

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 56 Session of 2021

INTRODUCED BY MARTIN, K. WARD, GORDNER, STEFANO, ARNOLD AND
PITTMAN, JANUARY 20, 2021

REFERRED TO STATE GOVERNMENT, JANUARY 20, 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 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. Section 810 of the act of June 3, 1937 (P.L.1333,
19 No.320), known as the Pennsylvania Election Code, is amended to
20 read:

21 Section 810. Who Shall Be Declared Elected Members of
22 National or State Committee and Party Offices.--Candidates of
23 the various political parties for the office of member of the
24 State committee, or for the office of member of the National

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

10 Section 2. Section 1405 of the act, amended October 31, 2019
11 (P.L.552, No.77), is amended to read:

12 Section 1405. Manner of Computing Irregular Ballots.--The
13 county board, in computing the votes cast at any primary or
14 election, shall compute and certify votes cast on irregular
15 ballots exactly as such names were written, stamped or deposited
16 in or on receptacles for that purpose, and as they have been so
17 returned by the election officers. In districts in which paper
18 ballots or ballot cards are electronically tabulated, stickers
19 or labels may not be used to mark ballots. A vote cast by means
20 of a sticker or label affixed to a ballot or ballot card shall
21 be void and may not be counted. In the primary or election the
22 Secretary of the Commonwealth shall not certify the votes cast
23 on irregular ballots for any person for a National office
24 including that of the President of the United States, United
25 States Senator and Representative in Congress; or for any State
26 office including that of Governor and Lieutenant Governor,
27 Auditor General, State Treasurer, Senator and Representative in
28 the General Assembly, justices and judges of courts of record or
29 for any party office including that of delegate or alternate
30 delegate to National conventions and member of State committee

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

11 Section 3. The amendment of sections 810 and 1405 of the act
12 shall apply to elections held after December 31, 2020.

13 Section 4. This act shall take effect immediately.