

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 67

Session of
1989

INTRODUCED BY PRESTON, ROBINSON AND GIGLIOTTI, JANUARY 23, 1989

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 31, 1989

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 CREATION OF NEW <—
12 ELECTION DISTRICTS; providing for the number of signers for
13 the nomination petition for the office of district council
14 member in a city of the second class and providing for the
15 fee for filing the petition; further providing for assistance
16 in voting; and further providing for absentee ballots.

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

19 ~~Section 1. Sections 912.1 and 913(b.1) of the act of June 3, <—~~
20 ~~1937 (P.L.1333, No.320), known as the Pennsylvania Election~~
21 ~~Code, added December 12, 1984 (P.L.968, No.190), are amended to~~
22 ~~read:~~

23 SECTION 1. SECTION 502 OF THE ACT OF JUNE 3, 1937 (P.L.1333, <—
24 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, AMENDED

1 FEBRUARY 19, 1986 (P.L.29, NO.11), IS AMENDED TO READ:

2 SECTION 502. COURT TO CREATE NEW ELECTION DISTRICTS.--

3 SUBJECT TO THE PROVISIONS OF SECTION 501 OF THIS ACT, THE COURT
4 OF COMMON PLEAS OF THE COUNTY IN WHICH THE SAME ARE LOCATED, MAY
5 FORM OR CREATE NEW ELECTION DISTRICTS BY DIVIDING OR REDIVIDING
6 ANY BOROUGH, TOWNSHIP, WARD OR ELECTION DISTRICT INTO TWO OR
7 MORE ELECTION DISTRICTS OF COMPACT AND CONTIGUOUS TERRITORY,
8 HAVING BOUNDARIES WITH CLEARLY VISIBLE PHYSICAL FEATURES AND
9 WHOLLY CONTAINED WITHIN ANY LARGER DISTRICT FROM WHICH ANY
10 FEDERAL, STATE, COUNTY, MUNICIPAL OR SCHOOL DISTRICT OFFICERS
11 ARE ELECTED, OR ALTER THE BOUNDS OF ANY ELECTION DISTRICT, OR
12 FORM AN ELECTION DISTRICT OUT OF TWO OR MORE ADJACENT DISTRICTS
13 OR PARTS OF DISTRICTS, OR CONSOLIDATE ADJOINING ELECTION
14 DISTRICTS OR FORM AN ELECTION DISTRICT OUT OF TWO OR MORE
15 ADJACENT WARDS, SO AS TO SUIT THE CONVENIENCE OF THE ELECTORS
16 AND TO PROMOTE THE PUBLIC INTERESTS: PROVIDED, HOWEVER, THAT A
17 VACANCY IN THE OFFICE OF DISTRICT COMMITTEEPERSON WHICH IS
18 CREATED AS A RESULT OF THE PARTIAL OR TOTAL REDISTRICTING OF A
19 COUNTY SHALL BE FILLED BY ELECTION AT THE NEXT REGULAR GENERAL
20 PRIMARY ELECTION FOLLOWING THE CREATION OF THE VACANCY BY THE
21 REDISTRICTING AND MAY NOT BE FILLED, TEMPORARILY OR OTHERWISE,
22 BY APPOINTMENT. ELECTION DISTRICTS SO FORMED SHALL CONTAIN
23 BETWEEN SIX HUNDRED (600) AND EIGHT HUNDRED (800) REGISTERED
24 ELECTORS AS NEARLY AS MAY BE. NO ELECTION DISTRICT SHALL BE
25 FORMED THAT SHALL CONTAIN LESS THAN ONE HUNDRED (100) REGISTERED
26 ELECTORS. WHEN A SCHOOL DISTRICT CROSSES COUNTY LINES, THE
27 REGIONS OF THE SCHOOL DISTRICT SHALL BE COMPOSED OF CONTIGUOUS
28 ELECTION DISTRICTS.

29 SECTION 2. SECTIONS 912.1 AND 913(B.1) OF THE ACT, ADDED
30 DECEMBER 12, 1984 (P.L.968, NO.190), ARE AMENDED TO READ:

1 Section 912.1. Number of Signers Required for Nomination

2 Petitions of Candidates at Primaries.--Candidates for nomination
3 of offices as listed below shall present a nominating petition
4 containing at least as many valid signatures of registered and
5 enrolled members of the proper party as listed below:

6 (1) President of the United States: Two thousand.

7 (2) United States Senate: Two thousand.

