

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 567 Session of  
1997

INTRODUCED BY GORDNER, MASLAND, WOGAN, TRICH, YOUNGBLOOD,  
RUBLEY, NAILOR, LEDERER, STABACK, ROBERTS, MARKOSEK, MELIO,  
GIGLIOTTI, SCHRODER, SANTONI, TRELLO, MICHLOVIC, LAUGHLIN,  
BELARDI, COLAFELLA AND BATTISTO, FEBRUARY 13, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 13, 1997

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," providing for write-in ballots.

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

14 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
15 as the Pennsylvania Election Code, is amended by adding an  
16 article to read:

ARTICLE XI-B

WRITE-IN BALLOTS

19 Section 1101-B. Write-In Votes.--(a) Any registered elector  
20 may cast a write-in vote for a candidate in a general, primary  
21 or special election under the prescribed method of voting used

1 by the county or municipality as set forth by Article X, XI or  
2 XI-A of this act. However, write-in votes shall not be counted  
3 for any candidate who has not filed a declaration of intent to  
4 be a write-in candidate pursuant to this article. A qualified  
5 person who has filed a declaration of intent may receive write-  
6 in votes at either a primary, general or special election. A  
7 candidate, except one whose candidacy is to be submitted to  
8 electors throughout the entire State, shall file a declaration  
9 of intent to be a write-in candidate before 4 o'clock P. M. of  
10 the seventh day preceding the election at which the candidacy is  
11 to be considered. Whenever the election is to be determined by  
12 electors of a county or a district or subdivision within the  
13 county, the declaration shall be filed with the board of  
14 elections of that county. Whenever the election is to be  
15 determined by electors of a subdivision located in more than one  
16 county, the declaration shall be filed with the board of  
17 election of the county in which the voting residence of the  
18 candidate is maintained. Whenever the election is to be  
19 determined by electors of a district comprised of more than one  
20 county but less than all of the counties of the State, the  
21 declaration shall be filed with the board of elections in which  
22 the voting residence of the candidate is maintained. A candidate  
23 for an office to be voted upon by electors throughout the entire  
24 State shall file a declaration of intent to be a write-in  
25 candidate with the Secretary of the Commonwealth before 4  
26 o'clock P. M. on the seventh day preceding the election at which  
27 the candidacy is to be considered.

28 (b) If a candidate whose name is printed on the ballot dies  
29 later than 4 o'clock P. M. on the seventh day preceding the  
30 election at which the candidacy is to be considered, write-in

1 votes shall be counted for persons who have filed declarations  
2 of intent to be write-in candidates for the office for which the  
3 deceased was a candidate. A declaration of intent filed  
4 subsequent to a candidate's death shall be filed with the proper  
5 election officials not later than 12 o'clock noon on the Monday  
6 immediately preceding the election. In this case the intended  
7 write-in candidate shall include in his declaration of intent a  
8 statement affirming that, to the best of his knowledge, the  
9 candidate whose place on the ballot he seeks is deceased.

10 (c) It shall be the responsibility of the Secretary of the  
11 Commonwealth and the county election board receiving the  
12 declaration of intent to be a write-in candidate to notify  
13 affected county election boards of a candidate filing a  
14 declaration to be a write-in candidate. A list of the qualified  
15 write-in candidates shall be furnished by the board of elections  
16 of the county to the district election boards. It shall be  
17 prominently displayed by them in the polling places during  
18 polling hours along with a copy of the specimen ballots.

19 (d) This article shall not apply to the nomination and  
20 election of members of district election boards.

21 (e) The Secretary of the Commonwealth shall prescribe the  
22 form of the declaration of intent to be a write-in candidate.

23 Section 2. This act shall take effect immediately.