

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 282 Session of 2019

INTRODUCED BY SIMMONS, TOOHL, KAUFER, HILL-EVANS, BROWN,
MIZGORSKI, QUINN, RADER AND MULLERY, JANUARY 30, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 30, 2019

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," in ballots, further providing for form of
12 official election ballot; in voting machines, further
13 providing for requirements of voting machines and for form of
14 ballot labels on voting machines; in electronic voting
15 systems, further providing for requirements of electronic
16 voting systems, for forms and for election day procedures and
17 the process of voting; and, in preparation for and conduct of
18 primaries and elections, further providing for instructions
19 of voters and manner of voting in districts in which voting
20 machines are used, for count and return of votes in districts
21 in which ballots are used and for what ballots shall be
22 counted, manner of counting and defective ballots.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Sections 1003(a), 1107(b), 1110(h), 1107-A(3),
26 1109-A(a)(2) and (d), 1112-A(a)(2) and (4), 1216(d) and (f),
27 1222(a) and (b) and 1223(a) of the act of June 3, 1937
28 (P.L.1333, No.320), known as the Pennsylvania Election Code, are

1 amended to read:

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

3 (a) The official ballots for general, municipal and special
4 elections shall be in substantially the following form:

5 OFFICIAL BALLOT

6 District, Ward,
7 City of, County of,
8 State of Pennsylvania

9 Election held on the day of, [19]
10 20.....

11 A cross (X) or check () mark in the square opposite the name of
12 any candidate indicates a vote for that candidate.

13 [To vote a straight party ticket, mark a cross (X) or check
14 () in the square, in the Party Column, opposite the name of the
15 party of your choice. To vote for an individual candidate of
16 another party after making a mark in the party square, mark a
17 cross (X) or check () opposite his name. For an office where
18 more than one candidate is to be voted for, the voter, after
19 marking in the party square, may divide his vote by marking a
20 cross (X) or check () to the right of each candidate for whom
21 he or she desires to vote. For such office votes shall not be
22 counted for candidates not individually marked.]

23 To vote for a person whose name is not on the ballot, write,
24 print or paste his name in the blank space provided for that
25 purpose. A cross (X) or check () mark in the square opposite
26 the names of the candidates of any party for President and Vice-
27 President of the United States indicates a vote for all the
28 candidates of that party for presidential elector. To vote for
29 individual candidates for presidential elector, write, print or
30 paste their names in the blank spaces provided for that purpose

1 under the title "Presidential Electors." Mark ballot only in
2 black lead pencil, indelible pencil or blue, black or blue-black
3 ink, in fountain pen or ball point pen; use the same pencil or
4 pen for all markings you place on the ballot.

5 Before leaving the voting compartment, fold this ballot,
6 without displaying the markings thereon, in the same way it was
7 folded when received, then leave the compartment and exhibit the
8 ballot to one of the election officers who shall ascertain by an
9 inspection of the number appearing upon the right hand corner of
10 the back of the ballot whether the ballot so exhibited to him is
11 the same ballot which the elector received before entering the
12 voting compartment. If it is the same, the election officer
13 shall direct the elector, without unfolding the ballot, to
14 remove the perforated corner containing the number, and the
15 elector shall immediately deposit the ballot in the ballot box.
16 Any ballot deposited in a ballot box at any primary or election
17 without having the said number torn off shall be void and shall
18 not be counted.

19	[Party Column	Presidential Electors
20	To Vote a Straight Party Ticket	(Vote for the candidates of
21	Mark a Cross (X) or Check () in	one party for President and
22	this Column.	Vice-President, or insert the
23		names of candidates.)
24		For
25	Democratic	John Stiles
26		and
27		Richard Doe,
28		Democratic
29		For
30	Republican	John Doe

1 and
2 Richard Roe,
3 Republican
4 For
5 Socialist John Smith
6 and
7 William Jones,
8 Socialist
9 Citizens]

10 Presidential Electors.

11 (Vote for the candidates of one party for President and Vice
12 President, or insert the names of candidates)

13 For

14 John Stiles and Richard Doe..... Democratic

15 For

16 John Doe and Richard Roe..... Republican

17 For

18 John Smith and William Jones..... Socialist

19 For

20 Citizens

21 United States Senator.

22 (Vote for one)

