

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 208

Session of  
1979

INTRODUCED BY HAGER, ZEMPRELLI, DWYER AND ROSS,  
FEBRUARY 13, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 7, 1979

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 the definition of  
12 ~~"candidate."~~ "CANDIDATE," PROVIDING FOR A "NO PREFERENCE" <—  
13 VOTE, PROVIDING FOR MEMBERSHIP OF COUNTY BOARDS OF ELECTION  
14 AND PROVIDING FOR VOTING MACHINES AT PRIMARY ELECTIONS IN  
15 CITIES OF THE FIRST CLASS.

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

18 SECTION 1. SECTION 301, ACT OF JUNE 3, 1937 (P.L.1333, <—  
19 NO.320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE," AMENDED  
20 DECEMBER 2, 1976 (P.L.1221, NO.269) AND SUBSECTION (B) AMENDED  
21 JUNE 1, 1978 (P.L.456, NO.58), IS AMENDED TO READ:

22 SECTION 301. COUNTY BOARDS OF ELECTIONS; MEMBERSHIP.--

23 (A) THERE SHALL BE A COUNTY BOARD OF ELECTIONS IN AND FOR

1 EACH COUNTY OF THIS COMMONWEALTH, WHICH SHALL HAVE JURISDICTION  
2 OVER THE CONDUCT OF PRIMARIES AND ELECTIONS IN SUCH COUNTY, IN  
3 ACCORDANCE WITH THE PROVISIONS OF THIS ACT.

4 (B) IN EACH COUNTY OF THE COMMONWEALTH, THE COUNTY BOARD OF  
5 ELECTIONS SHALL CONSIST OF THE COUNTY COMMISSIONERS OF SUCH  
6 COUNTY EX OFFICIO, OR ANY OFFICIALS OR BOARD WHO ARE PERFORMING  
7 OR MAY PERFORM THE DUTIES OF THE COUNTY COMMISSIONERS, WHO SHALL  
8 SERVE WITHOUT ADDITIONAL COMPENSATION AS SUCH. EXCEPT IN  
9 COUNTIES OF THE FIRST CLASS, IN COUNTIES WHICH HAVE ADOPTED HOME  
10 RULE CHARTERS OR OPTIONAL PLANS THE BOARD OF ELECTIONS SHALL  
11 CONSIST OF THE MEMBERS OF THE COUNTY BODY WHICH PERFORMS  
12 LEGISLATIVE FUNCTIONS UNLESS THE COUNTY CHARTER OR OPTIONAL PLAN  
13 PROVIDES FOR THE APPOINTMENT OF THE BOARD OF ELECTIONS. IN  
14 EITHER CASE, THERE SHALL BE MINORITY REPRESENTATION ON THE  
15 BOARD. THE COUNTY BODY WHICH PERFORMS LEGISLATIVE FUNCTIONS  
16 SHALL IN THE CASE WHERE THE BOARD DOES NOT CONTAIN MINORITY  
17 REPRESENTATION APPOINT SUCH REPRESENTATION FROM A LIST SUBMITTED  
18 BY THE COUNTY CHAIRMAN OF THE MINORITY PARTY.

19 (C) [WHENEVER THE MEMBERS OF THE BOARD OF COUNTY  
20 COMMISSIONERS ARE CANDIDATES FOR NOMINATION OR ELECTION TO ANY  
21 PUBLIC OFFICE OR WHENEVER THERE APPEARS ON THE BALLOT A QUESTION  
22 RELATING TO THE ADOPTION OF A HOME RULE CHARTER FOR THE COUNTY  
23 OR AMENDMENTS TO AN EXISTING COUNTY HOME RULE CHARTER, THE  
24 COUNTY COMMISSIONERS SHALL NOT SIT AS THE COUNTY BOARD OF  
25 ELECTIONS. THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS  
26 SHALL APPOINT JUDGES TO SERVE AS THE COUNTY BOARD OF ELECTIONS  
27 OR WHERE AN INSUFFICIENT NUMBER OF JUDGES ARE PRESENT, THE  
28 PRESIDENT JUDGE SHALL APPOINT A REPUTABLE ELECTOR OF THE COUNTY  
29 TO SERVE AS A MEMBER, WITH THE JUDGES ON THE COUNTY BOARD OF  
30 ELECTIONS.] WHENEVER A MEMBER OF THE BOARD OF COUNTY

