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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1797 Session of  
2021

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INTRODUCED BY RABB, SOLOMON, ZABEL, HILL-EVANS, WEBSTER AND  
KENYATTA, AUGUST 18, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 18, 2021

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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 election districts and polling places, further  
12 providing for equipment and arrangement of polling places,  
13 guard rail and number of voting compartments of voting  
14 machines; in nomination of candidates, further providing for  
15 casting of lots for position of names upon the primary  
16 ballots or ballot labels and notice to candidates; and, in  
17 ballots, further providing for form of official primary  
18 ballot.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. Section 530 of the act of June 3, 1937 (P.L.1333,  
22 No.320), known as the Pennsylvania Election Code, is amended by  
23 adding a subsection to read:

24 Section 530. Equipment and Arrangement of Polling Places;  
25 Guard Rail; Number of Voting Compartments or Voting Machines.--

26 \* \* \*

1 (a.1) The position of candidate names for the same office on  
2 a ballot shall be randomized between polling places within an  
3 election district in accordance with section 915.

4 \* \* \*

5 Section 2. Sections 915 and 1002(b) and (c) of the act are  
6 amended to read:

7 Section 915. [Casting of Lots for] Randomized Position of  
8 Names Upon the Primary Ballots or Ballot Labels; Notice to  
9 Candidates.--Immediately after the last day fixed for filing of  
10 such nomination petitions with them, the Secretary of the  
11 Commonwealth or the county board, as the case may be, shall fix  
12 a day [for the casting of lots], in such manner as may be  
13 prescribed by the Secretary of the Commonwealth, or county  
14 board, as the case may be, for the randomized position of names  
15 upon the primary ballots or ballot labels between polling  
16 places. The position of names within the same polling place  
17 shall be uniform. The Secretary of the Commonwealth shall give  
18 at least two (2) days notice by mail of said date to all  
19 candidates whose petitions have been received and filed in his  
20 office, and the county board shall give at least two (2) days  
21 notice of said date by posting thereof in a conspicuous place in  
22 its office, and by publication once in at least two newspapers  
23 of general circulation published in the county. All candidates  
24 may appear in person, or by agent duly authorized by letter of  
25 attorney, signed and acknowledged by an officer empowered to  
26 take acknowledgments. In the event of any of said candidates not  
27 being present in person or by representative at the time of  
28 [casting of lots] randomization, it shall be the duty of the  
29 Secretary of the Commonwealth or the county board, as the case  
30 may be, to appoint some person to represent such absentee. After

1 said [lots are cast] randomization, the Secretary of the  
2 Commonwealth or the county board, as the case may be, shall  
3 accordingly establish the order in which the names of said  
4 candidates are to appear upon the primary ballots or ballot  
5 labels for each polling place, and certify the same for placing  
6 upon the official primary ballots or ballot labels.

7 Section 1002. Form of Official Primary Ballot.--\* \* \*

8 (b) On the back of each ballot shall be printed in prominent  
9 type the words "OFFICIAL PRIMARY BALLOT OF .....PARTY FOR"  
10 followed by the designation of the election district for which  
11 it is prepared, the date of the primary and the facsimile  
12 signatures of the members of the county board of elections. The  
13 names of candidates shall in all cases be arranged under the  
14 title of the office for which they are candidates, and be  
15 printed thereunder in the order determined by [the casting of  
16 lots] randomization as provided by [this act] section 915. Under  
17 the title of such offices where more than one candidate is to be  
18 voted for, shall be printed "Vote for not more than ....."  
19 (the blank space to indicate the number of candidates to be  
20 voted for the particular office.) At the right of the name of  
21 each candidate there shall be a square of sufficient size for  
22 the convenient insertion of a cross (x) or check (✓) mark. There  
23 shall be left at the end of the list of candidates for each  
24 office (or under the title of the office itself in case there be  
25 no candidates who have filed nomination petitions therefor) as  
26 many blank spaces as there are persons to be voted for, for such  
27 office, in which space the elector may insert, by writing or  
28 stamping, the name of any person whose name is not printed on  
29 the ballot as a candidate for such office. Opposite or under the  
30 name of each candidate, except candidates for the office of

1 President of the United States and candidates for delegate or  
2 alternate delegate to a National Party Convention, who is to be  
3 voted for by the electors of more than one county, shall be  
4 printed the name of the county in which such candidate resides;  
5 and opposite or under the name of each candidate except  
6 candidates for delegate or alternate delegate to a National  
7 Party Convention who is to be voted for by the electors of an  
8 entire county or any congressional, senatorial or representative  
9 district within the county, shall be printed the name of the  
10 city, borough, township or ward, as the case may be, in which  
11 such candidate resides.

12 (c) The ballot shall vary in form only as the names of  
13 districts, offices, candidates and the random position of  
14 candidate names or the provisions of this act may require.

15 \* \* \*

16 Section 3. This act shall take effect in 60 days.