

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 12

Session of
1977

INTRODUCED BY FISCHER, JANUARY 19, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 19, 1977

AN ACT

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

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

14 Section 1. Sections 702 and 802, act of June 3, 1937
15 (P.L.1333, No.320), known as the "Pennsylvania Election Code,"
16 are amended to read:

17 Section 702. Qualifications of Electors at Primaries.--The
18 qualifications of electors entitled to vote at primaries shall
19 be the same as the qualifications of electors entitled to vote
20 at elections within the election district where the primary is
21 held, [provided that no elector who is not registered and
22 enrolled as a member of a political party, in accordance with
23 the provisions of this act, shall be permitted to vote the

1 ballot of such party or any other party ballot at any primary.]
2 and any elector entitled to vote in an election shall be
3 entitled to vote in any primary and shall not be required to be
4 enrolled in any political party.

5 Section 802. Only Enrolled Electors to [Vote at Primaries
6 or] Hold Party Offices.--No person who is not registered and
7 enrolled as a member of a political party shall be entitled to
8 [vote at any primary of such party or to] be elected or serve as
9 a party officer, or a member or officer of any party committee,
10 or delegate or alternate delegate to any party convention.

11 Section 2. Section 922 of the act, amended May 6, 1943
12 (P.L.196, No.100), is amended to read:

13 Section 922. Which Candidates Nominated.--Candidates of the
14 various political parties for nomination, except for the office
15 of President of the United States, who receive a plurality of
16 votes [of their party electors] in the State, or in the
17 political district, as the case may be, at the primary election,
18 together with the candidates for the office of presidential
19 elector nominated as herein provided, shall be candidates of
20 their respective parties, and it shall be the duty of the proper
21 county boards to print their names upon the official ballots and
22 ballot labels at the succeeding election: Provided, That when a
23 candidate for nomination shall have died before or on the day of
24 the primary election and shall nevertheless receive a plurality
25 of votes of his party electors cast for the office for which he
26 sought nomination, then no candidate shall have been nominated
27 for the office at such primary and a substituted nomination may
28 be made in the manner hereinafter provided.

29 Section 3. Section 1002 of the act, subsection (a) amended
30 December 22, 1971 (P.L.613, No.165), and subsection (b) amended

1 March 17, 1972 (P.L.114, No.40), are amended to read:

2 Section 1002. Form of Official Primary Ballot.--(a) At
3 primaries [separate] official ballots shall be prepared [for
4 each party which] and shall be in substantially the following
5 form:

6 Official[.....] Primary Ballot.

7 [(Name of Party)]

8District,.....Ward, City of.....,

9 County of....., State of Pennsylvania

10Primary election held on the.....day of....., 19...

11 Make a cross (X) or check () in the square to the right of
12 the party designation column of each candidate for whom you wish
13 to vote. If you desire to vote for a person whose name is not on
14 the ballot, write, print or paste his name in the blank space
15 provided for that purpose. Mark ballot only in black lead
16 pencil, indelible pencil or blue, black or blue-black ink in
17 fountain pen or ball point pen. Use the same pencil or pen for
18 all markings you place on the ballot.

19 President of the United States.

20 (Vote for one)

21 John Doe Republican

22 Richard Roe Democratic

23 John Stiles Socialist

24 United States Senator.

25 (Vote for one)

26 John Doe Republican

27 Richard Roe Democratic

1 John Stiles Socialist

2 Governor.

3 (Vote for one)

4 John Doe Republican

5 Richard Roe Democratic

6 John Stiles Socialist

7 Representative in Congress....District.

8 (Vote for one)

9 John Doe Republican

10 Richard Roe Democratic

11 John Stiles Socialist

12 Delegates at Large to National Convention.

13 (Vote for.....)

14 John Doe Republican

15 (Committed to Jeremiah Smith)

16 John Stiles Democratic

17 (Uncommitted)

18 Delegate to National Convention.....District.

19 (Vote for.....)

20 John Doe Republican

21 (Committed to Jeremiah Smith)

22 John Stiles Democratic

1 (Uncommitted)

2 Senator in the General Assembly.....District.

3 (Vote for one)

4 John Doe Republican

5 Richard Roe Democratic

6 John Stiles Socialist

7 Member of State Committee.

8 (Vote for one)

9 John Doe Republican

10 Richard Roe Democratic

11 John Stiles Socialist

12 Party Committeemen.

13 (Vote for.....)