8 (3) Governor: Two thousand including at least one hundred
9 from each of at least ten counties.

10 (4) Lieutenant Governor: One thousand including at least one
11 hundred from each of at least five counties.

12 (5) Treasurer: One thousand including at least one hundred
13 from each of at least five counties.

14 (6) Auditor General: One thousand including at least one
15 hundred from each of at least five counties.

16 (7) Attorney General: One thousand including at least one
17 hundred from each of at least five counties.

18 (8) Justice of the Supreme Court: One thousand including at
19 least one hundred from each of at least five counties.

20 (9) Judge of the Superior Court: One thousand including at
21 least one hundred from each of at least five counties.

22 (10) Judge of the Commonwealth Court: One thousand including
23 at least one hundred from each of at least five counties.

24 (11) For any other office to be filled by the vote of the
25 electors of the State at large or for any other party office to
26 be elected by the electors of the State at large: One thousand
27 including at least one hundred from each of at least five
28 counties.

29 (12) Representative in Congress: One thousand.

30 (13) Senator in the General Assembly: Five hundred.

1 (14) Representative in the General Assembly: Three hundred.

2 (15) Public or party offices to be filled by a vote of the
3 electors in counties of the first class at large: One thousand.

4 (16) Public or party offices to be filled by a vote of the
5 electors in counties of the second class at large: Five hundred.

6 (17) Public or party offices to be filled by a vote of the
7 electors in cities of the first class at large: One thousand.

8 (18) Public or party offices to be filled by a vote of the
9 electors in counties of the second class A at large: Two hundred
10 fifty.

11 (19) Public or party offices to be filled by a vote of the
12 electors in counties of the third class at large: Two hundred
13 fifty.

14 (20) Public or party offices to be filled by a vote of the
15 electors in counties of the fourth class at large: Two hundred
16 fifty.

17 (21) Public or party offices to be filled by a vote of the
18 electors in cities of the second class at large: Two hundred
19 fifty.

20 (22) Public or party offices to be filled by a vote of the
21 electors in cities of the second class A at large: One hundred.

22 (23) Public or party offices to be filled by a vote of the
23 electors in cities of the third class at large: One hundred.

24 (24) Public or party offices to be filled by a vote of the
25 electors in counties of the fifth class at large: One hundred.

26 (25) Public or party offices to be filled by a vote of the
27 electors in counties of the sixth class at large: One hundred.

28 (26) Public or party offices to be filled by a vote of the
29 electors in counties of the seventh class at large: One hundred.

30 (27) Public or party offices to be filled by a vote of the

1 electors in counties of the eighth class at large: One hundred.

2 (28) Office of judge of any court of record other than a
3 Statewide court or a court in a county of the first or second
4 class: Two hundred fifty.

5 (29) District delegate or alternate district delegate to a
6 National party convention: Two hundred fifty.

7 (30) Member of State committee: One hundred.

8 (31) Office of district council member in a city of the
9 first class: Seven hundred fifty.

10 (31.1) Office of district council member in a city of the
11 second class: One hundred.

12 (32) Office of district justice: One hundred.

13 (33) Office of judge of election: Ten.

14 (34) Inspector of elections: Five.

15 (35) All other public and party offices: Ten.

16 Section 913. Place and Time of Filing Nomination Petitions;
17 Filing Fees.--* * *

18 (b.1) Each person filing any nomination petition shall pay
19 for each petition, at the time of filing, a filing fee to be
20 determined as follows, and no nomination petition shall be
21 accepted or filed, unless and until such filing fee is paid by a
22 certified check or money order or also by cash when filed with
23 the county board. All moneys paid on account of filing fees
24 shall be transmitted by the county board to the county treasurer
25 and shall become part of the General Fund. Certified checks or
26 money orders in payment of filing fees shall be made payable to
27 the Commonwealth of Pennsylvania or to the county, as the case
28 may be, and shall be transmitted to the State Treasurer or to
29 the county treasurer and shall become part of the General Fund.

30 1. If for the office of President of the United States, or

1 for any public office to be filled by the electors of the State
2 at large, the sum of two hundred dollars (\$200.00).

3 2. If for the office of Representative in Congress, the sum
4 of one hundred fifty dollars (\$150.00).

5 3. If for the office of judge of a court of record,
6 excepting judges to be voted for by the electors of the State at
7 large, the sum of one hundred dollars (\$100.00).

