candidate for the office of Representative in the General Assembly, the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next

before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.—

(a) In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hundred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace.

Section 998. Substituted Nominations to Fill Certain Vacancies for a November Election.—(a) Any vacancy happening or existing in any party nomination made in accordance with the provisions of section nine hundred ninety-three of this act for a November election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket, in the form prescribed by section nine hundred ninety-four of this act. But no substituted nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace.

(b) In case of the death or withdrawal of any candidate nominated by a political body for an election, the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form and manner prescribed by section nine hundred eighty of this act. In the case of a vacancy caused by the death of any candidate, said nomination certificate shall be accompanied by a death certificate properly certified. No substituted nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace.

Section 1004. Form of Ballots; Printing Ballots; Stubs; Numbers.—From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [the office of school director in districts where that office is elective or] the office of justice of the peace be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub, and all the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The stubs of the ballots shall be consecutively numbered, and in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot, separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box and beside that corner shall also be printed, "Remove numbered stub immediately before depositing your ballot in ballot box."

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code"

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Saloom.

Mr. SALOOM. Mr. Speaker, amendment A1350 would eliminate cross-filing for the office of school board in districts where the office of school director is elected. I believe that our political system has been eroding because of the cross-filing of the lowest possible office in the Commonwealth of Pennsylvania, and that is the school director.

I ask for an affirmative vote for this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—126

Adolph	Durham	King	Robinson
Allen	Evans	Kruszewski	Roebuck
Angstadt	Fairchild	Kukovich	Ryan
Armstrong	Fajt	Laughlin	Saloom
Barley	Fargo	Lawless	Saurman
Battisto	Fee	Lee	Scheetz
Belfanti	Fleagle	Leh	Schuler
Billow	Flick	Levdansky	Scrimenti
Birmelin	Foster	Lucyk	Semmel
Bishop	Fox	McCall	Serafini
Black	Freind	Markosek	Smith, B.
Blaum	Gallen	Marsico	Smith, S. H.
Boyes	Gamble	Mayernik	Snyder, D. W.
Brown	Geist	Melio	Snyder, G.
Bunt	George	Merry	Steighner
Bush	Gerlach	Micozzie	Stish
Caltagirone	Gladeck	Mihalich	Stuban
Cappabianca	Godshall	Mrkonic	Surra
Carlson	Gruitza	Nahill	Tangretti
Cessar	Hagarty	Nailor	Taylor, E. Z.
Chadwick	Haluska	Nickol	Taylor, F.
Clark	Harley	Noye	Telek
Clymer	Hasay	Nyce	Tomlinson
Colaizzo	Hayes	Olasz	Tulli
Cornell	Herman	Pesci	Van Horne
Corrigan	Hershey	Phillips	Vance
Coy	Hess	Piccola	Veon
DeLuca	Jadlowiec	Pistella	Vroon
Daley	Jarolin	Pitts	Wambach
Davies	Johnson	Raymond	Wright, D. R.
Dempsey	Kaiser	Reber	Wright, M. N.
Dent	Kasunic		

NAYS—74

Acosta	Farmer	Linton	Staback
Anderson	Freeman	Lloyd	Stairs
Argall	Gannon	McGeehan	Steelman
Arnold	Gigliotti	McHale	Stetler
Belardi	Gruppo	McHugh	Strittmatter
Bowley	Hanna	McNally	Sturla
Broujos	Harper	Maiale	Taylor, J.
Butkovitz	Hayden	Michlovic	Thomas
Carn	Heckler	Mundy	Tigue
Carone	Hughes	O'Brien	Trello
Cawley	Itkin	Oliver	Trich
Civera	James	Perzel	Uliana
Cohen	Josephs	Petrone	Williams
Colafella	Kenney	Preston	Wilson
Cole	Kosinski	Reinard	Wogan
Cowell	Krebs	Richardson	Wozniak
DeWeese	LaGrotta	Rieger	
Dermody	Langtry	Ritter	O'Donnell,
Donatucci	Lescovitz	Rudy	Speaker

NOT VOTING—2

Murphy Wright, R. C.

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. SALOOM offered the following amendments No. A1352:

Amend Title, page 1, line 11, by inserting after "elections," eliminating cross-filing by a candidate for the office of justice of the peace; and

Amend Bill, page 1, by inserting between lines 13 and 14 Section 1. Sections 630.1, 909, 910, the first paragraph of 976, 981.1, 993(a), 998(a) and (b) and 1004 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 19, 1986 (P.L.29, No.11), are amended to read:

Section 630.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective [or for the office of justice of the peace], that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case of a candidate for the office of Representative in the General Assembly, the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.

Section 909. Petition May Consist of Several Sheets; Affidavit of Circulator.—Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. In cases of petitions for delegate or alternate delegate to National conventions, each sheet shall contain a notation indicating the presidential candidate to whom he is committed or the term "uncommitted." Each sheet shall have appended thereto the affidavit of the circulator of each sheet, setting forth—(a) that he or she is a qualified elector duly registered and enrolled as a member of the designated party of the State, or of the political district, as the case may be, referred to in said petition, unless said petition relates to the nomination of a candidate for a court of common pleas, for the Philadelphia Municipal Court or for the Traffic Court of Philadelphia [or for justice of the peace], in which event the circulator need not be a duly registered and enrolled member of the designated party; (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the affidavit; (f) that each signed on the date set opposite his name; and (g) that, to the

best of affiant's knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in a district where that office is elective [or for the office of justice of the peace] that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term “uncommitted”; and (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures. In cases of petitions for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that in the case of a candidate for the office of Senator in the General Assembly that the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that in the case of a candidate for the office of Representative in the General Assembly that the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination Petitions, Certificates and Papers.—When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if—(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers;

or (c) it does not contain a sufficient number of signatures as required by law; Provided, however, That the Secretary of the Commonwealth or the county board of elections, although not hereby required so to do, may question the genuineness of any signature or signatures appearing thereon, and if he or it shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded in determining whether the nomination petition, nomination paper or nomination certificate contains a sufficient number of signatures as required by law; or (d) in the case of nomination petitions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or the office of school director in districts where that office is elective [or the office of justice of the peace] upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for any public office for the ensuing primary, or has been nominated for any such office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court upon an application to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing.

Section 981.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective [or for the office of justice of the peace], that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of

Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case of a candidate for the office of Representative in the General Assembly, the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.—(a) In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hundred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective [or for the office of justice of the peace]. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective [or for the office of justice of the peace].

Section 998. Substituted Nominations to Fill Certain Vacancies for a November Election.—(a) Any vacancy happening or existing in any party nomination made in accordance with the provisions of section nine hundred ninety-three of this act for a November election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket, in the form prescribed by section nine hundred ninety-four of this act. But no substituted nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective [or for the office of justice of the peace].

(b) In case of the death or withdrawal of any candidate nominated by a political body for an election, the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form and manner prescribed by section nine hundred eighty of this act. In the case of a vacancy caused by the death of any candidate, said nomination certificate shall be accompanied by a

death certificate properly certified. No substituted nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective [or for the office of justice of the peace].

Section 1004. Form of Ballots; Printing Ballots; Stubs; Numbers.—From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or the office of school director in districts where that office is elective [or the office of justice of the peace] be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub, and all the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The stubs of the ballots shall be consecutively numbered, and in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot, separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box and beside that corner shall also be printed, "Remove numbered stub immediately before depositing your ballot in ballot box."

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code"

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. For the information of the members of the House, there was, the Chair noted, a measure of uncertainty in the voting on the last amendment. The Chair would urge careful consideration to each of these Election Code amendments to avoid the necessity of reconsideration motions.

AMENDMENTS WITHDRAWN

The SPEAKER. Will the House agree to the amendments? The Chair recognizes Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I feel one up on the last vote and I would like to now withdraw the amendments, the other two amendments to the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Ms. CARONE offered the following amendments No. A1465:

Amend Bill, page 1, lines 14 through 16, by striking out all of lines 14 and 15, "Pennsylvania Election Code" in line 16 and inserting

Section 1. Section 908 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 908. Manner of Signing Nomination Petitions; Time of Circulating.—Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, or the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his [occupation and] residence, giving city, borough or township, with street and number, if any, and shall add the date of signing, expressed in words or numbers: Provided, however, That if the said political district named in the petition lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a nomination petition to state therein the city, borough or township of his residence. No nomination petition shall be circulated prior to the thirteenth Tuesday before the primary, and no signature shall be counted unless it bears a date affixed not earlier than the thirteenth Tuesday nor later than the tenth Tuesday prior to the primary. If it is otherwise apparent from the signature that the signer of the petition and the elector are one and the same, an otherwise valid signature shall be counted when a comparison between the signature on the petition and the signature on the voter registration card indicates any of the following—(a) the signer's middle initial is missing from his signature; (b) the signer wrote his first name with an initial only; or (c) the signer provided a familiar, common or abbreviated substitute for his first or middle name.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the lady, Ms. Carone.

Ms. CARONE. Mr. Speaker, I rise to ask for the following amendment, which is really a housekeeping chore but also adds to a bit of democracy.

It is taking the petition and removing the section called "occupation." Occupation has nothing to do with the quality of the person who is a registered voter. It then does leave some space for a better area for residency. But "occupation" just does not belong on a petition for people supporting someone for office.

The more serious part of the amendment asks that we deal with the signature. Frequently persons have to face the court because the person has signed "James Smith" rather than "James R. Smith" as he registered to vote 20 years ago. Clearly it is the legitimate signature of the individual signing that is not at stake, it is the fact that they may have chosen to write their signature as it does not appear on their regular voter registration card.

I do ask support for this, because petitioning is an important part of democracy. It enables folks to go out and get people to sign and to feel comfortable about it. Thank you.

The SPEAKER. The Chair recognizes Mr. Pesci.

Mr. PESCI. Mr. Speaker, this is an agreed-to amendment and I would concur with the amendment, asking for a "yes" vote.

The SPEAKER. The Chair recognizes Mr. Fox.

Mr. FOX. Mr. Speaker, the only amendments the members have on their desks this morning are Perzel, amendment 1698, and Kenney, amendment 1696. Would there be any opportunity for other amendments which are being discussed to be recirculated to the members? That is the reason why we have confusion over voting, Mr. Speaker. No one has the other amendments.

The SPEAKER. The Chair did not mean to suggest confusion, merely uncertainty.

All the amendments have been distributed and we will check on when they were distributed.

Mr. FOX. Thank you, Mr. Speaker.

The SPEAKER. I am reminded that the amendments were circulated last week and there was a request for the members to hold on to them. I understand the gentleman's problem but would be reluctant to slow the process down for recirculation. What we would do is ask, I think, the members who are putting an amendment forward or opposing it to be clear and succinct, and perhaps in the interests of the gentleman as well as the other members, the rest of the members who are not engaged in this debate, if they would please take their seats, and if the staff would clear the aisles, perhaps the level of information can be raised for the gentleman.

Mr. FOX. Mr. Speaker?

The SPEAKER. Has the gentleman completed his parliamentary inquiry?

Mr. FOX. With regard to the amendments that follow the lady's, could they be recirculated if time permits, Mr. Speaker? We were all so tidy in cleaning our desks, we do not have these amendments.

The SPEAKER. The Chair appreciates the gentleman's concern. We will make available to the gentleman our copy of the amendments and there are several new amendments coming down. They will be circulated. The Chair declines to recirculate the other amendments.

Mr. FOX. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

Acosta	Dent	Lee	Rudy
Adolph	Dermody	Leh	Saloom
Allen	Donatucci	Lescovitz	Scheetz
Anderson	Durham	Levdansky	Schuler
Angstadt	Evans	Linton	Scrimenti
Argall	Fairchild	Lloyd	Semmel
Arnold	Fajt	Lucyk	Serafini
Barley	Fargo	McCall	Smith, B.
Battisto	Fee	McGeehan	Snyder, D. W.
Belardi	Fleagle	McHale	Snyder, G.
Belfanti	Flick	McHugh	Staback
Billow	Foster	McNally	Steelman
Birmelin	Freeman	Maiale	Steighner
Bishop	Freind	Markosek	Stetler
Blaum	Gallen	Marsico	Stish
Bowley	Gamble	Mayernik	Strittmatter
Boyes	Gannon	Melio	Stuban
Broujos	George	Merry	Sturla
Bunt	Gerlach	Michlovic	Surra
Bush	Gigliotti	Micozzie	Tangretti
Butkovitz	Gladeck	Mihalich	Taylor, E. Z.
Caltagirone	Gruitza	Mrkonic	Taylor, F.
Cappabianca	Gruppo	Mundy	Taylor, J.
Carlson	Haluska	Murphy	Thomas
Carn	Hanna	Nickol	Tigue
Carone	Harper	Noye	Tomlinson
Cawley	Hasay	Nyce	Trello
Cessar	Hayden	O'Brien	Trich
Chadwick	Heckler	Olasz	Tulli
Civera	Hershey	Oliver	Van Horne
Clark	Hughes	Perzel	Vance
Cohen	Itkin	Pesci	Veon
Colafiglia	James	Petrone	Vroon
Colaizzo	Jarolin	Phillips	Wambach
Cole	Josephs	Pistella	Williams
Cornell	Kaiser	Pitts	Wogan
Corrigan	Kasunic	Preston	Wozniak
Cowell	Kenney	Raymond	Wright, D. R.
Coy	Kosinski	Richardson	Wright, M. N.
DeLuca	Krebs	Rieger	Wright, R. C.
DeWeese	Kruszewski	Ritter	
Daley	Kukovich	Robinson	O'Donnell,
Davies	LaGrotta	Roebuck	Speaker
Dempsey	Laughlin		

NAYS—30

Armstrong	Hagarty	Langtry	Ryan
Black	Harley	Lawless	Saurman
Brown	Hayes	Nahill	Smith, S. H.
Clymer	Herman	Nailor	Stairs
Farmer	Hess	Piccola	Telek
Fox	Jadlowiec	Reber	Uliana
Geist	Johnson	Reinard	Wilson
Godshall	King		

NOT VOTING—0

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. PERZEL offered the following amendments No. A1403:

Amend Title, page 1, line 11, by inserting after "elections," "further providing for number of signers required for nomination petitions of certain candidates at primaries; and

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. Section 912.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 13, 1989 (P.L.1, No.1), is amended to read:

Section 912.1. Number of Signers Required for Nomination Petitions of Candidates at Primaries.—(a) Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below:

- (1) President of the United States: Two thousand.
- (2) United States Senate: Two thousand.
- (3) Governor: Two thousand including at least one hundred from each of at least ten counties.
- (4) Lieutenant Governor: One thousand including at least one hundred from each of at least five counties.
- (5) Treasurer: One thousand including at least one hundred from each of at least five counties.
- (6) Auditor General: One thousand including at least one hundred from each of at least five counties.
- (7) Attorney General: One thousand including at least one hundred from each of at least five counties.
- (8) Justice of the Supreme Court: One thousand including at least one hundred from each of at least five counties.
- (9) Judge of the Superior Court: One thousand including at least one hundred from each of at least five counties.
- (10) Judge of the Commonwealth Court: One thousand including at least one hundred from each of at least five counties.
- (11) For any other office to be filled by the vote of the electors of the State at large or for any other party office to be elected by the electors of the State at large: One thousand including at least one hundred from each of at least five counties.
- (12) Representative in Congress: One thousand.
- (13) Senator in the General Assembly: Five hundred.
- (14) Representative in the General Assembly: Three hundred.
- (15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.
- (16) Public or party offices to be filled by a vote of the electors in counties of the second class at large: Five hundred.
- (17) Public or party offices to be filled by a vote of the electors in cities of the first class at large: One thousand.
- (18) Public or party offices to be filled by a vote of the electors in counties of the second class A at large: Two hundred fifty.
- (19) Public or party offices to be filled by a vote of the electors in counties of the third class at large: Two hundred fifty.
- (20) Public or party offices to be filled by a vote of the electors in counties of the fourth class at large: Two hundred fifty.
- (21) Public or party offices to be filled by a vote of the electors in cities of the second class at large: Two hundred fifty.
- (22) Public or party offices to be filled by a vote of the electors in cities of the second class A at large: One hundred.
- (23) Public or party offices to be filled by a vote of the electors in cities of the third class at large: One hundred.
- (24) Public or party offices to be filled by a vote of the electors in counties of the fifth class at large: One hundred.
- (25) Public or party offices to be filled by a vote of the electors in counties of the sixth class at large: One hundred.

