

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 289 Session of 2007

INTRODUCED BY READSHAW, BARRAR, CALTAGIRONE, CASORIO, FREEMAN, GEORGE, GERGELY, GRUCELA, HANNA, HARHAI, JAMES, KORTZ, LEVDANSKY, MELIO, PALLONE, PETRARCA, SABATINA, SAINATO, SCAVELLO, SOLOBAY, STABACK, STURLA, TANGRETTI, THOMAS, WALKO, WATSON, WHEATLEY, WOJNAROSKI, GIBBONS, FRANKEL, DALEY, PEIFER AND JOSEPHS, FEBRUARY 7, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 7, 2007

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 EXPENSES OF COUNTY BOARDS <—
12 AND OF PRIMARIES AND ELECTIONS TO BE PAID BY COUNTIES, FOR
13 the date of the general primary AND FOR ABSENTEE ELECTORS <—
14 FILES AND LISTS.

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

17 ~~Section 1. Section 603(a) of the act of June 3, 1937 <—~~
18 ~~(P.L.1333, No.320), known as the Pennsylvania Election Code,~~
19 ~~amended November 24, 1999 (P.L.543, No.51), is amended and the~~
20 ~~section is amended by adding a subsection to read:~~

21 SECTION 1. SECTION 305(A) OF THE ACT OF JUNE 3, 1937 <—

1 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, IS  
2 AMENDED BY ADDING A PARAGRAPH TO READ:

3 SECTION 305. EXPENSES OF COUNTY BOARDS AND OF PRIMARIES AND  
4 ELECTIONS TO BE PAID BY COUNTY; EXPENSES OF SPECIAL ELECTIONS;  
5 BOARDS TO BE PROVIDED WITH OFFICES.--

6 (A) THE COUNTY COMMISSIONERS OR OTHER APPROPRIATING  
7 AUTHORITIES OF THE COUNTY SHALL APPROPRIATE ANNUALLY, AND FROM  
8 TIME TO TIME, TO THE COUNTY BOARD OF ELECTIONS OF SUCH COUNTY,  
9 THE FUNDS THAT SHALL BE NECESSARY FOR THE MAINTENANCE AND  
10 OPERATION OF THE BOARD AND FOR THE CONDUCT OF PRIMARIES AND  
11 ELECTIONS IN SUCH COUNTY, INCLUDING THE PAYMENT OF THE  
12 COMPENSATION OF THE EMPLOYES OF THE BOARD, CUSTODIANS, ELECTION  
13 OFFICERS, AND OTHER ASSISTANTS AND EMPLOYES HEREIN PROVIDED FOR,  
14 AND THE FEES OF WITNESSES AS HEREIN PROVIDED; FOR THE PURCHASE  
15 OR PRINTING, UNDER CONTRACTS MADE BY THE BOARD, OF ALL BALLOTS  
16 AND OTHER PRIMARY AND ELECTION SUPPLIES REQUIRED BY THIS ACT, OR  
17 WHICH THE BOARD SHALL CONSIDER NECESSARY TO CARRY OUT THE  
18 PROVISIONS OF THIS ACT; FOR THE PURCHASE, UNDER CONTRACTS MADE  
19 BY THE BOARD, AND MAINTENANCE, OF VOTING MACHINES, WHEN ADOPTED  
20 AS HEREIN PROVIDED, AND OF ALL OTHER PRIMARY AND ELECTION  
21 EQUIPMENT REQUIRED BY THIS ACT, OR WHICH THE BOARD SHALL  
22 CONSIDER NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; FOR  
23 THE PUBLICATION OF NOTICES AUTHORIZED BY THIS ACT, UNDER  
24 CONTRACTS MADE BY THE BOARD, AND FOR ALL OTHER NECESSARY  
25 EXPENSES HEREUNDER: PROVIDED, HOWEVER, THAT BONDS OR OTHER  
26 EVIDENCES OF INDEBTEDNESS, PAYABLE NOT LATER THAN THIRTY YEARS  
27 FROM THEIR DATES OF ISSUANCE, MAY BE ISSUED BY THE COUNTY  
28 COMMISSIONERS OR OTHER APPROPRIATING AUTHORITIES OF THE COUNTY  
29 IN ACCORDANCE WITH THE PROVISIONS OF LAW RELATING TO THE  
30 INCREASE OF INDEBTEDNESS OF SUCH COUNTY, TO MEET ALL OR ANY PART

