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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 819 Session of  
2021

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INTRODUCED BY MASTRIANO, PITTMAN, HUTCHINSON AND GORDNER,  
AUGUST 11, 2021

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REFERRED TO STATE GOVERNMENT, AUGUST 11, 2021

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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," establishing the Election Commission; removing  
12 the Secretary of the Commonwealth and the Department of State  
13 from the election process and from campaign finance  
14 oversight, except for constitutionally mandated functions.

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

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

20 AN ACT

21 Concerning elections, including general, municipal, special and  
22 primary elections, the nomination of candidates, primary and  
23 election expenses and election contests; creating and  
24 defining membership of county boards of elections; imposing

1 duties upon the [Secretary of the Commonwealth] Election  
2 Commission, courts, county boards of elections, county  
3 commissioners; imposing penalties for violation of the act,  
4 and codifying, revising and consolidating the laws relating  
5 thereto; and repealing certain acts and parts of acts  
6 relating to elections.

7 Section 2. Section 102 of the act is amended by adding a  
8 subsection to read:

9 \* \* \*

10 (z.7) The word "election commission" shall mean the Election  
11 Commission established under 25 Pa.C.S. § 502 (relating to  
12 Election Commission).

13 Section 3. Sections 302(k), (l) and (m), 305(a)4 and (c),  
14 535, 536(c), 537(b) and (c), 538, 539, 540, 626, 627, 628, 629,  
15 630 introductory paragraph, 631, 633, 636, 804, 808.1, 809.1(b)  
16 and (c), 811, 901, 903, 904, 905, 907, 911, 912.2(a) and (c),  
17 913(a) and (f), 914, 915, 916, 918, 921, 923, 951(a), 952,  
18 953(a), 954, 976, 977, 978, 978.1, 978.2, 978.3, 979, 981(a),  
19 984, 993(b), 994(a), 995, 997(a), 999.1 and 1002(d) of the act  
20 are amended to read:

21 Section 302. Powers and Duties of County Boards.--The county  
22 boards of elections, within their respective counties, shall  
23 exercise, in the manner provided by this act, all powers granted  
24 to them by this act, and shall perform all the duties imposed  
25 upon them by this act, which shall include the following:

26 \* \* \*

27 (k) To receive from district election officers the returns  
28 of all primaries and elections, to canvass and compute the same,  
29 and to certify, no later than the third Monday following the  
30 primary or election, the results thereof to the [Secretary of

1 the Commonwealth] Election Commission, as may be provided by  
2 law, and to such other authorities as may be provided by law.  
3 The certification shall include the number of votes received in  
4 each election district by each candidate for the General  
5 Assembly.

6 (l) To publicly announce by posting at its office the  
7 results of primaries and elections for county, city, borough,  
8 township, ward, school district, poor district, election  
9 offices, and party offices, if any; to provide the results to  
10 the [Secretary of the Commonwealth] Election Commission; and to  
11 issue certificates of election to the successful candidates for  
12 said offices.

13 (m) To prepare and submit, within twenty days after the last  
14 day to register to vote in each primary, municipal and general  
15 election, a report to the [Secretary of the Commonwealth]  
16 Election Commission in the form prescribed by him, which shall  
17 contain a statement of the total number of electors registered  
18 in each election district, together with a breakdown of  
19 registration by each political party or other designation.  
20 Copies of said statement shall be furnished, upon request, to  
21 the county chairman of each political party and political body.  
22 The [Secretary of the Commonwealth] Election Commission shall  
23 forthwith submit such information to the Legislative Data  
24 Processing Center and shall publicly report the total number of  
25 registered electors for each political party or other  
26 designation in each county not later than five days prior to the  
27 primary, municipal or general election.

28 \* \* \*

29 Section 305. Expenses of County Boards and of Primaries and  
30 Elections to Be Paid by County; Expenses of Special Elections;

1 Boards to Be Provided with Offices.--

2 (a) The county commissioners or other appropriating  
3 authorities of the county shall appropriate annually, and from  
4 time to time, to the county board of elections of such county,  
5 the funds that shall be necessary for the maintenance and  
6 operation of the board and for the conduct of primaries and  
7 elections in such county, including the payment of the  
8 compensation of the employes of the board, custodians, election  
9 officers, and other assistants and employes herein provided for,  
10 and the fees of witnesses as herein provided; for the purchase  
11 or printing, under contracts made by the board, of all ballots  
12 and other primary and election supplies required by this act, or  
13 which the board shall consider necessary to carry out the  
14 provisions of this act; for the purchase, under contracts made  
15 by the board, and maintenance, of voting machines, when adopted  
16 as herein provided, and of all other primary and election  
17 equipment required by this act, or which the board shall  
18 consider necessary to carry out the provisions of this act; for  
19 the publication of notices authorized by this act, under  
20 contracts made by the board, and for all other necessary  
21 expenses hereunder: Provided, however, That bonds or other  
22 evidences of indebtedness, payable not later than thirty years  
23 from their dates of issuance, may be issued by the county  
24 commissioners or other appropriating authorities of the county  
25 in accordance with the provisions of law relating to the  
26 increase of indebtedness of such county, to meet all or any part  
27 of the cost of voting machines.

