

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1572 Session of 2013

INTRODUCED BY EVANKOVICH, SIMMONS, MACKENZIE, JAMES, TRUITT, ENGLISH, METCALFE, R. MILLER, MARSHALL, SANKEY, WATSON, EMRICK AND FLECK, JUNE 24, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 24, 2013

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 ballots, further providing for form of
 12 official election ballot; in voting machines, further
 13 providing for requirements of voting machines, for form of
 14 ballot labels on voting machines; in electronic voting
 15 systems, further providing for requirements for electronic
 16 voting systems, for forms and for election day procedures and
 17 the process of voting; and, in preparation for and conduct of
 18 primaries and elections, further providing for instruction of
 19 voters and manner of voting in districts in which voting
 20 machines are used, for count and return of votes in districts
 21 in which ballots are used and for what ballots shall be
 22 counted, manner of counting and defective ballots.

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

25 Section 1. Section 1003(a) of the act of June 3, 1937
 26 (P.L.1333, No.320), known as the Pennsylvania Election Code,
 27 amended December 10, 1974 (P.L.835, No.280), is amended to read:

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

2 (a) The official ballots for general, municipal and special
3 elections shall be in substantially the following form:

4 OFFICIAL BALLOT

5
6 District, Ward,
7 City of, County of,
8 State of Pennsylvania
9 Election held on the day of, [19]
10 20.....

11
12 A cross (X) or check () mark in the square opposite the name of
13 any candidate indicates a vote for that candidate.

14 [To vote a straight party ticket, mark a cross (X) or check
15 () in the square, in the Party Column, opposite the name of the
16 party of your choice. To vote for an individual candidate of
17 another party after making a mark in the party square, mark a
18 cross (X) or check () opposite his name. For an office where
19 more than one candidate is to be voted for, the voter, after
20 marking in the party square, may divide his vote by marking a
21 cross (X) or check () to the right of each candidate for whom
22 he or she desires to vote. For such office votes shall not be
23 counted for candidates not individually marked.]

24 To vote for a person whose name is not on the ballot, write,
25 print or paste his name in the blank space provided for that
26 purpose. A cross (X) or check () mark in the square opposite
27 the names of the candidates of any party for President and Vice-
28 President of the United States indicates a vote for all the
29 candidates of that party for presidential elector. To vote for
30 individual candidates for presidential elector, write, print or

1 paste their names in the blank spaces provided for that purpose
2 under the title "Presidential Electors." Mark ballot only in
3 black lead pencil, indelible pencil or blue, black or blue-black
4 ink, in fountain pen or ball point pen; use the same pencil or
5 pen for all markings you place on the ballot.

6 Before leaving the voting compartment, fold this ballot,
7 without displaying the markings thereon, in the same way it was
8 folded when received, then leave the compartment and exhibit the
9 ballot to one of the election officers who shall ascertain by an
10 inspection of the number appearing upon the right hand corner of
11 the back of the ballot whether the ballot so exhibited to him is
12 the same ballot which the elector received before entering the
13 voting compartment. If it is the same, the election officer
14 shall direct the elector, without unfolding the ballot, to
15 remove the perforated corner containing the number, and the
16 elector shall immediately deposit the ballot in the ballot box.
17 Any ballot deposited in a ballot box at any primary or election
18 without having the said number torn off shall be void and shall
19 not be counted.

20

[Party Column	Presidential Electors
23 To Vote a Straight Party Ticket 24 Mark a Cross (X) or Check () in 25 this Column.	(Vote for the candidates of one party for President and Vice-President, or insert the names of candidates.)
28 Democratic	27 For John Stiles and Richard Doe,

1 Democratic

2 For

3 Republican John Doe

4 and

5 Richard Roe,

6 Republican

7 For

8 Socialist John Smith

9 and

10 William Jones,

11 Socialist

12 Citizens]

13 Presidential Electors.

14 (Vote for the candidates of one party for President and Vice
 15 President, or insert the names of candidates)

16 For

17 John Stiles and Richard Doe..... Democratic

18 For

19 John Doe and Richard Roe..... Republican

20 For

21 John Smith and William Jones..... Socialist

22 For

23 Citizens

24 United States Senator.

25 (Vote for one)

26 Richard Roe Democratic

27 John Doe Republican

28 Richard Stiles Socialist

29 Governor.

30 (Vote for one)

