

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2574 Session of
2004

INTRODUCED BY TRUE, HICKERNELL, STURLA, ARMSTRONG, BAKER,
BALDWIN, BEBKO-JONES, BROWNE, CAPPELLI, CRAHALLA, DeWEESE,
FAIRCHILD, FRANKEL, GEORGE, HERSHEY, MANDERINO, S. MILLER,
PAYNE, SCAVELLO, E. Z. TAYLOR, VANCE, WATSON AND WEBER,
APRIL 14, 2004

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 14, 2004

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 records and documents to be
12 open to public inspection; proviso, for absentee electors
13 files and lists, and for public records.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Sections 202 and 308 of the act of June 3, 1937
17 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
18 amended to read:

19 Section 202. Records and Documents to Be Open to Public
20 Inspection.--The records of the Secretary of the Commonwealth
21 and all returns, nomination petitions, certificates and papers,
22 other petitions, accounts, contracts, reports and other

1 documents and records in his custody shall be open to public
2 inspection, and may be inspected and copied by any qualified
3 elector of the State during ordinary business hours at any time
4 when they are not necessarily being used by the Secretary of the
5 Commonwealth, or his deputy or employes having duties to perform
6 in reference thereto: Provided, however, That such public
7 inspection thereof shall only be in the presence of the
8 Secretary of the Commonwealth, or his deputy or one of his
9 authorized employes, and shall be subject to proper regulation
10 for safekeeping of the records and documents, and subject to the
11 further provisions of this act. Neither the name nor address of
12 a program participant in the Address Confidentiality Program
13 under 23 Pa.C.S. Ch. 67 (relating to domestic violence victim
14 address confidentiality) shall be included in any list of
15 registered voters available to the public.

16 Section 308. Records and Documents to Be Open to Public
17 Inspection; Proviso.--The records of each county board of
18 elections, general and duplicate returns, tally papers,
19 affidavits of voters and others, nomination petitions,
20 certificates and papers, other petitions, appeals, witness
21 lists, accounts, contracts, reports and other documents and
22 records in its custody, except the contents of ballot boxes and
23 voting machines and records of assisted voters, shall be open to
24 public inspection, except as herein provided, and may be
25 inspected and copied by any qualified elector of the county
26 during ordinary business hours, at any time when they are not
27 necessarily being used by the board, or its employes having
28 duties to perform thereto: Provided, however, That such public
29 inspection thereof shall only be in the presence of a member or
30 authorized employe of the county board, and shall be subject to

1 proper regulation for safekeeping of the records and documents,
2 and subject to the further provisions of this act: And provided
3 further, That general and duplicate returns, tally papers,
4 affidavits of voters and others, and all other papers required
5 to be returned by the election officers to the county board
6 sealed, shall be open to public inspection only after the county
7 board shall, in the course of the computation and canvassing of
8 the returns, have broken such seals and finished, for the time,
9 their use of said papers in connection with such computation and
10 canvassing. Neither the name nor address of a program
11 participant in the Address Confidentiality Program under 23
12 Pa.C.S. Ch. 67 (relating to domestic violence victim address
13 confidentiality) shall be included in any list of registered
14 voters available to the public.

15 Section 2. Section 1302.3 of the act, amended December 11,
16 1968 (P.L.1183, No.375), is amended to read:

17 Section 1302.3. Absentee Electors Files and Lists.--(a) The
18 county board of elections shall maintain at its office a file
19 containing the duplicate absentee voter's temporary registration
20 cards of every registered elector to whom an absentee ballot has
21 been sent. Such duplicate absentee voter's temporary
22 registration cards shall be filed by election districts and
23 within each election district in exact alphabetical order and
24 indexed. The registration cards so filed shall constitute the
25 Registered Absentee Voters File for the Primary or Election of
26 (date of primary or election) and shall be kept on file for a
27 period commencing the Tuesday prior to the day of the primary or
28 election until the day following the primary or election or the
29 day the county board of elections certifies the returns of the
30 primary or election, whichever date is later. Such file shall be

1 open to public inspection at all times subject to reasonable
2 safeguards, rules and regulations. Neither the name nor address
3 of a program participant in the Address Confidentiality Program
4 under 23 Pa.C.S. Ch. 67 (relating to domestic violence victim
5 address confidentiality) shall be included in any list of
6 registered voters available to the public.