14 John Doe Republican

15 Richard Roe Democratic

16 John Stiles Socialist

17 (b) On the back of each ballot shall be printed in prominent
18 type the words "OFFICIAL PRIMARY BALLOT [OFPARTY] FOR"
19 followed by the designation of the election district for which
20 it is prepared, the date of the primary and the facsimile
21 signatures of the members of the county board of elections. The
22 names of candidates shall in all cases be arranged under the
23 title of the office for which they are candidates, and be
24 printed thereunder in the order determined by the casting of

1 lots as provided by this act. At the right of the name of each
2 candidate there shall be a column containing the party
3 designation, if any, and a square of sufficient size for the
4 convenient insertion of a cross mark. There shall be left at the
5 end of the list of candidates for each office (or under the
6 title of the office itself in case there be no candidates who
7 have filed nomination petitions therefor) as many blank spaces
8 as there are persons to be voted for, for such office, in which
9 space the elector may insert the name of any person whose name
10 is not printed on the ballot as a candidate for such office.
11 Opposite or under the name of each candidate, except candidates
12 for the office of President of the United States and candidates
13 for delegate or alternate delegate to a National Party
14 Convention, who is to be voted for by the electors of more than
15 one county, shall be printed the name of the county in which
16 such candidate resides; and opposite or under the name of each
17 candidate except candidates for delegate or alternate delegate
18 to a National Party Convention who is to be voted for by the
19 electors of an entire county or any congressional, senatorial or
20 representative district within the county, shall be printed the
21 name of the city, borough, township or ward, as the case may be,
22 in which such candidate resides.

23 (c) The ballot shall vary in form only as the names of
24 districts, offices, candidates or the provisions of this act may
25 require.

26 Section 4. Section 1004 of the act, amended December 10,
27 1974 (P.L.835, No.280), is amended to read:

28 Section 1004. Form of Ballots; Printing Ballots; Stubs;
29 Numbers.--From the lists furnished by the Secretary of the
30 Commonwealth under the provisions of sections 915 and 984, and

1 from petitions and papers filed in their office, the county
2 election board shall print the official primary and election
3 ballots in accordance with the provisions of this act: Provided,
4 however, That in no event, shall the name of any person
5 consenting to be a candidate for nomination for any one office,
6 except the office of judge of a court of record, or the office
7 of school director in districts where that office is elective or
8 the office of justice of the peace be printed as a candidate for
9 such office [upon the official primary ballot] as a candidate of
10 more than one party. All ballots for use in the same election
11 district at any primary or election shall be alike. They shall
12 be at least six inches long and four inches wide, and shall have
13 a margin extending beyond any printing thereon. They shall be
14 printed with the same kind of type (which shall not be smaller
15 than the size known as "brevier" or "eight point body") upon
16 white paper of uniform quality, without any impression or mark
17 to distinguish one from another, and with sufficient thickness
18 to prevent the printed matter from showing through. Each ballot
19 shall be attached to a stub, and all the ballots for the same
20 election district shall be bound together in books of fifty, in
21 such manner that each ballot may be detached from its stub and
22 removed separately. [The ballots for each party to be used at a
23 primary shall be bound separately.] The stubs of the ballots
24 shall be consecutively numbered. [, and in the case of primary
25 ballots, the number shall be preceded by an initial or
26 abbreviation designating the party name.] The number [and
27 initial or abbreviation] which appears upon the stub shall also
28 be printed in the upper right hand corner of the back of the
29 ballot, separated from the remainder of the ballot by a diagonal
30 perforated line so prepared that the upper right hand corner of

1 the back of the ballot containing the number may be detached
2 from the ballot before it is deposited in the ballot box and
3 beside that corner shall also be printed, "Remove numbered stub
4 immediately before depositing your ballot in ballot box."

