

PENNSYLVANIA ELECTION CODE - OMNIBUS AMENDMENTS

Act of Nov. 27, 2019, P.L. 673, No. 94

Cl. 25

Session of 2019

No. 2019-94

HB 227

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in nomination of candidates, further providing for number of signers required for nomination petitions of candidates at primaries; in ballots, further providing for form of ballots, printing ballots, stubs and numbers, for number of ballots to be printed and specimen ballots and for record of ballots to be kept; in electronic voting systems, further providing for forms, for supplies, preparation of the voting system and of polling places, for election day procedures and the process of voting and for post election procedures; in preparation for and conduct of primaries and elections, further providing for voter's certificates, for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges, for admission of electors within enclosed space, for ballots to be issued by election officers only, ballots not to be removed and official ballots only to be deposited or counted and for duties of election officers after the close of the polls in districts in which ballots are used; in voting by qualified absentee electors, further providing for official absentee voters ballots; in voting by qualified mail-in electors, further providing for official mail-in elector ballots; and, in returns of primaries and elections, further providing for computation of returns by county board, certification and issuance of certificates of election.

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

Section 1. Section 912.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended October 24, 2018 (P.L.786, No.127), 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.

(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 magisterial district judge: One hundred, but only for a candidate's primary election when the candidate does

not already hold the office of magisterial district judge. A sitting magisterial district judge elected to the office shall not be required to file a nominating petition under this section to run for the office of magisterial district judge but may instead file a certificate of nomination for reelection specifying the intent to seek reelection to the office. If a sitting magisterial district judge files a certificate of nomination for reelection, the sitting magisterial district judge may not challenge the nominating petition of another candidate for magisterial district judge.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

(35) **School director: Ten .**

**(36)** All other public and party offices: Ten.

Section 2. Sections 1004 and 1007(b) of the act, amended October 31, 2019 (P.L.552, No.77), are amended to read:

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 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] **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."]

Section 1007. Number of Ballots to Be Printed; Specimen Ballots.--\* \* \*

(b) The county board of each county shall also, in addition to the number of ballots required to be printed for general distribution, maintain a sufficient supply of such ballots at the office of the county board for the use of absentee electors or mail-in electors and for the use of any district, the ballots for which may be lost, destroyed or stolen. They shall also

cause to be printed on tinted paper, and without the facsimile endorsements[,] **or** permanent binding [or stubs], copies of the form of ballots provided for each polling place at each primary or election therein, which shall be called specimen ballots, and which shall be of the same size and form as the official ballots, and at each election they shall deliver to the election officers, in addition to the official ballots to be used at such election, a suitable supply of specimen ballots for the use of the electors. At each primary, a suitable supply of specimen ballots of each party shall be furnished.

Section 3. Sections 1011 and 1109-A(f) of the act are amended to read:

Section 1011. Record of Ballots to Be Kept.--The county board shall keep a record of the number of official ballots printed and furnished to each election district at each primary and election, and of the number of [stubs,] unused ballots and cancelled ballots subsequently returned therefrom, and also of the disposition of the additional official ballots provided, as required by section 1007 of this act.

Section 1109-A. Forms.--\* \* \*

(f) Ballot cards, or the portion thereof on which the voter registers his vote, shall be of a size, design and stock suitable for processing by the automatic tabulating equipment used in the voting system. [Each ballot card shall have an attached serially numbered perforated stub, which shall be removed by an election officer before the ballot card is deposited in the district automatic tabulating equipment or in a secure ballot box. The name of the county, and a facsimile of the signature of the members of the county board shall be printed on the ballot card stub.]