1 Richard Roe Democratic
2 John Doe Republican
3 Richard Stiles Socialist

4 Representatives in Congress,

5 District.

6 (Vote for one)

7 Richard Roe Democratic
8 John Doe Republican
9 Richard Stiles Socialist

10 Senator in the General Assembly,

11 District.

12 (Vote for one)

13 John Doe Democratic
14 Richard Roe Republican

15 * * *

16 Section 2. Section 1107(b) of the act is amended to read:

17 Section 1107. Requirements of Voting Machines.--No voting
18 machine shall, upon any examination or reexamination, be
19 approved by the Secretary of the Commonwealth, or by any
20 examiner appointed by him, unless it shall, at the time, satisfy
21 the following requirements:

22 * * *

23 [(b) It shall permit each voter, at other than primary
24 elections, to vote a straight political party ticket in one
25 operation, and, in one operation, to vote for all the candidates
26 of one political party for presidential electors, and, in one
27 operation, to vote for all the candidates of one political party
28 for every office to be voted for, except those offices as to
29 which he votes for individual candidates.]

30 * * *

1 Section 3. Section 1110(h) of the act, amended December 22,
2 1971 (P.L.613, No.165), is amended to read:

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

4 * * *

5 (h) The names of all candidates of a political party shall
6 appear in the same row or column, and except in cases of names
7 of presidential commitments of nominees for delegate or
8 alternate delegate to political party National conventions no
9 other names shall appear in the same row or column[, to the left
10 or top of which shall be a straight party lever, by means of
11 which an elector may, in one operation, vote for all the
12 candidates of that political party for every office to be voted
13 for]. Where the names of the delegate or alternate delegate and
14 the presidential candidate he is supporting shall both appear,
15 the print size of the name of the delegate or alternate delegate
16 shall be equal to the size of the name of the particular
17 presidential candidate to whom he is committed, or in the case
18 where he is uncommitted, the word "uncommitted" shall appear in
19 the same size print. The names of such candidates shall be
20 arranged under or opposite the title of the office for which
21 they are candidates, and shall appear in the order of the votes
22 obtained by the candidate for Governor of the party nominated at
23 the last gubernatorial election, beginning with the party
24 obtaining the highest number of votes: Provided, however, That
25 in the case of parties or bodies not represented on the ballot
26 at the last gubernatorial election, the names of the candidates
27 of such parties shall be arranged alphabetically, according to
28 the party or body name. The names of all candidates of a
29 political body shall appear in the same row or column, and, if
30 the number of parties and bodies permits, each political body

1 shall be entitled exclusively to a separate row or column[, with
2 a straight party lever]. If, however, the number of political
3 parties and political bodies renders it impossible or
4 impracticable to so arrange the political bodies, in such case
5 said bodies shall not be entitled to a separate row or column
6 [and a straight party lever], but shall be listed by political
7 appellations on the first left hand or top row, with the
8 designating letter and number of the ballot label where their
9 candidates may be found, together with the political
10 appellations of other political bodies, whose candidates may be
11 interspersed on the same row or column. Subject to the aforesaid
12 limitations, the form and arrangement of ballot labels, as to
13 the placing thereon of political bodies, shall be within the
14 discretion of the county board.

15 * * *

16 Section 4. Sections 1107-A(3), 1109-A(a)(2) and (d) and
17 1112-A(a)(2) and (4) of the act, added July 11, 1980 (P.L.600,
18 No.128), are amended to read:

19 Section 1107-A. Requirements of Electronic Voting Systems.--
20 No electronic voting system shall, upon any examination or
21 reexamination, be approved by the Secretary of the Commonwealth,
22 or by any examiner appointed by him, unless it shall be
23 established that such system, at the time of such examination or
24 reexamination:

25 * * *

26 [(3) Permits each voter, at other than primary elections, to
27 vote a straight political party ticket by one mark or act and,
28 by one mark or act, to vote for all the candidates of one
29 political party for presidential electors and, by one mark or
30 act, to vote for all the candidates of one political party for

1 every office to be voted for, and every such mark or act shall
2 be equivalent to and shall be counted as a vote for every
3 candidate of the political party so marked including its
4 candidates for presidential electors, except with respect to
5 those offices as to which the voter has registered a vote for
6 individual candidates of the same or another political party or
7 political body, in which case the automatic tabulating equipment
8 shall credit the vote for that office only for the candidate
9 individually so selected, notwithstanding the fact that the
10 voter may not have individually voted for the full number of
11 candidates for that office for which he was entitled to vote.]