(26) Public or party offices to be filled by a vote of the electors in counties of the seventh class at large: One hundred.

(27) Public or party offices to be filled by a vote of the electors in counties of the eighth class at large: One hundred.

(28) Office of judge of any court of record other than a Statewide court or a court in a county of the first or second class: Two hundred fifty.

(29) District delegate or alternate district delegate to a National party convention: Two hundred fifty.

(30) Member of State committee: One hundred.

(31) Office of district council member in a city of the first class: Seven hundred fifty.

(31.1) Office of district council member in a city of the second class: One hundred.

(32) Office of district justice: One hundred.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

(35) All other public and party offices: Ten.

(b) Notwithstanding the provisions of subsection (a), a candidate for office of Representative in Congress, Senator in the General Assembly or Representative in the General Assembly shall present a nominating petition containing valid signatures of at least ten per centum of the registered and enrolled members of the proper party in his district if the voter registration of that party is less than ten per centum of the total voter registration in that district.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, inadvertently last week, if you turn to page 2, seven lines from the bottom, I had used the figure of 10 percent and I had intended all along to use the number of 20 percent, because that does cover the roughly 35 legislative districts I was talking about.

So, Mr. Speaker, in order to get good government and more people on the ballot and more people elected to public office, I urge a "yes" vote.

The SPEAKER. The Chair is in possession of amendment 1403. Is that the amendment that the gentleman wants to put before the House?

Mr. PERZEL. I am sorry, Mr. Speaker. Mr. Speaker, I had replaced that with amendment 1698.

The SPEAKER. The gentleman has submitted to the Chair A1698?

AMENDMENTS WITHDRAWN

The SPEAKER. The clerk will withdraw A1403. The clerk will read amendment 1698.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. PERZEL offered the following amendments No. A1698:

Amend Title, page 1, line 11, by inserting after "providing"

for number of signers required for nomination petitions of certain candidates at primaries, and

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. Section 912.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 13, 1989 (P.L.1, No.1), is amended to read:

Section 912.1. Number of Signers Required for Nomination Petitions of Candidates at Primaries.—(a) Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below:

(1) President of the United States: Two thousand.

(2) United States Senate: Two thousand.

(3) Governor: Two thousand including at least one hundred from each of at least ten counties.

(4) Lieutenant Governor: One thousand including at least one hundred from each of at least five counties.

(5) Treasurer: One thousand including at least one hundred from each of at least five counties.

(6) Auditor General: One thousand including at least one hundred from each of at least five counties.

(7) Attorney General: One thousand including at least one hundred from each of at least five counties.

(8) Justice of the Supreme Court: One thousand including at least one hundred from each of at least five counties.

(9) Judge of the Superior Court: One thousand including at least one hundred from each of at least five counties.

(10) Judge of the Commonwealth Court: One thousand including at least one hundred from each of at least five counties.

(11) For any other office to be filled by the vote of the electors of the State at large or for any other party office to be elected by the electors of the State at large: One thousand including at least one hundred from each of at least five counties.

(12) Representative in Congress: One thousand.

(13) Senator in the General Assembly: Five hundred.

(14) Representative in the General Assembly: Three hundred.

(15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.

(16) Public or party offices to be filled by a vote of the electors in counties of the second class at large: Five hundred.

(17) Public or party offices to be filled by a vote of the electors in cities of the first class at large: One thousand.

(18) Public or party offices to be filled by a vote of the electors in counties of the second class A at large: Two hundred fifty.

(19) Public or party offices to be filled by a vote of the electors in counties of the third class at large: Two hundred fifty.

(20) Public or party offices to be filled by a vote of the electors in counties of the fourth class at large: Two hundred fifty.

(21) Public or party offices to be filled by a vote of the electors in cities of the second class at large: Two hundred fifty.

(22) Public or party offices to be filled by a vote of the electors in cities of the second class A at large: One hundred.

(23) Public or party offices to be filled by a vote of the electors in cities of the third class at large: One hundred.

(24) Public or party offices to be filled by a vote of the electors in counties of the fifth class at large: One hundred.

(25) Public or party offices to be filled by a vote of the electors in counties of the sixth class at large: One hundred.

(26) Public or party offices to be filled by a vote of the electors in counties of the seventh class at large: One hundred.

(27) Public or party offices to be filled by a vote of the electors in counties of the eighth class at large: One hundred.

(28) Office of judge of any court of record other than a Statewide court or a court in a county of the first or second class: Two hundred fifty.

(29) District delegate or alternate district delegate to a National party convention: Two hundred fifty.

(30) Member of State committee: One hundred.

(31) Office of district council member in a city of the first class: Seven hundred fifty.

(31.1) Office of district council member in a city of the second class: One hundred.

(32) Office of district justice: One hundred.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

(35) All other public and party offices: Ten.

(b) Notwithstanding the provisions of subsection (a), a candidate for office of Representative in Congress, Senator in the General Assembly or Representative in the General Assembly shall present a nominating petition containing valid signatures of at least ten per centum of the registered and enrolled members of the proper party in his district if the voter registration of that party is less than twenty per centum of the total voter registration in that district.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am glad Mr. Perzel was smiling when he introduced this amendment, because, you know, he felt this amendment was a very, very happy thing, and if I were him, I would think this amendment was a very, very happy thing, too.

Mr. Perzel's enthusiasm about the idea of more people running for office is strangely limited to what districts he wants more people to run in. It is the most amazing thing. Every single district that Mr. Perzel wants more people to run in is represented by a Democratic incumbent. Is that not amazing?

You know, it is the oddest thing. For instance, I mean, who are the Democratic incumbents that Mr. Perzel wants more people to run against? Kruszewski, Laughlin, Trello, Itkin, Pistella, Mihalich, O'Donnell, Olasz, Linton, Williams, DeWeese, Kasunic, Daley, Bishop, Michlovic, Evans, Gigliotti, Murphy, McNally, James, Oliver, Robinson, Thomas, Preston, Richardson, Roebuck, Harper, Hughes, and Carn. And who are the Republicans Mr. Perzel wants more people to run against? Nobody.

The SPEAKER. The clerk will record the vote.

Mr. COHEN. Now, is this not a great amendment. The problem with this amendment is, just like the other one is unconstitutional, this is unconstitutional. You are drawing a distinction. Thirty percent of all the Democratic districts in this State are now going to have it easier to run against the incumbents and it is not going to be easier to run against any Republican incumbents at all.

Further, if we go by race, 15 of the 16 black members of the House are going to find it easier to run against them, and only

15 of the 187 white members are going to find it easier to run against them.

CONSTITUTIONAL POINT OF ORDER

Mr. COHEN. So for both these reasons, that it discriminates against both blacks and Democrats as a whole, this amendment violates the equal protection clause of the 14th Amendment, and I move that the House find it unconstitutional.

The SPEAKER. The gentleman is in order, and the motion now before the House is the constitutionality of amendment 1698. The Chair is certainly prepared to rule on that, but it goes to the House.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. Is there anyone seeking recognition on the issue of constitutionality? The Chair recognizes the gentleman, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Perzel's amendment is not unconstitutional. In fact, Mr. Speaker, this amendment corrects the constitutionality of Act 190.

The courts have already addressed the issue of the ability to get on the ballot as a candidate when there are few registered members of that party eligible for nomination to that position. I cite, Mr. Speaker, the case of Consumer Party v. William R. Davis. This case was decided by the United States Court of Appeals third court in 1985 and remanded to the United States District Court of the Eastern District of Pennsylvania, and their decision was issued in February 1986.

Mr. Speaker, let me just mention a few of the quotes from the decision of that case. First of all, the court cites that "In passing Act 190, the legislature unwittingly but effectively barred political parties with few registered members from nominating candidates for the primary election. Moreover, because primary nomination is the only route available for members of political parties to attain general election ballot access...small parties, unable to nominate candidates for the general election ballot, are deprived of meaningful participation in the political process."

The court of appeals noted that it is common knowledge—in their footnote—how difficult it is to secure signatures on nominating petitions. First, people are reluctant to sign petitions for candidates unknown to them. In addition, party members may be geographically dispersed or not at home when those circulating the petitions arrive.

Mr. Speaker, the court noted that remedies to addressing the problem of small-party representation could be addressed legislatively:

The United States District Court cited that there are four reasons to look at the balancing test of Act 190. I would like to read two of those.

The first was that "There was an important public interest in allowing the Pennsylvania state legislature, within constitu-

tional bounds, to alleviate so-called 'ballot clutter.'" And if I shall note, Mr. Speaker, it was the legislative intent at that time to raise the number of signatures necessary in order to eliminate a large number of candidates from circulating petitions with only a few signatures required, and therefore, ballot clutter resulting, providing very difficult access for the major parties to have their party candidates recognized.

Mr. Speaker, the court also said in the balancing test that "Increasing the number of signatures required for a primary ballot position did not constitute irreparable harm only if there was available a form of relief less intrusive to the state electoral scheme than invalidating signature requirements for primary nominations."

In other words, Mr. Speaker, the court said that if there is an alternative to striking down Act 190's requirements for signatures to maintain constitutionality of the act, then the court should look at that.

Mr. Speaker, we are providing today a legislative relief for those cases in which it is very difficult, if not impossible, for a particular party with few registered members to get a person nominated to the ballot.

Mr. Speaker, let me please cite the court's reference to constitutional protections that this amendment is trying to provide for us. I quote from page 885 of the opinion of *Consumer Party v. Davis*:

The right to form political associations derives from the First Amendment guarantee of rights to freedom of speech, petition for address of grievances, and peaceable assembly....This country's representative and elective system of government necessitates that "a basic function of a political party is to select the candidates for public office to be offered to the voters at general elections."

Since voters can express their political preferences only through candidates, whether party members or independent, ballot access is intertwined with the rights of voters and entitled to protection....Laws which restrict ballot access by imposing party and candidate qualifications must be able to pass constitutional challenge on two related grounds: first, that rights of political association and voting are not impermissibly burdened in violation of the First and Fourteenth Amendments; and second, that small political parties and their members and candidates are not discriminated against in violation of the Equal Protection Clause of the Fourteenth Amendment.

Mr. Speaker, those of you who are concerned about the constitutionality should vote against this motion, because in essence this amendment provides constitutional protection for those members of those political parties in which it is virtually impossible to obtain the necessary requirements of Act 190 and who therefore are deprived of their constitutional right to participate in the electoral process.

I ask for a negative vote on this motion. Thank you.

The SPEAKER. The Chair recognizes Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I just wanted to make two points.

Number one, the Acosta case of last year clearly shows you will not need 300 signatures in the future; and number two, I

would like to thank the majority party for helping us to show our case to the Supreme Court, because that is where this is headed. So thank you for your time.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that the members of the House decide that this amendment is unconstitutional.

I would suggest that it is unconstitutional for the reasons stated, but also because there are some circumstances where it would in fact work to the disadvantage of representatives of the minority party who are intended to be the beneficiaries of the amendment. I am suggesting that the amendment may have some effects that were not anticipated by the maker of the amendment, effects that would again work to the disadvantage of members of the minority party.

If you look at the language carefully that is proposed in this amendment, it says, "Notwithstanding the provisions of subsection (a),..." It does not create an either-or situation, it says dismiss completely the provisions of subsection (a). For instance, the language that says you need 300 signatures to declare yourself a candidate for the House of Representatives. It says, discard that and instead apply the following, and the following says that if you come from a party that represents or has fewer than 20 percent of the total registration, then this new rule is going to apply, and the new rule is that you need 10 percent of the membership of your party to get yourself on the ballot. I would suggest to you that if we are dealing with a minority party in a district where that minority party has at least 3,000 registrants but yet less than 20 percent of the total registration, the effect of this amendment would be to require a would-be candidate in that district to in fact have more than 300 signatures to have a valid nominating petition. It does not say "300 or something less." It says "notwithstanding" at the beginning of this amendment.

For instance, Representative Daley's district, let me cite that in particular. Representative Daley's district would be a qualifying district under the provisions of this language. He has about 27,500 voters; 4,500 of them are Republicans. That is less than 20 percent. If this amendment were approved, for a Republican candidate to get on the ballot in Representative Daley's district, he would have to have at least 450 signatures rather than the current law that requires him to have only 300. I do not believe that that is the intent of the author of this amendment, but I would suggest that that would be the effect of this amendment if in fact it were approved. And for that reason, as well as the other reasons stated, I would argue it is unconstitutional, and I would urge us to declare it to be unconstitutional.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I would suggest a thought as to why Mr. Cohen might want to support this amendment and find it constitutional. I once represented a small borough that had such a small number of Republicans that it would be impossible for two contestants to both get on the ballot to be Republican committeeman because they had less than 20 Republicans. Now, that

borough is now a Republican borough, and heaven knows, Mr. Speaker, maybe that might happen in all of these districts. Maybe they would all turn Republican if you do not support this amendment.

So I suggest you find it constitutional and support it.

The SPEAKER. It is increasingly difficult for the Chair to follow the constitutional thread in these arguments. I would urge subsequent speakers to return to the issue of constitutionality.