23 Richard Roe Democratic

24 John Doe Republican

25 Richard Stiles Socialist

26 Governor.

27 (Vote for one)

28 Richard Roe Democratic

29 John Doe Republican

30 Richard Stiles Socialist

1 Representatives in Congress,
2 District.
3 (Vote for one)
4 Richard Roe Democratic
5 John Doe Republican
6 Richard Stiles Socialist

7 Senator in the General Assembly,
8 District.
9 (Vote for one)
10 John Doe Democratic
11 Richard Roe Republican

12 * * *

13 Section 1107. Requirements of Voting Machines.--No voting
14 machine shall, upon any examination or reexamination, be
15 approved by the Secretary of the Commonwealth, or by any
16 examiner appointed by him, unless it shall, at the time, satisfy
17 the following requirements:

18 * * *

19 [(b) It shall permit each voter, at other than primary
20 elections, to vote a straight political party ticket in one
21 operation, and, in one operation, to vote for all the candidates
22 of one political party for presidential electors, and, in one
23 operation, to vote for all the candidates of one political party
24 for every office to be voted for, except those offices as to
25 which he votes for individual candidates.]

26 * * *

27 Section 1110. Form of Ballot Labels on Voting Machines.--

28 * * *

29 (h) The names of all candidates of a political party shall
30 appear in the same row or column, and except in cases of names

1 of presidential commitments of nominees for delegate or
2 alternate delegate to political party National conventions no
3 other names shall appear in the same row or column[, to the left
4 or top of which shall be a straight party lever, by means of
5 which an elector may, in one operation, vote for all the
6 candidates of that political party for every office to be voted
7 for]. Where the names of the delegate or alternate delegate and
8 the presidential candidate he is supporting shall both appear,
9 the print size of the name of the delegate or alternate delegate
10 shall be equal to the size of the name of the particular
11 presidential candidate to whom he is committed, or in the case
12 where he is uncommitted, the word "uncommitted" shall appear in
13 the same size print. The names of such candidates shall be
14 arranged under or opposite the title of the office for which
15 they are candidates, and shall appear in the order of the votes
16 obtained by the candidate for Governor of the party nominated at
17 the last gubernatorial election, beginning with the party
18 obtaining the highest number of votes: Provided, however, That
19 in the case of parties or bodies not represented on the ballot
20 at the last gubernatorial election, the names of the candidates
21 of such parties shall be arranged alphabetically, according to
22 the party or body name. The names of all candidates of a
23 political body shall appear in the same row or column, and, if
24 the number of parties and bodies permits, each political body
25 shall be entitled exclusively to a separate row or column[, with
26 a straight party lever]. If, however, the number of political
27 parties and political bodies renders it impossible or
28 impracticable to so arrange the political bodies, in such case
29 said bodies shall not be entitled to a separate row or column
30 [and a straight party lever], but shall be listed by political

1 appellations on the first left hand or top row, with the
2 designating letter and number of the ballot label where their
3 candidates may be found, together with the political
4 appellations of other political bodies, whose candidates may be
5 interspersed on the same row or column. Subject to the aforesaid
6 limitations, the form and arrangement of ballot labels, as to
7 the placing thereon of political bodies, shall be within the
8 discretion of the county board.

9 * * *

10 Section 1107-A. Requirements of Electronic Voting Systems.--
11 No electronic voting system shall, upon any examination or
12 reexamination, be approved by the Secretary of the Commonwealth,
13 or by any examiner appointed by him, unless it shall be
14 established that such system, at the time of such examination or
15 reexamination:

16 * * *

17 [(3) Permits each voter, at other than primary elections, to
18 vote a straight political party ticket by one mark or act and,
19 by one mark or act, to vote for all the candidates of one
20 political party for presidential electors and, by one mark or
21 act, to vote for all the candidates of one political party for
22 every office to be voted for, and every such mark or act shall
23 be equivalent to and shall be counted as a vote for every
24 candidate of the political party so marked including its
25 candidates for presidential electors, except with respect to
26 those offices as to which the voter has registered a vote for
27 individual candidates of the same or another political party or
28 political body, in which case the automatic tabulating equipment
29 shall credit the vote for that office only for the candidate
30 individually so selected, notwithstanding the fact that the

1 voter may not have individually voted for the full number of
2 candidates for that office for which he was entitled to vote.]

