

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 429 Session of 2019

INTRODUCED BY BENNINGHOFF, BARRAR, HERSHEY, IRVIN, JAMES, KEEFER, LAWRENCE, LEWIS, MARKOSEK, MILLARD, B. MILLER, MURT, RYAN, WARNER AND WHEELAND, FEBRUARY 11, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 11, 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 provisions relating to the Secretary of the
 12 Commonwealth, further providing for powers and duties of the
 13 Secretary of the Commonwealth and for explanation of ballot
 14 question; and, in ballots, further providing for form of
 15 official election ballot.

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

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

21 Section 201. Powers and Duties of the Secretary of the
 22 Commonwealth.--The Secretary of the Commonwealth shall exercise
 23 in the manner provided by this act all powers granted to him by
 24 this act, and shall perform all the duties imposed upon him by

1 this act, which shall include the following:

2 * * *

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

6 * * *

7 Section 2. Sections 201.1 and 1003(g) of the act are amended
8 to read:

9 Section 201.1. Explanation of Ballot Question.--(a)

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

30 (b) (1) In addition to the requirements of subsection (a),

1 whenever a Statewide ballot question shall be submitted to the
2 electors of the Commonwealth in referendum for the issuance of
3 debt, the Office of the Budget shall prepare a fiscal note in
4 plain English, which includes a detailed description of the
5 project that may be funded by the debt, the total costs for the
6 project, the anticipated interest costs over the term of the
7 debt and any anticipated future costs for issuing the debt. The
8 fiscal note shall specify that the estimated costs of borrowing
9 are relevant within the period of time indicated by the Office
10 of the Budget. The Office of the Budget shall submit the fiscal
11 note to the Secretary of the Commonwealth, and the Secretary of
12 the Commonwealth shall certify the fiscal note to the county
13 boards of elections, who shall publish the fiscal note as a part
14 of the notice of elections required under section 1201 or any
15 other provision of this act. The county boards of elections
16 shall also require that at least three copies of the fiscal note
17 be posted in or about the voting room outside the enclosed space
18 with the specimen ballots and other instructions and notices of
19 penalties.

20 (2) In election questions for the issuance of debt that
21 affects only one county, city, borough, township, school
22 district or other political subdivision or incorporated district
23 contained in any county, the governing body of the local
24 government unit shall originate the fiscal note, which shall
25 include the description of the project that may be funded by the
26 debt, the total costs for the project, the anticipated interest
27 costs over the term of the debt and any anticipated future costs
28 for issuing the debt. The fiscal note shall specify that the
29 approximate costs of borrowing are relevant within the period of
30 time indicated in the information of the governing body that is

1 seeking to acquire the electorate-approved debt. The governing
2 body of the local government unit shall submit the ballot
3 question and fiscal note to the county board of elections and
4 shall publish the fiscal note as a part of the notice of
5 elections required under section 1201 or any other provision of
6 this act. The county board of elections shall also require that
7 at least three copies of the fiscal note be posted in or about
8 the voting room outside the enclosed space with the specimen
9 ballots and other instructions and notices of penalties.

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

11 * * *

12 (g) The official ballots shall vary in form only as the
13 names of districts, offices, candidates or the provisions of
14 this act may require. When constitutional amendments or other
15 questions, including fiscal notes prepared by the Office of the
16 Budget or local government unit under section 201.1(b), are
17 submitted to a vote of the electors, each amendment or other
18 question, including fiscal notes, so submitted may be printed
19 upon the ballot below the groups of candidates for the various
20 offices, and, when required by law, shall be so printed.

21 Constitutional amendments so submitted shall be printed in brief
22 form, to be determined by the Secretary of the Commonwealth, and
23 other questions, including fiscal notes, so submitted shall be
24 printed in brief form, to be determined by the Secretary of the
25 Commonwealth in the case of questions to be voted on by the
26 electors of the State at large, and by the county boards in
27 other cases. To the right of each question there shall be placed
28 the words "yes" and "no," together with appropriate squares to
29 the right of each for the convenient insertion of a cross mark.

30 Section 3. This act shall apply to elections occurring at

1 least 60 days after the effective date of this section.

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