1 OF THE COST OF VOTING MACHINES.

2 \* \* \*

3 5. THE DEPARTMENT OF STATE SHALL REIMBURSE COUNTY BOARDS OF  
4 ELECTION FOR THE COSTS INCURRED BY THE COUNTY FOR ADMINISTERING  
5 A GENERAL PRIMARY PURSUANT TO SECTION 603(C). THE GOVERNOR MAY,  
6 FROM TIME TO TIME, ALLOCATE TO THE DEPARTMENT OF STATE AS MUCH  
7 MONEY FROM THE GENERAL FUND AS HE DEEMS NECESSARY TO PERMIT THE  
8 DEPARTMENT TO REIMBURSE THE COUNTIES FOR COSTS INCURRED IN THE  
9 GENERAL PRIMARY.

10 \* \* \*

11 SECTION 2. SECTION 603(A) OF THE ACT, AMENDED NOVEMBER 24,  
12 1999 (P.L.543, NO.51), IS AMENDED AND THE SECTION IS AMENDED BY  
13 ADDING A SUBSECTION TO READ:

14 Section 603. General Primary; Candidates to Be Nominated and  
15 Party Officers to Be Elected.--(a) There shall be a General  
16 primary preceding each general election which shall be held on  
17 the third Tuesday of May in all even-numbered years, except in  
18 the year of the nomination of a President of the United States,  
19 in which year the General primary shall be held on the [fourth  
20 Tuesday of April] second Tuesday of February. Candidates for all  
21 offices to be filled at the ensuing general election shall be  
22 nominated at the General primary. The vote for candidates for  
23 the office of President of the United States, as provided for by  
24 this act, shall be cast at the General primary.

25 \* \* \*

26 (c) Notwithstanding subsection (a), the General primary for  
27 all purposes related to implementation of the act of June 27,  
28 2006 (1st Sp.Sess., P.L.1873, No.1), known as the "Taxpayer  
29 Relief Act," shall be held the third Tuesday of May.

30 SECTION 3. SECTION 1302.3 OF THE ACT, AMENDED DECEMBER 11,

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1 1968 (P.L.1183, NO.375), IS AMENDED TO READ:

2 SECTION 1302.3. ABSENTEE ELECTORS FILES AND LISTS.--(A) THE  
3 COUNTY BOARD OF ELECTIONS SHALL MAINTAIN AT ITS OFFICE A FILE  
4 CONTAINING THE DUPLICATE ABSENTEE VOTER'S TEMPORARY REGISTRATION  
5 CARDS OF EVERY REGISTERED ELECTOR TO WHOM AN ABSENTEE BALLOT HAS  
6 BEEN SENT. SUCH DUPLICATE ABSENTEE VOTER'S TEMPORARY  
7 REGISTRATION CARDS SHALL BE FILED BY ELECTION DISTRICTS AND  
8 WITHIN EACH ELECTION DISTRICT IN EXACT ALPHABETICAL ORDER AND  
9 INDEXED. THE REGISTRATION CARDS SO FILED SHALL CONSTITUTE THE  
10 REGISTERED ABSENTEE VOTERS FILE FOR THE PRIMARY OR ELECTION OF  
11 (DATE OF PRIMARY OR ELECTION) AND SHALL BE KEPT ON FILE FOR A  
12 PERIOD COMMENCING THE TUESDAY PRIOR TO THE DAY OF THE PRIMARY OR  
13 ELECTION UNTIL THE DAY FOLLOWING THE PRIMARY OR ELECTION OR THE  
14 DAY THE COUNTY BOARD OF ELECTIONS CERTIFIES THE RETURNS OF THE  
15 PRIMARY OR ELECTION, WHICHEVER DATE IS LATER. SUCH FILE SHALL BE  
16 OPEN TO PUBLIC INSPECTION AT ALL TIMES SUBJECT TO REASONABLE  
17 SAFEGUARDS, RULES AND REGULATIONS[.], INCLUDING REQUIRING ANY  
18 INDIVIDUAL WHO ASKS TO INSPECT THE FILE TO IDENTIFY HIMSELF, AND  
19 PRESENT IDENTIFICATION THAT INCLUDES A PHOTOGRAPH AND SIGNATURE,  
20 BY SIGNING HIS NAME AND PRINTING HIS NAME AND ADDRESS ON A FORM  
21 PREPARED BY THE COUNTY BOARD. THE COUNTY BOARD OF ELECTIONS  
22 SHALL POST IN A CONSPICUOUS PUBLIC PLACE AT ITS OFFICE A SIGN  
23 STATING THAT THE FILE IS OPEN TO PUBLIC INSPECTION UPON  
24 COMPLETION OF THE FORM.

