

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1118 Session of 2021

INTRODUCED BY B. MILLER, JONES, HAMM, MILLARD, ROWE, N. NELSON, RYAN, THOMAS, HOHENSTEIN, STAATS, MOUL, PICKETT, SANKEY, JAMES, GLEIM, GROVE, ZIMMERMAN, COOK, STAMBAUGH, HICKERNELL, METCALFE, HERSHEY, JOZWIAK, IRVIN, GILLEN, QUINN AND WHEELAND, APRIL 7, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 7, 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 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 publish the fiscal note as a part  
15 of the notice of elections required under section 1201 or any  
16 other provision of this act. The county boards of elections  
17 shall also require that at least three copies of the fiscal note  
18 be posted in or about the voting room outside the enclosed space  
19 with the specimen ballots and other instructions and notices of  
20 penalties.

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

1 time indicated in the information of the governing body that is  
2 seeking to acquire the electorate-approved debt. The governing  
3 body of the local government unit shall submit the ballot  
4 question and fiscal note to the county board of elections and  
5 shall publish the fiscal note as a part of the notice of  
6 elections required under section 1201 or any other provision of  
7 this act. The county board of elections shall also require that  
8 at least three copies of the fiscal note be posted in or about  
9 the voting room outside the enclosed space with the specimen  
10 ballots and other instructions and notices of penalties.

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

12 \* \* \*

13 (g) The official ballots shall vary in form only as the  
14 names of districts, offices, candidates or the provisions of  
15 this act may require. When constitutional amendments or other  
16 questions, including fiscal notes prepared by the Office of the  
17 Budget or local government unit under section 201.1(b), are  
18 submitted to a vote of the electors, each amendment or other  
19 question, including fiscal notes, so submitted may be printed  
20 upon the ballot below the groups of candidates for the various  
21 offices, and, when required by law, shall be so printed.  
22 Constitutional amendments so submitted shall be printed in brief  
23 form, to be determined by the Secretary of the Commonwealth, and  
24 other questions, including fiscal notes, so submitted shall be  
25 printed in brief form, to be determined by the Secretary of the  
26 Commonwealth in the case of questions to be voted on by the  
27 electors of the State at large, and by the county boards in  
28 other cases. To the right of each question there shall be placed  
29 the words "yes" and "no," together with appropriate squares to  
30 the right of each for the convenient insertion of a cross mark.

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

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