

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 765 Session of 2019

INTRODUCED BY MATZIE, WARNER, SCHLOSSBERG, McNEILL, READSHAW,
MARSHALL, BURNS, IRVIN AND HILL-EVANS, MARCH 8, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 8, 2019

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 voting machines, further providing for voting
12 by ballot.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 1116 of the act of June 3, 1937
16 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
17 amended to read:

18 Section 1116. Voting by Ballot.--(a) If a method of
19 election for any candidates or offices is prescribed by law, in
20 which the use of voting machines is not possible or practicable,
21 or in case, at any election, the number of candidates nominated
22 or seeking nomination for any office renders the use of voting
23 machines for such office at such election impracticable, or if,

1 for any other reason, at any election the use of voting machines
2 is not possible or practicable, the county election board may
3 arrange to have the voting for such or all offices conducted by
4 paper ballots. In such cases, ballots shall be printed for such
5 or all offices, and the election conducted by the election
6 officers herein provided for, and the ballots counted and return
7 thereof made in the manner required by law for such offices, in
8 so far as paper ballots are used.

9 (b) Notwithstanding any other provision of this act, for
10 elections held on or after May 21, 2019, until such time as the
11 Secretary of the Commonwealth certifies by publication in the
12 Pennsylvania Bulletin that all voting machines used in a county
13 have a voter-verifiable paper ballot or paper record of votes
14 cast, the county election board shall arrange to have the voting
15 for all offices and candidates and all constitutional or other
16 questions conducted by paper ballots. In such cases, ballots
17 shall be printed for all offices and candidates and all
18 constitutional or other questions, and the elections conducted
19 by the election officers herein provided for, and the ballots
20 counted and return thereof made in the manner required by law
21 for such offices and candidates and questions, in so far as
22 paper ballots are used. Costs incurred by a county in having
23 voting conducted by paper ballots shall be borne by the
24 Commonwealth.

25 Section 2. This act shall take effect immediately.