THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 421
Session of 2019

INTRODUCED BY BOSCOLA, BROWNE, MENSCH, BARTOLOTTA, KILLION, LAUGHLIN, SCAVELLO, STEFANO AND PHILLIPS-HILL, MARCH 25, 2019

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, JUNE 18, 2019

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 ballots, further providing for form of official election ballot; in voting machines, further providing for requirements of voting machines and for form of ballot labels on voting machines; in electronic voting systems, further providing for requirements of electronic voting systems, for forms and for election day procedures and the process of voting; and, in preparation for and conduct of primaries and elections, further providing for instructions of voters and manner of voting in districts in which voting machines are used, for count and return of votes in districts in which ballots are used and for what ballots shall be counted, manner of counting and defective ballots.

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

Section 1. Sections 1003(a), 1107(b), 1110(h), 1107-A(3), 1109-A(a)(2) and (d), 1112-A(a)(2) and (4), 1216(d) and (f), 1222(a) and (b) and 1223(a) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
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 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 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

For

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Republican John Doe and Richard Roe, Republican

For John Smith

Socialist and William Jones, Socialist

Presidential Electors.

(Vote for the candidates of one party for President and Vice President, or insert the names of candidates)

For

John Stiles and Richard Doe, Democratic

For

John Doe and Richard Roe, Republican

For

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

Representatives 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 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 permit each 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 1110. Form of Ballot Labels on Voting Machines.--

* * *

(h) The names of all candidates of a political party shall
appear in the same row or column, and except in cases of names of presidential commitments of nominees for delegate or alternate delegate to political party National conventions no other names shall appear in the same row or column[, to the left or top of which shall be a straight party lever, by means of which an elector may, in one operation, vote for all the candidates of that political party for every office to be voted for]. Where the names of the delegate or alternate delegate and the presidential candidate he is supporting shall both appear, the print size of the name of the delegate or alternate delegate shall be equal to the size of the name of the particular presidential candidate to whom he is committed, or in the case where he is uncommitted, the word "uncommitted" shall appear in the same size print. The names of such candidates shall be arranged under or opposite the title of the office for which they are candidates, and shall appear in the order of the votes obtained by the candidate for Governor of the party nominated at the last gubernatorial election, beginning with the party obtaining the highest number of votes: Provided, however, That in the case of parties or bodies not represented on the ballot at the last gubernatorial election, the names of the candidates of such parties shall be arranged alphabetically, according to the party or body name. The names of all candidates of a political body shall appear in the same row or column, and, if the number of parties and bodies permits, each political body shall be entitled exclusively to a separate row or column[, with a straight party lever]. If, however, the number of political parties and political bodies renders it impossible or impracticable to so arrange the political bodies, in such case said bodies shall not be entitled to a separate row or column.
and a straight party lever], but shall be listed by political
appellations on the first left hand or top row, with the
designating letter and number of the ballot label where their
candidates may be found, together with the political
appellations of other political bodies, whose candidates may be
interspersed on the same row or column. Subject to the aforesaid
limitations, the form and arrangement of ballot labels, as to
the placing thereon of political bodies, shall be within the
discretion of the county board.

* * *

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

* * *

[(3) Permits each voter, at other than primary elections, to
vote a straight political party ticket by one mark or act and,
by one mark or act, to vote for all the candidates of one
political party for presidential electors and, by one mark or
act, to vote for all the candidates of one political party for
every office to be voted for, and every such mark or act shall
be equivalent to and shall be counted as a vote for every
candidate of the political party so marked including its
candidates for presidential electors, except with respect to
those offices as to which the voter has registered a vote for
individual candidates of the same or another political party or
political body, in which case the automatic tabulating equipment
shall credit the vote for that office only for the candidate

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individually so selected, notwithstanding the fact that the
voter may not have individually voted for the full number of
candidates for that office for which he was entitled to vote.]

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Section 1109-A. Forms.--(a) * * *

(2) The pages placed on the voting device shall be of
sufficient number to include, following the listing of
particular candidates, the names of candidates for any
nonpartisan offices and any measures for which a voter may be
qualified to vote on a given election day, provided further that
for municipal, general or special elections, the first ballot
page shall list in the order that such political parties are
entitled to priority on the ballot, the names of such political
parties [with designating arrows so as to indicate the voting
square or position on the ballot card where the voter may insert
by one mark or punch the straight party ticket of his choice].

* * *

[(d) In partisan elections the ballot cards shall include a
voting square or position whereby the voter may by one punch or
mark record a straight party ticket vote for all the candidates
of one party or may vote a split ticket for the candidates of
his choice.]

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

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* * *

(2) At [primary] all elections, the voter shall be able to
vote for each candidate individually by the means provided. [At all other elections, he may vote for each candidate individually, or he may vote a straight political party ticket in one operation by operating the straight political party mechanism of the political party or political body of his choice. He may also, after having operated the straight party mechanism and before recording his vote, cancel the vote for any candidate of such political party or political body and may thereupon vote for a candidate of another party, or political body for the same office.] The voter may also vote individually for or against a question submitted to the vote of the electors. 

* * *

(4) 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 any 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, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the voting device for that purpose, or he may list their names on the write-in ballot or envelope provided for that purpose.
The voting device 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 provided in this section. 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 provided in this section.

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

* * *

(d) At primaries all elections, 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 in this section. 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 in this section.