Those voting "aye" will vote the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—97

Adolph	Fairchild	Johnson	Ryan
Allen	Fargo	Kenney	Saurman
Anderson	Farmer	King	Scheetz
Angstadt	Fleagle	Langtry	Schuler
Argall	Flick	Lawless	Semmel
Armstrong	Foster	Lee	Serafini
Barley	Fox	Leh	Smith, B.
Birmelin	Freind	McHugh	Smith, S. H.
Black	Gallen	Marsico	Snyder, D. W.
Boyes	Gannon	Merry	Snyder, G.
Broujos	Geist	Micozzie	Stairs
Brown	Gerlach	Nahill	Stritmatter
Bunt	Gladeck	Nailor	Taylor, E. Z.
Bush	Godshall	Nickol	Taylor, J.
Carlson	Gruppo	Noye	Telek
Cessar	Hagarty	Nyce	Tomlinson
Chadwick	Harley	O'Brien	Tulli
Civera	Hasay	Perzel	Uliana
Clark	Hayes	Phillips	Vance
Clymer	Heckler	Piccola	Vroon
Cornell	Herman	Pitts	Wilson
Davies	Hershey	Raymond	Wogan
Dempsey	Hess	Reber	Wright, M. N.
Dent	Jadlowiec	Reinard	Wright, R. C.
Durham			

NAYS—105

Acosta	Evans	Linton	Rudy
Arnold	Fajt	Lloyd	Saloom
Battisto	Fee	Lucyk	Scrimenti
Belardi	Freeman	McCall	Staback
Belfanti	Gamble	McGeehan	Steelman
Billow	George	McHale	Steighner
Bishop	Gigliotti	McNally	Stetler
Blaum	Gruitza	Maiale	Stish
Bowley	Haluska	Markosek	Stuban
Butkovitz	Hanna	Mayernik	Sturla
Caltagirone	Harper	Melio	Surra
Cappabianca	Hayden	Michlovic	Tangretti
Carn	Hughes	Mihalich	Taylor, F.
Carone	Itkin	Mrkonic	Thomas
Cawley	James	Mundy	Tigue
Cohen	Jarolin	Murphy	Trello
Colafigliola	Josephs	Olasz	Trich
Colaizzo	Kaiser	Oliver	Van Horne
Cole	Kasunic	Pesci	Veon
Corrigan	Kosinski	Petrone	Wambach
Cowell	Krebs	Pistella	Williams
Coy	Kruszewski	Preston	Wozniak
DeLuca	Kukovich	Richardson	Wright, D. R.
DeWeese	LaGrotta	Rieger	
Daley	Laughlin	Ritter	O'Donnell,

Dermody Lescovitz Robinson Speaker
Donatucci Levdansky Roebuck

NOT VOTING—0

EXCUSED—1

Petrarca

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. MICHLOVIC offered the following amendments No. A1498:

Amend Sec. 1 (Sec. 1302.1), page 2, line 16, by striking out "[on the first Friday preceding any] of" and inserting on, in counties of the second class, the first Friday preceding any primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 3, line 24, by striking out "[on the first Friday prior to the] of" and inserting on, in counties of the second class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 4, line 23, by striking out "[on the first Friday prior to the] of" and inserting on, in counties of the second class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 5, lines 12 and 13, by striking out "[on the first Friday prior to the] of" and inserting on, in counties of the second class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 5, lines 28 and 29, by striking out "[on the first Friday prior to] of" and inserting on, in counties of the second class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1306), page 7, line 5, by striking out "[on the Friday prior to] of" and inserting on, in counties of the second class, the Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1308), page 9, line 5, by striking out "[on the Friday immediately preceding the] of" and inserting on, in counties of the second class, the Friday immediately preceding the primary or November election or on, in other counties,

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Michlovic, is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1498 exempts counties of the second class from the provisions of this bill which would have to do with the absentee ballots being filed on the Monday before election.

In our county in a Presidential election year, we get as many as 35,000 absentee ballots. It is not possible for our elections department to process that many ballots the night before the

actual election because our balloting system requires that the Saturday before, the election judges, the judges of election of each precinct, pick up their ballots, and the ballot and the information would already be gone by then.

Consequently, we are asking that counties of the second class which have that large number of absentee ballots be exempted from the provisions of the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Mihalich.

Mr. MIHALICH. May I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. MIHALICH. Am I to understand, Mr. Speaker, that the voters of Allegheny County would be deprived of their right to vote up until 5 o'clock, a right that every other citizen in Pennsylvania would enjoy, and this right would be deprived to them solely because it would inconvenience the election bureau of Allegheny County, or is there some other reason?

To me it does not seem that you can balance the inconvenience of the election bureau against the right of people to cast votes under those circumstances over which they have no control. So my question is, is there any other reason other than the inconvenience caused to the election bureau?

Mr. MICHLOVIC. Mr. Speaker, the matter is not as the gentleman said. It is not a matter of inconvenience to our election department. It is a matter of, it is not possible to process that many absentee ballots in the amount of time that we are given under the provisions of this bill if—if—this bill becomes law, and I think it has a number of obstacles to go through before it reaches that stage. If this bill becomes law, I would suspect that a number of other counties would probably be joining in requesting the same kind of exemption, because the elections department just cannot do the job in the amount of time they are given under the provisions of this legislation.

Mr. MIHALICH. Thank you, Mr. Speaker.

May I make a comment?

The SPEAKER. The gentleman is in order and may proceed.

Mr. MIHALICH. With the lack of evidence that the amount of absentee ballots would double, triple, quadruple, or increase by 5 percent with this extension, I do not know that you would get 5 or 10 percent more and I do not think you do either.

I do not think that those voters who might, through no fault of their own, might not be able to vote on Tuesday in any county in this Commonwealth should be deprived of that right solely—and I will use the word again—solely because it might cause some inconvenience to the election bureau. We do not know how many more that will be. I suspect that it will not be that much more. Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes Mr. Pesci.

Mr. PESCI. Mr. Speaker, I would like to make a motion that this amendment is unconstitutional.

The SPEAKER. The motion requires the gentleman to cite the provision of the Constitution referred to.

Mr. PESCI. I believe it is the 14th Amendment, sir, equal protection.

The SPEAKER. The gentleman is in order.

The gentleman, Mr. Pesci, has moved that amendment 1498 is unconstitutional. The Speaker, under rule 4, submits that question to the House.

Is there anyone seeking recognition on the issue of constitutionality?

Those voting "aye" will declare the amendment to be constitutional; those voting "no" will declare the amendment to be unconstitutional.

On the question,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—79

Adolph	Fleagle	Jadlowiec	Reinard
Barley	Flick	Johnson	Ryan
Battisto	Foster	Kenney	Saurman
Black	Fox	King	Scheetz
Boyes	Freind	Lawless	Serafini
Broujos	Gallen	Lucyk	Smith, S. H.
Brown	Gamble	McHugh	Stairs
Bunt	Gannon	Marsico	Taylor, J.
Bush	Geist	Michlovic	Telek
Carlson	Gerlach	Micozzie	Tomlinson
Carn	Gladeck	Nahill	Tulli
Cessar	Godshall	Nickol	Vance
Chadwick	Gruppo	Noye	Wilson
Civera	Hagarty	Nyce	Wogan
Clark	Harley	O'Brien	Wozniak
Clymer	Hayes	Perzel	Wright, M. N.
Colaizzo	Heckler	Phillips	Wright, R. C.
Cornell	Herman	Piccola	
Davies	Hershey	Raymond	O'Donnell,
Dempsy	Hess	Reber	Speaker
Fairchild			

NAYS—119

Acosta	Donatucci	Lescovitz	Schuler
Allen	Evans	Lloyd	Scriminti
Anderson	Fajt	McCall	Semmel
Angstadt	Fargo	McGeehan	Smith, B.
Argall	Farmer	McHale	Snyder, D. W.
Armstrong	Fee	McNally	Snyder, G.
Arnold	Freeman	Maiale	Staback
Belardi	George	Markosek	Steelman
Belfanti	Gigliotti	Mayernik	Steighner
Billow	Gruitza	Melio	Stetler
Birmelin	Haluska	Merry	Stish
Bishop	Hanna	Mihalich	Strittmatter
Blaum	Harper	Mrkonic	Stuban
Bowley	Hasay	Mundy	Sturla
Butkovitz	Hayden	Murphy	Surra
Caltagirone	Hughes	Nailor	Tangretti
Cappabianca	Itkin	Olasz	Taylor, E. Z.
Carone	James	Oliver	Taylor, F.
Cawley	Jarolin	Pesci	Thomas
Cohen	Josephs	Petrone	Tigue
Colafella	Kaiser	Pistella	Trello

Cole	Kasunic	Pitts	Trich
Corrigan	Kosinski	Preston	Uliana
Cowell	Krebs	Richardson	Van Horne
Coy	Kruszewski	Rieger	Veon
DeLuca	Kukovich	Ritter	Vroon
DeWeese	LaGrotta	Robinson	Wambach
Daley	Langtry	Roebuck	Williams
Dent	Laughlin	Rudy	Wright, D. R.
Dermody	Lee	Saloom	

NOT VOTING—4

Durham	Leh	Levdansky	Linton
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EXCUSED—1

Petrarca

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. WILLIAMS offered the following amendments No. A1506:

Amend Sec. 1 (Sec. 1302.1), page 2, line 16, by striking out “[on the first Friday preceding any] of” and inserting on, in counties of the first class, the first Friday preceding any primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 3, line 24, by striking out “[on the first Friday prior to the] of” and inserting on, in counties of the first class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 4, line 23, by striking out “[on the first Friday prior to the] of” and inserting on, in counties of the first class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 5, lines 12 and 13, by striking out “[on the first Friday prior to the] of” and inserting on, in counties of the first class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1302.2), page 5, lines 28 and 29, by striking out “[on the first Friday prior to] of” and inserting on, in counties of the first class, the first Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1306), page 7, line 5, by striking out “[on the Friday prior to] of” and inserting on, in counties of the first class, the Friday prior to the primary or election and on, in other counties,

Amend Sec. 1 (Sec. 1308), page 9, line 5, by striking out “[on the Friday immediately preceding the] of” and inserting on, in counties of the first class, the Friday immediately preceding the primary or November election or on, in other counties,

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, the Chair recognizes Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, on the previous amendment, I think that there was some confusion with regard to the intent, and certainly people from my county are not clear on exactly the issue with regard to constitutionality. I would like to ask for a reconsideration of the previous amendment.

The SPEAKER. In response to the gentleman’s parliamentary inquiry, a reconsideration requires a written motion signed by two members.

Mr. WILLIAMS. Understood.

On the matter at hand.

The SPEAKER. Is the gentleman seeking to offer his amendment at this time?

Mr. WILLIAMS. Yes, I am offering the amendment at this time, Mr. Speaker.

The SPEAKER. The gentleman is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, the amendment that we are offering is similar in nature to the previous amendment which was offered, and that is, beyond the issue of inconvenience to the election board, it is almost logistically impossible to accomplish what is being asked of us.

In Philadelphia County, the process of the application of the absentee ballot, receiving the application and then casting the vote, takes approximately 7 days. You would have us in Philadelphia County waiting 7 days for elections that go statewide and citywide because of this particular amendment.

Further, the cost of paying for that is fiscally irresponsible at this time, because that cost and that burden would be handled—as these people certainly know who are opposing it—would be handled by the county in question - Philadelphia County. We are not asking anybody to rescind their rights. If they can bear that cost and that burden, let them do that, but we in Philadelphia County are currently strapped, as many people know, to the point that we cannot take on additional responsibilities imposed upon us by the State. It would be fiscally irresponsible, let alone practically and logistically irresponsible. We have ward leaders who represent wards in our delegation, and they also can speak to the fiscal as well as logistic irresponsibility of this amendment.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes Mr. Pesci.

Mr. PESCI. For the reasons enunciated in the prior testimony against the other amendment, I would like to make a motion that this amendment also is unconstitutional.

The SPEAKER. Is there anyone seeking recognition on the issue of constitutionality?

Those voting to declare the amendment to be constitutional will vote “aye”; those voting to declare the amendment to be unconstitutional will vote “nay.”

On the question,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—112

Acosta	Fleagle	LaGrotta	Preston
Adolph	Foster	Lawless	Raymond
Battisto	Fox	Leh	Reber
Bishop	Freind	Lescovitz	Reinard
Blaum	Gallen	Linton	Richardson
Boyes	Gamble	Lucyk	Rieger
Broujos	Gannon	McCall	Roebuck
Brown	Geist	McGeehan	Ryan
Bunt	George	McHugh	Saloom
Bush	Gerlach	Maiale	Saurman
Butkovitz	Gigliotti	Markosek	Serafini
Caltagirone	Gladeck	Marsico	Steelman
Carlson	Godshall	Mayernik	Taylor, J.
Carn	Gruppo	Merry	Thomas
Cessar	Hagarty	Michlovic	Tomlinson
Civera	Harley	Micozzie	Trello
Clark	Harper	Mrkonic	Van Horne
Clymer	Hayden	Murphy	Veon
Cohen	Heckler	Nahill	Wambach
Colaizzo	Hershey	Nailor	Williams
Cole	Hughes	Noye	Wilson
Cornell	James	O'Brien	Wogan
DeWeese	Jarolin	Olasz	Wozniak
Davies	Johnson	Oliver	Wright, M. N.
Dempsey	Josephs	Perzel	Wright, R. C.
Donatucci	Kaiser	Petrone	
Durham	Kenney	Phillips	O'Donnell, Speaker
Fairchild	Kosinski	Piccola	
Fajt	Kruszewski		

NAYS—89

Allen	Dent	Laughlin	Snyder, D. W.
Anderson	Dermody	Lee	Snyder, G.
Angstadt	Evans	Lloyd	Staback
Argall	Fargo	McHale	Stairs
Armstrong	Farmer	McNally	Steighner
Arnold	Fee	Melio	Stetler
Barley	Flick	Mihalich	Stish
Belardi	Freeman	Mundy	Strittmatter
Belfanti	Gruitza	Nickol	Stuban
Billow	Haluska	Nyce	Sturla
Birmelin	Hanna	Pesci	Surra
Black	Hasay	Pistella	Tangretti
Bowley	Hayes	Pitts	Taylor, E. Z.
Cappabianca	Herman	Ritter	Taylor, F.
Carone	Hess	Robinson	Telek
Cawley	Itkin	Rudy	Tigue
Chadwick	Jadlowiec	Scheetz	Trich
Colaifella	Kasunic	Schuler	Tulli
Corrigan	King	Scrimenti	Uliana
Cowell	Krebs	Semmel	Vance
Coy	Kukovich	Smith, B.	Vroon
DeLuca	Langtry	Smith, S. H.	Wright, D. R.
Daley			

NOT VOTING—1

Levdansky

EXCUSED—1

Petrarca

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—68

Acosta	Daley	Lescovitz	Reber
Battisto	Donatucci	Linton	Richardson
Bishop	Fajt	McGeehan	Rieger
Boyes	Foster	McHugh	Robinson
Broujos	Gamble	Maiale	Roebuck
Bunt	Harper	Markosek	Smith, B.
Butkovitz	Hayden	Mayernik	Taylor, J.
Caltagirone	Hughes	Melio	Thomas
Carn	James	Michlovic	Trello
Carone	Jarolin	Micozzie	Trich
Clymer	Josephs	Mrkonic	Veon
Cohen	Kaiser	Murphy	Williams
Colaifella	Kenney	Nahill	Wogan
Colaizzo	Kosinski	Oliver	Wright, M. N.
Cole	Krebs	Perzel	
Cornell	Kruszewski	Petrone	O'Donnell, Speaker
Corrigan	LaGrotta	Preston	
DeWeese	Laughlin		

NAYS—132

Adolph	Fairchild	King	Schuler
Allen	Fargo	Kukovich	Scrimenti
Anderson	Farmer	Langtry	Semmel
Angstadt	Fee	Lawless	Serafini
Argall	Fleagle	Lee	Smith, S. H.
Armstrong	Flick	Leh	Snyder, D. W.
Arnold	Fox	Lloyd	Snyder, G.
Barley	Freeman	Lucyk	Staback
Belardi	Freind	McCall	Stairs
Belfanti	Gallen	McHale	Steelman
Billow	Gannon	McNally	Steighner
Birmelin	Geist	Marsico	Stetler
Black	George	Merry	Stish
Blaum	Gerlach	Mihalich	Strittmatter
Bowley	Gigliotti	Mundy	Stuban
Brown	Gladeck	Nailor	Sturla
Bush	Godshall	Nickol	Surra
Cappabianca	Gruitza	Noye	Tangretti
Carlson	Gruppo	Nyce	Taylor, E. Z.
Cawley	Hagarty	O'Brien	Taylor, F.
Cessar	Haluska	Olasz	Telek
Chadwick	Hanna	Pesci	Tigue
Civera	Harley	Phillips	Tomlinson
Clark	Hasay	Piccola	Tulli
Cowell	Hayes	Pistella	Uliana
Coy	Heckler	Pitts	Van Horne
DeLuca	Herman	Raymond	Vance
Davies	Hershey	Reinard	Vroon
Dempsey	Hess	Ritter	Wambach
Dent	Itkin	Rudy	Wilson
Dermody	Jadlowiec	Ryan	Wozniak
Durham	Johnson	Saloom	Wright, D. R.
Evans	Kasunic	Scheetz	Wright, R. C.