28 \* \* \*

29 4. The [Department of State] Election Commission shall  
30 reimburse county boards of election for those additional costs

1 incurred by the county for any special election held to fill a  
2 vacancy in the Pennsylvania General Assembly. Only those costs  
3 which are attributable solely to the special election shall be  
4 reimbursed. Reimbursement shall not be denied because the  
5 special election is held on the same day as a general, municipal  
6 or primary election if the county can show that additional costs  
7 were incurred attributable solely to the special election. The  
8 Governor may, from time to time, allocate to the [Department of  
9 State] Election Commission as much money from the General Fund  
10 as he deems necessary to permit the [department] Election  
11 Commission to reimburse the counties for costs incurred in the  
12 special elections.

13 \* \* \*

14 (c) The Commonwealth shall reimburse each city of the first  
15 class and county for election expenses incurred in and  
16 incidental to preparing, handling, mailing, delivering, counting  
17 and storing official absentee ballots requested by any elector  
18 in military service, Federal employment overseas, Merchant  
19 Marine, and in any religious group or welfare agency assisting  
20 the Armed Forces, including spouses and dependents, and  
21 bedridden and hospitalized veterans as herein provided in the  
22 sum of sixty cents (60¢) for each such ballot mailed or  
23 delivered.

24 Each county board of elections shall file in the [Department  
25 of State] Election Commission, not later than thirty days after  
26 every election, on a form prescribed by the [Department of  
27 State] Election Commission, a statement of the number of ballots  
28 mailed or delivered in such manner as is now or may hereafter be  
29 provided by law to electors in actual military service, Federal  
30 employment overseas, Merchant Marine, and in any religious group

1 or welfare agency assisting the Armed Forces, including spouses  
2 and dependents, and to bedridden or hospitalized veterans.

3 The [Department of State] Election Commission shall ascertain  
4 and fix the amount due, as herein provided, to each city of the  
5 first class and county for election expenses incurred, and by  
6 requisition in the usual course shall provide for payment of  
7 such amounts so found due from moneys appropriated to the  
8 [Department of State] Election Commission for such purpose, or  
9 shall prorate the moneys so appropriated among the several  
10 cities of the first class and counties to be reimbursed, if the  
11 amount so appropriated shall not be sufficient for the payment  
12 in full to each city of the first class and county of the amount  
13 found to be due.

14 [Section 535. Definitions.--The following words and phrases  
15 when used in this subdivision shall have the following meanings  
16 unless otherwise clearly apparent from the context:

17 The word "bureau" shall mean the Bureau of Commissions,  
18 Elections and Legislation of the Department of State.

19 The word "secretary" shall mean the Secretary of the  
20 Commonwealth.]

21 Section 536. Restrictions on Alteration.--\* \* \*

22 (c) If an alteration of an election district under  
23 subsection (b) is sought, the following shall apply:

24 (1) The county board of elections shall notify the  
25 [secretary] Election Commission, in writing, of the proposed  
26 alteration. The notice shall include a map and a description of  
27 the proposed boundary of any new or altered district or  
28 districts. The [secretary] Election Commission shall forward a  
29 copy of any notice of proposed alteration to the Legislative  
30 Data Processing Center within seven (7) days of receipt.

1 (2) Before a county board of elections may petition the  
2 court for a change in the boundary of an election district under  
3 this section, the [secretary] Election Commission must make a  
4 determination that the board has complied with subsection (b).  
5 Any of the following constitute evidence of the determination  
6 under this clause:

7 (i) A certification by the [secretary] Election Commission  
8 that the determination has been made.

9 (ii) A certification by the board that notice under this  
10 clause has been given to the [secretary and that the secretary]  
11 Election Commission and that the Election Commission has not  
12 acted within forty-five (45) days of the notice.

13 (3) The board shall forward a copy of the order approving  
14 any alteration to the [secretary] Election Commission and the  
15 Legislative Data Processing Center within seven (7) days of the  
16 issuance of that order.

17 Section 537. Alterations After Period of Restriction.--\* \* \*

18 (b) Within thirty (30) days of an alteration under  
19 subsection (a), the county board of elections shall submit to  
20 the [bureau] Election Commission a report, including a map and a  
21 verbal description, of the boundaries of each resulting  
22 district.

