

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 357 Session of 2011

INTRODUCED BY BENNINGHOFF, BOYD, CALTAGIRONE, CAUSER, D. COSTA, CUTLER, ELLIS, EVANKOVICH, GABLER, GILLEN, GINGRICH, GRELL, HUTCHINSON, JOSEPHS, KAUFFMAN, KAVULICH, KNOWLES, KORTZ, METCALFE, MILLER, MOUL, MURT, OBERLANDER, PICKETT, PYLE, RAPP, ROAE, ROCK, SAYLOR, SIMMONS, SWANGER, TALLMAN, TOEPEL AND VULAKOVICH, FEBRUARY 1, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 1, 2011

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 powers and duties of the  
12 Secretary of the Commonwealth, for explanation of ballot  
13 question and for form of official election ballot.

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

16 Section 1. Section 201 of the act of June 3, 1937 (P.L.1333,  
17 No.320), known as the Pennsylvania Election Code, is amended by  
18 adding a subsection to read:

19 Section 201. Powers and Duties of the Secretary of the  
20 Commonwealth.--The Secretary of the Commonwealth shall exercise  
21 in the manner provided by this act all powers granted to him by

1 this act, and shall perform all the duties imposed upon him by  
2 this act, which shall include the following:

3 \* \* \*

4 (c.1) To certify to county boards of elections the  
5 information contained in fiscal notes received from the State  
6 Treasurer under section 201.1(b).

7 \* \* \*

8 Section 2. Section 201.1 of the act, added February 19, 1986  
9 (P.L.29, No.11), is amended to read:

10 Section 201.1. Explanation of Ballot Question.--(a)  
11 Whenever a proposed constitutional amendment or other State-wide  
12 ballot question shall be submitted to the electors of the  
13 Commonwealth in referendum, the Attorney General shall prepare a  
14 statement in plain English which indicates the purpose,  
15 limitations and effects of the ballot question on the people of  
16 the Commonwealth. The Secretary of the Commonwealth shall  
17 include such statement in his publication of a proposed  
18 constitutional amendment as required by Article XI of the  
19 Constitution of Pennsylvania. The Secretary of the Commonwealth  
20 shall certify such statement to the county boards of elections  
21 who shall publish such statement as a part of the notice of  
22 elections required by section 1201 or any other provision of  
23 this act. The county board of elections shall also require that  
24 at least three copies of such statement be posted in or about  
25 the voting room outside the enclosed space with the specimen  
26 ballots and other instructions and notices of penalties. In  
27 election questions which affect only one county or portion  
28 thereof, the county board of elections shall fulfill these  
29 requirements in the place of the Attorney General and the  
30 Secretary of the Commonwealth.

1     (b) In addition to the requirements of subsection (a),  
2 whenever a State-wide ballot question shall be submitted to the  
3 electors of the Commonwealth in referendum for the issuance of  
4 debt, the State Treasurer shall prepare a fiscal note in plain  
5 English which includes a detailed description of the project  
6 that may be funded by the debt, the total costs for the project,  
7 the anticipated interest costs over the term of the debt and any  
8 anticipated future costs for issuing the debt. The State  
9 Treasurer shall submit the fiscal note to the Secretary of the  
10 Commonwealth and the Secretary of the Commonwealth shall certify  
11 the fiscal note to the county boards of elections who shall  
12 publish the fiscal note as a part of the notice of elections  
13 required by section 1201 or any other provision of this act. The  
14 county board of elections shall also require that at least three  
15 copies of the fiscal note be posted in or about the voting room  
16 outside the enclosed space with the specimen ballots and other  
17 instructions and notices of penalties.

18     Section 3. Section 1003(g) of the act, amended April 24,  
19 1947 (P.L.68, No.33), is amended to read:

20     Section 1003. Form of Official Election Ballot.--

21     \* \* \*

22     (g) The official ballots shall vary in form only as the  
23 names of districts, offices, candidates or the provisions of  
24 this act may require. When constitutional amendments or other  
25 questions, including fiscal notes prepared by the State  
26 Treasurer under section 201.1(b), are submitted to a vote of the  
27 electors, each amendment or other question, including fiscal  
28 notes, so submitted may be printed upon the ballot below the  
29 groups of candidates for the various offices, and, when required  
30 by law, shall be so printed. Constitutional amendments so

1 submitted shall be printed in brief form, to be determined by  
2 the Secretary of the Commonwealth, and other questions,     
3 including fiscal notes, so submitted shall be printed in brief  
4 form, to be determined by the Secretary of the Commonwealth in  
5 the case of questions to be voted on by the electors of the  
6 State at large, and by the county boards in other cases. To the  
7 right of each question there shall be placed the words "yes" and  
8 "no," together with appropriate squares to the right of each for  
9 the convenient insertion of a cross mark.

10       Section 4. This act shall apply to elections occurring at  
11 least 60 days after the effective date of this section.

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