NOT VOTING—2

Levdansky

Saurman

EXCUSED—1

Petrarca

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. LAWLESS offered the following amendments No. A1483:

Amend Title, page 1, line 11, by removing the period after "ballots" and inserting

; and providing for determination of the residence of students at institutions of higher learning.

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. Section 102(w)(14) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, added May 5, 1986 (P.L.150, No.47), is amended and the clause is amended by adding a subclause to read:

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

(w) The words "qualified absentee elector" shall mean:

(14) Any qualified elector who will not attend a polling place because of the observance of a religious holiday[:]; or

(15) Any qualified elector who is enrolled as a regular student and is actively pursuing a curriculum in an institution of higher education outside the county of his residence if at the time of voting he is at the institution of higher education. The term "institution of higher education" means an educational institution which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, and is accredited by a nationally recognized accrediting agency or association:

Section 2. Section 703 of the act, amended September 9, 1959 (P.L.851, No.339), is amended to read:

Section 703. Residence of Electors.—For the purpose of registration and voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison, except that any veteran who resides in a home for disabled and indigent soldiers and sailors, operated and maintained by the Commonwealth of Pennsylvania, and who possesses all the qualifications for voting, may gain a residence for registration and voting at the home for disabled and indigent soldiers and sailors. A student at an institution of higher learning shall be considered a resident of the election district in which he resided immediately prior to enrolling in the institution of higher learning. The provisions of this amendment shall not be construed to affect the voting rights of bedridden or hospitalized veterans who choose to vote as absentee electors by the use of veteran's official ballots.

Section 3. Section 704 of the act is amended by adding a clause to read:

Section 704. Rules for Determining Residence.—In determining the residence of a person desiring to register or vote, the following rules shall be followed so far as they may be applicable:

(c.1) A person shall not be deemed to have gained or lost a residence by reason of his presence or absence while a student of an institution of higher learning.

Section 4. Section 1301(n) of the act, added May 5, 1986 (P.L.150, No.47), is amended and the section is amended by adding a subsection to read:

Section 1301. Qualified Absentee Electors.—The following persons shall be entitled to vote by an official absentee ballot in any primary or election held in this Commonwealth in the manner hereinafter provided:

(n) Any qualified elector who will not attend a polling place because of the observance of a religious holiday[:]; or

(o) Any qualified elector who is enrolled as a regular student and is actively pursuing a curriculum in an institution of higher education outside the county of his residence if at the time for voting he is at the institution of higher education:

Section 5. Section 1302(e) and (e.2) of the act, amended May 5, 1986 (P.L.150, No.47), are amended to read:

Section 1302. Applications for Official Absentee Ballots.—

(e) Any qualified bedridden or hospitalized veteran absent from the State or county of his residence and unable to attend his polling place because of such illness or physical disability, regardless of whether he is registered or enrolled, may apply at any time before any primary or election for an official absentee ballot on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of elections of the county in which his voting residence is located.

The application shall contain the following information: Residence at the time of becoming bedridden or hospitalized, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident in voting district, voting district if known, party choice in case of primary, name and address of present residence or hospital at which hospitalized. When such application is received by the Secretary of the Commonwealth, it shall be forwarded to the proper county board of elections.

The application for an official absentee ballot for any primary or election shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, or in the case of a person who will be absent from the county of his residence by reason of being a student at an institution of higher education, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application shall be made upon an official application form supplied by the county board of elections. Such official application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

(l) The application of any qualified registered elector, including spouse or dependent referred to in subsection (l) of section 1301, who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, or in the case of a person who will be absent from the county of his residence by reason of being a student at an institution of higher education, shall be signed by the applicant and shall include the surname and given name or names of the applicant, his occupation, date of birth, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, the reason for his absence, and such other informa-

tion as shall make clear to the county board of elections the applicant's right to an official absentee ballot.

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and given name or names of the applicant, his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

..... (Mark)
(Date)

..... (Signature of Witness)
(Complete Address of Witness)

(e.2) Notwithstanding the other provisions of this act any qualified elector who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any election or a county employe who cannot vote due to duties on election day relating to the conduct of the election or a person who will not attend a polling place because of the observance of a religious holiday or a person who will be absent from the county of his residence by reason of being a student at an institution of higher education may make an application for an absentee ballot by mail by sending a letter to the county board of elections in the county in which his voting residence is located. The letter shall be signed by the applicant and contain his name and place of residence.

Section 6. Sections 1302.1 and 1302.2 of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:
Amend Bill, page 7, by inserting between lines 2 and 3

Section 7. Section 1305(b) of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:
Section 1305. Delivering or Mailing Ballots.—

(b) The county board of elections upon receipt and approval of an application filed by any elector qualified in accordance with the provisions of section 1301, subsections (i) to [(l)] (o), inclusive, shall commence to deliver or mail official absentee ballots on the second Tuesday prior to the primary or election. As additional applications are received and approved, the board shall deliver or mail official absentee ballots to such additional electors within forty-eight hours.

Section 8. Sections 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

9
On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair understands the gentleman is withdrawing his amendment.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. MAYERNIK offered the following amendments No. A1196:

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. Section 1301 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a clause to read:

Section 1301. Qualified Absentee Electors.—The following persons shall be entitled to vote by an official absentee ballot in any primary or election held in this Commonwealth in the manner hereinafter provided:

(1.1) Any qualified elector attending an institution of post secondary education who temporarily resides outside of their domiciliary voting district for more than thirty days; or

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting
3

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This amendment would permit college students residing outside their precincts to vote by absentee ballots. An example would be that some of my residents or voters go to the University of Pittsburgh, and in order to get home, it takes two buses, sometimes an hour or an hour and 20 minutes, to vote. In light of what we are doing today, it is to encourage people to vote and register to vote, and this will also move in that mode.

So I ask for an affirmative vote on the amendment.

The SPEAKER. The Chair recognizes Mr. Pesci.

Mr. PESCI. Thank you, Mr. Speaker.

This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—201

Acosta	Durham	Langtry	Rudy
Adolph	Evans	Laughlin	Ryan
Allen	Fairchild	Lawless	Saloom
Anderson	Fajt	Lee	Saurman
Angstadt	Fargo	Leh	Scheetz
Argall	Farmer	Lescovitz	Schuler
Armstrong	Fee	Levdansky	Scrimenti
Arnold	Fleagle	Linton	Semmel
Barley	Flick	Lloyd	Serafini
Battisto	Foster	Lucyk	Smith, B.
Belardi	Fox	McCall	Smith, S. H.

Belfanti	Freeman	McGeehan	Snyder, D. W.
Billow	Freind	McHale	Snyder, G.
Birmelin	Gallen	McHugh	Staback
Bishop	Gamble	McNally	Stairs
Black	Gannon	Maiale	Steelman
Blaum	Geist	Markosek	Steighner
Bowley	George	Marsico	Stetler
Boyes	Gerlach	Mayernik	Stish
Broujos	Gigliotti	Melio	Strittmatter
Brown	Gladeck	Merry	Suban
Bunt	Godshall	Michlovic	Sturla
Bush	Gruitza	Micozzie	Surra
Butkovitz	Gruppo	Mihalich	Tangretti
Caltagirone	Hagarty	Mrkonic	Taylor, E. Z.
Cappabianca	Haluska	Mundy	Taylor, F.
Carlson	Hanna	Murphy	Taylor, J.
Carn	Harley	Nahill	Telek
Carone	Harper	Nailor	Thomas
Cawley	Hasay	Nickol	Tigue
Cessar	Hayden	Noye	Tomlinson
Chadwick	Hayes	Nyce	Trello
Civera	Heckler	O'Brien	Trich
Clark	Herman	Olasz	Tulli
Clymer	Hershey	Oliver	Uliana
Cohen	Hess	Perzel	Van Horne
Colaifella	Hughes	Pesci	Vance
Colaizzo	Itkin	Petrone	Veon
Cole	Jadlowiec	Phillips	Vroon
Cornell	James	Piccola	Wambach
Corrigan	Jarolin	Pistella	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	King	Reinard	Wright, M. N.
Davies	Kosinski	Richardson	Wright, R. C.
Dempsey	Krebs	Rieger	
Dent	Kruszewski	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker
Donatucci	LaGrotta	Roebuck	

NAYS—1

Kenney

NOT VOTING—0

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

**THE SPEAKER PRO TEMPORE
(DAVID R. WRIGHT) PRESIDING**

**CONSTITUTIONALITY OF
AMENDMENT A1498 RECONSIDERED**

The SPEAKER pro tempore. The gentleman, Mr. Michlovic, moves that the vote by which amendment 1498 to HB 544, PN 629, was found unconstitutional on the 25th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—201

Acosta	Durham	LaGrotta	Rudy
Adolph	Evans	Langtry	Ryan
Allen	Fairchild	Laughlin	Saloom
Anderson	Fajt	Lawless	Saurman
Angstadt	Fargo	Lee	Scheetz
Argall	Farmer	Leh	Schuler
Armstrong	Fee	Lescovitz	Scrimenti
Arnold	Fleagle	Levdansky	Semmel
Barley	Flick	Linton	Serafini
Battisto	Foster	Lloyd	Smith, B.
Belardi	Fox	Lucyk	Smith, S. H.
Belfanti	Freeman	McCall	Snyder, D. W.
Billow	Freind	McHale	Snyder, G.
Birmelin	Gallen	McHugh	Staback
Bishop	Gamble	McNally	Stairs
Black	Gannon	Maiale	Steelman
Blaum	Geist	Markosek	Steighner
Bowley	George	Marsico	Stetler
Boyes	Gerlach	Mayernik	Stish
Broujos	Gigliotti	Melio	Strittmatter
Brown	Gladeck	Merry	Suban
Bunt	Godshall	Michlovic	Sturla
Bush	Gruitza	Micozzie	Surra
Butkovitz	Gruppo	Mihalich	Tangretti
Caltagirone	Hagarty	Mrkonic	Taylor, E. Z.
Cappabianca	Haluska	Mundy	Taylor, F.
Carlson	Hanna	Murphy	Taylor, J.
Carn	Harley	Nahill	Telek
Carone	Harper	Nailor	Thomas
Cawley	Hasay	Nickol	Tigue
Cessar	Hayden	Noye	Tomlinson
Chadwick	Hayes	Nyce	Trello
Civera	Heckler	O'Brien	Trich
Clark	Herman	Olasz	Tulli
Clymer	Hershey	Oliver	Uliana
Cohen	Hess	Perzel	Van Horne
Colaifella	Hughes	Pesci	Vance
Colaizzo	Itkin	Petrone	Veon
Cole	Jadlowiec	Phillips	Vroon
Cornell	James	Piccola	Wambach
Corrigan	Jarolin	Pistella	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich	Roebuck	

NAYS—0

NOT VOTING—1

McGeehan

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The SPEAKER pro tempore. The matter now before us is the constitutionality of amendment A1498.

On the issue of constitutionality, the Chair recognizes the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

On the prior vote, I voted in error and a number of other members voted with me. I would like to correct the record with this constitutionality vote.