1 COMMISSIONERS IS A CANDIDATE FOR NOMINATION OR ELECTION TO ANY  
2 PUBLIC OFFICE, THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS  
3 SHALL APPOINT A JUDGE OR AN ELECTOR OF THE COUNTY TO SERVE IN  
4 HIS STEAD. WHENEVER THERE APPEARS ON THE BALLOT A QUESTION  
5 RELATING TO THE ADOPTION OF A HOME RULE CHARTER FOR THE COUNTY  
6 OR AMENDMENTS TO AN EXISTING COUNTY HOME RULE CHARTER, THE  
7 PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS SHALL APPOINT  
8 JUDGES OR ELECTORS OF THE COUNTY TO SERVE IN THE STEAD OF THE  
9 COUNTY COMMISSIONERS.

10 SECTION 2. SECTION 1003 OF THE ACT IS AMENDED BY ADDING A  
11 SUBSECTION TO READ:

12 SECTION 1003. FORM OF OFFICIAL ELECTION BALLOT.--

13 \* \* \*

14 (H) AT THE WRITTEN REQUEST OF A STATE COMMITTEE, A PARTY MAY  
15 HAVE A "NO PREFERENCE" COLUMN ADDED TO THE LIST OF CANDIDATES  
16 FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES AT THE PRIMARY  
17 ELECTION. THE BALLOT POSITION FOR "NO PREFERENCE" SHALL BE DRAWN  
18 IN THE SAME MANNER AS THE OTHER CANDIDATES FOR THAT OFFICE.

19 SECTION 3. SUBSECTION (A) OF SECTION 1104 OF THE ACT IS  
20 AMENDED TO READ:

21 SECTION 1104. INSTALLATION OF VOTING MACHINES.--(A) (1) IF  
22 A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE QUESTION  
23 SHALL VOTE IN THE AFFIRMATIVE, THE COUNTY ELECTION BOARD OF THE  
24 SAID COUNTY SHALL PURCHASE FOR EACH ELECTION DISTRICT OF SUCH  
25 COUNTY, CITY, BOROUGH OR TOWNSHIP, ONE OR MORE VOTING MACHINES,  
26 OF A KIND OR KINDS APPROVED BY THE SECRETARY OF THE  
27 COMMONWEALTH, AS HEREINAFTER PROVIDED, AND OF SUFFICIENT  
28 CAPACITY TO ACCOMMODATE THE NAMES OF A REASONABLE NUMBER OF  
29 CANDIDATES FOR ALL PUBLIC AND PARTY OFFICES WHICH, UNDER THE  
30 PROVISIONS OF EXISTING LAWS AND PARTY RULES, ARE LIKELY TO BE

