

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 641 Session of 2017

INTRODUCED BY RAFFERTY, COSTA, AUMENT AND BROWNE, APRIL 20, 2017

REFERRED TO STATE GOVERNMENT, APRIL 20, 2017

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 electronic voting systems, further providing  
 12 for election day procedures and the process of voting; and,  
 13 in primary and election expenses, further providing for late  
 14 filing fee and certificate of filing.

15 The General Assembly of the Commonwealth of Pennsylvania  
 16 hereby enacts as follows:

17 Section 1. Sections 1112-A(b) and 1632(b) of the act of June  
 18 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
 19 Code, are amended to read:

20 Section 1112-A. Election Day Procedures and the Process of  
 21 Voting.--\* \* \*

22 (b) In an election district which uses an electronic voting  
 23 system which utilizes paper ballots or ballot cards to register  
 24 the votes, the following procedures will be applicable for the

1 conduct of the election at the election district:

2 (1) The voter, after receiving his ballot from the district  
3 election officials, shall retire to one of the voting booths in  
4 which the voting devices are located.

5 (2) At primary elections, the voter shall vote for the  
6 candidates of his choice for nomination, according to the number  
7 of persons to be voted for by him, for each office by making a  
8 cross (X) or check ( ) mark or by making a punch or mark sense  
9 mark in the square opposite the name of the candidate, or he may  
10 so mark the write-in position provided on the ballot for the  
11 particular office and, in the space provided therefor on the  
12 ballot and/or ballot envelope, write the identification of the  
13 office in question and the name of any person not already  
14 printed on the ballot for that office, and such mark and written  
15 insertion shall count as a vote for that person for such office.  
16 If a write-in candidate receives the most votes, the candidate  
17 shall become subject to the campaign finance reporting  
18 requirements of this act as though a nomination petition had  
19 been filed.

20 (3) At all other elections, the voter shall vote for the  
21 candidates of his choice for each office to be filled, according  
22 to the number of persons to be voted for by him for each office,  
23 by making a cross (X) or check ( ) mark or by making a punch or  
24 mark sense mark in the square opposite the name of the  
25 candidate, or he may so mark the write-in position provided on  
26 the ballot for the particular office and, in the space provided  
27 therefor on the ballot and/or ballot envelope, write the  
28 identification of the office in question and the name of any  
29 person not already printed on the ballot for that office, and  
30 such mark and written insertion shall count as a vote for that

1 person for such office. If a write-in candidate receives the  
2 most votes, the candidate shall become subject to the campaign  
3 finance reporting requirements of this act as though a  
4 nomination petition had been filed.

5 (4) If the voter desires to vote for every candidate of a  
6 political party or political body, except its candidates for  
7 offices as to which he votes for individual candidates in the  
8 manner hereinafter provided, he may make a cross (X) or check  
9 ( ) or punch or mark sense mark in the square opposite the name  
10 of the party or political body so marked, including its  
11 candidates for presidential electors, except for those offices  
12 as to which he has indicated a choice for individual candidates  
13 of the same or another party or political body, by making a  
14 cross (X) or check ( ) or punch or mark sense mark opposite  
15 their names in the manner hereinabove provided, as to which  
16 offices his ballot shall be counted only for the candidates  
17 which he has thus individually marked, notwithstanding the fact  
18 that he made a mark in the party column, and even though in the  
19 case of an office for which more than one candidate is to be  
20 voted for, he has not individually marked for such office the  
21 full number of candidates for which he is entitled to vote. If  
22 he desires to vote for the entire group of presidential electors  
23 nominated by any party or political body, he may make a cross  
24 (X) or check ( ) or punch or mark sense mark in the appropriate  
25 space opposite the names of the candidates for President and  
26 Vice-President of such party or body. If he desires to vote a  
27 ticket for presidential electors made up of the names of persons  
28 nominated by different parties or political bodies, or partially  
29 of names of persons so in nomination and partially of names of  
30 persons not in nomination by any party or political body, or

1 wholly of names of persons not in nomination by any party or  
2 political body, he shall insert the names of the candidates for  
3 presidential electors for whom he desires to vote in the blank  
4 spaces provided therefor on the write-in ballot under the title  
5 of the office "Presidential Electors". In case of a question  
6 submitted to the vote of the electors, he may make a cross (X)  
7 or check ( ) or punch or mark sense mark in the appropriate  
8 square opposite the answer which he desires to give.

9 (5) Any voter who spoils his ballot may return it and secure  
10 another. The word "spoiled" shall be written across the face of  
11 the ballot, and it shall be placed in the envelope marked  
12 ["Spoiled Ballots".] "Spoiled Ballots."

13 (6) Following the completion of his vote, the voter shall  
14 leave the voting booth and return the ballot to the election  
15 officer by a means designed to insure its secrecy; upon removal  
16 of the stub of the ballot by the election officer, the voter  
17 shall insert the ballot into the district automatic tabulating  
18 equipment or, in the event district tabulation is not provided  
19 for by the voting system or such district tabulation equipment  
20 is inoperative for any reason, into a secure ballot box. No  
21 ballot card from which the stub has been detached shall be  
22 accepted by the election officer in charge of such equipment or  
23 ballot box, but it shall be marked "spoiled" and shall be placed  
24 in the envelope marked "Spoiled Ballots."

25 Section 1632. Late Filing Fee; Certificate of Filing.--

26 \* \* \*

27 (b) (1) No person may be a candidate for a public office  
28 until all reports and statements of contributions and  
29 expenditures required to be filed by such person if the person  
30 was previously a candidate for public office and any treasurer

1 of any committee authorized by such person for the previous  
2 candidacy have been filed and all fines paid.

3 (2) No person shall be deemed elected to a public office  
4 under the laws of this Commonwealth or enter upon the duties  
5 thereof, or receive any salary or emoluments therefrom until all  
6 of the reports and statements of contributions and expenditures  
7 required to be filed by any candidate and treasurers of  
8 committees authorized by such candidate and due before the  
9 person may take office, have been filed.

10 (3) No candidate may be sworn in until the appropriate  
11 supervisor certifies that all required reports have been filed,  
12 and no official of the Commonwealth or any of its political  
13 subdivisions may issue a commission or administer an oath of  
14 office until that official has received this certification.

15 (4) No certification shall be issued until the supervisor  
16 has received post election reports of any candidate and  
17 treasurer of committees authorized by such candidate.

18 \* \* \*

19 Section 2. This act shall take effect immediately.