

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, WEBER, MUNDY,
YOUNGBLOOD, BOYD, GINGRICH, GABIG, GOODMAN, LEACH,
BENNINGHOFF, DENLINGER, BARD AND MELIO, APRIL 14, 2004

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 15, 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 AND proviso, for absentee electors <—
13 files and lists, ~~and for public records.~~ FOR PUBLIC RECORDS, <—
14 FOR ADDITIONAL POWERS AND DUTIES OF THE SECRETARY OF THE
15 COMMONWEALTH AND FOR REPORTING BY CANDIDATE AND POLITICAL
16 COMMITTEES AND OTHER PERSONS.

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

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

22 Section 202. Records and Documents to Be Open to Public

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

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

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

18 Section 2. Section 1302.3 of the act, amended December 11,
19 1968 (P.L.1183, No.375), is amended to read:

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

1 election until the day following the primary or election or the
2 day the county board of elections certifies the returns of the
3 primary or election, whichever date is later. Such file shall be
4 open to public inspection at all times subject to reasonable
5 safeguards, rules and regulations. Neither the name nor address
6 of a program participant in the Address Confidentiality Program
7 under 23 Pa.C.S. Ch. 67 (relating to domestic violence victim
8 address confidentiality) shall be included in any list of
9 registered voters available to the public.

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

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

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

1 of his district and see that it is kept so posted throughout the
2 time that the polls are open. Upon written request, he shall
3 furnish a copy of such list to any candidate or party county
4 chairman.

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

7 Section 1309. Public Records.--All official absentee
8 ballots, files, applications for such ballots and envelopes on
9 which the executed declarations appear, and all information and
10 lists are hereby designated and declared to be public records
11 and shall be safely kept for a period of two years, except that
12 no information concerning a military elector shall be made
13 public which is expressly forbidden by the War Department
14 because of military security. Neither the name nor address of a
15 program participant in the Address Confidentiality Program under
16 23 Pa.C.S. Ch. 67 (relating to domestic violence victim address
17 confidentiality) shall be included in any list of registered
18 voters available to the public.

19 SECTION 4. SECTION 1626(D) OF THE ACT, AMENDED JULY 11, 1980 <—
20 (P.L.600, NO.128), IS AMENDED TO READ:

21 SECTION 1626. REPORTING BY CANDIDATE AND POLITICAL
22 COMMITTEES AND OTHER PERSONS.--

23 * * *

24 (D) PRE-ELECTION REPORTS BY CANDIDATES FOR OFFICES TO BE
25 VOTED FOR BY THE ELECTORS OF THE STATE AT LARGE AND ALL
26 POLITICAL COMMITTEES, WHICH HAVE EXPENDED MONEY FOR THE PURPOSE
27 OF INFLUENCING THE ELECTION OF SUCH CANDIDATE, SHALL BE FILED
28 NOT LATER THAN THE SIXTH TUESDAY BEFORE AND THE SECOND FRIDAY
29 BEFORE AN ELECTION, PROVIDED THAT THE INITIAL PRE-ELECTION
30 REPORT SHALL BE COMPLETE AS OF FIFTY (50) DAYS PRIOR TO THE

1 ELECTION AND THE SUBSEQUENT PRE-ELECTION REPORT SHALL BE
2 COMPLETE AS OF [FIFTEEN (15)] EIGHTEEN (18) DAYS PRIOR TO THE
3 ELECTION. PRE-ELECTION REPORTS BY ALL OTHER CANDIDATES AND
4 POLITICAL COMMITTEES WHICH HAVE RECEIVED CONTRIBUTIONS OR MADE
5 EXPENDITURES FOR THE PURPOSE OF INFLUENCING AN ELECTION SHALL BE
6 FILED NOT LATER THAN THE SECOND FRIDAY BEFORE AN ELECTION,
7 PROVIDED THAT SUCH REPORT BE COMPLETE AS OF [FIFTEEN (15)]
8 EIGHTEEN (18) DAYS PRIOR TO THE ELECTION.

9 * * *

10 SECTION 5. SECTION 1640 OF THE ACT, ADDED OCTOBER 4, 1978
11 (P.L.893, NO.171), IS AMENDED TO READ:

12 SECTION 1640. ADDITIONAL POWERS AND DUTIES OF THE SECRETARY
13 OF THE COMMONWEALTH.--(A) THE SECRETARY OF THE COMMONWEALTH
14 SHALL HAVE THE FOLLOWING ADDITIONAL POWERS AND DUTIES:

15 (1) TO SERVE AS THE STATE CLEARING HOUSE FOR INFORMATION
16 CONCERNING THE ADMINISTRATION OF THIS ACT.

17 (2) TO PRESCRIBE SUITABLE RULES AND REGULATIONS TO CARRY OUT
18 THE PROVISIONS OF THIS ACT.

19 (3) TO DEVELOP THE PRESCRIBED FORMS REQUIRED BY THE
20 PROVISIONS OF THIS ARTICLE FOR THE MAKING OF THE REPORTS AND
21 STATEMENTS REQUIRED TO BE FILED WITH THE SUPERVISOR.

22 (4) TO PREPARE A MANUAL SETTING FORTH RECOMMENDED UNIFORM
23 METHODS OF BOOKKEEPING AND REPORTING WHICH SHALL BE FURNISHED BY
24 THE SUPERVISOR TO THE PERSON REQUIRED TO FILE SUCH REPORTS AND
25 STATEMENTS AS REQUIRED BY THIS ARTICLE.

26 (5) TO EXAMINE THE CONTRIBUTIONS TO STATE LEGISLATIVE AND
27 STATEWIDE CANDIDATES AND PUBLISH A LIST OF ALL THOSE POLITICAL
28 COMMITTEES WHO HAVE CONTRIBUTED TO CANDIDATES AND WHO HAVE
29 FAILED TO FILE REPORTS AS REQUIRED BY THIS ACT WITHIN SIX (6)
30 DAYS OF THEIR FAILURE TO COMPLY.

1 (B) THE SECRETARY OF THE COMMONWEALTH SHALL DEVELOP,
2 IMPLEMENT AND ADMINISTER A FULLY SEARCHABLE COMPUTER DATABASE OF
3 ALL REPORTS FILED UNDER THIS ARTICLE TO ENABLE THE PUBLIC TO
4 SEARCH BY ANY FIELD OF INFORMATION FILED UNDER THIS ARTICLE OR
5 BY ANY COMBINATION OF FIELDS ACROSS ALL CANDIDATES, NOMINEES,
6 ELECTION DISTRICTS OR ELECTIVE OFFICES.

7 Section 4 6. This act shall take effect in 60 days.

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