5 Section 5. Section 1007 of the act, amended August 13, 1963
6 (P.L.707, No.379), is amended to read:

7 Section 1007. Number of Ballots to Be Printed; Specimen
8 Ballots.--The county board of each county shall provide [for
9 each election district in which a primary is to be held, one
10 book of fifty official ballots of each party for every forty-
11 five registered and enrolled voters of such party and fraction
12 thereof, appearing upon the district register, and shall
13 provide] for each election district in which an election is to
14 be held one book of fifty official ballots for every forty-five
15 registered electors and fraction thereof appearing upon the
16 district register. They may also, in addition to the number of
17 ballots required to be printed for general distribution, have
18 printed [for each election district in which a primary is to be
19 held not less than one book of fifty official ballots of each
20 party for the use of the absentee electors and] for each
21 election district in which an election is to be held not less
22 than one book of official ballots for the use of the absentee
23 electors. They shall also, in addition to the number of ballots
24 required to be printed for general distribution, have printed
25 ten (10) per centum of such number, to be known as reserve
26 official ballots, and, on tinted paper, two (2) per centum of
27 such number to be known as reserve specimen ballots, which
28 ballots shall be kept at the office of the county board for the
29 use of any district, the ballots for which may be lost,
30 destroyed or stolen. They shall also cause to be printed on

1 tinted paper, and without the facsimile endorsements, permanent
2 binding or stubs, copies of the form of ballots provided for
3 each voting place at each primary or election therein, which
4 shall be called specimen ballots, and which shall be of the same
5 size and form as the official ballots, and at each election they
6 shall deliver to the election officers, in addition to the
7 official ballots to be used at such election, specimen ballots
8 for the use of the electors equal in number to one-fifth of the
9 number of official ballots delivered to such election officers.
10 At each primary, specimen ballots [of each party] shall be
11 furnished, equal in number to one-fifth of the number of
12 official ballots [of such party] furnished to the election
13 officers as above provided.

14 Section 6. Subsection (b) of section 1008 is amended to
15 read:

16 Section 1008. Forms of Ballots on File and Open to Public
17 Inspection; Ballots and Diagrams to Be Furnished to Candidates
18 and Parties.--

19 * * *

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

28 * * *

29 Section 7. Subsection (a) of section 1111, subsection (a) of
30 section 1210, subsection (c) of section 1216, and section 1221

1 are amended to read:

2 Section 1111. Preparation of Voting Machines by County
3 Election Boards.--

4 (a) The county election board of each county shall cause the
5 proper ballot labels to be placed on each voting machine which
6 is to be used in any election district within such county; and
7 shall cause each machine to be placed in proper order for
8 voting; shall examine each machine before it is sent out to a
9 polling place; shall see that each registering counter, except
10 the protective counter, on each machine is set at zero (000);
11 shall lock each machine so that the counting machinery cannot be
12 operated, and shall seal each machine with a numbered seal. [The
13 county election board or their duly authorized agent shall
14 adjust each machine to be used at a primary election, so that
15 the election officers may lock it on primary election day, in
16 such a way that each voter can vote only for the candidates for
17 nonpartisan nomination, if any, and for the candidates seeking
18 nomination by the political party in which he is enrolled, if he
19 is enrolled as a member of a political party, and so that no
20 voter can vote for the candidates seeking nomination by any
21 political party in which he is not enrolled.]

22 * * *

23 Section 1210. Manner of Applying to Vote; Persons Entitled
24 to Vote; Voter's Certificates; Entries to Be Made in District
25 Register; Numbered Lists of Voters; Challenges.--(a) At every
26 primary and election each elector who desires to vote shall
27 first sign a voter's certificate, and, unless he is a State or
28 Federal employe who has registered under any registration act
29 without declaring his residence by street and number, he shall
30 insert his address therein, and hand the same to the election

1 officer in charge of the district register. Such election
2 officer shall thereupon compare the elector's signature on his
3 voter's certificate with his signature in the district register.
4 If, upon such comparison, the signature upon the voter's
5 certificate appears to be genuine, the elector who has signed
6 the certificate shall, if otherwise qualified, be permitted to
7 vote: Provided, That if the signature on the voter's
8 certificate, as compared with the signature as recorded in the
9 district register, shall not be deemed authentic by any of the
10 election officers, such elector shall not be denied the right to
11 vote for that reason, but shall be considered challenged as to
12 identity and required to make the affidavit and produce the
13 evidence as provided in subsection (d) of this section. When an
14 elector has been found entitled to vote, the election officer
15 who examined his voter's certificate and compared his signature
16 shall sign his name or initials on the voter's certificate,
17 shall, if the elector's signature is not readily legible, print
18 such elector's name over his signature, and the number of the
19 stub of the ballot issued to him or his number in the order of
20 admission to the voting machines, and at primaries a letter or
21 abbreviation designating the party in [whose primary he votes]
22 which he is enrolled, if any, shall also be entered by one of
23 the election officers or clerks. As each voter is found to be
24 qualified and votes, the election officer in charge of the
25 district register shall write or stamp the date of the election
26 or primary, the number of the stub of the ballot issued to him
27 or his number in the order of admission to the voting machines,
28 and at primaries a letter or abbreviation designating the party
29 in [whose primary he votes,] which he is enrolled, if any, and
30 shall sign his name or initials in the proper space on the