12 * * *

13 Section 1109-A. Forms.--(a) * * *

14 (2) The pages placed on the voting device shall be of
15 sufficient number to include, following the listing of
16 particular candidates, the names of candidates for any
17 nonpartisan offices and any measures for which a voter may be
18 qualified to vote on a given election day, provided further that
19 for municipal, general or special elections, the first ballot
20 page shall list in the order that such political parties are
21 entitled to priority on the ballot, the names of such political
22 parties [with designating arrows so as to indicate the voting
23 square or position on the ballot card where the voter may insert
24 by one mark or punch the straight party ticket of his choice].

25 * * *

26 [(d) In partisan elections the ballot cards shall include a
27 voting square or position whereby the voter may by one punch or
28 mark record a straight party ticket vote for all the candidates
29 of one party or may vote a split ticket for the candidates of
30 his choice.]

1 * * *

2 Section 1112-A. Election Day Procedures and the Process of
3 Voting.--(a) In an election district which uses an electronic
4 voting system in which votes are registered electronically, the
5 following procedures will be applicable for the conduct of the
6 election at the election district:

7 * * *

8 (2) At [primary] all elections, the voter shall be able to
9 vote for each candidate individually by the means provided. [At
10 all other elections, he may vote for each candidate
11 individually, or he may vote a straight political party ticket
12 in one operation by operating the straight political party
13 mechanism of the political party or political body of his
14 choice. He may also, after having operated the straight party
15 mechanism and before recording his vote, cancel the vote for any
16 candidate of such political party or political body and may
17 thereupon vote for a candidate of another party, or political
18 body for the same office.] The voter may also vote individually
19 for or against a question submitted to the vote of the electors.

20 * * *

21 (4) At any general election at which presidential electors
22 are to be chosen, each elector shall be permitted to vote by one
23 operation for all the presidential electors of a political party
24 or political body. For each party or body nominating
25 presidential electors, a ballot label shall be provided
26 containing only the words "Presidential Electors," preceded by
27 the names of the party or body and followed by the names of the
28 candidates thereof for the Office of President and Vice-
29 President, and the corresponding counter or registering device
30 shall register votes cast for said electors when thus voted for

1 collectively. If any elector desires to vote a ticket for
2 presidential electors made up of the names of persons nominated
3 by different parties or bodies, or partially of names of persons
4 so in nomination and partially of names of persons not in
5 nomination by any party or body, he may write or deposit a paper
6 ballot prepared by himself in the receptacle provided in or on
7 the voting device for that purpose, or he may list their names
8 on the write-in ballot or envelope provided for that purpose.
9 The voting device shall be so constructed that it will not be
10 possible for any one voter to vote a straight party ticket for
11 presidential electors and at the same time to deposit a ballot
12 for presidential electors in a receptacle as hereinabove
13 provided. When the votes for presidential electors are counted,
14 the votes appearing upon the counter or registering device
15 corresponding to the ballot label containing the names of the
16 candidates for President and Vice-President of any party or body
17 shall be counted as votes for each of the candidates for
18 presidential elector of such party or body, and thereupon all
19 candidates for presidential elector shall be credited, in
20 addition, with the votes cast for them upon the ballots
21 deposited in the machine, as [hereinabove] provided in this
22 section.

23 * * *

24 Section 5. Section 1216(d) and (f) of the act are amended to
25 read:

26 Section 1216. Instructions of Voters and Manner of Voting in
27 Districts in Which Voting Machines are Used.--

28 * * *

29 (d) At [primaries] all elections, he shall vote for each
30 candidate individually by operating the key, handle, pointer or

1 knob, upon or adjacent to which the name of such candidate is
2 placed. [At elections, he may vote for each candidate
3 individually by operating the key, handle, pointer or knob, upon
4 or adjacent to which the names of candidates of his choice are
5 placed, or he may vote a straight political party ticket in one
6 operation by operating the straight political party lever of the
7 political party or political body of his choice, if such machine
8 has thereon a separate lever for all the candidates of the
9 political body. He may also, after having operated the straight
10 party lever, and before recording his vote, cancel the vote for
11 any candidate of such political party or political body by
12 replacing the individual key, handle, pointer or knob of such
13 candidate, and may thereupon vote for a candidate of another
14 party, or political body for the same office by operating the
15 key, handle, pointer or knob, upon or adjacent to which the name
16 of such candidate appears.] In the case of a question submitted
17 to the vote of the electors, the elector shall operate the key,
18 handle, pointer or knob corresponding to the answer which he
19 desires to give.

