

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 468

Session of
1975

INTRODUCED BY CESSAR, ZORD, WILSON AND FISHER, FEBRUARY 18, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 18, 1975

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," eliminating straight party voting.

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

14 Section 1. Subsection (a) of section 1003, act of June 3,
15 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
16 Code," amended December 10, 1974 (No.280), is amended to read:

17 Section 1003. Form of Official Ballot.--

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

20 OFFICIAL BALLOT

21District,.....Ward, City of.....,
22 County of.....,State of Pennsylvania.
23Election held on the.....day of.....,19....

1 A cross (X) or check () mark in the square opposite the name of
2 any candidate indicates a vote for that candidate.

3 [To vote a straight party ticket, mark a cross (X) or check
4 () in the square, in the party column, opposite the name of the
5 party of your choice.] To vote for an individual candidate of
6 another party after making a mark in the party square, mark a
7 cross (X) or check () opposite his name. For an office where
8 more than one candidate is to be voted for, the voter [, after
9 marking in the party square,] may divide his vote by marking a
10 cross (X) or check () to the right of each candidate for whom
11 he or she desires to vote. For such office votes shall not be
12 counted for candidates not individually marked.

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

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

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

9	Party Column	Presidential Electors
10	[To Vote a Straight Party	(Vote for the candidates of one
11	Ticket Mark a Cross (X) or	party for President and Vice-
12	() in this column.]	President, or insert the names
13		of candidates.)

14		For
15	Democratic	John Stiles
16		and
17		Richard Doe,
18		Democratic.....

19		For
20	Republican	John Doe
21		and
22		Richard Roe,
23		Republican.....

24		For
25	Socialist	John Smith
26		and
27		William Jones,
28		Socialist.....

29 Citizens

30 United States Senator.

1 (Vote for one)
2 Richard Roe.....Democratic
3 John Doe.....Republican
4 Richard Stiles.....Socialist

5 Governor.

6 (Vote for one)

7 Richard Roe.....Democratic
8 John Doe.....Republican
9 Richard Stiles.....Socialist

10 Representatives in Congress,
11District.

12 (Vote for one)

13 Richard Roe.....Democratic
14 John Doe.....Republican
15 Richard Stiles.....Socialist

16 Senator in the General Assembly.
17District.

18 (Vote for one)

19 John Doe.....Democratic
20 Richard Roe.....Republican

21 * * *

22 Section 2. Subsection (b) of section 1107 and subsections
23 (d) and (f) of section 1216 are amended to read:

24 Section 1107. Requirements of Voting Machines.--* * *

25 (b) It shall not permit each voter [, at other than primary
26 elections,] to vote a straight political party ticket [in one
27 operation, and, in one operation, to vote for all the candidates
28 of one political party for presidential electors, and, in one
29 operation, to vote for all the candidates of one political party
30 for every office to be voted for, except those offices as to

1 which he votes for individual candidates].

2 * * *

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

5 * * *

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

27 * * *

28 (f) At any general election at which presidential electors
29 are to be chosen, each elector shall be permitted to vote [by
30 one operation] for all the presidential electors of a political

1 party or political body. For each party or body nominating
2 presidential electors, a ballot label shall be provided
3 containing only the words "Presidential Electors," preceded by
4 the names of the party or body and followed by the names of the
5 candidates thereof for the office of President and Vice-
6 President, and the corresponding counter or registering device
7 shall register votes cast for said electors when thus voted for
8 collectively. If an elector desires to vote a ticket for
9 presidential electors made up of the names of persons nominated
10 by different parties or bodies, or partially of names of persons
11 so in nomination and partially of names of persons not in
12 nomination by any party or body, or wholly of names of persons
13 not in nomination by any party or body, he may write or deposit
14 a paper ballot prepared by himself in the receptacle provided in
15 or on the machine for the purpose. The machine shall be so
16 constructed that it will not be possible for any one voter to
17 vote a straight party ticket for presidential electors and at
18 the same time to deposit a ballot for presidential electors in a
19 receptacle as hereinabove provided. When the votes for
20 presidential electors are counted, the votes appearing upon the
21 counter or registering device corresponding to the ballot label
22 containing the names of the candidates for President and Vice-
23 President of any party or body shall be counted as votes for
24 each of the candidates for presidential elector of such party or
25 body; and thereupon all candidates for presidential elector
26 shall be credited, in addition, with the votes cast for them
27 upon the ballots deposited in the machine, as hereinabove
28 provided.

29 * * *

30 Section 3. Subsection (b) of section 1223, amended January

1 8, 1960 (1959 P.L.2142, No.790), is amended to read:

2 Section 1223. What Ballots Shall Be Counted; Manner of
3 Counting; Defective Ballots.--* * *

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

18 * * *

19 Section 4. This act shall take effect immediately.