1 registration card of such voter contained in the district
2 register.

3 As each voter votes, his name in the order of voting shall be
4 recorded in two (2) numbered lists of voters provided for that
5 purpose, with the addition of a note of each voter's party
6 enrollment after his name at primaries.

7 * * *

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

10 * * *

11 [(c) At primaries, before a voter is admitted to the voting
12 machine, it shall be adjusted by the election officer in charge
13 thereof, so that such voter will only be able to vote for the
14 candidates of the party in which he is registered and enrolled
15 and for candidates for nonpartisan nomination, if any.]

16 * * *

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

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

12 Section 8. Section 1222 of the act, amended July 14, 1961
13 (P.L.644, No.332), is amended to read:

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

16 (a) As soon as all the ballots have been properly accounted
17 for, and those outside the ballot box, as well as the "Voting
18 Check List," numbered lists of voters and district register
19 sealed, the election officers shall forthwith open the ballot
20 box, and take therefrom all ballots therein.[, and at primaries,
21 separate the same according to the party to which they belong.]
22 The ballots shall then be counted one by one, and a record made
23 of the total number.[, and at primaries of the total number cast
24 for each party.] Then the judge, under the scrutiny of the
25 minority inspector, or the minority inspector, under the
26 scrutiny of the judge, in the presence of the other officers,
27 clerks, and of the overseers, if any, and within the hearing and
28 sight of the watchers outside the enclosed space, shall read
29 aloud the names of the candidates marked or inserted upon each
30 ballot [(at primaries the ballots of each party being read in

1 sequence)], together with the office for which the person named
2 is a candidate, and the answers contained on the ballots to the
3 questions submitted, if any, and the majority inspector and
4 clerks shall carefully enter each vote as read, and keep account
5 of the same in ink in triplicate tally papers [(triplicate tally
6 papers for each party at primaries)] to be provided by the
7 county board of elections for that purpose, all three of which
8 shall be made at the same time: Provided, That at all general,
9 municipal and special elections, in entering each vote received
10 by candidates at such election, it shall not be necessary to
11 enter separate tally marks for each vote received by such
12 candidates upon the ballots containing the same votes for the
13 same names, commonly known, and in this act designated as
14 "Straight Party Tickets" for such purpose straight party ticket
15 votes shall be entered carefully as each straight party ticket
16 vote is read on the triplicate tally sheets under the heading
17 "Number of votes received upon the
18 straight party tickets." Upon completing the number of votes
19 received by each straight party ticket, the number so tallied
20 for each party shall be entered numerically on the extreme right
21 hand margin of each such tally paper. All ballots, after being
22 removed from the box, shall be kept within the unobstructed view
23 of all persons in the voting room until replaced in the box. No
24 person while handling the ballots shall have in his hand any
25 pencil, pen, stamp or other means of marking or spoiling any
26 ballot. The election officers shall forthwith proceed to canvass
27 and compute the votes cast, and shall not adjourn or postpone
28 the canvass or computation until it shall have been fully
29 completed.