3 * * *

4 Section 1109-A. Forms.--(a) * * *

5 (2) The pages placed on the voting device shall be of
6 sufficient number to include, following the listing of
7 particular candidates, the names of candidates for any
8 nonpartisan offices and any measures for which a voter may be
9 qualified to vote on a given election day, provided further that
10 for municipal, general or special elections, the first ballot
11 page shall list in the order that such political parties are
12 entitled to priority on the ballot, the names of such political
13 parties [with designating arrows so as to indicate the voting
14 square or position on the ballot card where the voter may insert
15 by one mark or punch the straight party ticket of his choice].

16 * * *

17 [(d) In partisan elections the ballot cards shall include a
18 voting square or position whereby the voter may by one punch or
19 mark record a straight party ticket vote for all the candidates
20 of one party or may vote a split ticket for the candidates of
21 his choice.]

22 * * *

23 Section 1112-A. Election Day Procedures and the Process of
24 Voting.--(a) In an election district which uses an electronic
25 voting system in which votes are registered electronically, the
26 following procedures will be applicable for the conduct of the
27 election at the election district:

28 * * *

29 (2) At [primary] all elections, the voter shall be able to
30 vote for each candidate individually by the means provided. [At

1 all other elections, he may vote for each candidate
2 individually, or he may vote a straight political party ticket
3 in one operation by operating the straight political party
4 mechanism of the political party or political body of his
5 choice. He may also, after having operated the straight party
6 mechanism and before recording his vote, cancel the vote for any
7 candidate of such political party or political body and may
8 thereupon vote for a candidate of another party, or political
9 body for the same office.] The voter may also vote individually
10 for or against a question submitted to the vote of the electors.

11 * * *

12 (4) At any general election at which presidential electors
13 are to be chosen, each elector shall be permitted to vote by one
14 operation for all the presidential electors of a political party
15 or political body. For each party or body nominating
16 presidential electors, a ballot label shall be provided
17 containing only the words "Presidential Electors," preceded by
18 the names of the party or body and followed by the names of the
19 candidates thereof for the Office of President and Vice-
20 President, and the corresponding counter or registering device
21 shall register votes cast for said electors when thus voted for
22 collectively. If any elector desires to vote a ticket for
23 presidential electors made up of the names of persons nominated
24 by different parties or bodies, or partially of names of persons
25 so in nomination and partially of names of persons not in
26 nomination by any party or body, he may write or deposit a paper
27 ballot prepared by himself in the receptacle provided in or on
28 the voting device for that purpose, or he may list their names
29 on the write-in ballot or envelope provided for that purpose.
30 The voting device shall be so constructed that it will not be

1 possible for any one voter to vote a straight party ticket for
2 presidential electors and at the same time to deposit a ballot
3 for presidential electors in a receptacle as [hereinabove]
4 provided in this section. When the votes for presidential
5 electors are counted, the votes appearing upon the counter or
6 registering device corresponding to the ballot label containing
7 the names of the candidates for President and Vice-President of
8 any party or body shall be counted as votes for each of the
9 candidates for presidential elector of such party or body, and
10 thereupon all candidates for presidential elector shall be
11 credited, in addition, with the votes cast for them upon the
12 ballots deposited in the machine, as [hereinabove] provided in
13 this section.

14 * * *

15 Section 1216. Instructions of Voters and Manner of Voting in
16 Districts in Which Voting Machines are Used.--

17 * * *

18 (d) At [primaries] all elections, he shall vote for each
19 candidate individually by operating the key, handle, pointer or
20 knob, upon or adjacent to which the name of such candidate is
21 placed. [At elections, he may vote for each candidate
22 individually by operating the key, handle, pointer or knob, upon
23 or adjacent to which the names of candidates of his choice are
24 placed, or he may vote a straight political party ticket in one
25 operation by operating the straight political party lever of the
26 political party or political body of his choice, if such machine
27 has thereon a separate lever for all the candidates of the
28 political body. He may also, after having operated the straight
29 party lever, and before recording his vote, cancel the vote for
30 any candidate of such political party or political body by

1 replacing the individual key, handle, pointer or knob of such
2 candidate, and may thereupon vote for a candidate of another
3 party, or political body for the same office by operating the
4 key, handle, pointer or knob, upon or adjacent to which the name
5 of such candidate appears.] In the case of a question submitted
6 to the vote of the electors, the elector shall operate the key,
7 handle, pointer or knob corresponding to the answer which he
8 desires to give.

