

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1332** Session of
2023

INTRODUCED BY B. MILLER, KEEFER, JAMES, HAMM, STAMBAUGH, IRVIN,
ROWE, ZIMMERMAN, GILLEN, LEADBETER, KEPHART AND BARTON,
JUNE 7, 2023

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 28, 2023

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

1 this act, and shall perform all the duties imposed upon him by
2 this act, which shall include the following:

3 * * *

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

7 * * *

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

10 Section 201.1. Explanation of Ballot Question.--(a)
11 Whenever a proposed constitutional amendment or other State-wide
12 ballot question shall be submitted to the electors of the
13 Commonwealth in referendum, the Attorney General shall prepare a
14 statement in plain English which indicates the purpose,
15 limitations and effects of the ballot question on the people of
16 the Commonwealth. The Secretary of the Commonwealth shall
17 include such statement in his publication of a proposed
18 constitutional amendment as required by Article XI of the
19 Constitution of Pennsylvania. The Secretary of the Commonwealth
20 shall certify such statement to the county boards of elections
21 who shall publish such statement as a part of the notice of
22 elections required by section 1201 or any other provision of
23 this act. The county board of elections shall also require that
24 at least three copies of such statement be posted in or about
25 the voting room outside the enclosed space with the specimen
26 ballots and other instructions and notices of penalties. In
27 election questions which affect only one county or portion
28 thereof, the county board of elections shall fulfill these
29 requirements in the place of the Attorney General and the
30 Secretary of the Commonwealth.

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

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

1 approximate costs of borrowing are relevant within the period of
2 time indicated in the information of the governing body that is
3 seeking to acquire the electorate-approved debt. The governing
4 body of the local government unit shall submit the ballot
5 question and fiscal note to the county board of elections and
6 ~~shall~~ THE COUNTY BOARD OF ELECTIONS SHALL POST NOTICE OF THE <--
7 FISCAL NOTE ON THE COUNTY BOARD'S PUBLICLY ACCESSIBLE INTERNET
8 WEBSITE AND publish the fiscal note as a part of the notice of
9 elections required under section 1201 or any other provision of
10 this act. The county board of elections shall also require that
11 at least three copies of the fiscal note be posted in or about
12 the voting room outside the enclosed space with the specimen
13 ballots and other instructions and notices of penalties.

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

15 * * *

16 (g) The official ballots shall vary in form only as the
17 names of districts, offices, candidates or the provisions of
18 this act may require. When constitutional amendments or other
19 questions, including fiscal notes prepared by the Office of the
20 Budget or local government unit under section 201.1(b), are
21 submitted to a vote of the electors, each amendment or other
22 question, including fiscal notes, so submitted may be printed
23 upon the ballot below the groups of candidates for the various
24 offices, and, when required by law, shall be so printed.
25 Constitutional amendments so submitted shall be printed in brief
26 form, to be determined by the Secretary of the Commonwealth, and
27 other questions, including fiscal notes, so submitted shall be
28 printed in brief form, to be determined by the Secretary of the
29 Commonwealth in the case of questions to be voted on by the
30 electors of the State at large, and by the county boards in

1 other cases. To the right of each question there shall be placed
2 the words "yes" and "no," together with appropriate squares to
3 the right of each for the convenient insertion of a cross mark.

4 Section 3. This act shall apply to elections occurring at
5 least 60 days after the effective date of this section.

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