I would just say that I believe the amendment to be constitutional, and I would ask the members of the House to join me to vote that the amendment is constitutional. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Those who believe the amendment to be constitutional will vote "aye"; those who believe it not to be constitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—50

Acosta	Foster	Kosinski	Saurman
Battisto	Gamble	Kukovich	Steighner
Bishop	George	Linton	Stish
Broujos	Gladeck	Lucyk	Taylor, J.
Butkovitz	Harley	McGeehan	Thomas
Carn	Harper	Markosek	Van Horne
Carone	Hayden	Michlovic	Veon
Clymer	Heckler	Mrkonic	Williams
Cohen	Hughes	Murphy	Wogan
Colaizzo	James	Perzel	Wright, D. R.
Evans	Josephs	Preston	
Fajt	Kaiser	Richardson	O'Donnell,
Fee	Kenney	Saloom	Speaker

NAYS—149

Adolph	Dent	Laughlin	Roebuck
Allen	Dermody	Lawless	Rudy
Anderson	Donatucci	Lee	Ryan
Angstadt	Durham	Leh	Scheetz
Argall	Fairchild	Lescovitz	Schuler
Armstrong	Fargo	Lloyd	Scrimenti
Arnold	Farmer	McCall	Semmel
Barley	Fleagle	McHale	Serafini
Belardi	Flick	McHugh	Smith, B.
Belfanti	Fox	McNally	Smith, S. H.
Billow	Freeman	Maiale	Snyder, D. W.
Birmelin	Freind	Marsico	Snyder, G.
Black	Gallen	Mayernik	Staback
Blaum	Gannon	Melio	Stairs
Boyley	Geist	Merry	Steelman
Boyes	Gerlach	Micozzie	Stetler
Brown	Gigliotti	Mihalich	Strittmatter
Bunt	Godshall	Mundy	Suban
Bush	Gruitza	Nahill	Sturla
Caltagirone	Gruppo	Nailor	Surra
Cappabianca	Hagarty	Nickol	Tangretti
Carlson	Haluska	Noye	Taylor, E. Z.
Cawley	Hanna	Nyce	Taylor, F.
Cessar	Hasay	O'Brien	Telek
Chadwick	Hayes	Olasz	Tigue
Civera	Herman	Oliver	Tomlinson
Clark	Hershey	Pesci	Trello
Colafella	Hess	Petrone	Trich
Cole	Jadlowiec	Phillips	Tulli
Cornell	Jarolin	Piccola	Uliana
Corrigan	Johnson	Pistella	Vance
Cowell	Kasunic	Pitts	Vroon
Coy	King	Reber	Wambach
DeLuca	Krebs	Reinard	Wilson
DeWeese	Kruszewski	Rieger	Wozniak

Daley	LaGrotta	Ritter	Wright, M. N.
Davies	Langtry	Robinson	Wright, R. C.
Dempsey			

NOT VOTING—3

Itkin	Levdansky	Raymond
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EXCUSED—1

Petrarca

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A1118 RECONSIDERED

The SPEAKER pro tempore. The gentleman, Mr. Van Horne, moves that the vote by which the Scrimenti amendment A1118 to HB 544, PN 629, passed on the 25th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—202

Acosta	Durham	LaGrotta	Roebuck
Adolph	Evans	Langtry	Rudy
Allen	Fairchild	Laughlin	Ryan
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Lee	Saurman
Argall	Farmer	Leh	Scheetz
Armstrong	Fee	Lescovitz	Schuler
Arnold	Fleagle	Levdansky	Scrimenti
Barley	Flick	Linton	Semmel
Battisto	Foster	Lloyd	Serafini
Belardi	Fox	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Freind	McGeehan	Snyder, D. W.
Birmelin	Gallen	McHale	Snyder, G.
Bishop	Gamble	McHugh	Staback
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Steelman
Boyley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Merry	Suban
Bush	Gruitza	Michlovic	Sturla
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mihalich	Tangretti
Cappabianca	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, F.
Carn	Harley	Murphy	Taylor, J.
Carone	Harper	Nahill	Telek
Cawley	Hasay	Nailor	Thomas
Cessar	Hayden	Nickol	Tigue
Chadwick	Hayes	Noye	Tomlinson
Civera	Heckler	Nyce	Trello
Clark	Herman	O'Brien	Trich
Clymer	Hershey	Olasz	Tulli
Cohen	Hess	Oliver	Uliana
Colafella	Hughes	Perzel	Van Horne
Colaizzo	Itkin	Pesci	Vance
Cole	Jadlowiec	Petrone	Veon
Cornell	James	Phillips	Vroon
Corrigan	Jarolin	Piccola	Wambach

Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	King	Reinard	Wright, M. N.
Dempsey	Kosinski	Richardson	Wright, R. C.
Dent	Krebs	Rieger	
Dermody	Kruszewski	Ritter	O'Donnell,
Donatucci	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A1118:

Amend Title, page 1, line 11, by removing the period after "ballots" and inserting
; and providing for a reduction in the requisite number of signatures for nomination petitions of candidates at primaries in certain third class cities.

Amend Bill, page 1, by inserting between lines 13 and 14

Section 1. Section 912.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 13, 1989 (P.L.1, No.1), is amended to read:

Section 912.1. Number of Signers Required for Nomination Petitions of Candidates at Primaries.—Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below:

- (1) President of the United States: Two thousand.
- (2) United States Senate: Two thousand.
- (3) Governor: Two thousand including at least one hundred from each of at least ten counties.
- (4) Lieutenant Governor: One thousand including at least one hundred from each of at least five counties.
- (5) Treasurer: One thousand including at least one hundred from each of at least five counties.
- (6) Auditor General: One thousand including at least one hundred from each of at least five counties.
- (7) Attorney General: One thousand including at least one hundred from each of at least five counties.
- (8) Justice of the Supreme Court: One thousand including at least one hundred from each of at least five counties.
- (9) Judge of the Superior Court: One thousand including at least one hundred from each of at least five counties.
- (10) Judge of the Commonwealth Court: One thousand including at least one hundred from each of at least five counties.
- (11) For any other office to be filled by the vote of the electors of the State at large or for any other party office to be elected by the electors of the State at large: One thousand including at least one hundred from each of at least five counties.
- (12) Representative in Congress: One thousand.
- (13) Senator in the General Assembly: Five hundred.
- (14) Representative in the General Assembly: Three hundred.

(15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.

(16) Public or party offices to be filled by a vote of the electors in counties of the second class at large: Five hundred.

(17) Public or party offices to be filled by a vote of the electors in cities of the first class at large: One thousand.

(18) Public or party offices to be filled by a vote of the electors in counties of the second class A at large: Two hundred fifty.

(19) Public or party offices to be filled by a vote of the electors in counties of the third class at large: Two hundred fifty.

(20) Public or party offices to be filled by a vote of the electors in counties of the fourth class at large: Two hundred fifty.

(21) Public or party offices to be filled by a vote of the electors in cities of the second class at large: Two hundred fifty.

(22) Public or party offices to be filled by a vote of the electors in cities of the second class A at large: One hundred.

(23) Public or party offices to be filled by a vote of the electors in cities of the third class [at large: One hundred.] with a population of ten thousand or more: One hundred.

(23.1) Public or party offices to be filled by a vote of the electors in cities of the third class with a population under ten thousand: Ten.

(24) Public or party offices to be filled by a vote of the electors in counties of the fifth class at large: One hundred.

(25) Public or party offices to be filled by a vote of the electors in counties of the sixth class at large: One hundred.

(26) Public or party offices to be filled by a vote of the electors in counties of the seventh class at large: One hundred.

(27) Public or party offices to be filled by a vote of the electors in counties of the eighth class at large: One hundred.

(28) Office of judge of any court of record other than a Statewide court or a court in a county of the first or second class: Two hundred fifty.

(29) District delegate or alternate district delegate to a National party convention: Two hundred fifty.

(30) Member of State committee: One hundred.

(31) Office of district council member in a city of the first class: Seven hundred fifty.

(31.1) Office of district council member in a city of the second class: One hundred.

(32) Office of district justice: One hundred.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

(35) All other public and party offices: Ten.

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code"

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Scrimenti, on the amendment.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

Just to refresh people's memories, this amendment simply changes the required number of signatures needed for petitions with populations in third-class cities of 10,000 or less. The number of signatures needed for petitions would be reduced from 100 to 10, and I urge everyone's support for this. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Van Horne.

Mr. VAN HORNE. Thank you, Mr. Speaker.

I urge a “no” vote on this amendment.

I represent three third-class cities in this Commonwealth. I do not know if any other members do. Mr. Speaker, I just think it is an inappropriate thing to do. It is another artificial distinction. If you want to create population differences, maybe we should create another class of municipalities. But any candidate worth his weight, if he cannot go out and get 100 votes, I do not know if he is worthy to be on the ballot. That is the other consideration.

But I would urge a “no” vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—14

Argall	Foster	Micozzie	Scrimenti
Arnold	Harper	Nickol	Tigue
Cappabianca	Kaiser	Pesci	Trich
Cawley	Lloyd		

NAYS—185

Acosta	Durham	LaGrotta	Rudy
Adolph	Evans	Langtry	Ryan
Allen	Fairchild	Laughlin	Saloom
Anderson	Fajt	Lawless	Saurman
Angstadt	Fargo	Lee	Scheetz
Armstrong	Farmer	Leh	Schuler
Barley	Fee	Lescovitz	Semmel
Battisto	Fleagle	Levdansky	Serafini
Belardi	Flick	Linton	Smith, B.
Belfanti	Fox	Lucyk	Smith, S. H.
Billow	Freeman	McCall	Snyder, D. W.
Birmelin	Gallen	McGeehan	Snyder, G.
Bishop	Gamble	McHale	Staback
Black	Gannon	McHugh	Stairs
Blaum	Geist	McNally	Steelman
Bowley	George	Maiale	Steighner
Boyes	Gerlach	Markosek	Stetler
Broujos	Gigliotti	Marsico	Stish
Brown	Gladeck	Mayernik	Strittmatter
Bunt	Godshall	Melio	Suban
Bush	Gruitza	Merry	Sturla
Butkovitz	Gruppo	Michlovic	Surra
Caltagirone	Hagarty	Mrkonic	Tangretti
Carlson	Haluska	Mundy	Taylor, E. Z.
Carn	Hanna	Murphy	Taylor, F.
Carone	Harley	Nahill	Taylor, J.
Cessar	Hasay	Nailor	Telek
Chadwick	Hayden	Noye	Thomas
Civera	Hayes	Nyce	Tomlinson
Clark	Heckler	O'Brien	Trello
Clymer	Herman	Olasz	Tulli
Cohen	Hershey	Oliver	Uliana
Colaifella	Hess	Perzel	Van Horne
Colaizzo	Hughes	Petrone	Vance
Cole	Itkin	Phillips	Veon
Cornell	Jadlowiec	Piccola	Vroon
Corrigan	James	Pistella	Wambach
Cowell	Jarolin	Pitts	Williams
Coy	Johnson	Preston	Wilson
DeLuca	Josephs	Raymond	Wogan
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	

Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich	Roebuck	

NOT VOTING—3

Freind	Mihalich	Wozniak
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EXCUSED—1

Petrarca

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

AMENDMENT A1008 RECONSIDERED

The SPEAKER pro tempore. The gentleman, Mr. Phillips, moves that the vote by which amendment 1008 to HB 544, PN 629, was defeated on the 25th day of June be reconsidered.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

Acosta	Durham	LaGrotta	Roebuck
Adolph	Evans	Langtry	Rudy
Allen	Fairchild	Laughlin	Ryan
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Lee	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Fox	McCall	Smith, B.
Belfanti	Freeman	McGeehan	Smith, S. H.
Billow	Freind	McHale	Snyder, D. W.
Birmelin	Gallen	McHugh	Snyder, G.
Bishop	Gamble	McNally	Staback
Black	Gannon	Maiale	Stairs
Blaum	Geist	Markosek	Steelman
Bowley	George	Marsico	Steighner
Boyes	Gerlach	Mayernik	Stetler
Broujos	Gigliotti	Melio	Stish
Brown	Gladeck	Merry	Strittmatter
Bunt	Godshall	Michlovic	Suban
Bush	Gruitza	Micozzie	Sturla
Butkovitz	Gruppo	Mihalich	Surra
Caltagirone	Hagarty	Mrkonic	Tangretti
Carlson	Haluska	Mundy	Taylor, E. Z.
Carn	Hanna	Murphy	Taylor, F.
Carone	Harley	Nahill	Taylor, J.
Cessar	Hasay	Nailor	Telek
Chadwick	Hayden	Noye	Thomas
Civera	Hayes	Nyce	Tomlinson
Clark	Heckler	O'Brien	Trello
Clymer	Herman	Olasz	Tulli
Cohen	Hershey	Oliver	Uliana
Colaifella	Hess	Perzel	Van Horne
Colaizzo	Hughes	Petrone	Vance
Cole	Itkin	Phillips	Veon
Cornell	Jadlowiec	Piccola	Vroon
Corrigan	James	Pistella	Wambach
Cowell	Jarolin	Pitts	Williams
Coy	Johnson	Preston	Wilson
DeLuca	Josephs	Raymond	Wogan
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	

DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich		

NAYS—1

Leh

NOT VOTING—1

Trich

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A1008:

Amend Sec. 1 (Sec. 1302.1), page 2, line 15, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1302.1), page 2, line 16, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.1), page 2, line 16, by inserting after "any"

primary or

Amend Sec. 1 (Sec. 1302.1), page 2, lines 16 and 17, by striking out "of the day before a primary or" and inserting eight o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1302.2), page 3, line 23, by inserting a bracket before "5:00"

Amend Sec. 1 (Sec. 1302.2), page 3, line 24, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 3, lines 24 and 25, by striking out "of the day before the primary or" and inserting 8:00 o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1302.2), page 4, line 23, by inserting a bracket before "5:00"

Amend Sec. 1 (Sec. 1302.2), page 4, line 23, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 4, lines 23 and 24, by striking out "of the day before the primary or" and inserting 8:00 o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1302.2), page 5, line 12, by inserting a bracket before "5:00"

Amend Sec. 1 (Sec. 1302.2), page 5, line 12, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 5, line 13, by striking out "of the day before the primary or" and inserting 8:00 o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1302.2), page 5, line 28, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1302.2), page 5, line 28, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1302.2), page 5, line 29, by inserting after "to"

the primary or

Amend Sec. 1 (Sec. 1302.2), page 5, lines 16 and 17, by striking out "of the day before the primary or" and inserting 8:00 o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1306), page 7, line 5, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1306), page 7, line 5, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1306), page 7, line 5, by inserting after "to"

the primary or

Amend Sec. 1 (Sec. 1306), page 7, lines 5 and 6, by striking out "of the day before the primary or" and inserting eight o'clock P.M. on the day of any

Amend Sec. 1 (Sec. 1308), page 8, line 23, by inserting after "Commonwealth."

Official absentee ballots received after five o'clock P.M. on the Friday immediately preceding the primary or election day and before eight o'clock P.M. on the primary or election day shall be canvassed by the county board of elections.

Amend Sec. 1 (Sec. 1308), page 8, line 25, by inserting after "ballots"

received prior to five o'clock P.M. on the Friday immediately preceding the primary or election day

Amend Sec. 1 (Sec. 1308), page 9, line 4, by inserting a bracket before "five"

Amend Sec. 1 (Sec. 1308), page 9, line 5, by striking out the bracket before "on"

Amend Sec. 1 (Sec. 1308), page 9, line 5, by inserting after "the" where it appears the second time

primary or November

Amend Sec. 1 (Sec. 1308), page 9, lines 5 and 6, by striking out "of the day before a primary or November" and inserting eight o'clock P.M. on the day of any

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I once again rise to oppose this amendment. Although the gentleman, Mr. Phillips' amendment is well intentioned, it really does pose an administrative nightmare.

I think you also have to keep in consideration the fact that someone could conceivably go to their polling place and vote and also vote by absentee ballot at the county courthouse under his amendment, thereby allowing two votes to be cast by the same person. Now, obviously, if there is good scrutiny on the part of the voter registration office, they can catch that, but there is the real possibility that, under Mr. Phillips' amendment, an individual could vote twice, and I think that is something this House should oppose.

I would urge the membership of the House not to embrace this amendment. I think the Pesci bill in its current form seeks to provide as much opportunity as possible to utilize the absentee ballot in Pennsylvania, and I would urge the members to vote "no" on the Phillips amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Phillips is recognized on the amendment.

Mr. PHILLIPS. Thank you, Mr. Speaker.