30 (b) When the vote cast for the different persons named upon

1 the ballots and upon the questions, if any, appearing thereon,
2 shall have been fully recorded in the tally papers and counted,
3 the election officers shall duly certify to the number of votes
4 cast for each person [(upon the respective party tickets at
5 primaries)], and shall prepare in ink two (2) general returns,
6 showing, in addition to the entries made thereon as aforesaid,
7 the total number of ballots received from the county board [(the
8 total of each party at primaries)], the number of ballots cast
9 [(the number of each party at primaries)], the number of ballots
10 [(of each party at primaries)] declared void, and the number of
11 ballots spoiled and cancelled, and any blank ballots cast, as
12 well as the votes cast for each candidate. At elections, the
13 number of votes cast for each candidate by each political party
14 or political body of which such candidate is a nominee shall be
15 separately stated: Provided, That the number of votes received
16 by each set of candidates upon "straight party tickets" shall be
17 entered opposite the names of the respective candidates in a
18 column immediately adjoining upon the left which column shall be
19 of convenient width and shall be headed "number of votes
20 received upon straight party tickets." In an immediate column to
21 the left thereto, the number of votes received by each candidate
22 upon all ballots other than "straight party tickets" including
23 all ballots known as "split tickets" shall be entered, such
24 column to be of convenient width and shall be headed "number of
25 votes received other than upon straight party tickets." The
26 number of votes received by each candidate as shown in the
27 column headed "number of votes received upon straight party
28 tickets" shall then be added, together with the number of votes
29 received by each candidate as shown in the column headed "number
30 of votes received other than upon straight party tickets" and

1 thereupon, the total number of votes received by each candidate
2 shall be entered in a column on the extreme right-hand side of
3 the return sheets, which column shall be of convenient width and
4 shall be headed "total number of votes."

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

14 (c) In returning any votes cast for any person whose name is
15 not printed on the ballot, the election officers shall record
16 any such names exactly as they were written, stamped or applied
17 to the ballot by sticker.

18 Section 9. Subsection (b) of section 1227, amended February
19 2, 1965 (P.L.1859, No.585), is amended to read:

20 Section 1227. Canvass and Return of Votes in Districts in
21 Which Voting Machines are Used.--* * *

22 (b) The vote as registered shall be entered by the election
23 officers, in ink, on duplicate return sheets, and also on a
24 general return sheet and statement, all of which, after the
25 canvass is completed, shall be signed by the election officers,
26 the clerk, and certified by the overseers, if any. If any
27 election officer, clerk or overseer shall refuse to sign or
28 certify the general or duplicate return sheets or statement, he
29 shall write his reasons therefor upon said sheets. The vote for
30 presidential electors shall be computed and returned as provided

1 hereinbefore in section 1215 of this act. If more than one
2 voting machine is used in any election district, the vote
3 registered on each machine shall be ascertained in like manner,
4 and separately entered in appropriate spaces on the general and
5 duplicate return sheets and statement. The total vote cast for
6 each candidate, and for and against each question, shall then be
7 computed and entered on the general and duplicate return sheets
8 and statement. There shall also be entered on the general return
9 sheet and statement the number of voters who have voted [and in
10 primaries, the number of voters who voted in each party,] as
11 shown by the numbered lists of voters, district register, and
12 voting check list, and the number on each machine, as shown by
13 the public counters, and also the number registered on the
14 protective counter or device on each machine immediately prior
15 to the opening of the polls and immediately after the closing
16 thereof and sealing of the machine. The number or other
17 designation of each machine used shall also be entered thereon.
18 In the case of primary elections, duplicate return sheets shall
19 be prepared as for other elections. The registering counters of
20 the voting machine or the paper proof sheets, as the case may
21 be, shall remain exposed to view until the said returns, and all
22 other reports have been fully completed and checked by the
23 inspectors, clerk and overseers, if any. During such time, any
24 candidate, or duly accredited watcher, who may desire to be
25 present shall be admitted to the polling place.

26 * * *

27 Section 10. Subsections (b) and (e) of section 1302, amended
28 December 11, 1968 (P.L.1183, No.375), are amended to read:

29 Section 1302. Applications for Official Absentee Ballots.--

30 * * *

1 (b) The application shall contain the following information:

2 Home residence at the time of entrance into actual military
3 service or Federal employment, length of time a citizen, length
4 of residence in Pennsylvania, date of birth, length of time a
5 resident of voting district, voting district if known, [party
6 choice in case of primary,] name and, for a military elector,
7 his stateside military address, FPO or APO number and serial
8 number. Any elector other than a military elector shall in
9 addition specify the nature of his employment, the address to
10 which ballot is to be sent, relationship where necessary, and
11 such other information as may be determined and prescribed by
12 the Secretary of the Commonwealth. When such application is
13 received by the Secretary of the Commonwealth it shall be
14 forwarded to the proper county board of election.