8 4. If for the offices of Senator or Representative in the
9 General Assembly, for any office to be filled by the electors of
10 an entire county, for the office of district councilman in a
11 city of the first OR SECOND class and for any office to be <—
12 filled by the electors of an entire city other than school
13 district office, the sum of one hundred dollars (\$100.00).

14 5. If for any borough, town, or township of the first class,
15 not otherwise provided for, the sum of five dollars (\$5.00).

16 6. If for the office of delegate or alternate delegate to
17 National party convention, or member of National committee or
18 member of State committee, the sum of twenty-five dollars
19 (\$25.00).

20 7. If for the office of constable, the sum of ten dollars
21 (\$10.00).

22 8. If for the office of district justice ~~or office of~~ <—
23 ~~district council member in a city of the second class~~, the sum
24 of fifty dollars (\$50.00).

25 * * *

26 Section ~~2~~ 3. Section 1218(a) and (b) of the act are amended <—
27 to read:

28 Section 1218. Assistance in Voting.--

29 (a) No voter shall be permitted to receive any assistance in
30 voting at any primary or election, unless there is recorded upon

1 his registration card his declaration that, [because of
2 illiteracy] by reason of blindness, disability, or inability to
3 read or write, he is unable to read the names on the ballot or
4 on the voting machine labels, or that he has a physical
5 disability which renders him unable to see or mark the ballot or
6 operate the voting machine, or to enter the voting compartment
7 or voting machine booth without assistance, the exact nature of
8 such [disability] condition being recorded on such registration
9 card, and unless the election officers are satisfied that he
10 still suffers from the same [disability] condition. [Before he
11 shall be permitted to receive assistance, such voter shall state
12 distinctly and audibly under oath or affirmation, which shall be
13 administered to him by the judge of election, the reason why he
14 requires assistance.]

15 (b) Any elector who is entitled to receive assistance in
16 voting under the provisions of this section shall be permitted
17 by the judge of election to select a [registered elector of the
18 election district] person of the elector's choice to enter the
19 voting compartment or voting machine booth with him to assist
20 him in voting, such assistance to be rendered inside the voting
21 compartment or voting machine booth except that the elector's
22 employer or an agent of the employer or an officer or agent of
23 the elector's union shall not be eligible to assist the elector.

24 * * *

25 Section 3 4. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of <—
26 the act, amended December 11, 1968 (P.L.1183, No.375), are
27 amended to read:

28 Section 1302.1. Date of Application for Absentee Ballot.--

29 Applications for absentee ballots unless otherwise specified
30 shall be received in the office of the county board of elections

1 not earlier than fifty (50) days before the primary or election
2 and not later than [five o'clock] 5:00 P.M. of the first Tuesday
3 prior to the day of any primary or election: Provided, however,
4 That in the event any elector otherwise qualified who is so
5 physically disabled or ill on or before the first Tuesday prior
6 to any primary or election that he is unable to file his
7 application or who becomes physically disabled or ill after the
8 first Tuesday prior to any primary or election and is unable to
9 appear at his polling place or any elector otherwise qualified
10 who because of the conduct of his business, duties or occupation
11 will necessarily be absent from the State or county of his
12 residence on the day of the primary or election, which fact was
13 not and could not reasonably be known to said elector on or
14 before the first Tuesday prior to any primary or election, shall
15 be entitled to an absentee ballot at any time prior to [five
16 o'clock] 8:00 P.M. on the [first Friday preceding any] primary
17 or election day upon execution of an Emergency Application in
18 such form prescribed by the Secretary of the Commonwealth.

19 In the case of an elector who is physically disabled or ill
20 on or before the first Tuesday prior to a primary or election or
21 becomes physically disabled or ill after the first Tuesday prior
22 to a primary or election, such Emergency Application shall
23 contain a supporting affidavit from his attending physician
24 stating that due to physical disability or illness said elector
25 was unable to apply for an absentee ballot on or before the
26 first Tuesday prior to the primary or election or became
27 physically disabled or ill after that period.

28 In the case of an elector who is necessarily absent because
29 of the conduct of his business, duties or occupation under the
30 unforeseen circumstances specified in this subsection, such

1 Emergency Application shall contain a supporting affidavit from
2 such elector stating that because of the conduct of his
3 business, duties or occupation said elector will necessarily be
4 absent from the State or county of his residence on the day of
5 the primary or election which fact was not and could not
6 reasonably be known to said elector on or before the first
7 Tuesday prior to the primary or election.

