

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1201 Session of 2021

INTRODUCED BY ZIMMERMAN, B. MILLER, MILLARD, MALONEY, SCHMITT, STAMBAUGH, GREINER, JAMES, MOUL, SCHLEGEL CULVER, RAPP, R. BROWN, PICKETT, THOMAS, RYAN, COX, ROTHMAN, HICKERNELL, HAMM, DIAMOND, MIZGORSKI, KAUFFMAN, GROVE, HERSHEY, HEFFLEY, MENTZER, JOZWIAK, KERWIN, SAYLOR, KEEFER AND WHEELAND, APRIL 16, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 16, 2021

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 the Secretary of the Commonwealth, further
 12 providing for powers and duties of the Secretary of the
 13 Commonwealth and for explanation of ballot question and
 14 providing for wording of ballot question; in dates of
 15 elections and primaries and special elections, further
 16 providing for elections on proposed constitutional
 17 amendments; in ballots, further providing for form of
 18 official election ballot; in voting machines, further
 19 providing for form of ballot labels on voting machines; and,
 20 in preparation for and conduct of primaries and elections,
 21 further providing for publishing constitutional amendments.

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

24 Section 1. Sections 201(c) and 201.1 of the act of June 3,
 25 1937 (P.L.1333, No.320), known as the Pennsylvania Election

1 Code, are amended to read:

2 Section 201. Powers and Duties of the Secretary of the
3 Commonwealth.--The Secretary of the Commonwealth shall exercise
4 in the manner provided by this act all powers granted to him by
5 this act, and shall perform all the duties imposed upon him by
6 this act, which shall include the following:

7 * * *

8 (c) To certify to county boards of elections for primaries
9 and elections the names of the candidates for President and
10 Vice-President of the United States, presidential electors,
11 United States senators, representatives in Congress and all
12 State offices, including senators, representatives, and judges
13 of all courts of record, and delegates and alternate delegates
14 to National Conventions, and members of State committees, and
15 the form and wording of constitutional amendments, as prescribed
16 under section 201.2, or other questions to be submitted to the
17 electors of the State at large.

18 * * *

19 Section 201.1. Explanation of Ballot Question.--(a)
20 Whenever a proposed constitutional amendment or other State-wide
21 ballot question shall be submitted to the electors of the
22 Commonwealth in referendum, the [Attorney General] Legislative
23 Reference Bureau shall prepare a statement in plain English
24 which indicates the purpose, limitations and effects of the
25 ballot question on the people of the Commonwealth. The
26 Legislative Reference Bureau shall publish the statement in the
27 Pennsylvania Bulletin and shall transmit the statement to the
28 Secretary of the Commonwealth.

29 (b) The Secretary of the Commonwealth shall include [such
30 statement in his] the statement under subsection (a) in the

1 publication of a proposed constitutional amendment as required
2 by Article XI of the Constitution of Pennsylvania.

3 (c) The Secretary of the Commonwealth shall certify [such]
4 the statement under subsection (a) to the county boards of
5 elections who shall publish such statement as a part of the
6 notice of elections required by section 1201 or any other
7 provision of this act.

8 (d) The county board of elections shall also require that at
9 least three copies of [such] the statement under subsection (a)
10 be posted in or about the voting room outside the enclosed space
11 with the specimen ballots and other instructions and notices of
12 penalties.

13 (e) In election questions which affect only one county or
14 portion thereof, the county board of elections shall fulfill
15 these requirements in the place of the [Attorney General]
16 Legislative Reference Bureau and the Secretary of the
17 Commonwealth.

18 Section 2. The act is amended by adding a section to read:

19 Section 201.2. Wording of Ballot Question.--Unless the
20 General Assembly shall prescribe otherwise, with respect to any
21 particular proposed amendment or amendments through the
22 enactment of a statute, concurrent resolution or joint
23 resolution, the Legislative Reference Bureau shall prescribe the
24 wording of the question to be posed to the electors and shall
25 publish the wording of the question in the Pennsylvania Bulletin
26 and transmit the wording of the question to the Secretary of the
27 Commonwealth.

