

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 229 Session of
2001

INTRODUCED BY GREENLEAF, LEMMOND, EARLL, HOLL, KUKOVICH AND
WAUGH, FEBRUARY 6, 2001

REFERRED TO STATE GOVERNMENT, FEBRUARY 6, 2001

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," repealing provisions for casting of lots for
12 position of names upon the primary ballots or ballot labels;
13 further providing for furnishing county boards with list of
14 candidates; providing for random rotational order for
15 position of names upon the primary ballots or ballot labels;
16 and further providing for form of ballots.

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

19 Section 1. Section 915 of act of June 3, 1937 (P.L.1333,
20 No.320), known as the Pennsylvania Election Code, is repealed.

21 Section 2. Section 916 of the act, amended December 22, 1971
22 (P.L.613, No.165), is amended to read:

23 Section 916. Secretary of the Commonwealth to Furnish County
24 Boards with List of Candidates; Candidates to Be Notified.--The

1 Secretary of the Commonwealth, as soon as possible after the
2 last day fixed for the filing of nomination petitions with him,
3 and after the last day for the withdrawal of candidates filing
4 such nomination petitions[, and after the candidates shall have
5 cast lots for the position of their names upon the primary
6 ballots or ballot labels], shall forward to the county board of
7 each county a correct alphabetical list of candidates of each
8 party for the various offices[, in the order in which they are
9 to appear upon the official ballots or ballot labels], with
10 their respective residences, giving city, borough, town or
11 township, and post-office addresses as shown in their
12 affidavits; and shall also at the same time notify the said
13 candidates by mail that their names have been so certified to
14 said county boards. In the case of each candidate for delegate
15 or alternate delegate to a National party convention, the
16 Secretary of the Commonwealth shall certify as to whether such
17 candidate has included with his affidavit the statement provided
18 for in section 911 [of this act] and in cases where such
19 candidate has committed himself to a particular presidential
20 preference, the name of the presidential candidate to whom he is
21 committed.

22 Section 3. The act is amended by adding a section to read:

23 Section 916.1. Random Rotational Order for Position of Names
24 Upon the Primary Ballots or Ballot Labels; Notice to
25 Candidates.--(a) Following the last day fixed for filing of
26 nomination petitions with the county board and immediately after
27 receipt of the list furnished by the Secretary of the
28 Commonwealth under section 916, the county board shall fix a day
29 for the random rotational order, in such manner as may be
30 prescribed by the county board for the position of names filed

1 with the county board and received from the Secretary of the
2 Commonwealth upon the primary ballots or ballot labels.

3 (b) The county board shall give at least two (2) days'
4 notice of said date by posting thereof in a conspicuous place in
5 its office, and by publication once in at least two newspapers
6 of general circulation published in the county. All candidates
7 may appear in person, or by agent duly authorized by letter of
8 attorney, signed and acknowledged by an officer empowered to
9 take acknowledgments. In the event of any of said candidates not
10 being present in person or by representative at the time of
11 determining the random rotational order, the county board may
12 appoint some person to represent such absentee.

13 (c) (1) At the time of determining the random rotational
14 order, the county board shall cause the names of all candidates
15 for an office to be arranged in a group under the title of that
16 office and to be randomly rotated from one precinct to another
17 in the county.

18 (2) In the case of offices elected by precinct, the county
19 board shall cause the names of all candidates for those offices
20 to be arranged in a group under the title of each office and in
21 a random order in such manner as prescribed by the county board.

22 (d) After the county board establishes the order in which
23 the names of said candidates are to appear upon the primary
24 ballots or ballot labels, the county board shall certify the
25 same for placing upon the official primary ballots or ballot
26 labels.

27 Section 4. Section 1004 of the act, amended February 19,
28 1986 (P.L.29, No.11), is amended to read:

29 Section 1004. Form of Ballots; Printing Ballots; Stubs;
30 Numbers.--From the lists furnished by the Secretary of the

1 Commonwealth under the provisions of sections [915] 916 and 984,
2 and from petitions and papers filed in their office and the
3 random rotational order established under the provisions of
4 section 916.1, the county election board shall print the
5 official primary and election ballots in accordance with the
6 provisions of this act: Provided, however, That in no event,
7 shall the name of any person consenting to be a candidate for
8 nomination for any one office, except the office of judge of a
9 court of common pleas, the Philadelphia Municipal Court or the
10 Traffic Court of Philadelphia, or the office of school director
11 in districts where that office is elective or the office of
12 justice of the peace be printed as a candidate for such office
13 upon the official primary ballot of more than one party. All
14 ballots for use in the same election district at any primary or
15 election shall be alike. They shall be at least six inches long
16 and four inches wide, and shall have a margin extending beyond
17 any printing thereon. They shall be printed with the same kind
18 of type (which shall not be smaller than the size known as
19 "brevier" or "eight point body") upon white paper of uniform
20 quality, without any impression or mark to distinguish one from
21 another, and with sufficient thickness to prevent the printed
22 matter from showing through. Each ballot shall be attached to a
23 stub, and all the ballots for the same election district shall
24 be bound together in books of fifty, in such manner that each
25 ballot may be detached from its stub and removed separately. The
26 ballots for each party to be used at a primary shall be bound
27 separately. The stubs of the ballots shall be consecutively
28 numbered, and in the case of primary ballots, the number shall
29 be preceded by an initial or abbreviation designating the party
30 name. The number and initial or abbreviation which appears upon

1 the stub shall also be printed in the upper right hand corner of
2 the back of the ballot, separated from the remainder of the
3 ballot by a diagonal perforated line so prepared that the upper
4 right hand corner of the back of the ballot containing the
5 number may be detached from the ballot before it is deposited in
6 the ballot box and beside that corner shall also be printed,
7 "Remove numbered stub immediately before depositing your ballot
8 in ballot box."

9 Section 5. This act shall take effect in 60 days.