\* \* \*

Section 4. Section 1110-A of the act is amended by adding a subsection to read:

Section 1110-A. Supplies; Preparation of the Voting System and of Polling Places.--\* \* \*

**(b.1) The county board of elections shall furnish supplies to each election district which shall enable the voter to insert the ballot into the district automatic tabulating equipment in secret. The supplies shall be in the form and according to the specifications prescribed by the Secretary of the Commonwealth.**

\* \* \*

Section 5. Sections 1112-A(b)(6), 1113-A(a), 1203, 1210(a.3)(3) and (4), 1214(b), 1219, 1221 and 1303(a) of the act are amended to read:

Section 1112-A. Election Day Procedures and the Process of Voting.--\* \* \*

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

\* \* \*

(6) Following the completion of his vote, the voter shall leave the voting booth and return the ballot to the election officer by a means designed to insure its secrecy[; upon removal of the stub of the ballot by the election officer,] **as prescribed by the Secretary of the Commonwealth**; the voter shall insert the ballot into the district automatic tabulating equipment or, in the event district tabulation is not provided for by the voting system or such district tabulation equipment is inoperative for any reason, into a secure ballot box. [No ballot card from which the stub has been detached shall be accepted by the election officer in charge of such equipment

or ballot box, but it shall be marked "spoiled" and shall be placed in the envelope marked "Spoiled Ballots."]

Section 1113-A. Post Election Procedures.--(a) As soon as the polls have been closed and the last elector has voted in districts having an electronic voting system which employs paper ballots or ballot cards, and district tabulation is provided for, the number of such ballots issued to electors (at primary elections, the number issued to the electors of each party)[, as shown by the stubs,] and the number of ballots (at primaries the number of ballots of each party), if any, spoiled and returned by voters and cancelled, shall be announced to all present in the polling place and entered on the general returns of votes cast at such primary or election. The district election officers shall then compare the number of names marked as voting in the district register, "Voting Check List" and numbered lists of voters, shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the "Voter's Check List." Any differences which exist shall be reconciled where possible, and where reconciliation is not possible such differences shall be noted on the general returns. The district register, the "Voting Check [List,"] **List**" and the numbered lists of voters [and the stubs of all ballots used], together with all unused ballots, and all spoiled and cancelled ballots, and all rejected voters certificates shall then be placed in separate packages, containers or envelopes and sealed before the tabulation of any ballots.

\* \* \*

Section 1203. Voter's Certificates.--At each primary and election each county board shall prepare a suitable number of voter's certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows:

Voter's Certificate

(Primary) (Election) .....19.....

I hereby certify that I am qualified to vote at this  
(primary) (election)

Signature .....

Address .....

.....Pa.

Approved.....

Number [of stub of ballot issued or number] of admission to voting machines (and party, at primary).....

The voter's certificate shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county board. One such file or binder shall be furnished by the county board for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List," together with the number of the district and ward, if any, and the date of the primary or election.

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.--\* \* \*

(a.3) \* \* \*

(3) When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and [the number of the stub of the ballot issued to him or] his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in

whose primary he votes shall also be entered by one of the election officers or clerks.

(4) As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, [the number of the stub of the ballot issued to him or] his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

\* \* \*

Section 1214. Admission of Electors Within Enclosed Space.--

\* \* \*

(b) As soon as an elector has been admitted within the enclosed space, the election officer having charge of the ballots in districts in which ballots are used, shall detach a ballot [from the stub] and give it to the elector, first folding it so that the words and figures printed on the back shall be the only words and figures visible, and no ballots shall be deposited in the ballot box unless folded in the same manner. Not more than one ballot shall be detached [from its stub] in any book of ballots at any one time. Not more than one ballot shall be given to an elector, but if an elector inadvertently spoils a ballot, he may obtain another upon returning the spoiled one. The ballots thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope, sealed and returned to the county board.

\* \* \*

Section 1219. Ballots to Be Issued by Election Officers Only; Ballots Not to Be Removed; Official Ballots Only to Be Deposited or Counted.--No official ballot shall be taken [or detached from its stub in] **from** any book of ballots, except by an election officer or clerk when a person desiring to vote has been found to be a qualified elector entitled to vote. Not more than one ballot shall be removed at any one time or given to an elector, except in the case of a spoiled ballot as provided by this act. No person other than the election officers shall take or remove any ballot from the polling place. No ballot without the official endorsement shall, except as herein otherwise provided, be deposited in the ballot box, and no other ballots shall be counted. If any ballot appears to have been obtained otherwise than from the county board as provided by this act, the same shall not be counted, and the judge of election shall transmit such ballot to the district attorney without delay, together with whatever information he may have regarding the same.