1 VOTED FOR AT ANY FUTURE ELECTION, AND SHALL NOTIFY THE SECRETARY  
2 OF THE COMMONWEALTH, IN WRITING, THAT THEY HAVE DONE SO. THE  
3 COUNTY ELECTION BOARD SHALL PROVIDE MACHINES IN GOOD WORKING  
4 ORDER, AND SHALL PRESERVE AND KEEP THEM IN REPAIR. VOTING  
5 MACHINES OF DIFFERENT KINDS MAY BE USED FOR DIFFERENT DISTRICTS  
6 IN THE SAME COUNTY, CITY, BOROUGH OR TOWNSHIP. IN EACH ELECTION  
7 DISTRICT IN WHICH VOTING MACHINES ARE USED, THE COUNTY ELECTION  
8 BOARD MAY PROVIDE ONE VOTING MACHINE FOR EACH THREE HUNDRED AND  
9 FIFTY REGISTERED VOTERS, OR FRACTION THEREOF, THEREIN, AND SHALL  
10 PROVIDE ONE VOTING MACHINE FOR EACH SIX HUNDRED REGISTERED  
11 VOTERS, OR FRACTION THEREOF, THEREIN: PROVIDED, HOWEVER, THAT  
12 THE COURTS OF QUARTER SESSIONS, UPON PETITION PRESENTED BY  
13 EITHER THE COUNTY ELECTION BOARD OR BY TEN OR MORE QUALIFIED  
14 ELECTORS OF ANY SUCH ELECTION DISTRICT, MAY ORDER THAT ONE  
15 ADDITIONAL VOTING MACHINE BE PROVIDED FOR ANY SUCH ELECTION  
16 DISTRICT, IF THE COURT SHALL BE OF THE OPINION THAT SUCH  
17 ADDITIONAL VOTING MACHINE SHALL BE NECESSARY IN SUCH DISTRICT  
18 FOR THE CONVENIENCE OF THE VOTERS AND THE PUBLIC INTERESTS.

19 (2) IN ANY CITY OF THE FIRST CLASS, WHENEVER THERE SHALL BE  
20 A NUMBER OF CANDIDATES IN A PRIMARY ELECTION SO GREAT AS TO  
21 REQUIRE VOTING MACHINES LIMITED TO THE CANDIDATES OF ONE  
22 POLITICAL PARTY, THERE SHALL BE TWO VOTING MACHINES OF THE SAME  
23 KIND IN ANY DISTRICT FOR ANY PARTY WHICH HAS MORE THAN THREE  
24 HUNDRED AND FIFTY (350) REGISTERED VOTERS IN THAT DISTRICT.

25 \* \* \*

26 SECTION 4. SECTION 1110 OF THE ACT IS AMENDED BY ADDING A  
27 SUBSECTION TO READ:

28 SECTION 1110. FORM OF BALLOT LABELS ON VOTING MACHINES.--

29 \* \* \*

30 (L) AT THE WRITTEN REQUEST OF A STATE COMMITTEE, A PARTY MAY

1 HAVE A "NO PREFERENCE" COLUMN ADDED TO THE LIST OF CANDIDATES  
2 FOR THE OFFICE OF PRESIDENT OF THE UNITED STATES AT THE PRIMARY  
3 ELECTION. THE BALLOT POSITION FOR "NO PREFERENCE" SHALL BE DRAWN  
4 IN THE SAME MANNER AS THE OTHER CANDIDATES FOR THAT OFFICE.

5 Section ~~±~~ 5. Subsection (a) of section 1621, ~~act of June 3,~~ <—  
6 ~~1937 (P.L.1333, No.320), known as the "Pennsylvania Election~~  
7 ~~Code,"~~ OF THE ACT, added October 4, 1978 (P.L.893, No.171), is <—  
8 amended to read:

9 Section 1621. Definitions.--As used in this article, the  
10 following words have the following meanings:

11 (a) The word "candidate" shall mean any individual who seeks  
12 nomination or election to public office, other than a judge of  
13 elections or inspector of elections, whether or not such  
14 individual is nominated or elected. For the purpose of this  
15 article, an individual shall be deemed to be seeking nomination  
16 or election to such office if he has:

17 (1) Received a contribution or made an expenditure or has  
18 given his consent for any other person or committee to receive a  
19 contribution or make an expenditure, for the purpose of  
20 influencing his nomination or election to such office, whether  
21 or not the individual has made known the specific office for  
22 which he or she will seek nomination or election at the time the  
23 contribution is received or the expenditure is made; or

24 (2) Taken the action necessary under the laws of the  
25 Commonwealth to qualify himself for nomination or election to  
26 such office.

27 \* \* \*

28 Section ~~±~~ 6. This act shall take effect immediately. <—