28 Section 3. Sections 605, 1003(g), 1110(b) and 1201.2 of the
29 act are amended to read:

30 Section 605. Elections on Proposed Constitutional

1 Amendments.--Unless the General Assembly shall prescribe
2 otherwise with respect to any particular proposed amendment or
3 amendments and the manner and time of submitting to the
4 qualified electors of the State any proposed amendment or
5 amendments to the Constitution for the purpose of ascertaining
6 whether the same shall be approved by a majority of those voting
7 thereon, the said amendment or amendments which have heretofore,
8 or which may hereafter be proposed, and which have not been
9 submitted to the qualified electors of the State, shall be
10 submitted to the qualified electors of the State for the purpose
11 aforesaid, at the first municipal or general election at which
12 such amendment or amendments may be legally submitted to the
13 electors, which election shall occur at least three months after
14 the date upon which such proposed amendment or amendments shall
15 have been agreed to for the second time by a majority of the
16 members elected to each house of the General Assembly, as
17 provided in Article Eighteen, section one of the Constitution.
18 Said election shall be conducted on said election day in the
19 manner prescribed by the provisions of this act. Such proposed
20 constitutional amendments shall be printed on the ballots or
21 ballot labels in brief form to be determined by the Secretary of
22 the Commonwealth with the approval of the Attorney General. The
23 wording of the question shall be as prescribed under section
24 201.2.

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

26 * * *

27 (g) The official ballots shall vary in form only as the
28 names of districts, offices, candidates or the provisions of
29 this act may require. When constitutional amendments or other
30 questions are submitted to a vote of the electors, each

1 amendment or other question so submitted may be printed upon the
2 ballot below the groups of candidates for the various offices,
3 and, when required by law, shall be so printed. Constitutional
4 amendments so submitted shall be printed in brief form, to be
5 determined by the Secretary of the Commonwealth and as
6 prescribed under section 201.2, and other questions so submitted
7 shall be printed in brief form, to be determined by the
8 Secretary of the Commonwealth in the case of questions to be
9 voted on by the electors of the State at large and as prescribed
10 under section 201.2, and by the county boards in other cases. To
11 the right of each question there shall be placed the words "yes"
12 and "no," together with appropriate squares to the right of each
13 for the convenient insertion of a cross mark.

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

15 * * *

16 (b) If the construction of the machine shall require it, the
17 ballot label for each candidate, group of candidates, political
18 party, or question, to be voted on, shall bear the designating
19 letter or number of the counter on the voting machine which will
20 register or record votes therefor. Each question to be voted on
21 shall appear on the ballot labels, in brief form, of not more
22 than seventy-five words, to be determined by the Secretary of
23 the Commonwealth in the case of constitutional amendments or
24 other questions to be voted on by the electors of the State at
25 large and as prescribed under section 201.2, and by the county
26 election board in other cases.

27 * * *

28 Section 1201.2. Publishing Constitutional Amendments.--(a)

29 In accordance with the requirements of section 1 of Article XI
30 of the Constitution of Pennsylvania, the Secretary of the

1 Commonwealth shall cause to have published in the manner
2 prescribed all proposed amendments to the Constitution of
3 Pennsylvania. A publication under this subsection shall also
4 include the wording of the ballot question transmitted to the
5 Secretary under section 201.2.

6 (b) Whenever a proposed constitutional amendment or other
7 State-wide ballot question shall be submitted to the electors of
8 the Commonwealth in referendum, the Secretary of the
9 Commonwealth shall cause the explanation of the ballot question
10 transmitted to the Secretary under section 201.1 to be included
11 with the publication under subsection (a).

12 (c) As much of the money, from time to time, in the General
13 Fund as shall be deemed necessary by the Governor is hereby
14 appropriated to the Department of State to pay the costs of
15 [such] publications under this section.

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