25 (B) THE COUNTY BOARD OF ELECTIONS SHALL [POST IN A  
26 CONSPICUOUS PUBLIC PLACE] MAINTAIN AT ITS OFFICE A MASTER LIST  
27 ARRANGED IN ALPHABETICAL ORDER BY ELECTION DISTRICTS SETTING  
28 FORTH THE NAME AND RESIDENCE, AND AT PRIMARIES, THE PARTY  
29 ENROLLMENT, OF (1) EVERY MILITARY ELECTOR TO WHOM AN ABSENTEE  
30 BALLOT IS BEING SENT, EACH SUCH NAME TO BE PREFIXED WITH AN "M";

1 (2) EVERY BEDRIDDEN OR HOSPITALIZED VETERAN OUTSIDE THE COUNTY  
2 OF HIS RESIDENCE WHO IS NOT REGISTERED AND TO WHOM AN ABSENTEE  
3 BALLOT IS BEING SENT, EACH SUCH NAME TO BE PREFIXED WITH A "V";  
4 AND (3) EVERY REGISTERED ELECTOR WHO HAS FILED HIS APPLICATION  
5 FOR AN ABSENTEE BALLOT TOO LATE FOR THE EXTRACTION OF HIS  
6 ORIGINAL REGISTRATION CARD AND TO WHOM A BALLOT IS BEING SENT  
7 AND EVERY QUALIFIED ELECTOR WHO HAS FILED HIS APPLICATION FOR AN  
8 ABSENTEE BALLOT AND IS ENTITLED, UNDER PROVISIONS OF THE  
9 PERMANENT REGISTRATION LAW AS NOW OR HEREINAFTER ENACTED BY THE  
10 GENERAL ASSEMBLY, TO ABSENTEE REGISTRATION PRIOR TO OR  
11 CONCURRENTLY WITH THE TIME OF VOTING, EACH SUCH NAME TO BE  
12 PREFIXED WITH A "C." THIS LIST SHALL BE KNOWN AS THE MILITARY,  
13 VETERANS AND EMERGENCY CIVILIANS ABSENTEE VOTERS FILE FOR THE  
14 PRIMARY OR ELECTION OF (DATE OF PRIMARY OR ELECTION) [AND SHALL  
15 BE POSTED FOR A PERIOD COMMENCING THE TUESDAY PRIOR TO THE DAY  
16 OF THE PRIMARY OR ELECTION UNTIL THE DAY FOLLOWING THE PRIMARY  
17 OR ELECTION OR THE DAY ON WHICH THE COUNTY BOARD OF ELECTIONS  
18 CERTIFIES THE RETURNS OF THE PRIMARY OR ELECTION, WHICHEVER DATE  
19 IS LATER]. SUCH [FILE] LIST SHALL BE OPEN TO PUBLIC INSPECTION  
20 AT ALL TIMES SUBJECT TO REASONABLE SAFEGUARDS, RULES AND  
21 REGULATIONS[.], INCLUDING REQUIRING ANY INDIVIDUAL WHO ASKS TO  
22 INSPECT THE LIST TO IDENTIFY HIMSELF, AND PRESENT IDENTIFICATION  
23 THAT INCLUDES A PHOTOGRAPH AND SIGNATURE, BY SIGNING HIS NAME  
24 AND PRINTING HIS NAME AND ADDRESS ON A FORM PREPARED BY THE  
25 COUNTY BOARD. THE COUNTY BOARD OF ELECTIONS SHALL POST IN A  
26 CONSPICUOUS PUBLIC PLACE AT ITS OFFICE A SIGN STATING THAT THE  
27 LIST IS OPEN TO PUBLIC INSPECTION UPON COMPLETION OF THE FORM.  
28 THIS [POSTED] LIST SHALL NOT CONTAIN ANY MILITARY ADDRESS OR  
29 REFERENCES TO ANY MILITARY ORGANIZATION. UPON WRITTEN REQUEST,  
30 THE COUNTY BOARD SHALL FURNISH A COPY OF SUCH LIST TO ANY