Once again I ask for support of this amendment. What we are doing here is we are allowing absentee ballots to be counted just the same as any other vote that is cast on election day. If you have problems with the mail, as many do, it gives another extra day to have those ballots received, and I think that what it is also doing is correcting the problem, what do we do with the absentee ballots that come in prior to election day? This would allow those ballots that come in after

Friday—and this is important—Friday at 5 p.m., it allows those ballots to remain with the county and to be canvassed at the county level. I think it would save a lot of problems and correct this bill. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Lee is recognized on the amendment.

Mr. LEE. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman indicates that he will be interrogated. The gentleman is in order and may proceed.

Mr. LEE. Mr. Speaker, can you address the concern raised by Representative Freeman regarding the possibility of persons voting twice? How would we insure that that is not the case? Would the election bureau at the central location have a list of all the voters who have voted that day and could cross-reference that against the absentee ballots they have gotten in? Would there be any way, under your amendment, to insure that that does not happen?

Mr. PHILLIPS. It would be my understanding that they could get the voting records from the voting precinct, and then they certainly could cross-reference anything that would come in.

Mr. LEE. Is that the current practice now, that those books with the lists of voters who have voted that day are normally handed in to the county election board, or are they basically kept by the local election officials for their reference?

Mr. PHILLIPS. They go back to the county.

Mr. LEE. So the county does receive those books?

Mr. PHILLIPS. That is correct.

Mr. LEE. Okay. Thank you very much.

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized on the amendment.

Mr. COHEN. Mr. Speaker, I would urge the defeat of this amendment.

I think this amendment would lead towards the erosion of the secret ballot in Pennsylvania. There would be nothing stopping party committee people or activists for any candidate from just encouraging people to fill these ballots out at home. I think this is a very, very serious change in the Election Code, and if it has merit, it ought to be dealt with a bill introduced and public hearings before the State Government Committee.

I would urge a “no” vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Foster, is recognized on the amendment.

Mr. FOSTER. Mr. Speaker, I can give you a personal experience as to why this amendment is desirable and necessary.

At the present time, if you filed a vote by absentee ballot, in many cases you do not know, due to your occupation, whether you will or will not be in your voting district on election day, and if you vote by absentee ballot and are found to be in your election district on election day, your absentee

ballot can be voided, and the only way you can avoid that happening is you must go into the courthouse, get permission from the judge to void your absentee ballot, and then go back to your polling place and cast a vote.

Now, I had a gentleman in a contested election that, due to his employment, had every reason to believe he was going to be out of town on election day. He waited till the last minute to file his absentee ballot, and then his employer sent him to a different location. He was home on election day. His ballot was challenged, and that challenge was sustained by the court. And do you know what that gentleman would have had to have done? At about quarter of 7 at night, he would have had to have gone to the county courthouse, gotten a judge to set aside his ballot—a half hour trip; a half hour back—and then asked to vote at his polling place.

Now, it is ridiculous things like that that Mr. Phillips is trying to avoid in his amendment, and I strongly support the gentleman’s amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—107

Adolph	Dent	Kenney	Saurman
Allen	Durham	King	Scheetz
Anderson	Fairchild	Langtry	Schuler
Angstadt	Fargo	Lawless	Semmel
Argall	Farmer	Lee	Serafini
Armstrong	Fleagle	Leh	Smith, B.
Barley	Flick	Lloyd	Smith, S. H.
Battisto	Foster	McHugh	Snyder, D. W.
Belardi	Fox	Marsico	Snyder, G.
Belfanti	Freind	Merry	Staback
Birmelin	Gallen	Micozzie	Stairs
Black	Gannon	Nahill	Strittmatter
Bowley	Geist	Nailor	Stuban
Boyes	Gerlach	Nickol	Taylor, E. Z.
Brown	Gladeck	Noye	Taylor, J.
Bunt	Godshall	Nyce	Telek
Bush	Gruppo	O’Brien	Tomlinson
Carlson	Hagarty	Perzel	Tulli
Cawley	Harley	Phillips	Uliana
Cessar	Hasay	Piccola	Vance
Chadwick	Hayes	Pitts	Vroom
Civera	Heckler	Raymond	Williams
Clark	Herman	Reber	Wilson
Clymer	Hershey	Reinard	Wogan
Cornell	Hess	Rudy	Wright, M. N.
Davies	Jadlowic	Ryan	Wright, R. C.
Dempsey	Johnson	Saloom	

NAYS—94

Acosta	Fajt	Lescovitz	Ritter
Arnold	Fee	Levdansky	Robinson
Billow	Freeman	Linton	Roebuck
Bishop	Gamble	Lucyk	Scrimenti
Blaum	George	McCall	Stelman
Broujos	Gigliotti	McGeehan	Steighner
Butkovitz	Gruitza	McHale	Stetler
Caltagirone	Haluska	Maiale	Stish
Cappabianca	Hanna	Markosek	Sturla
Carn	Harper	Mayermik	Surra
Carone	Hayden	Melio	Tangretti
Cohen	Hughes	Michlovic	Taylor, F.
Colafella	Itkin	Mihalich	Thomas

Colaizzo	James	Mrkonic	Tigue
Cole	Jarolin	Mundy	Trello
Corrigan	Josephs	Murphy	Trich
Cowell	Kaiser	Olasz	Van Horne
Coy	Kasunic	Oliver	Veon
DeLuca	Kosinski	Pesci	Wambach
DeWeese	Krebs	Petrone	Wozniak
Daley	Kruszewski	Pistella	Wright, D. R.
Dermody	Kukovich	Preston	
Donatucci	LaGrotta	Richardson	O'Donnell,
Evans	Laughlin	Rieger	Speaker

NOT VOTING—1

McNally

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A1350 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of another reconsideration motion. The lady, Ms. Mundy, moves that the vote by which amendment 1350, introduced by the gentleman, Mr. Saloom, to HB 544, PN 629, was passed on the 25th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

Acosta	Durham	LaGrotta	Roebuck
Adolph	Evans	Langtry	Rudy
Allen	Fairchild	Laughlin	Ryan
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Lee	Saurman
Argall	Farmer	Leh	Scheetz
Armstrong	Fee	Lescovitz	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucy	Serafini
Belardi	Fox	McCall	Smith, B.
Belfanti	Freeman	McGeehan	Smith, S. H.
Billow	Freind	McHale	Snyder, D. W.
Birmelin	Gallen	McHugh	Snyder, G.
Bishop	Gamble	McNally	Staback
Black	Gannon	Maiale	Stairs
Blaum	Geist	Markosek	Steelman
Bowley	George	Marsico	Steighner
Boyes	Gerlach	Mayernik	Stetler
Broujos	Gigliotti	Melio	Stish
Brown	Gladeck	Merry	Strittmatter
Bunt	Godshall	Michlovic	Stuban
Bush	Gruitza	Micozzie	Surra
Butkovitz	Gruppo	Mihalich	Tangretti
Caltagirone	Hagarty	Mrkonic	Taylor, E. Z.
Cappabianca	Haluska	Mundy	Taylor, F.
Carlson	Hanna	Murphy	Taylor, J.
Carn	Harley	Nahill	Telek
Carone	Harper	Nailor	Thomas
Cawley	Hasay	Nickol	Tigue
Cessar	Hayden	Noye	Tomlinson
Chadwick	Hayes	Nyce	Trello
Civera	Heckler	O'Brien	

Clark	Herman	Olasz	Trich
Clymer	Hershey	Oliver	Uliana
Cohen	Hess	Perzel	Van Horne
Colaifella	Hughes	Pesci	Vance
Colaizzo	Itkin	Petrone	Veon
Cole	Jadlowiec	Phillips	Vroon
Cornell	James	Piccola	Wambach
Corrigan	Jarolin	Pistella	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Preston	Wogan
DeLuca	Kaiser	Raymond	Wozniak
DeWeese	Kasunic	Reber	Wright, D. R.
Daley	Kenney	Reinard	Wright, M. N.
Davies	King	Richardson	Wright, R. C.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich		

NAYS—0

NOT VOTING—2

Levdansky

Tulli

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A1350:

Amend Title, page 1, line 11, by inserting after "elections," "eliminating cross-filing by a candidate for school board; and

Amend Bill, page 1, by inserting between lines 13 and 14

Section 1. Sections 630.1, 910, the first paragraph of 976, 981.1, 993(a), 998(a) and (b) and 1004 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 19, 1986 (P.L.29, No.11), are amended to read:

Section 630.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school board in a district where that office is elective or] for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case of a can-

didate for the office of Representative in the General Assembly, the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for [the office of school director in a district where that office is elective or for] the office of justice of the peace that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term “uncommitted”; and (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures. In cases of petitions for candidates for the General Assembly, the candidate’s affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that in the case of a candidate for the office of Senator in the General Assembly that the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that in the case of a candidate for the office of Representative in the General Assembly that the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime. In cases of petitions for delegate and alternate delegate to National conventions, the candidate’s affidavit shall state that his signature to the delegate’s statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination Petitions, Certificates and Papers.—When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No

nomination petition, nomination paper or nomination certificate shall be permitted to be filed if—(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of signatures as required by law; Provided, however, That the Secretary of the Commonwealth or the county board of elections, although not hereby required so to do, may question the genuineness of any signature or signatures appearing thereon, and if he or it shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded in determining whether the nomination petition, nomination paper or nomination certificate contains a sufficient number of signatures as required by law; or (d) in the case of nomination petitions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, [or the office of school director in districts where that office is elective] or the office of justice of the peace upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for any public office for the ensuing primary, or has been nominated for any such office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court upon an application to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing.

Section 981.1. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school board in a district where that office is elective or] for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; and (g) that he is aware of the pro-

visions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures. In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that, in the case of a candidate for the office of Senator in the General Assembly, the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that, in the case of a candidate for the office of Representative in the General Assembly, the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and an inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime.

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.—(a) In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hundred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace.

Section 998. Substituted Nominations to Fill Certain Vacancies for a November Election.—(a) Any vacancy happening or existing in any party nomination made in accordance with the provisions of section nine hundred ninety-three of this act for a November election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket, in the form prescribed by section nine hundred ninety-four of this act. But no substituted nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace.

(b) In case of the death or withdrawal of any candidate nominated by a political body for an election, the committee

named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form and manner prescribed by section nine hundred eighty of this act. In the case of a vacancy caused by the death of any candidate, said nomination certificate shall be accompanied by a death certificate properly certified. No substituted nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [for the office of school director in districts where that office is elective or] for the office of justice of the peace.

Section 1004. Form of Ballots; Printing Ballots; Stubs; Numbers.—From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or [the office of school director in districts where that office is elective or] the office of justice of the peace be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub, and all the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The stubs of the ballots shall be consecutively numbered, and in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot, separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box and beside that corner shall also be printed, "Remove numbered stub immediately before depositing your ballot in ballot box."

Amend Sec. 1, page 1, line 14, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code"

Amend Sec. 2, page 9, line 8, by striking out "2" and inserting

3

On the question recurring,
Will the House agree to the amendments?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Will the clerk strike the vote.

The Chair recognizes the lady, Ms. Mundy, who seeks to speak on the amendment.

Ms. MUNDY. Thank you, Mr. Speaker.

I believe that the purpose in cross-filing for school board candidates is to make school boards less political. People running for school boards should be interested in the education of our children more than they should be interested in politics.

I would urge defeat of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Cowell, on the amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to agree with Representative Mundy's comments.

I have been here for 17 years now, and I have watched this House go back and forth on this issue. We have changed our minds several times, and I sense that, just from the remarks that I hear each time we consider this issue, how we vote often depends on the most recent election - whether our guy or gal won or lost; whether our party prevailed or the other party prevailed in an election where people could cross-file. That is really not what it should be about when we deal with these school board elections.

I understand the desire for all of us to protect political interests and to maintain the integrity of the political parties to which we belong and with which we are very active, but I would suggest that in this particular era, it is important that we rise above that. I would suggest that in this particular era and in this context of significant school reforms being discussed around this State and around this country, we ought to suggest that something more than politics should prevail when we discuss who is going to serve us and serve the children of this Commonwealth on our school boards.

I would suggest that we really do not have a problem in terms of school board elections now. There is an opportunity for men and women of either party, regardless of the community in which they live and the prevailing politics in which they live, to get their name on the ballot and to take not only their name and not only a political label but their ideas and their commitment to children and education, to take those things to the voters in their particular community. And I would suggest that now, in 1991, and in the decade of the nineties, that is more important than somebody being able to carry a particular political label and running, regardless of qualification, on that particular label.

A lot of us in this chamber are talking about more qualifications for school directors. We are talking about training for school directors. Those are legitimate things for us to be discussing. Let us not take a step backward in approving the Saloom amendment; let us defeat it as it should be defeated. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Krebs, seeks recognition. The gentleman is recognized and may proceed.

Mr. KREBS. Mr. Speaker, I rise in opposition to this amendment.

I come from a one-party area, and if we go back to a period where we do not have cross-filing, we will eliminate some very qualified people from serving on the school boards. And I think at the local level, labels do not mean anything. It is whether they are actually qualified and interested in doing this job, which is a nonpaid job to begin with.

I feel that this is definitely a step backward, and we will be eliminating, particularly in one-party areas, some very qualified people from serving on the school boards.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

You know, it amazes me with people up here sometimes. You know, I think to myself, what world do they live in? Who is kidding whom about the politics of the school boards in our districts?

First of all, if you are reading the papers right now, they are raking all of us over the coals that we are not giving them enough money. Billions of dollars go into education in this State, and I will tell you what they are going to do right after we pass our budget. First of all, they are blaming us that we are not giving them enough money - 50 percent of almost a total budget, a \$500-million increase that we proposed. The superintendents are all going to get terrific increases in these districts. They are already giving themselves increases now. Right? Then they are going to hit us with huge property taxes and again blame us, this body here, that we did not give them enough money.

I think this is a good amendment, and if you open your eyes as to what is going on in your own districts, I think it is about time we cut the mustard and give Saloom the vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti, on the amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in support of the amendment. I think the House has taken up this issue a number of times in the past, and I am only sorry that this amendment does not also include judges.

Apart from the ludicrous statements that the cross-filing eliminates politics from these school board elections—and that is ludicrous—what cross-filing does allow is elections by ballot position. Anyone who is fortunate enough to draw first place or second place on both the Democrat and Republican ballots is assured a seat on a school board or in the judiciary. I think this practice has been tried; it has failed; it is time to repeal it. Let us eliminate cross-filing for everyone.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Saloom, on the amendment.