15 * * *

16 (e) Any qualified bedridden or hospitalized veteran absent
17 from the State or county of his residence and unable to attend
18 his polling place because of such illness or physical
19 disability, regardless of whether he is registered or enrolled,
20 may apply at any time before any primary or election for an
21 official absentee ballot on any official county board of
22 election form addressed to the Secretary of the Commonwealth of
23 Pennsylvania or the county board of elections of the county in
24 which his voting residence is located. The request for an
25 application shall be in writing, signed and transmitted by mail.

26 The application shall contain the following information:

27 Residence at the time of becoming bedridden or hospitalized,
28 length of time a citizen, length of residence in Pennsylvania,
29 date of birth, length of time a resident in voting district,
30 voting district if known, [party choice in case of primary,]

1 name and address of present residence or hospital at which
2 hospitalized. When such application is received by the Secretary
3 of the Commonwealth, it shall be forwarded to the proper county
4 board of elections.

5 The application for an official absentee ballot for any
6 primary or election shall be made on information supplied over
7 the signature of the bedridden or hospitalized veteran as
8 required in the preceding subsection. Any qualified registered
9 elector, including a spouse or dependent referred to in
10 subsection (1) of section 1301, who expects to be or is absent
11 from the Commonwealth or county of his residence because his
12 duties, occupation or business require him to be elsewhere on
13 the day of any primary or election and any qualified registered
14 elector who is unable to attend his polling place on the day of
15 any primary or election because of illness or physical
16 disability and any qualified registered bedridden or
17 hospitalized veteran in the county of residence, may apply to
18 the county board of elections of the county in which his voting
19 residence is located for an Official Absentee Ballot. Such
20 application shall be made upon an official application form
21 supplied by the county board of elections. Such official
22 application form shall be determined and prescribed by the
23 Secretary of the Commonwealth of Pennsylvania. An application
24 shall be issued only to an elector who appears in person at the
25 office of the county board of election and signs for the
26 application, or who, by mail, requests an application with a
27 written and signed communication. A copy of the request for the
28 application shall be kept on record at the office of the county
29 board of elections.

30 (1) The application of any qualified registered elector,

1 including spouse or dependent referred to in subsection (1) of
2 section 1301, who expects to be or is absent from the
3 Commonwealth or county of his residence because his duties,
4 occupation or business require him to be elsewhere on the day of
5 any primary or election, shall be signed by the applicant and
6 shall include the surname and christian name or names of the
7 applicant, his occupation, date of birth, length of time a
8 resident in voting district, voting district if known, place of
9 residence, post office address to which ballot is to be mailed,
10 the reason for his absence, and such other information as shall
11 make clear to the county board of elections the applicant's
12 right to an official absentee ballot.

13 (2) The application of any qualified registered elector who
14 is unable to attend his polling place on the day of any primary
15 or election because of illness or physical disability and the
16 application of any qualified registered bedridden or
17 hospitalized veteran in the county of residence shall be signed
18 by the applicant and shall include surname and christian name or
19 names of the applicant, his occupation, date of birth, residence
20 at the time of becoming bedridden or hospitalized, length of
21 time a resident in voting district, voting district if known,
22 place of residence, post office address to which ballot is to be
23 mailed, and such other information as shall make clear to the
24 county board of elections the applicant's right to an official
25 ballot. In addition, the application of such electors shall
26 include a declaration stating the nature of their disability or
27 illness, and the name of their attending physician, if any,
28 together with a supporting declaration signed by such attending
29 physician, or, if none, by a registered elector unrelated by
30 blood or marriage of the election district of the residence of

1 the applicant: Provided, however, That in the event any elector
2 entitled to an absentee ballot under this subsection be unable
3 to sign his application because of illness or physical
4 disability, he shall be excused from signing upon making a
5 statement which shall be witnessed by one adult person in
6 substantially the following form: I hereby state that I am
7 unable to sign my application for an absentee ballot without
8 assistance because I am unable to write by reason of my illness
9 or physical disability. I have made or have received assistance
10 in making my mark in lieu of my signature.

11 (Mark)

12 (Date)

13

14 (Complete Address of Witness) (Signature of Witness)

15 No more than one application for an absentee ballot shall be
16 issued to any elector. A copy of the request for the application
17 shall be kept on record at the office of the county board of
18 election.