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Section 1222. Count and Return of Votes in Districts in
Which Ballots are Used.--

(a) As soon as all the ballots have been properly accounted
for, and those outside the ballot box, as well as the "Voting
Check List," numbered lists of voters and district register
sealed, the election officers shall forthwith open the ballot
box, and take therefrom all ballots therein, and at primaries,
separate the same according to the party to which they belong.
The ballots shall then be counted one by one, and a record made
of the total number, and at primaries of the total number cast
for each party. Then the judge, under the scrutiny of the
minority inspector, or the minority inspector, under the
scrutiny of the judge, in the presence of the other officers,
clerks, and of the overseers, if any, and within the hearing and
sight of the watchers outside the enclosed space, shall read
aloud the names of the candidates marked or inserted upon each
ballot (at primaries the ballots of each party being read in
sequence), together with the office for which the person named
is a candidate, and the answers contained on the ballots to the
questions submitted, if any, and the majority inspector and
clers shall carefully enter each vote as read, and keep account
of the same in ink in triplicate tally papers (triplicate tally
papers for each party at primaries) to be provided by the county
board of elections for that purpose, all three of which shall be
made at the same time. Provided, That at all general,
municipal and special elections, in entering each vote received
by candidates at such election, it shall not be necessary to
enter separate tally marks for each vote received by such
candidates upon the ballots containing the same votes for the
same names, commonly known, and in this act designated as
"Straight Party Tickets" for such purpose straight party ticket
votes shall be entered carefully as each straight party ticket
vote is read on the triplicate tally sheets under the heading
"Number of votes received upon
the .............................. straight party tickets." Upon
completing the number of votes received by each straight party
ticket, the number so tallied for each party shall be entered
numerically on the extreme right hand margin of each such tally
paper.] All ballots, after being removed from the box, shall be
kept within the unobstructed view of all persons in the voting
room until replaced in the box. No person while handling the
ballots shall have in his hand any pencil, pen, stamp or other
means of marking or spoiling any ballot. The election officers
shall forthwith proceed to canvass and compute the votes cast,
and shall not adjourn or postpone the canvass or computation
until it shall have been fully completed.
(b) When the vote cast for the different persons named upon
the ballots and upon the questions, if any, appearing thereon,
shall have been fully recorded in the tally papers and counted, the election officers shall duly certify to the number of votes cast for each person (upon the respective party tickets at primaries), and shall prepare in ink two (2) general returns, showing, in addition to the entries made thereon as aforesaid, the total number of ballots received from the county board (the total of each party at primaries), the number of ballots cast (the number of each party at primaries), the number of ballots (of each party at primaries) declared void, and the number of ballots spoiled and cancelled, and any blank ballots cast, as well as the votes cast for each candidate. At elections, the number of votes cast for each candidate by each political party or political body of which such candidate is a nominee shall be separately stated.\[: Provided, That the number of votes received by each set of candidates upon "straight party tickets" shall be entered opposite the names of the respective candidates in a column immediately adjoining upon the left which column shall be of convenient width and shall be headed "number of votes received upon straight party tickets."\] In an immediate column to the left thereto, the number of votes received by each candidate upon all ballots [other than "straight party tickets" including all ballots known as "split tickets"] shall be entered, such column to be of convenient width and shall be headed "number of votes [received other than upon straight party tickets."] The number of votes received by each candidate as shown in the column headed "number of votes received upon straight party tickets" shall then be added, together with the number of votes received by each candidate as shown in the column headed "number of votes received other than upon straight party tickets" and thereupon, the received.\] The total number
of votes received by each candidate shall be entered in a column on the extreme right-hand side of the return sheets, which column shall be of convenient width and shall be headed "total number of votes."

Nothing in this section contained shall be construed to authorize or permit the canvassing, counting or tallying ballots with any less degree of strictness than otherwise required by law, the intention of this section being to dispense with the individual tally marks only so far as the so-called "straight party tickets" are concerned, and all other operations of tallying, counting, canvassing and announcing the votes shall proceed as near as may be in accordance with the other provisions of this act.]

* * *

Section 1223. What Ballots Shall Be Counted; Manner of Counting; Defective Ballots.--(a) No ballot which is so marked as to be capable of identification shall be counted. Any ballot that is marked in blue, black or blue-black ink, in fountain pen or ball point pen, or black lead pencil or indelible pencil, shall be valid and counted: Provided, That all markings on the ballot are made by the same pen or pencil. Any ballot marked by any other mark than an (X) or check ( ) in the spaces provided for that purpose shall be void and not counted: Provided, however, That no vote recorded thereon shall be declared void because a cross (X) or check ( ) mark thereon is irregular in form. [Any erasure, mutilation or defective marking of the straight party column at November elections shall render the entire ballot void, unless the voter has properly indicated his choice for candidates in any office block, in which case the vote or votes for such candidates only shall be counted.] Any
erasure or mutilation in the vote in any office block shall render void the vote for any candidates in said block, but shall not invalidate the votes cast on the remainder of the ballot, if otherwise properly marked. Any ballot indicating a vote for any person whose name is not printed on the ballot, by writing, stamping or sticker, shall be counted as a vote for such person, if placed in the proper space or spaces provided for that purpose, whether or not an (X) or check ( ) is placed after the name of such person: Provided, however, That if such writing, stamping or sticker is placed over the name of a candidate printed on the ballot, it shall render the entire vote in said office block void. If an elector shall mark his ballot for more persons for any office than there are candidates to be voted for for such office, or if, for any reason, it may be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the ballot shall be counted for all offices for which it is properly marked. Ballots not marked, or improperly or defectively marked, so that the whole ballot is void, shall be set aside and shall be preserved with the other ballots.

* * *

Section 2. This act shall apply to elections commencing more than 90 days after the effective date of this section HELD ON OR AFTER JANUARY 1, 2020.

Section 3. This act shall take effect immediately.