9 * * *

10 (f) At any general election at which presidential electors
11 are to be chosen, each elector shall be permitted to vote by one
12 operation for all the presidential electors of a political party
13 or political body. For each party or body nominating
14 presidential electors, a ballot label shall be provided
15 containing only the words "Presidential Electors," preceded by
16 the names of the party or body and followed by the names of the
17 candidates thereof for the office of President and Vice-
18 President, and the corresponding counter or registering device
19 shall register votes cast for said electors when thus voted for
20 collectively. If an elector desires to vote a ticket for
21 presidential electors made up of the names of persons nominated
22 by different parties or bodies, or partially of names of persons
23 so in nomination and partially of names of persons not in
24 nomination by any party or body, or wholly of names of persons
25 not in nomination by any party or body, he may write or deposit
26 a paper ballot prepared by himself in the receptacle provided in
27 or on the machine for the purpose. The machine shall be so
28 constructed that it will not be possible for any one voter to
29 vote a straight party ticket for presidential electors and at
30 the same time to deposit a ballot for presidential electors in a

1 receptacle as [hereinabove] provided in this section. When the
2 votes for presidential electors are counted, the votes appearing
3 upon the counter or registering device corresponding to the
4 ballot label containing the names of the candidates for
5 President and Vice-President of any party or body shall be
6 counted as votes for each of the candidates for presidential
7 elector of such party or body, and thereupon all candidates for
8 presidential elector shall be credited, in addition, with the
9 votes cast for them upon the ballots deposited in the machine,
10 as [hereinabove] provided in this section.

11 * * *

12 Section 1222. Count and Return of Votes in Districts in
13 Which Ballots are Used.--

14 (a) As soon as all the ballots have been properly accounted
15 for, and those outside the ballot box, as well as the "Voting
16 Check List," numbered lists of voters and district register
17 sealed, the election officers shall forthwith open the ballot
18 box, and take therefrom all ballots therein, and at primaries,
19 separate the same according to the party to which they belong.
20 The ballots shall then be counted one by one, and a record made
21 of the total number, and at primaries of the total number cast
22 for each party. Then the judge, under the scrutiny of the
23 minority inspector, or the minority inspector, under the
24 scrutiny of the judge, in the presence of the other officers,
25 clerks, and of the overseers, if any, and within the hearing and
26 sight of the watchers outside the enclosed space, shall read
27 aloud the names of the candidates marked or inserted upon each
28 ballot (at primaries the ballots of each party being read in
29 sequence), together with the office for which the person named
30 is a candidate, and the answers contained on the ballots to the

1 questions submitted, if any, and the majority inspector and
2 clerks shall carefully enter each vote as read, and keep account
3 of the same in ink in triplicate tally papers (triplicate tally
4 papers for each party at primaries) to be provided by the county
5 board of elections for that purpose, all three of which shall be
6 made at the same time.[: Provided, That at all general,
7 municipal and special elections, in entering each vote received
8 by candidates at such election, it shall not be necessary to
9 enter separate tally marks for each vote received by such
10 candidates upon the ballots containing the same votes for the
11 same names, commonly known, and in this act designated as
12 "Straight Party Tickets" for such purpose straight party ticket
13 votes shall be entered carefully as each straight party ticket
14 vote is read on the triplicate tally sheets under the heading
15 "Number of votes received upon the straight party
16 tickets." Upon completing the number of votes received by each
17 straight party ticket, the number so tallied for each party
18 shall be entered numerically on the extreme right hand margin of
19 each such tally paper.] All ballots, after being removed from
20 the box, shall be kept within the unobstructed view of all
21 persons in the voting room until replaced in the box. No person
22 while handling the ballots shall have in his hand any pencil,
23 pen, stamp or other means of marking or spoiling any ballot. The
24 election officers shall forthwith proceed to canvass and compute
25 the votes cast, and shall not adjourn or postpone the canvass or
26 computation until it shall have been fully completed.