20 * * *

21 (f) At any general election at which presidential electors
22 are to be chosen, each elector shall be permitted to vote by one
23 operation for all the presidential electors of a political party
24 or political body. For each party or body nominating
25 presidential electors, a ballot label shall be provided
26 containing only the words "Presidential Electors," preceded by
27 the names of the party or body and followed by the names of the
28 candidates thereof for the office of President and Vice-
29 President, and the corresponding counter or registering device
30 shall register votes cast for said electors when thus voted for

1 collectively. If an elector desires to vote a ticket for
2 presidential electors made up of the names of persons nominated
3 by different parties or bodies, or partially of names of persons
4 so in nomination and partially of names of persons not in
5 nomination by any party or body, or wholly of names of persons
6 not in nomination by any party or body, he may write or deposit
7 a paper ballot prepared by himself in the receptacle provided in
8 or on the machine for the purpose. The machine shall be so
9 constructed that it will not be possible for any one voter to
10 vote a straight party ticket for presidential electors and at
11 the same time to deposit a ballot for presidential electors in a
12 receptacle as hereinabove provided. When the votes for
13 presidential electors are counted, the votes appearing upon the
14 counter or registering device corresponding to the ballot label
15 containing the names of the candidates for President and Vice-
16 President of any party or body shall be counted as votes for
17 each of the candidates for presidential elector of such party or
18 body, and thereupon all candidates for presidential elector
19 shall be credited, in addition, with the votes cast for them
20 upon the ballots deposited in the machine, as [hereinabove]
21 provided in this section.

22 * * *

23 Section 6. Section 1222(a) and (b) of the act, amended July
24 14, 1961 (P.L.644, No.332), are amended to read:

25 Section 1222. Count and Return of Votes in Districts in
26 Which Ballots are Used.--

27 (a) As soon as all the ballots have been properly accounted
28 for, and those outside the ballot box, as well as the "Voting
29 Check List," numbered lists of voters and district register
30 sealed, the election officers shall forthwith open the ballot

1 box, and take therefrom all ballots therein, and at primaries,
2 separate the same according to the party to which they belong.
3 The ballots shall then be counted one by one, and a record made
4 of the total number, and at primaries of the total number cast
5 for each party. Then the judge, under the scrutiny of the
6 minority inspector, or the minority inspector, under the
7 scrutiny of the judge, in the presence of the other officers,
8 clerks, and of the overseers, if any, and within the hearing and
9 sight of the watchers outside the enclosed space, shall read
10 aloud the names of the candidates marked or inserted upon each
11 ballot (at primaries the ballots of each party being read in
12 sequence), together with the office for which the person named
13 is a candidate, and the answers contained on the ballots to the
14 questions submitted, if any, and the majority inspector and
15 clerks shall carefully enter each vote as read, and keep account
16 of the same in ink in triplicate tally papers (triplicate tally
17 papers for each party at primaries) to be provided by the county
18 board of elections for that purpose, all three of which shall be
19 made at the same time.[: Provided, That at all general,
20 municipal and special elections, in entering each vote received
21 by candidates at such election, it shall not be necessary to
22 enter separate tally marks for each vote received by such
23 candidates upon the ballots containing the same votes for the
24 same names, commonly known, and in this act designated as
25 "Straight Party Tickets" for such purpose straight party ticket
26 votes shall be entered carefully as each straight party ticket
27 vote is read on the triplicate tally sheets under the heading
28 "Number of votes received upon the straight party
29 tickets." Upon completing the number of votes received by each
30 straight party ticket, the number so tallied for each party

1 shall be entered numerically on the extreme right hand margin of
2 each such tally paper.] All ballots, after being removed from
3 the box, shall be kept within the unobstructed view of all
4 persons in the voting room until replaced in the box. No person
5 while handling the ballots shall have in his hand any pencil,
6 pen, stamp or other means of marking or spoiling any ballot. The
7 election officers shall forthwith proceed to canvass and compute
8 the votes cast, and shall not adjourn or postpone the canvass or
9 computation until it shall have been fully completed.

