

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 417 Session of 2019

INTRODUCED BY MARTIN, FOLMER, SCHWANK, KILLION, STEFANO, ARGALL, BARTOLOTTA, COSTA, K. WARD, GORDNER, BROWNE AND BREWSTER, MARCH 19, 2019

AS AMENDED ON THIRD CONSIDERATION, APRIL 20, 2020

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 party organization, further providing for who
12 shall be declared elected members of national or State
13 committee and party offices; and, in returns of primaries and
14 elections, further providing for manner of computing
15 irregular ballots.

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

18 ~~Section 1. Sections 810 and 1405 of the act of June 3, 1937 <--~~
19 ~~(P.L.1333, No.320), known as the Pennsylvania Election Code, are~~
20 ~~amended to read:~~

21 SECTION 1. SECTION 810 OF THE ACT OF JUNE 3, 1937 (P.L.1333, <--
22 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, IS AMENDED TO
23 READ:

24 Section 810. Who Shall Be Declared Elected Members of

1 National or State Committee and Party Offices.--Candidates of
2 the various political parties for the office of member of the
3 State committee, or for the office of member of the National
4 committee, in cases where the rules of the party provide that
5 such office shall be filled by a vote of the party electors, who
6 receive a plurality of the votes of the party electors at a
7 primary, shall, except as provided under section 1405, be the
8 duly elected members of the State or National committee, as the
9 case may be, of their respective parties. Candidates for other
10 party offices, who receive a plurality of the votes of the party
11 electors at a primary, shall, except as provided under section
12 1405, be the party officers of their respective parties.

13 ~~Section 1405. Manner of Computing Irregular Ballots. The~~ <--
14 ~~county board, in computing the votes cast at any primary or~~
15 ~~election, shall compute and certify votes cast on irregular~~
16 ~~ballots exactly as such names were written, stamped, affixed to~~
17 ~~the ballot by sticker, or deposited or affixed in or on~~
18 ~~receptacles for that purpose, and as they have been so returned~~
19 ~~by the election officers. In the primary or election the~~
20 ~~Secretary of the Commonwealth shall not certify the votes cast~~
21 ~~on irregular ballots for any person for a National office~~
22 ~~including that of the President of the United States, United~~
23 ~~States Senator and Representative in Congress; or for any State~~
24 ~~office including that of Governor and Lieutenant Governor,~~
25 ~~Auditor General, State Treasurer, Senator and Representative in~~
26 ~~the General Assembly, justices and judges of courts of record or~~
27 ~~for any party office including that of delegate or alternate~~
28 ~~delegate to National conventions and member of State committee~~
29 ~~unless the total number of votes cast for said person is equal~~
30 ~~to or greater than the number of signatures required on a~~

1 ~~nomination petition for the particular office. In the primary or~~
2 ~~election the county board shall not certify the votes cast on~~
3 ~~irregular ballots for any person for a [justice of the peace]~~
4 ~~magisterial district judge, constable, National, State, county,~~
5 ~~city, borough, town, township, ward, school district, election~~
6 ~~or local party office unless the total number of votes cast for~~
7 ~~said person is equal to or greater than the number of signatures~~
8 ~~required on a nomination petition for the particular office.~~

9 SECTION 2. SECTION 1405 OF THE ACT, AMENDED OCTOBER 31, 2019 <--
10 (P.L.552, NO.77), IS AMENDED TO READ:

11 SECTION 1405. MANNER OF COMPUTING IRREGULAR BALLOTS.--THE
12 COUNTY BOARD, IN COMPUTING THE VOTES CAST AT ANY PRIMARY OR
13 ELECTION, SHALL COMPUTE AND CERTIFY VOTES CAST ON IRREGULAR
14 BALLOTS EXACTLY AS SUCH NAMES WERE WRITTEN, STAMPED OR DEPOSITED
15 IN OR ON RECEPTACLES FOR THAT PURPOSE, AND AS THEY HAVE BEEN SO
16 RETURNED BY THE ELECTION OFFICERS. IN DISTRICTS IN WHICH PAPER
17 BALLOTS OR BALLOT CARDS ARE ELECTRONICALLY TABULATED, STICKERS
18 OR LABELS MAY NOT BE USED TO MARK BALLOTS. A VOTE CAST BY MEANS
19 OF A STICKER OR LABEL AFFIXED TO A BALLOT OR BALLOT CARD SHALL
20 BE VOID AND MAY NOT BE COUNTED. IN THE PRIMARY OR ELECTION THE
21 SECRETARY OF THE COMMONWEALTH SHALL NOT CERTIFY THE VOTES CAST
22 ON IRREGULAR BALLOTS FOR ANY PERSON FOR A NATIONAL OFFICE
23 INCLUDING THAT OF THE PRESIDENT OF THE UNITED STATES, UNITED
24 STATES SENATOR AND REPRESENTATIVE IN CONGRESS; OR FOR ANY STATE
25 OFFICE INCLUDING THAT OF GOVERNOR AND LIEUTENANT GOVERNOR,
26 AUDITOR GENERAL, STATE TREASURER, SENATOR AND REPRESENTATIVE IN
27 THE GENERAL ASSEMBLY, JUSTICES AND JUDGES OF COURTS OF RECORD OR
28 FOR ANY PARTY OFFICE INCLUDING THAT OF DELEGATE OR ALTERNATE
29 DELEGATE TO NATIONAL CONVENTIONS AND MEMBER OF STATE COMMITTEE
30 UNLESS THE TOTAL NUMBER OF VOTES CAST FOR SAID PERSON IS EQUAL

1 TO OR GREATER THAN THE NUMBER OF SIGNATURES REQUIRED ON A
2 NOMINATION PETITION FOR THE PARTICULAR OFFICE. IN THE PRIMARY OR
3 ELECTION THE COUNTY BOARD SHALL NOT CERTIFY THE VOTES CAST ON
4 IRREGULAR BALLOTS FOR ANY PERSON FOR A [JUSTICE OF THE PEACE]
5 MAGISTERIAL DISTRICT JUDGE, CONSTABLE, NATIONAL, STATE, COUNTY,
6 CITY, BOROUGH, TOWN, TOWNSHIP, WARD, SCHOOL DISTRICT, ELECTION
7 OR LOCAL PARTY OFFICE UNLESS THE TOTAL NUMBER OF VOTES CAST FOR
8 SAID PERSON IS EQUAL TO OR GREATER THAN THE NUMBER OF SIGNATURES
9 REQUIRED ON A NOMINATION PETITION FOR THE PARTICULAR OFFICE.

10 Section ~~2~~ 3. The amendment of sections 810 and 1405 of the <--
11 act shall apply to elections held after December 31, ~~2019~~ 2020. <--

12 Section ~~3~~ 4. This act shall take effect immediately. <--