8 Section 1302.2. Approval of Application for Absentee
9 Ballot.--

10 (a) The county board of elections, upon receipt of any
11 application filed by a qualified elector not required to be
12 registered under preceding section 1301, shall ascertain from
13 the information on such application, district register or from
14 any other source that such applicant possesses all the
15 qualifications of a qualified elector other than being
16 registered or enrolled. If the board is satisfied that the
17 applicant is qualified to receive an official absentee ballot,
18 the application shall be marked approved such approval decision
19 shall be final and binding except that challenges may be made
20 only on the ground that the applicant did not possess
21 qualifications of an absentee elector. Such challenges must be
22 made to the county board of elections prior to [5:00 o'clock]
23 8:00 P. M. on the [first Friday prior to the election] primary
24 or election day. When so approved, the county board of elections
25 shall cause the applicant's name and residence (and at a
26 primary, the party enrollment) to be inserted in the Military,
27 Veterans and Emergency Civilians Absentee Voters File as
28 provided in section 1302.3, subsection (b): Providing, however,
29 That no application of any qualified elector in military service
30 shall be rejected for failure to include on his application any

1 information if such information may be ascertained within a
2 reasonable time by the county board of elections.

3 (b) The county board of elections, upon receipt of any
4 application filed by a qualified elector who is entitled, under
5 the provisions of the Permanent Registration Law as now or
6 hereinafter enacted by the General Assembly, to absentee
7 registration prior to or concurrently with the time of voting as
8 provided under preceding section 1301, shall ascertain from the
9 information on such application or from any other source that
10 such applicant possesses all the qualifications of a qualified
11 elector. If the board is satisfied that the applicant is
12 entitled, under the provisions of the Permanent Registration Law
13 as now or hereinafter enacted by the General Assembly, to
14 absentee registration prior to or concurrently with the time of
15 voting and that the applicant is qualified to receive an
16 official absentee ballot, the application shall be marked
17 "approved." Such approval decision shall be final and binding
18 except that challenges may be made only on the ground that the
19 applicant did not possess the qualifications of an absentee
20 elector prior to or concurrently with the time of voting. Such
21 challenges must be made to the county board of elections prior
22 to [5:00 o'clock] 8:00 P. M. on the [first Friday prior to the
23 election] primary or election day. When so approved, the county
24 board of elections shall cause the applicant's name and
25 residence (and at a primary, the party enrollment) to be
26 inserted in the Military, Veterans and Emergency Civilian
27 Absentee Voters File as provided in section 1302.3 subsection
28 (b).

29 (c) The county board of elections, upon receipt of any
30 application of a qualified elector required to be registered

1 under the provisions of preceding section 1301, shall determine
2 the qualifications of such applicant by comparing the
3 information set forth on such application with the information
4 contained on the applicant's permanent registration card. If the
5 board is satisfied that the applicant is qualified to receive an
6 official absentee ballot, the application shall be marked
7 "approved." Such approval decision shall be final and binding,
8 except that challenges may be made only on the ground that the
9 applicant did not possess the qualifications of an absentee
10 elector. Such challenges must be made to the county board of
11 elections prior to [5:00 o'clock] 8:00 P. M. on the [first
12 Friday prior to the election] primary or election day. When so
13 approved, the registration commission shall cause an absentee
14 voter's temporary registration card to be inserted in the
15 district register on top of and along with the permanent
16 registration card. The absentee voter's temporary registration
17 card shall be in the color and form prescribed in subsection (e)
18 of this section:

19 Provided, however, That the duties of the county boards of
20 elections and the registration commissions with respect to the
21 insertion of the absentee voter's temporary registration card of
22 any elector from the district register as set forth in section
23 1302.2 shall include only such applications and emergency
24 applications as are received on or before the first Tuesday
25 prior to the primary or election. In all cases where
26 applications are received after the first Tuesday prior to the
27 primary or election and before [five o'clock] 8:00 P. M. on the
28 [first Friday prior to the] primary or election day, the county
29 board of elections shall determine the qualifications of such
30 applicant by comparing the information set forth on such

1 application with the information contained on the applicant's
2 duplicate registration card on file in the General Register
3 (also referred to as the Master File) in the office of the
4 Registration Commission and shall cause the name and residence
5 (and at primaries, the party enrollment) to be inserted in the
6 Military, Veterans and Emergency Civilian Absentee Voters File
7 as provided in section 1302.3, subsection (b). In addition, the
8 local district boards of elections shall, upon canvassing the
9 official absentee ballots under section 1308, examine the voting
10 check list of the election district of said elector's residence
11 and satisfy itself that such elector did not cast any ballot
12 other than the one properly issued to him under his absentee
13 ballot application. In all cases where the examination of the
14 local district board of elections discloses that an elector did
15 vote a ballot other than the one properly issued to him under
16 the absentee ballot application, the local district board of
17 elections shall thereupon cancel said absentee ballot and said
18 elector shall be subject to the penalties as hereinafter set
19 forth.