19 * * *

20 Section 11. Subsections (b), (c) and (d) of section 1404,
21 are amended to read:

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

24 * * *

25 (b) It shall be the duty of each board of registration
26 commissioners in each county, before the time fixed for the
27 county board to convene for purpose of computing and canvassing

1 returns of any primary or election, to certify to said county
2 board the total registration of each election district within
3 its jurisdiction, and the enrollment of each district by
4 political parties at primaries. The county board, before
5 computing the votes cast in any election district, shall compare
6 said registration and enrollment figures with the certificates
7 returned by the election officers showing the number of persons
8 who voted in each district or the number of ballots cast. If,
9 upon consideration by said return board of the returns before it
10 from any election district and the certificates aforesaid, it
11 shall appear that the total vote returned for any candidate or
12 candidates for the same office or nomination or on any question
13 exceeds the number of registered or enrolled electors in said
14 election district or exceeds the total number of persons who
15 voted in said election district or the total number of ballots
16 cast therein, [or, if it shall appear that the total number of
17 partisan votes returned for any candidate or candidates for the
18 same office or nomination at any primary exceeds the number of
19 electors registered or enrolled in said district as members of
20 that political party, or exceeds the total number of persons
21 belonging to that party who voted in said district or the total
22 number of ballots of that party cast therein,] in any such case,
23 such excess shall be deemed a discrepancy and palpable error,
24 and shall be investigated by the return board, and no votes
25 shall be recorded from such district until such investigation
26 shall be had, and such excess shall authorize--(a) the summoning
27 of the election officers, overseers, machine inspectors, and
28 clerks to appear forthwith with any election papers in their
29 possession; (b) the production of the ballot box before the
30 return board, and the examination and scrutiny of all of its

1 contents, and all of the registration and election documents
2 whatever, relating to said district, in the presence of
3 representatives of each party and candidate interested who are
4 attending the canvass of such votes; and the recount of the
5 ballots contained in said ballot box, either generally or
6 respecting the particular office, nomination, or question as to
7 which the excess exists, in the discretion of the return board;
8 (c) the correction of the returns in accordance with the result
9 of said recount; (d) in the discretion of the return board, the
10 exclusion of the poll of that district, either as to all
11 offices, candidates, questions, and parties, or as to any
12 particular offices, candidates, questions, or parties as to
13 which said excess exists, if the ballot box be found to contain
14 more ballots than there are electors registered or enrolled in
15 said election district, [or more ballots of one party than there
16 are electors registered or enrolled in said district as members
17 of that party,] or more ballots than the number of voters who
18 voted at said election[, or more ballots of one party than the
19 number of voters of that party who voted at said election]; (e)
20 a report of the facts of the case to the district attorney where
21 such action appears to be warranted.

22 (c) The county board shall first publicly account for all
23 extra official ballots printed under the provisions of section
24 1007 of this act. The general returns made by the election
25 officers from the various election districts shall then be read
26 one after another in the usual order, slowly and audibly, by one
27 of the clerks who shall, in each case of a return from a
28 district in which ballots were used, read therefrom the number
29 of ballots [(in the case of primaries the number of ballots of
30 each party)] issued, spoiled and cancelled, and cast,

1 respectively, whereupon the clerk having charge of the records
2 of the county board showing the number of ballots furnished for
3 each election district, including the number of extra official
4 ballots as provided by section 1007 of this act as so furnished,
5 and the number of stubs and unused ballots and spoiled and
6 cancelled ballots returned, shall publicly announce the number
7 of the same respectively, and unless it appears by said number
8 or calculations therefrom that said records, and the said
9 general return correspond, no further returns shall be read from
10 the latter until all discrepancies are explained to the
11 satisfaction of the county board. In the case of districts in
12 which voting machines are used, there shall be read from the
13 general return the identifying number or other designation of
14 each voting machine used, the numbers registered on the
15 protective counter or device on each machine prior to the
16 opening of the polls and immediately after close of the same,
17 whereupon the clerk having charge of the records of the county
18 board showing the number registered on the protective counter or
19 device of each voting machine prior to delivery at the polling
20 place, shall publicly announce the numbers so registered, and
21 unless it appears that the said records, and the said general
22 return correspond, no further returns shall be read from the
23 latter until any and all discrepancies are explained to the
24 satisfaction of the county board.