27 (b) When the vote cast for the different persons named upon
28 the ballots and upon the questions, if any, appearing thereon,
29 shall have been fully recorded in the tally papers and counted,
30 the election officers shall duly certify to the number of votes

1 cast for each person (upon the respective party tickets at
2 primaries), and shall prepare in ink two (2) general returns,
3 showing, in addition to the entries made thereon as aforesaid,
4 the total number of ballots received from the county board (the
5 total of each party at primaries), the number of ballots cast
6 (the number of each party at primaries), the number of ballots
7 (of each party at primaries) declared void, and the number of
8 ballots spoiled and cancelled, and any blank ballots cast, as
9 well as the votes cast for each candidate. At elections, the
10 number of votes cast for each candidate by each political party
11 or political body of which such candidate is a nominee shall be
12 separately stated.[: Provided, That the number of votes received
13 by each set of candidates upon "straight party tickets" shall be
14 entered opposite the names of the respective candidates in a
15 column immediately adjoining upon the left which column shall be
16 of convenient width and shall be headed "number of votes
17 received upon straight party tickets."] In an immediate column
18 to the left thereto, the number of votes received by each
19 candidate upon all ballots [other than "straight party tickets"
20 including all ballots known as "split tickets"] shall be
21 entered, such column to be of convenient width and shall be
22 headed "number of votes [received other than upon straight party
23 tickets." The number of votes received by each candidate as
24 shown in the column headed "number of votes received upon
25 straight party tickets" shall then be added, together with the
26 number of votes received by each candidate as shown in the
27 column headed "number of votes received other than upon straight
28 party tickets" and thereupon, the] received." The total number
29 of votes received by each candidate shall be entered in a column
30 on the extreme right-hand side of the return sheets, which

1 column shall be of convenient width and shall be headed "total
2 number of votes."

3 Nothing in this section contained shall be construed to
4 authorize or permit the canvassing, counting or tallying ballots
5 with any less degree of strictness than otherwise required by
6 law.[, the intention of this section being to dispense with the
7 individual tally marks only so far as the so-called "straight
8 party tickets" are concerned, and all other operations of
9 tallying, counting, canvassing and announcing the votes shall
10 proceed as near as may be in accordance with the other
11 provisions of this act.]

12 * * *

13 Section 1223. What Ballots Shall Be Counted; Manner of
14 Counting; Defective Ballots.--(a) No ballot which is so marked
15 as to be capable of identification shall be counted. Any ballot
16 that is marked in blue, black or blue-black ink, in fountain pen
17 or ball point pen, or black lead pencil or indelible pencil,
18 shall be valid and counted: Provided, That all markings on the
19 ballot are made by the same pen or pencil. Any ballot marked by
20 any other mark than an (X) or check () in the spaces provided
21 for that purpose shall be void and not counted: Provided,
22 however, That no vote recorded thereon shall be declared void
23 because a cross (X) or check () mark thereon is irregular in
24 form. [Any erasure, mutilation or defective marking of the
25 straight party column at November elections shall render the
26 entire ballot void, unless the voter has properly indicated his
27 choice for candidates in any office block, in which case the
28 vote or votes for such candidates only shall be counted.] Any
29 erasure or mutilation in the vote in any office block shall
30 render void the vote for any candidates in said block, but shall

1 not invalidate the votes cast on the remainder of the ballot, if
2 otherwise properly marked. Any ballot indicating a vote for any
3 person whose name is not printed on the ballot, by writing,
4 stamping or sticker, shall be counted as a vote for such person,
5 if placed in the proper space or spaces provided for that
6 purpose, whether or not an (X) or check () is placed after the
7 name of such person: Provided, however, That if such writing,
8 stamping or sticker is placed over the name of a candidate
9 printed on the ballot, it shall render the entire vote in said
10 office block void. If an elector shall mark his ballot for more
11 persons for any office than there are candidates to be voted for
12 for such office, or if, for any reason, it may be impossible to
13 determine his choice for any office, his ballot shall not be
14 counted for such office, but the ballot shall be counted for all
15 offices for which it is properly marked. Ballots not marked, or
16 improperly or defectively marked, so that the whole ballot is
17 void, shall be set aside and shall be preserved with the other
18 ballots.

19 * * *

20 Section 2. This act shall apply to elections commencing more
21 than 90 days after the effective date of this section.

22 Section 3. This act shall take effect immediately.