
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2170 Session of
2015

INTRODUCED BY EVANKOVICH, SIMMONS, BOYLE, D. COSTA, CORBIN,
SACCONI, TRUITT, GABLER, MARSHALL, LAWRENCE AND DUSH,
JUNE 16, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 16, 2016

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

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

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

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

1 black lead pencil, indelible pencil or blue, black or blue-black
2 ink, in fountain pen or ball point pen; use the same pencil or
3 pen for all markings you place on the ballot.

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

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

1 Richard Roe,
2 Republican
3 For
4 Socialist John Smith
5 and
6 William Jones,
7 Socialist
8 Citizens]

9 Presidential Electors.

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

12 For

13 John Stiles and Richard Doe..... Democratic

14 For

15 John Doe and Richard Roe..... Republican

16 For

17 John Smith and William Jones..... Socialist

18 For

19 Citizens

20 United States Senator.

21 (Vote for one)

22 Richard Roe Democratic

23 John Doe Republican

24 Richard Stiles Socialist

25 Governor.

26 (Vote for one)

27 Richard Roe Democratic

28 John Doe Republican

29 Richard Stiles Socialist

30 Representatives in Congress,

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

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

11 * * *

12 Section 4. Sections 1107-A(3), 1109-A(a)(2) and (d) and
13 1112-A(a)(2) and (4) of the act, added July 11, 1980 (P.L.600,
14 No.128), are amended to read:

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

21 * * *

22 [(3) Permits each voter, at other than primary elections, to
23 vote a straight political party ticket by one mark or act and,
24 by one mark or act, to vote for all the candidates of one
25 political party for presidential electors and, by one mark or
26 act, to vote for all the candidates of one political party for
27 every office to be voted for, and every such mark or act shall
28 be equivalent to and shall be counted as a vote for every
29 candidate of the political party so marked including its
30 candidates for presidential electors, except with respect to

1 those offices as to which the voter has registered a vote for
2 individual candidates of the same or another political party or
3 political body, in which case the automatic tabulating equipment
4 shall credit the vote for that office only for the candidate
5 individually so selected, notwithstanding the fact that the
6 voter may not have individually voted for the full number of
7 candidates for that office for which he was entitled to vote.]

8 * * *

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

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

21 * * *

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

27 * * *

28 Section 1112-A. Election Day Procedures and the Process of
29 Voting.--(a) In an election district which uses an electronic
30 voting system in which votes are registered electronically, the

1 following procedures will be applicable for the conduct of the
2 election at the election district:

3 * * *

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

16 * * *

17 (4) At any general election at which presidential electors
18 are to be chosen, each elector shall be permitted to vote by one
19 operation for all the presidential electors of a political party
20 or political body. For each party or body nominating
21 presidential electors, a ballot label shall be provided
22 containing only the words "Presidential Electors," preceded by
23 the names of the party or body and followed by the names of the
24 candidates thereof for the Office of President and Vice-
25 President, and the corresponding counter or registering device
26 shall register votes cast for said electors when thus voted for
27 collectively. If any elector desires to vote a ticket for
28 presidential electors made up of the names of persons nominated
29 by different parties or bodies, or partially of names of persons
30 so in nomination and partially of names of persons not in

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

19 * * *

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

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

24 * * *

25 (d) At [primaries] all elections, he shall vote for each
26 candidate individually by operating the key, handle, pointer or
27 knob, upon or adjacent to which the name of such candidate is
28 placed. [At elections, he may vote for each candidate
29 individually by operating the key, handle, pointer or knob, upon
30 or adjacent to which the names of candidates of his choice are

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

16 * * *

17 (f) At any general election at which presidential electors
18 are to be chosen, each elector shall be permitted to vote by one
19 operation for all the presidential electors of a political party
20 or political body. For each party or body nominating
21 presidential electors, a ballot label shall be provided
22 containing only the words "Presidential Electors," preceded by
23 the names of the party or body and followed by the names of the
24 candidates thereof for the office of President and Vice-
25 President, and the corresponding counter or registering device
26 shall register votes cast for said electors when thus voted for
27 collectively. If an elector desires to vote a ticket for
28 presidential electors made up of the names of persons nominated
29 by different parties or bodies, or partially of names of persons
30 so in nomination and partially of names of persons not in

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

18 * * *

19 Section 6. Section 1222(a) and (b) of the act, amended July
20 14, 1961 (P.L.644, No.332), are amended to read:

21 Section 1222. Count and Return of Votes in Districts in
22 Which Ballots are Used.--

23 (a) As soon as all the ballots have been properly accounted
24 for, and those outside the ballot box, as well as the "Voting
25 Check List," numbered lists of voters and district register
26 sealed, the election officers shall forthwith open the ballot
27 box, and take therefrom all ballots therein, and at primaries,
28 separate the same according to the party to which they belong.
29 The ballots shall then be counted one by one, and a record made
30 of the total number, and at primaries of the total number cast

1 for each party. Then the judge, under the scrutiny of the
2 minority inspector, or the minority inspector, under the
3 scrutiny of the judge, in the presence of the other officers,
4 clerks, and of the overseers, if any, and within the hearing and
5 sight of the watchers outside the enclosed space, shall read
6 aloud the names of the candidates marked or inserted upon each
7 ballot (at primaries the ballots of each party being read in
8 sequence), together with the office for which the person named
9 is a candidate, and the answers contained on the ballots to the
10 questions submitted, if any, and the majority inspector and
11 clerks shall carefully enter each vote as read, and keep account
12 of the same in ink in triplicate tally papers (triplicate tally
13 papers for each party at primaries) to be provided by the county
14 board of elections for that purpose, all three of which shall be
15 made at the same time.[: Provided, That at all general,
16 municipal and special elections, in entering each vote received
17 by candidates at such election, it shall not be necessary to
18 enter separate tally marks for each vote received by such
19 candidates upon the ballots containing the same votes for the
20 same names, commonly known, and in this act designated as
21 "Straight Party Tickets" for such purpose straight party ticket
22 votes shall be entered carefully as each straight party ticket
23 vote is read on the triplicate tally sheets under the heading
24 "Number of votes received upon the straight party
25 tickets." Upon completing the number of votes received by each
26 straight party ticket, the number so tallied for each party
27 shall be entered numerically on the extreme right hand margin of
28 each such tally paper.] All ballots, after being removed from
29 the box, shall be kept within the unobstructed view of all
30 persons in the voting room until replaced in the box. No person

1 while handling the ballots shall have in his hand any pencil,
2 pen, stamp or other means of marking or spoiling any ballot. The
3 election officers shall forthwith proceed to canvass and compute
4 the votes cast, and shall not adjourn or postpone the canvass or
5 computation until it shall have been fully completed.

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

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

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

21 * * *

22 Section 7. Section 1223(a) of the act, amended August 13,
23 1963 (P.L.707, No.379), is amended to read:

24 Section 1223. What Ballots Shall Be Counted; Manner of
25 Counting; Defective Ballots.--(a) No ballot which is so marked
26 as to be capable of identification shall be counted. Any ballot
27 that is marked in blue, black or blue-black ink, in fountain pen
28 or ball point pen, or black lead pencil or indelible pencil,
29 shall be valid and counted: Provided, That all markings on the
30 ballot are made by the same pen or pencil. Any ballot marked by

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

30 * * *

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

3 Section 9. This act shall take effect immediately.