25 (d) (1) In districts in which paper ballots have been used,
26 when the records agree with said returns regarding the number of
27 ballots and the number of votes recorded for each candidate [(on
28 each party ticket at primaries)], said votes for each candidate
29 shall be read by the clerk slowly, audibly, and in an orderly
30 manner from the general return which has been returned unsealed,

1 and the figures announced shall be compared by other clerks with
2 the general return which has been returned sealed. The figures
3 announced for all districts shall be compared by one of the
4 clerks with the tally papers from the respective districts. If
5 any discrepancies are discovered, the county board shall
6 thereupon examine all of the return sheets, tally papers and
7 other papers in its possession relating to the same election
8 district. If the tally papers and sealed general return sheet
9 agree, the unsealed general return shall be forthwith corrected
10 to conform thereto. But in every other case the county board
11 shall forthwith cause the ballot box of the district to be
12 opened and the vote therein to be recounted in the presence of
13 attorneys, watchers, and candidates interested, and if the
14 recount shall not be sufficient to correct the error, the county
15 board may summon the election officers and overseers, if any, to
16 appear forthwith with all election papers in their possession.

17 (2) In districts in which voting machines have been used,
18 when the records agree with the returns regarding the number
19 registered on the voting machine, the votes recorded for each
20 candidate shall be read by the clerk slowly, audibly, and in an
21 orderly manner from the general return sheet which has been
22 returned unsealed, and the figures announced shall be compared
23 by other clerks with the duplicate return sheet which has been
24 returned sealed, and if the voting machine is of the type
25 equipped with mechanism for printing paper proof sheets, said
26 general and duplicate return sheets shall also be compared with
27 said proof sheets, which have been returned as aforesaid. If any
28 discrepancies are discovered, the county board shall thereupon
29 examine all of the return sheets, proof sheets and other papers
30 in its possession relating to the same election district. The

1 said proof sheets shall be deemed to be the primary evidence of
2 the result of the election and to be prima facie accurate, and
3 if the proper proof sheets properly identified, shall be
4 mutually consistent, and if the general and duplicate returns,
5 or either of them, from said district shall not correspond with
6 said proof sheets, they shall be corrected so as to correspond
7 with same, in the absence of allegation of specific fraud or
8 error, proved to the satisfaction of the county board.

9 (3) If any error or fraud is discovered, the county board
10 shall compute and certify the votes justly regardless of any
11 fraudulent or erroneous returns presented to it, and shall
12 report the facts to the district attorney of the proper county
13 for action.

14 * * *

15 Section 12. Section 1824 and 1834 of the act, are amended to
16 read:

17 Section 1824. Election Officers Refusing to Permit Elector
18 to Vote in [Proper Party at] Primaries.--Any judge, inspector or
19 clerk of election who refuses to permit an elector at any
20 primary at which ballots are used to receive [the ballot of the
21 party with which he is enrolled, or who gives to any such
22 elector the ballot of any party in which he is not enrolled,] a
23 ballot or any judge, or inspector of election, or machine
24 inspector who, at any primary at which voting machines are used,
25 adjusts any voting machine about to be used by an elector so as
26 not to permit him to vote for the candidates of the party in
27 which he is enrolled, or so as to permit him to vote for [the
28 candidates of any party in which he is not enrolled,] any
29 candidate of any party shall be guilty of a misdemeanor, and,
30 upon conviction thereof, shall be sentenced to pay a fine not

1 exceeding one thousand (\$1,000) dollars, or to undergo an
2 imprisonment of not less than one (1) month nor more than two
3 (2) years, or both, in the discretion of the court.

4 [Section 1834. Elector Voting Ballot of Wrong Party at
5 Primary.--Any elector who shall wilfully vote at any primary the
6 ballot of a party in which he is not enrolled, in violation of
7 the provisions of this act, shall be guilty of a misdemeanor,
8 and, upon conviction thereof, shall be sentenced to pay a fine
9 not exceeding one thousand (\$1,000) dollars, or to undergo an
10 imprisonment of not more than one (1) year, or both, in the
11 discretion of the court.]

12 Section 13. All acts and parts of the act are repealed
13 insofar as they are inconsistent herewith.

14 Section 14. This act shall take effect immediately.