1 CANDIDATE OR PARTY COUNTY CHAIRMAN.

2 (C) NOT LESS THAN FIVE DAYS PRECEDING THE ELECTION, THE CHIEF  
3 CLERK SHALL PREPARE A LIST FOR EACH ELECTION DISTRICT SHOWING  
4 THE NAMES AND POST OFFICE ADDRESSES OF ALL VOTING RESIDENTS  
5 THEREOF TO WHOM OFFICIAL ABSENTEE BALLOTS SHALL HAVE BEEN  
6 ISSUED. EACH SUCH LIST SHALL BE PREPARED IN DUPLICATE, SHALL BE  
7 HEADED "PERSONS IN (GIVE IDENTITY OF ELECTION DISTRICT) TO WHOM  
8 ABSENTEE BALLOTS HAVE BEEN ISSUED FOR THE ELECTION OF (DATE OF  
9 ELECTION)," AND SHALL BE SIGNED BY HIM NOT LESS THAN FOUR DAYS  
10 PRECEDING THE ELECTION. HE SHALL [POST THE ORIGINAL OF EACH SUCH  
11 LIST IN A CONSPICUOUS PLACE] MAINTAIN THE ORIGINAL OF EACH LIST  
12 IN THE OFFICE OF THE COUNTY ELECTION BOARD [AND SEE THAT IT IS  
13 KEPT SO POSTED UNTIL THE CLOSE OF THE POLLS ON ELECTION DAY].  
14 EACH LIST SHALL BE OPEN TO PUBLIC INSPECTION AT ALL TIMES  
15 SUBJECT TO REASONABLE SAFEGUARDS, RULES AND REGULATIONS,  
16 INCLUDING REQUIRING ANY INDIVIDUAL WHO ASKS TO INSPECT A LIST TO  
17 IDENTIFY HIMSELF, AND PRESENT IDENTIFICATION THAT INCLUDES A  
18 PHOTOGRAPH AND SIGNATURE, BY SIGNING HIS NAME AND PRINTING HIS  
19 NAME AND ADDRESS ON A FORM PREPARED BY THE COUNTY BOARD. THE  
20 CHIEF CLERK SHALL POST IN A CONSPICUOUS PUBLIC PLACE IN THE  
21 OFFICE OF THE COUNTY ELECTION BOARD A SIGN STATING THAT THE LIST  
22 IS OPEN TO PUBLIC INSPECTION UPON COMPLETION OF THE FORM. UPON  
23 WRITTEN REQUEST, THE CHIEF CLERK SHALL FURNISH A COPY OF SUCH  
24 LIST TO ANY CANDIDATE OR PARTY COUNTY CHAIRMAN. HE SHALL CAUSE  
25 THE DUPLICATE OF EACH SUCH LIST TO BE DELIVERED TO THE JUDGE OF  
26 ELECTION IN THE ELECTION DISTRICT IN THE SAME MANNER AND AT THE  
27 SAME TIME AS ARE PROVIDED IN THIS ACT FOR THE DELIVERY OF OTHER  
28 ELECTION SUPPLIES, AND IT SHALL BE THE DUTY OF SUCH JUDGE OF  
29 ELECTION TO [POST] MAINTAIN SUCH DUPLICATE LIST [IN A  
30 CONSPICUOUS PLACE] WITHIN THE POLLING PLACE OF HIS DISTRICT [AND

1 SEE THAT IT IS KEPT SO POSTED] THROUGHOUT THE TIME THAT THE  
2 POLLS ARE OPEN. [UPON WRITTEN REQUEST, HE SHALL FURNISH A COPY  
3 OF SUCH LIST TO ANY CANDIDATE OR PARTY COUNTY CHAIRMAN.] THE  
4 JUDGE OF ELECTION SHALL MAKE THE DUPLICATE LIST AVAILABLE FOR  
5 INSPECTION ON THE DAY OF THE ELECTION OR PRIMARY SUBJECT TO  
6 REASONABLE SAFEGUARDS, RULES AND REGULATIONS INCLUDING REQUIRING  
7 ANY INDIVIDUAL WHO ASKS TO INSPECT A LIST TO IDENTIFY HIMSELF,  
8 AND PRESENT IDENTIFICATION THAT INCLUDES A PHOTOGRAPH AND  
9 SIGNATURE, BY SIGNING HIS NAME AND PRINTING HIS NAME AND ADDRESS  
10 ON A FORM PREPARED BY THE COUNTY BOARD. THE JUDGE OF ELECTION  
11 SHALL POST IN A CONSPICUOUS PUBLIC PLACE WITHIN THE POLLING  
12 PLACE OF HIS DISTRICT A SIGN STATING THAT THE DUPLICATE LIST IS  
13 OPEN TO PUBLIC INSPECTION UPON COMPLETION OF THE FORM.

14 Section 2 4. This act shall take effect in 60 days.

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