10 (b) When the vote cast for the different persons named upon
11 the ballots and upon the questions, if any, appearing thereon,
12 shall have been fully recorded in the tally papers and counted,
13 the election officers shall duly certify to the number of votes
14 cast for each person (upon the respective party tickets at
15 primaries), and shall prepare in ink two (2) general returns,
16 showing, in addition to the entries made thereon as aforesaid,
17 the total number of ballots received from the county board (the
18 total of each party at primaries), the number of ballots cast
19 (the number of each party at primaries), the number of ballots
20 (of each party at primaries) declared void, and the number of
21 ballots spoiled and cancelled, and any blank ballots cast, as
22 well as the votes cast for each candidate. At elections, the
23 number of votes cast for each candidate by each political party
24 or political body of which such candidate is a nominee shall be
25 separately stated.[: Provided, That the number of votes received
26 by each set of candidates upon "straight party tickets" shall be
27 entered opposite the names of the respective candidates in a
28 column immediately adjoining upon the left which column shall be
29 of convenient width and shall be headed "number of votes
30 received upon straight party tickets."] In an immediate column

1 to the left thereto, the number of votes received by each
2 candidate upon all ballots [other than "straight party tickets"
3 including all ballots known as "split tickets"] shall be
4 entered, such column to be of convenient width and shall be
5 headed "number of votes received [other than upon straight party
6 tickets]." [The number of votes received by each candidate as
7 shown in the column headed "number of votes received upon
8 straight party tickets" shall then be added, together with the
9 number of votes received by each candidate as shown in the
10 column headed "number of votes received other than upon straight
11 party tickets" and thereupon, the] The total number of votes
12 received by each candidate shall be entered in a column on the
13 extreme right-hand side of the return sheets, which column shall
14 be of convenient width and shall be headed "total number of
15 votes."

16 Nothing in this section contained shall be construed to
17 authorize or permit the canvassing, counting or tallying ballots
18 with any less degree of strictness than otherwise required by
19 law. [, the intention of this section being to dispense with the
20 individual tally marks only so far as the so-called "straight
21 party tickets" are concerned, and all other operations of
22 tallying, counting, canvassing and announcing the votes shall
23 proceed as near as may be in accordance with the other
24 provisions of this act.]

25 * * *

26 Section 7. Section 1223(a) of the act, amended August 13,
27 1963 (P.L.707, No.379), is amended to read:

28 Section 1223. What Ballots Shall Be Counted; Manner of
29 Counting; Defective Ballots.--(a) No ballot which is so marked
30 as to be capable of identification shall be counted. Any ballot

1 that is marked in blue, black or blue-black ink, in fountain pen
2 or ball point pen, or black lead pencil or indelible pencil,
3 shall be valid and counted: Provided, That all markings on the
4 ballot are made by the same pen or pencil. Any ballot marked by
5 any other mark than an (X) or check () in the spaces provided
6 for that purpose shall be void and not counted: Provided,
7 however, That no vote recorded thereon shall be declared void
8 because a cross (X) or check () mark thereon is irregular in
9 form. [Any erasure, mutilation or defective marking of the
10 straight party column at November elections shall render the
11 entire ballot void, unless the voter has properly indicated his
12 choice for candidates in any office block, in which case the
13 vote or votes for such candidates only shall be counted.] Any
14 erasure or mutilation in the vote in any office block shall
15 render void the vote for any candidates in said block, but shall
16 not invalidate the votes cast on the remainder of the ballot, if
17 otherwise properly marked. Any ballot indicating a vote for any
18 person whose name is not printed on the ballot, by writing,
19 stamping or sticker, shall be counted as a vote for such person,
20 if placed in the proper space or spaces provided for that
21 purpose, whether or not an (X) or check () is placed after the
22 name of such person: Provided, however, That if such writing,
23 stamping or sticker is placed over the name of a candidate
24 printed on the ballot, it shall render the entire vote in said
25 office block void. If an elector shall mark his ballot for more
26 persons for any office than there are candidates to be voted for
27 for such office, or if, for any reason, it may be impossible to
28 determine his choice for any office, his ballot shall not be
29 counted for such office, but the ballot shall be counted for all
30 offices for which it is properly marked. Ballots not marked, or

1 improperly or defectively marked, so that the whole ballot is
2 void, shall be set aside and shall be preserved with the other
3 ballots.

4 * * *

5 Section 8. This act shall apply to elections commencing more
6 than 90 days after the effective date of this section.

7 Section 9. This act shall take effect immediately.