Mr. SALOOM. Mr. Speaker, if those members who spoke against this amendment think that this keeps politics out of school boards, they are dreaming. The only thing that it does is erode the political party system in the Commonwealth of Pennsylvania, and where there is an elected school board, they should be proud to run under their party affiliation, and I ask for an affirmative vote on this amendment. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—151

Acosta	Fairchild	LaGrotta	Roebuck
Adolph	Fajt	Laughlin	Ryan
Allen	Fargo	Lawless	Saloom
Angstadt	Fee	Lee	Saurman
Armstrong	Fleagle	Leh	Scheetz
Barley	Flick	Lescovitz	Schuler
Battisto	Foster	Lucyk	Scrimenti
Belfanti	Fox	McCall	Semmel
Billow	Freind	McGeehan	Serafini
Birmelin	Gallen	McHugh	Smith, B.
Bishop	Gamble	Maiale	Smith, S. H.
Black	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brown	George	Mayernik	Steighner
Bunt	Gerlach	Melio	Stetler
Bush	Gladeck	Merry	Stish
Caltagirone	Godshall	Micozzie	Stuban
Cappabianca	Hagarty	Mihalich	Tangretti
Carlson	Haluska	Mrkonic	Taylor, E. Z.
Carn	Harley	Nahill	Taylor, F.
Cessar	Hasay	Nailor	Taylor, J.
Chadwick	Hayden	Nickol	Telek
Civera	Hayes	Noye	Thomas
Clark	Herman	Nyce	Trello
Clymer	Hershey	O'Brien	Tulli
Colafella	Hess	Oliver	Van Horne
Colaizzo	Itkin	Perzel	Vance
Cornell	Jadlowiec	Pesci	Veon
Corrigan	James	Petrone	Vroon
Coy	Jarolin	Phillips	Wambach
DeLuca	Johnson	Piccola	Williams
DeWeese	Kaiser	Pitts	Wilson
Daley	Kasunic	Preston	Wogan
Dempsey	Kenney	Raymond	Wozniak
Dent	King	Reber	Wright, D. R.
Donatucci	Kosinski	Reinard	Wright, M. N.
Durham	Kruszewski	Rieger	Wright, R. C.
Evans	Kukovich	Robinson	

NAYS—51

Anderson	Dermody	Levdansky	Staback
Argall	Farmer	Linton	Stairs
Arnold	Freeman	Lloyd	Steelman
Belardi	Gigliotti	McHale	Strittmatter
Blaum	Gruitza	McNally	Sturla
Bowley	Gruppo	Michlovic	Surra
Broujos	Hanna	Mundy	Tigue
Butkovitz	Harper	Murphy	Tomlinson
Carone	Heckler	Olasz	Trich
Cawley	Hughes	Pistella	Uliana
Cohen	Josephs	Richardson	
Cole	Krebs	Ritter	O'Donnell,
Cowell	Langtry	Rudy	Speaker
Davies			

NOT VOTING—0

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Strittmatter, on final passage.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to move that HB 544 be reprinted with the adopted amendments and then placed on the final passage postponed calendar.

The SPEAKER pro tempore. The gentleman has moved to postpone.

On the question,
Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Belfanti, on the motion to postpone.

Mr. BELFANTI. Thank you, Mr. Speaker.

I was not sure whether or not rank-and-file members or strictly leaders could speak to this motion, so I was rising to ask that question as a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

If we as a body are going to engage in a new practice of reprinting legislation after one, two, or three amendments are added to it, I believe that we are going to have to— Yes, it is ludicrous; right. I think that it would be a terrible precedent to set and to get into. There are days when we vote 10, 20, and 30 amendments to bills, and I do not believe that it would be to anyone's benefit to reprint every piece of legislation once it has been amended.

I think the members understand the amendments that were added, and another thing that we ought to look at is the tremendous cost involved in reprinting legislation over and over again when the members are fully cognizant of the legislation after the amendments have been made on the floor.

So for both those reasons, I would ask the members to vote against the motion to postpone for the purpose of reprinting.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Lee on the motion to postpone.

Mr. LEE. Very quickly, Mr. Speaker. I plan to oppose this motion to postpone, but I appreciate the intent of Representative Strittmatter's motion.

I just took the opportunity a few minutes ago to go down to the amendment clerk's desk and get a list of all the various amendments we had voted on and put into this bill. Subsequently I went back and reviewed them all, and I said, okay, based on all the amendments I put into this bill, I can vote for the bill, but I can see in future periods of time on individual bills where we have 30 amendments or so that are put into a bill, some of which I agree with, some of which I do not, but at future times it might be appropriate to reprint the bill.

So I appreciate Representative Strittmatter's motion, although I will oppose it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Gallen is recognized.

Mr. GALLEN. Thank you, Mr. Speaker.

For the benefit of the gentleman who spoke first on this motion, the House rules used to state that you could not vote a bill that was amended until it was in print. Indeed, the Senate rules state today they cannot vote any bill that has been amended until it is reprinted, and I venture to say that because this bill has been amended so extensively, that most of you could not withstand the challenge of knowing what is in the bill.

I support the motion to have the bill reprinted. What is the rush? Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Strittmatter is recognized.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

The motion was made not to be dilatory. It was the fact that the other speakers mentioned. We have had numerous amendments reconsidered today, and I thought with all the reconsideration motions and with no rush this week—we would have many other opportunities that would be best—with the number of reconsideration motions that were filed and the number of votes that switched from amendments passing 185 to 15 then failing, you know, by opposite margins, that I thought it would be wise with this decision to not just postpone; the motion was to reprint with the idea of being placed on the final passage postponed calendar. If the motion was really to postpone, the motion would be to table. That is not my motion. My motion is to have the bill reprinted so we would all know what the bill says and have it placed on the final passage postponed calendar for the next day's consideration. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Harper is recognized on the motion to postpone.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose this motion to postpone. We have debated this piece of legislation for more than an hour, and I am sure that all of us understand what went into the amendments. This is a good bill, and we should not waste time and energy in postponing this bill and have it come back and redebated. Let us get on with the business of this bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—92

Adolph	Dent	Kenney	Scheetz
Allen	Durham	King	Schuler
Anderson	Fairchild	Langtry	Semmel
Angstadt	Fargo	Lawless	Serafini
Argall	Farmer	Leh	Smith, B.
Armstrong	Fleagle	McHugh	Smith, S. H.
Arnold	Foster	Marsico	Snyder, D. W.
Barley	Fox	Merry	Snyder, G.
Birmelin	Gallen	Micozzie	Stairs
Black	Geist	Mrkonic	Strittmatter
Boyes	Gerlach	Mundy	Taylor, E. Z.
Brown	Gladeck	Nahill	Taylor, J.
Bunt	Gruppo	Nailor	Telek
Bush	Hagarty	Nickol	Tomlinson
Carlson	Harley	Noye	Tulli
Cessar	Hasay	Nyce	Uliana
Chadwick	Hayes	O'Brien	Vance
Civera	Heckler	Perzel	Vroon
Clark	Herman	Piccola	Williams
Clymer	Hershey	Pitts	Wilson
Cornell	Hess	Raymond	Wogan
Davies	Jadlowiec	Reinard	Wright, M. N.
Dempsey	Johnson	Ryan	Wright, R. C.

NAYS—110

Acosta	Fajt	Lee	Robinson
Battisto	Fee	Lescovitz	Roebuck
Belardi	Flick	Levdanskoy	Rudy
Belfanti	Freeman	Linton	Saloom
Billow	Freind	Lloyd	Saurman
Bishop	Gamble	Lucyk	Scrimenti
Blaum	Gannon	McCall	Staback
Bowley	George	McGeehan	Steelman
Broujos	Gigliotti	McHale	Steighner
Butkowitz	Godshall	McNally	Stetler
Caltagirone	Gruitza	Maiale	Stish
Cappabianca	Haluska	Markosek	Stuban
Carn	Hanna	Mayernik	Sturla
Carone	Harper	Melio	Surra
Cawley	Hayden	Michlovic	Tangretti
Cohen	Hughes	Mihalich	Taylor, F.
Colafranca	Itkin	Murphy	Thomas
Colaizzo	James	Olasz	Tigue
Cole	Jarolin	Oliver	Trello
Corrigan	Josephs	Pesci	Trich
Cowell	Kaiser	Petrone	Van Horne
Coy	Kasunic	Phillips	Veon
DeLuca	Kosinski	Pistella	Wambach
DeWeese	Krebs	Preston	Wozniak
Daley	Kruszewski	Reber	Wright, D. R.
Dermody	Kukovich	Richardson	
Donatucci	LaGrotta	Rieger	O'Donnell,
Evans	Laughlin	Ritter	Speaker

NOT VOTING—0

EXCUSED—1

Petrarca

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Michlovic. For what purpose does the gentleman rise?

Mr. MICHLOVIC. To debate the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, under the Constitution the absentee ballots have to be counted at the balloting place. I suggest to you that while this bill seems laudatory in its intent, it is going to be undoable. And if any of you have talked to your own department of elections, I think you are going to find that what you are doing is mandating something that is going to be very difficult to comply with.

In Allegheny County, as I said earlier, in a Presidential election year, we have 35,000 absentee ballots. We normally have the officers of the election, the judges of election, come in and pick up the absentee ballots on the Saturday after the Friday prior to the election, and they are distributed in their bags. The security is taken care of. The cost is minimized. What this legislation does is require that people be allowed to sign absentee ballots on the Monday before the Tuesday election. That means that the department of election now has to distribute in Allegheny County to 1,300 different precincts these additional ballots. The problem is that in addition to delivering them, they may well have to provide for the security of that delivery, so you may have to have two employees, two or more, going out delivering these ballots to 1,300 precincts.

I suggest to you that in each and every one of your counties, they are going to have difficulty complying with this legislation, and even if they are able to comply, the cost of this legislation is going to be pretty exorbitant for the additional people they are going to have to hire for those couple of days they have to send them out delivering the additional absentee ballots.

Again, I think the purposes of the legislation are certainly worthy, but I think the system that we are requiring in the timespan we are requiring people to do the job is just unreasonable, and for that reason I am going to oppose passage of HB 544.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Williams, from Philadelphia.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would like to ask the maker of the bill to rise for a brief period of interrogation.

The SPEAKER pro tempore. The gentleman, Mr. Pesci, says that he will agree to interrogation. The gentleman is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, I would like to know—The questions that have been raised, despite how lightheartedly people seem to take them, I heard conversations with regard to administrative problems; I have heard conversations with regard to fiscal problems, and that kind of light. I would like to know how the maker of the bill sees the problems being remedied: number one, the timeliness of it, and number two, who will in fact incur the cost of the additional labor and time?

Mr. PESCI. Mr. Speaker, my understanding is that taking Allegheny County's situation and Philadelphia's situation, I hear the figure of \$35,000 being thrown around, and I assume that Philadelphia is contemplating having the same type of problems insofar as logistics are concerned.

The original intent, my original bill had it that those people could vote absentee ballot up to 8 o'clock either in a primary and/or a general election. Seeing that that would not work, we backed it off until 5 o'clock previous to the day of the election. What we are doing is, we are not allowing people, if the mail came in late after 5 o'clock on a Friday, those people's ballots would not be counted, and in turn it gave us one extra workday that people would be able to sign up for an absentee ballot and those ballots then could be distributed to the polls. They would have more than 24 hours roughly to distribute those to the polls, and I think it gives the benefit to the voter, where there might be unforeseen circumstances, for that person to vote.

And again, I know in my county there are several ballots that had come in after the mail was brought in on Friday that those people's votes did not count. I think we are taking that away from them, and I think that they made the effort to vote absentee. I think they should be allowed to vote absentee, and backing off to the day before the election I believe gives enough time for the election bureau to get those ballots out.

Mr. WILLIAMS. Mr. Speaker, with all due respect, I am not quite clear on how he addressed the question with regard to Philadelphia County and Allegheny County. It is clear he has a remedy and an answer for his county. I have no problem with that. That is why I asked him to vote in the affirmative for the Philadelphia and the Allegheny County amendment. But now that that has been voted against, I would like to know from the maker of the legislation, who is going to pay for the additional time which we state in fact will occur in Philadelphia County?

Mr. PESCI. My understanding is that the Phillips amendment probably would have taken care of that problem for Allegheny and Philadelphia Counties.

Insofar as the costs are concerned, it is just like anything else we have done. We have put it back onto the county. I am assuming, number one, that the costs are not going to be that great. I assume that from my standpoint.

Mr. WILLIAMS. Mr. Speaker, he has now in fact stated that Philadelphia County will—

The SPEAKER pro tempore. Will the gentleman yield?

Had the gentleman completed his interrogation?

Mr. WILLIAMS. No, I have not, because I want to make sure that before I sum up my remarks, that I have clearly on the record what he is saying.

I think what he is saying is that Philadelphia County, which is already fiscally strapped, would assume the cost of the responsibility in terms of overtime. He is conjecturing that the cost would not be that great. He does not know in fact that that cost is not going to be that great. I would like to know, when he finds out the cost is \$50,000, is he prepared to pick up that tab at the State level?

Mr. PESCI. No.

Mr. WILLIAMS. That is all, in terms of the brief period of interrogation.

I would like to conclude my remarks.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. WILLIAMS. Mr. Speaker, it seems painfully obvious that with all the laudable intentions, the fiscal irresponsibility, which is now on the record—and by the way, we are in budget times. We have a budget problem in the State. We clearly have a budget problem in my county. We asked to be exempted from this. We did not demand; we asked to be exempted from this so there would not be an additional fiscal problem to the State and to the city of Philadelphia. That was ignored.

And I quite clearly am telling you there is doomsday upon all of us, doomsday upon all of us if we continue to mandate services to counties that cannot afford them. This is another bill which we cannot afford to pay in Philadelphia County. We are telling you that. We have to oppose this legislation, because we cannot afford to administer it, let alone can we constitutionally uphold it. But with all due respect, proceed with the wonderful times, because we are bankrupt, and you are driving us to that point. With all due respect, the maker of the bill and all his fine intentions is looking the other way when it comes to fiscal responsibility, and we are screaming out to you.

Sanity has to reign at some point in time. Somebody has to pay the bill, and you cannot simply say, no, I am not prepared to pay for the bill, but I want you to conduct the services anyway. I think it is irresponsible. I think it is mean spirited with regard to its intent. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clymer, on final passage.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, what I have heard in the last several hours is that there is a problem with this bill. As I have heard speakers from both Allegheny and Philadelphia Counties make mention, there is going to be delay, expense, probably even denial of some votes. That is going to be an extra burden for sure on the board of elections.

In my own county of Bucks, we receive over 7,000 absentee ballots in a general election, and we have to utilize every person just to get those out. This will indeed create more problems.

I guess I can sum it up by saying this, that this is one area where we cannot afford to be cumbersome or to make mistakes. The public does not always have a good view of public officials, and if we were to gum up or foul up the election process, it would only make all of us look bad. I think this is something that we cannot afford to allow happen.

Therefore, though I would be reluctant in doing so, I ask for a negative vote on this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Gallen is recognized on final passage.

Mr. GALLEN. Mr. Speaker, I do not know who could answer this question. My question is, should this bill not now have a fiscal note?

The SPEAKER pro tempore. Is the gentleman addressing his question—

Mr. GALLEN. Well, the Appropriations chairman is obviously not here. Maybe I will ask the minority Appropriations chairman if this bill should have a fiscal note.