7 (b) The county board of elections shall post in a conspicuous
8 public place at its office a master list arranged in
9 alphabetical order by election districts setting forth the name
10 and residence, and at primaries, the party enrollment, of (1)
11 every military elector to whom an absentee ballot is being sent,
12 each such name to be prefixed with an "M"; (2) every bedridden
13 or hospitalized veteran outside the county of his residence who
14 is not registered and to whom an absentee ballot is being sent,
15 each such name to be prefixed with a "V"; and (3) every
16 registered elector who has filed his application for an absentee
17 ballot too late for the extraction of his original registration
18 card and to whom a ballot is being sent and every qualified
19 elector who has filed his application for an absentee ballot and
20 is entitled, under provisions of the Permanent Registration Law
21 as now or hereinafter enacted by the General Assembly, to
22 absentee registration prior to or concurrently with the time of
23 voting, each such name to be prefixed with a "C." This list
24 shall be known as the Military, Veterans and Emergency Civilians
25 Absentee Voters File for the Primary or Election of (date of
26 primary or election) and shall be posted for a period commencing
27 the Tuesday prior to the day of the primary or election until
28 the day following the primary or election or the day on which
29 the county board of elections certifies the returns of the
30 primary or election, whichever date is later. Such file shall be

1 open to public inspection at all times subject to reasonable
2 safeguards, rules and regulations. Neither the name nor address
3 of a program participant in the Address Confidentiality Program
4 under 23 Pa.C.S. Ch.67 (relating to domestic violence victim
5 address confidentiality) shall be included in any list of
6 registered voters available to the public. This posted list
7 shall not contain any military address or references to any
8 military organization. Upon written request, the county board
9 shall furnish a copy of such list to any candidate or party
10 county chairman.

11 (c) Not less than five days preceding the election, the chief
12 clerk shall prepare a list for each election district showing
13 the names and post office addresses of all voting residents
14 thereof to whom official absentee ballots shall have been
15 issued. Each such list shall be prepared in duplicate, shall be
16 headed "Persons in (give identity of election district) to whom
17 absentee ballots have been issued for the election of (date of
18 election)," and shall be signed by him not less than four days
19 preceding the election. He shall post the original of each such
20 list in a conspicuous place in the office of the county election
21 board and see that it is kept so posted until the close of the
22 polls on election day. He shall cause the duplicate of each such
23 list to be delivered to the judge of election in the election
24 district in the same manner and at the same time as are provided
25 in this act for the delivery of other election supplies, and it
26 shall be the duty of such judge of election to post such
27 duplicate list in a conspicuous place within the polling place
28 of his district and see that it is kept so posted throughout the
29 time that the polls are open. Upon written request, he shall
30 furnish a copy of such list to any candidate or party county

1 chairman.

2 Section 3. Section 1309 of the act, amended August 13, 1963
3 (P.L.707, No.379), is amended to read:

4 Section 1309. Public Records.--All official absentee
5 ballots, files, applications for such ballots and envelopes on
6 which the executed declarations appear, and all information and
7 lists are hereby designated and declared to be public records
8 and shall be safely kept for a period of two years, except that
9 no information concerning a military elector shall be made
10 public which is expressly forbidden by the War Department
11 because of military security. Neither the name nor address of a
12 program participant in the Address Confidentiality Program under
13 23 Pa.C.S. Ch. 67 (relating to domestic violence victim address
14 confidentiality) shall be included in any list of registered
15 voters available to the public.

16 Section 4. This act shall take effect in 60 days.