20 (d) In the event that any application for an official
21 absentee ballot is not approved by the county board of
22 elections, the elector shall be notified immediately to that
23 effect with a statement by the county board of the reasons for
24 the disapproval.

25 (e) The absentee voter's temporary registration card shall
26 be in duplicate and the same size as the permanent registration
27 card, in a different and contrasting color to the permanent
28 registration card and shall contain the absentee voter's name
29 and address and shall conspicuously contain the words "Absentee
30 Voter." Such card shall also contain the affidavit required by

1 subsection (b) of section 1306.

2 Section 1306. Voting by Absentee Electors.--(a) At any time
3 after receiving an official absentee ballot, but on or before
4 [five o'clock] 8:00 P. M. on the [Friday prior to the] primary
5 or election day, the elector shall, in secret, proceed to mark
6 the ballot only in black lead pencil, indelible pencil or blue,
7 black or blue-black ink, in fountain pen or ball point pen, and
8 then fold the ballot, enclose and securely seal the same in the
9 envelope on which is printed, stamped or endorsed "Official
10 Absentee Ballot." This envelope shall then be placed in the
11 second one, on which is printed the form of declaration of the
12 elector, and the address of the elector's county board of
13 election and the local election district of the elector. The
14 elector shall then fill out, date and sign the declaration
15 printed on such envelope. Such envelope shall then be securely
16 sealed and the elector shall send same by mail, postage prepaid,
17 except where franked, or deliver it in person to said county
18 board of election:

19 Provided, however, That any elector, spouse of the elector or
20 dependent of the elector, qualified in accordance with the
21 provisions of section 1301, subsections (e), (f), (g) and (h) to
22 vote by absentee ballot as herein provided, shall be required to
23 include on the form of declaration a supporting declaration in
24 form prescribed by the Secretary of the Commonwealth, to be
25 signed by the head of the department or chief of division or
26 bureau in which the elector is employed, setting forth the
27 identity of the elector, spouse of the elector or dependent of
28 the elector:

29 Provided further, That any elector who has filed his
30 application in accordance with section 1302 subsection (e) (2),

1 and is unable to sign his declaration because of illness or
2 physical disability, shall be excused from signing upon making a
3 declaration which shall be witnessed by one adult person in
4 substantially the following form: I hereby declare that I am
5 unable to sign my declaration for voting my absentee ballot
6 without assistance because I am unable to write by reason of my
7 illness or physical disability. I have made or received
8 assistance in making my mark in lieu of my signature.

9(Mark)

10

11 (Date)

12

13 (Signature of Witness)

14

15 (Complete Address of Witness)

16 * * *

17 Section 1308. Canvassing of Official Absentee Ballots.--

18 (a) The county boards of election, upon receipt of official
19 absentee ballots in such envelopes, shall safely keep the same
20 in sealed or locked containers until they distribute same to the
21 appropriate local election districts in a manner prescribed by
22 the Secretary of the Commonwealth. Official absentee ballots
23 received later than 5:00 P. M. on the Friday immediately
24 preceding the primary or election day shall be immediately
25 canvassed by the county board of elections.

26 The county board of elections shall then distribute the
27 absentee ballots received prior to 5:00 P. M. on the Friday
28 immediately preceding the primary or election day, unopened, to
29 the absentee voter's respective election district concurrently
30 with the distribution of the other election supplies. Absentee

1 ballots shall be canvassed immediately and continuously without
2 interruption until completed after the close of the polls on the
3 day of the election in each election district. The results of
4 the canvass of the absentee ballots shall then be included in
5 and returned to the county board with the returns of that
6 district. No absentee ballot shall be counted which is received
7 in the office of the county board of election later than [five
8 o'clock] 8:00 P. M. on the [Friday immediately preceding the]
9 primary or November election day.

10 * * *

11 Section 4 5. This act shall take effect immediately.

<—