The SPEAKER pro tempore. Does the gentleman, Mr. Pitts, wish to respond to the question? The gentleman does not indicate one way or the other.

Mr. GALLEN. Can the Chair rule as to whether or not the bill requires a fiscal note at this stage?

The SPEAKER pro tempore. Would the gentleman suspend.

The gentleman has asked the question, does it require a fiscal note? The answer to that question is, no, it does not.

Mr. GALLEN. I just want to know what authority. There is definitely a fiscal impact to the county.

The SPEAKER pro tempore. According to rule 19(a), the bill has met all the requirements of the rule. If you would wish to move that it be rereferred to Appropriations for a fiscal note, you can do that, but it does not require a fiscal note in its present form.

Mr. GALLEN. Mr. Speaker, I will move to recommit the bill to Appropriations, but I challenge the Chair's statement that this does not require a fiscal note, 19(a) or any other rule. The bill definitely has impact, fiscal impact on the counties, and we would like to know how large that impact is. And I do not know where the Chair gets the idea that he can arbitrarily say it does not require a fiscal note at this stage.

The SPEAKER pro tempore. No one else seemed to be willing to answer the question at the time, and according to rule 19(a), the bill has met all the requirements, but if the gentleman wishes to put his motion before the House, we will consider it.

Mr. GALLEN. First, Mr. Speaker, I would like to interrogate Mr. Pitts.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. GALLEN. Mr. Speaker, is it your considered judgment, as a longtime member of the Appropriations Committee, that this bill now requires a fiscal note?

Mr. PITTS. Yes, Mr. Speaker. If the amendments affect the State or any of its political subdivisions fiscally, it is a requirement, in my opinion, of the majority to provide a fiscal note.

Mr. GALLEN. Thank you, Mr. Speaker.

BILL TABLED

Mr. GALLEN. I now move that the bill be laid upon the table awaiting the arrival of a fiscal note.

The SPEAKER pro tempore. The motion before the House is a motion to table. No debate is allowed on the motion to table.

The Chair would call the attention of the House to the proposition that is before us. The motion before us is to table. There is no debate on this motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—134

Acosta	Fajt	Krebs	Rieger
Adolph	Fargo	Langtry	Roebuck
Allen	Farmer	Lawless	Ryan
Anderson	Fleagle	Lee	Saurman
Angstadt	Flick	Leh	Scheetz
Argall	Foster	Linton	Schuler
Armstrong	Fox	Lucyk	Semmel
Arnold	Freind	McGeehan	Serafini
Barley	Gallen	McHugh	Smith, B.
Battisto	Gamble	Maiale	Smith, S. H.
Birmelin	Gannon	Marsico	Snyder, D. W.
Bishop	Geist	Merry	Snyder, G.
Black	Gerlach	Michlovic	Stairs
Boyes	Gladeck	Micozzie	Steelman
Broujos	Godshall	Mrkonic	Stetler
Brown	Gruppo	Mundy	Strittmatter
Bunt	Hagarty	Murphy	Sturla
Bush	Harley	Nahill	Taylor, E. Z.
Butkovitz	Hasay	Nailor	Taylor, J.
Carlson	Hayden	Nickol	Telek
Carn	Hayes	Noye	Thomas
Carone	Heckler	Nyce	Tomlinson
Cessar	Herman	O'Brien	Trello
Chadwick	Hershey	Oliver	Tulli
Civera	Hess	Perzel	Uliana
Clark	Hughes	Petrone	Vance
Clymer	Jadlowiec	Piccola	Vroon
Cornell	James	Pistella	Wambach
Davies	Johnson	Pitts	Williams
Dempsey	Josephs	Preston	Wilson
Dent	Kaiser	Raymond	Wogan
Donatucci	Kenney	Reber	Wright, M. N.
Durham	King	Reinard	Wright, R. C.
Fairchild	Kosinski		

NAYS—68

Belardi	Dermody	Levdansky	Scrimenti
Belfanti	Evans	Lloyd	Staback
Billow	Fee	McCall	Stighner
Blaum	Freeman	McHale	Stish
Bowley	George	McNally	Stuban
Caltagirone	Gigliotti	Markosek	Surra
Cappabianca	Gruitza	Mayernik	Tangretti
Cawley	Haluska	Melio	Taylor, F.

Cohen	Hanna	Mihalich	Tigue
Colafrella	Harper	Olasz	Trich
Colaizzo	Itkin	Pesci	Van Horne
Cole	Jarolin	Phillips	Veon
Corrigan	Kasunic	Richardson	Wozniak
Cowell	Kruszewski	Ritter	Wright, D. R.
Coy	Kukovich	Robinson	
DeLuca	LaGrotta	Rudy	O'Donnell,
DeWeese	Laughlin	Saloom	Speaker
Daley	Lescovitz		

NOT VOTING—0

EXCUSED—1

Petrarca

The question was determined in the affirmative, and the motion was agreed to.

PPOINT OF ORDER

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. McNally, rise?

Mr. McNALLY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman state his point of order.

Mr. McNALLY. Mr. Speaker, I had attempted to raise a point of order while the vote was being cast on the previous motion, and specifically I wanted to question whether the motion to table was in order. I think it would actually be in violation of rule 19(a), which actually calls for a referral to the Appropriations Committee or a committal to the Appropriations Committee for a fiscal note rather than a motion to table.

The SPEAKER pro tempore. Representative McNally, a member can move to table a bill at any stage in the proceedings.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, for purposes of an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be no further votes taken today. We will have a Democratic caucus at 1:30. I urge members to get a quick lunch and attend the Democratic caucus at 1:30. Very important matters will be discussed.

PROFESSIONAL LICENSURE COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes Representative Lloyd.

Mr. LLOYD. Mr. Speaker, there will be an immediate meeting of the Professional Licensure Committee in the rear of the hall of the House.

The SPEAKER pro tempore. Thank you.

The Chair recognizes Representative Hayes.

Mr. HAYES. Mr. Speaker, I guess everyone knows, but the current schedule calls for us to be in session tomorrow, and

everyone on our side of the aisle should be attentive to that. We are still here tomorrow.

The SPEAKER pro tempore. Thank you, Mr. Hayes.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes Representative Micozzie.

Mr. MICOZZIE. Mr. Speaker, on HB 544, amendment 1118, if my switch was acting properly, I would have voted in the negative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 503, PN 2047**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for notifying drivers of suspensions by certified mail; requiring drivers to return suspended driver's licenses in person or by certified mail; and increasing the fee for reinstatement of a suspended driver's license.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 503, PN 2047, be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 719, PN 2012**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," providing that the county pay a portion of appraisal costs along with the municipality and school district in certain appeals.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 719, PN 2012, be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1242, PN 2017**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," abolishing the office of elected coroner and creating the position of county medical examiner in counties of the second class.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1242, PN 2017, be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 239, PN 2134 (Amended)

By Rep. CALTAGIRONE

An Act providing for a system of post-release supervision; establishing an adjudicative agency to render decisions regarding violations and providing for its powers and duties; providing for the supervision of offenders by the Department of Corrections and the Board of Parole and transferring supervisory powers and duties to that department and the board; establishing the Office of Deputy Commissioner for Parole Supervision and providing for its powers and duties; providing for work-related time and earned time; continuing the Advisory Committee on Probation; and making repeals.

JUDICIARY.

HB 1213, PN 1387

By Rep. GAMBLE

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), referred to as the "Second Class City Employee Pension Law," further providing for payments by contributors and the city to the board of pensions.

LOCAL GOVERNMENT.

HB 1214, PN 1388

By Rep. GAMBLE

An Act amending the act of May 20, 1949 (P. L. 1488, No. 444), entitled "An act relating to police pension funds in boroughs, towns and townships, and authorizing such political subdivisions to appropriate monies thereto," further providing for payments into the police pension fund.

LOCAL GOVERNMENT.

HB 1215, PN 1389

By Rep. GAMBLE

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law," further providing for the power of an authority regarding pensions.

LOCAL GOVERNMENT.

HB 1216, PN 1390 By Rep. GAMBLE

An Act amending the act of May 25, 1933 (P. L. 1050, No. 242), referred to as the "Second Class City Firemen Relief Law," further providing for payments by the city and members into the pension fund and for payment of dues to certain members.

LOCAL GOVERNMENT.

HB 1217, PN 1391 By Rep. GAMBLE

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for payments by the city and contributors into the retirement fund.

LOCAL GOVERNMENT.

HB 1218, PN 1392 By Rep. GAMBLE

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for benefits, determination of actuarial soundness, municipal appropriations to the fund, use of State aid and the expense of administering funds.

LOCAL GOVERNMENT.

HB 1219, PN 1393 By Rep. GAMBLE

An Act amending the act of May 7, 1965 (P. L. 48, No. 38), entitled "A supplement to the act of May 28, 1915 (P. L. 596, No. 259), entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions,' as to employes of second class A cities, reducing the number of years of employment to qualify for a pension; and increasing pension payments and contributions," further providing for contributions by members.

LOCAL GOVERNMENT.

HB 1220, PN 2135 (Amended)

By Rep. GAMBLE

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for police pension funds; and restricting the operation of horse race meets.

LOCAL GOVERNMENT.

HB 1221, PN 1395 By Rep. GAMBLE

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for compensation for certain aged employees; and providing for funding of police pensions.

LOCAL GOVERNMENT.

HB 1222, PN 1396 By Rep. GAMBLE

An Act amending the act of April 5, 1917 (P. L. 39, No. 20), entitled "An act relating to police pension funds in cities of the second class, and directing such cities to appropriate certain moneys thereto," further providing for payments by the city into the police pension fund.

LOCAL GOVERNMENT.

HB 1223, PN 1397 By Rep. GAMBLE

An Act amending the act of August 17, 1951 (P. L. 1254, No. 295), entitled "An act fixing the minimum pensions of policemen

and firemen in certain cities," further providing for annual appropriations to police and firefighters' pension funds.

LOCAL GOVERNMENT.

HB 1224, PN 1398 By Rep. GAMBLE

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for police pensions and annuities.

LOCAL GOVERNMENT.

HB 1225, PN 1399 By Rep. GAMBLE

An Act amending the act of May 22, 1935 (P. L. 233, No. 99), referred to as the "Second Class City Policemen Relief Law," further providing for payments by the city and contributions by members into the fund.

LOCAL GOVERNMENT.

HB 1226, PN 1400 By Rep. GAMBLE

An Act amending the act of December 6, 1972 (P. L. 1383, No. 293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," further providing for reports by certain municipalities and local governmental units, for the filing of reports and for failure to file timely reports.

LOCAL GOVERNMENT.

HB 1227, PN 1401 By Rep. GAMBLE

An Act amending the act of May 20, 1915 (P. L. 566, No. 242), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," further providing for payments by the city and public employees to the board of pensions.

LOCAL GOVERNMENT.

HB 1228, PN 1402 By Rep. GAMBLE

An Act amending the act of November 10, 1965 (P. L. 835, No. 351), entitled "An act providing pensions for surviving spouses of police officers in cities of the second class A under certain terms and conditions, and providing for contributions by members of the police pension or retirement fund and appropriations by the city for that purpose," further providing for contributions by members and annual appropriations by the city.

LOCAL GOVERNMENT.

HB 1229, PN 1403 By Rep. GAMBLE

An Act amending the act of July 29, 1953 (P. L. 1034, No. 270), known as the "Public Auditorium Authorities Law," further providing for an authority's power regarding pension or retirement funds.

LOCAL GOVERNMENT.

HB 1230, PN 1404 By Rep. GAMBLE

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," further providing for the annual appropriation by cities.

LOCAL GOVERNMENT.

HB 1231, PN 1405

By Rep. GAMBLE

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), referred to as the "Foreign Casualty Insurance Premium Tax Allocation Law," further providing for the return of unused moneys; and repealing provisions relating to payments to municipalities.

LOCAL GOVERNMENT.

HB 1232, PN 1406

By Rep. GAMBLE

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for the power of an authority to make contracts of insurance.

LOCAL GOVERNMENT.

HB 1233, PN 1407

By Rep. GAMBLE

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for payments by the city into the police and firemen's pension funds and for credit for military service.

LOCAL GOVERNMENT.

HB 1234, PN 1408

By Rep. GAMBLE

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), known as the "Pennsylvania Municipal Retirement Law," further providing for the definitions of "actuarially sound" and "actuary," for annual estimates to municipalities, for existing local systems, for the source of municipal funds, for determination of municipal liability, for withdrawal from the system, for contributions by members and for contracts for optional retirement plans.

LOCAL GOVERNMENT.

HB 1235, PN 1409

By Rep. GAMBLE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for payments into certain pension funds.

LOCAL GOVERNMENT.

HB 1236, PN 1410

By Rep. GAMBLE

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), referred to as the "Second Class A City Employee Pension Law," further providing for administration of the fund, for member contributions and for appropriations by the city to the fund.

LOCAL GOVERNMENT.

HB 1237, PN 1411

By Rep. GAMBLE

An Act amending the act of August 1, 1975 (P. L. 169, No. 87), entitled "An act relating to pensions for employees of the City of Pittsburgh," further providing for the contribution rate of members and contributions by the city; and requiring the board to retain an actuary.

LOCAL GOVERNMENT.

HB 1312, PN 1510

By Rep. PISTELLA

An Act requiring public employees who are not members of a collective bargaining unit to contribute a fair share fee; establishing payment, notice, objection and reporting procedures; imposing penalties; and making repeals.

LABOR RELATIONS.

HB 1375, PN 2136 (Amended)

By Rep. GAMBLE

An Act relating to debarment from bidding on governmental contracts.

LOCAL GOVERNMENT.

HB 1514, PN 1776

By Rep. GAMBLE

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further defining "police force."

LOCAL GOVERNMENT.

HB 1529, PN 1791

By Rep. PISTELLA

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), known as the "Child Labor Law," further providing for employment of minors in the entertainment industry.

LABOR RELATIONS.

HB 1533, PN 1795

By Rep. GAMBLE

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for documents; establishing the Local Government Records Management Improvement Fund; and imposing an additional recording fee on certain documents.

LOCAL GOVERNMENT.

HB 1697, PN 2021

By Rep. GAMBLE

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), known as the "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

LOCAL GOVERNMENT.

HB 1750, PN 2090

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for guidelines for high-risk offenders; and further providing for sentencing, for presentence reports and for confinement.

JUDICIARY.

HB 1783, PN 2092

By Rep. SALOOM

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the persons permitted in certain licensed establishments.

LIQUOR CONTROL.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 14, PN 14**

By Rep. GEORGE

An Act imposing restrictions and prohibitions on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; providing for the powers and duties of the Environmental Quality Board; and imposing penalties.

CONSERVATION.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Krebs, for the purposes of making a motion.

Mr. KREBS. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 26, 1991, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:08 p.m., e.d.t., the House adjourned.