Section 1221. Duties of Election Officers After the Close of the Polls in Districts in Which Ballots are Used.--After the polls are closed and the last elector has voted in districts in which ballots are used, the election officers, clerks and overseers, if any, shall remain within the enclosed space. Before the ballot box is opened, the number of ballots issued to electors (at primaries the number issued to the electors of each party) [, as shown by the stubs,] and the number of ballots (at primaries the number of ballots of each party), if any, spoiled and returned by voters and cancelled, shall be announced to all present in the voting room, and entered on the general returns of votes cast at such primary or election. The election officers shall then compare the number of electors voting [as shown by the stubs] with the number of names marked as voting in the district register, "Voting Check List," and numbered

lists of voters, shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the "Voter's Check List." If any differences exist, they shall be reconciled, if possible, otherwise they shall be noted on the general returns. The district register, the "Voting Check [List, "] **List**" and the numbered lists of voters [and the stubs of all ballots used], together with all unused ballots, and all spoiled and cancelled ballots, and all rejected voter's certificates shall then be placed in separate packages, containers or envelopes, and sealed, before the ballot box is opened.

Section 1303. Official Absentee Voters Ballots.--(a) In districts in which ballots are used, the ballots for use by such absentee electors under the provisions of this act shall be the official ballots printed in accordance with sections 1002 and 1003: Provided, however, That the county board of elections when detaching the official ballots for absentee electors shall be required to [indicate on the stub of each ballot so detached] **track** the name of the applicant to which [that precise] **a** ballot is being sent. The county board of elections shall also be required to [remove the numbered stub from each such ballot and shall thereupon] print, stamp or endorse in red color upon such official ballots the words, Official Absentee Ballot. Such ballots shall be distributed by such boards as hereinafter provided.

\* \* \*

Section 6. Section 1303-D(a.1) of the act, added October 31, 2019 (P.L.552, No.77), is amended to read:

Section 1303-D. Official mail-in elector ballots.

\* \* \*

(a.1) Duties of county boards of elections.--The county board of elections, when detaching the official ballots for mail-in voters, shall be required to [indicate on the stub of each detached ballot] **track** the name of the applicant to which [that precise] **a** ballot is being sent. The county board of elections shall also [remove the numbered stub from each ballot and shall] print, stamp or endorse in red color on the official ballots the words, "Official Mail-in Ballot." The ballots shall be distributed by a board as provided under this section.

\* \* \*

Section 7. Section 1404(c) of the act is amended to read:

Section 1404. Computation of Returns by County Board; Certification; Issuance of Certificates of Election.--

\* \* \*

(c) The county board shall first publicly account for all extra official ballots printed under the provisions of section 1007 of this act. The general returns made by the election officers from the various election districts shall then be read one after another in the usual order, slowly and audibly, by one of the clerks who shall, in each case of a return from a district in which ballots were used, read therefrom the number of ballots (in the case of primaries the number of ballots of each party) issued, spoiled and cancelled, and cast, respectively, whereupon the clerk having charge of the records of the county board showing the number of ballots furnished for each election district, including the number of extra official ballots as provided by section 1007 of this act as so furnished, and the number of [stubs and] unused ballots and spoiled and cancelled ballots returned, shall publicly announce the number of the same respectively, and unless it appears by said number or calculations therefrom that said records, and the said general return correspond, no further returns shall be read

from the latter until all discrepancies are explained to the satisfaction of the county board. In the case of districts in which voting machines are used, there shall be read from the general return the identifying number or other designation of each voting machine used, the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after close of the same, whereupon the clerk having charge of the records of the county board showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place, shall publicly announce the numbers so registered, and unless it appears that the said records, and the said general return correspond, no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the county board.

\* \* \*

Section 8. This act shall take effect immediately.

APPROVED--The 27th day of November, A.D. 2019.

TOM WOLF