23 (c) The [bureau] Election Commission shall review each  
24 report submitted under subsection (b) to determine whether the  
25 boundaries of all resulting election districts included in the  
26 report comply with the requirements of subsection (a). If the  
27 [bureau] Election Commission determines that the boundaries of  
28 any resulting election district included in the report do not  
29 comply with the requirements of subsection (a), the [bureau]  
30 Election Commission shall send written notice of this

1 determination to the county board of elections within thirty  
2 (30) days of receipt of the report. Within sixty (60) days of  
3 receipt of the notice, the county board shall submit a  
4 subsequent report regarding the election district or districts  
5 named in the [bureau's] Election Commission's notice, indicating  
6 that changes have been made to the boundaries of each such  
7 election district so as to comply with the requirements of  
8 subsection (a). If the county board fails to submit a subsequent  
9 report indicating that changes have been made to the boundaries  
10 of each such election district so as to comply with the  
11 requirements of subsection (a), the [Department of State]  
12 Election Commission shall withhold any reimbursements owed to  
13 the county board under section 305 until the [bureau] Election  
14 Commission receives the report.

15 Section 538. Reports.--(a) Within six (6) months of the  
16 effective date of this subdivision, each county board of  
17 elections shall submit to the [bureau] Election Commission a  
18 report, including maps and verbal descriptions, of the  
19 boundaries of every election district within the county. All  
20 reports filed under section 536 or 537 shall be filed as  
21 amendments to this initial report.

22 (b) The [bureau] Election Commission shall retain at all  
23 times the reports of the current boundaries of all election  
24 districts, including maps and verbal descriptions. Copies of  
25 such reports shall be made available to the General Assembly, on  
26 request, and to the public for a fee, as established by the  
27 [department] Election Commission.

28 Section 539. Election Results; Registration.--In addition to  
29 any other reports, returns or certifications required by any  
30 other law, within thirty (30) days after a primary, municipal,



1 special or general election, the county board of elections shall  
2 submit to the [bureau] Election Commission a report stating the  
3 total number of votes cast in each voting district for each  
4 candidate for the following offices:

- 5 (1) A Statewide office.
- 6 (2) State Senator.
- 7 (3) State Representative.
- 8 (4) United States Representative.

9 Section 540. Regulations.--The [secretary] Election  
10 Commission may promulgate regulations to administer this  
11 subdivision.

12 Section 626. Special Elections for United States Senator;  
13 Nominations.--Whenever a vacancy shall occur in the office of  
14 United States Senator, said vacancy shall be filled for the  
15 unexpired term by the vote of the electors of the State at a  
16 special election to be held at the time of the next general or  
17 municipal election, occurring at least ninety (90) days after  
18 the happening of such vacancy, and it shall be the duty of the  
19 Governor to issue writs of election to the various county boards  
20 of elections and to the [Secretary of the Commonwealth] Election  
21 Commission within ten (10) days after the happening of said  
22 vacancy. Candidates to fill vacancies in the office of United  
23 States Senator shall be nominated by political parties, in  
24 accordance with the party rules relating to the filling of  
25 vacancies, by means of nomination certificates, in the form  
26 prescribed in section 630 of this act; and by political bodies,  
27 by means of nomination papers, in accordance with the provisions  
28 of sections 951, 952 and 954 of this act. Said nomination  
29 certificates and nomination papers shall be filed in the office  
30 of the [Secretary of the Commonwealth] Election Commission at

1 least sixty (60) days prior to the date of said special  
2 election. Until such time as said vacancy shall be filled by an  
3 election as herein provided, the Governor of the Commonwealth  
4 may make a temporary appointment to fill said vacancy.

5 Section 627. Special Elections for Representative in  
6 Congress.--Whenever a vacancy shall occur or exist in the office  
7 of Representative in Congress from this State during a session  
8 of Congress, or whenever such vacancy shall occur or exist at a  
9 time when the members of Congress shall be required to meet at  
10 any time previous to the next general election, the Governor  
11 shall issue, within ten days after the happening of said  
12 vacancy, or after the calling of an extraordinary session of  
13 Congress during the existence of said vacancy, a writ of  
14 election to the proper county board or boards of election and to  
15 the [Secretary of the Commonwealth] Election Commission, for a  
16 special election to fill said vacancy, which election shall be  
17 held on a date named in said writ, which shall not be less than  
18 sixty (60) days after the issuance of said writ. In all other  
19 cases no such special election to fill said vacancy shall be  
20 held. The Governor may fix, in such writ of election, the date  
21 of the next ensuing primary or municipal election as the date  
22 for holding any such special election.

23 Section 628. Special Elections for Senator and  
24 Representative in the General Assembly.--Whenever a vacancy  
25 shall occur in either house of the General Assembly whether or  
26 not it then be in session, the presiding officer of such house  
27 shall, within ten (10) days after the happening of the vacancy,  
28 issue a writ of election to the proper county board or boards of  
29 election and to the [Secretary of the Commonwealth] Election  
30 Commission, for a special election to fill said vacancy, which

1 election shall be held at the next ensuing primary, municipal or  
2 general election scheduled at least sixty (60) days after the  
3 issuance of the writ or such other earlier date which is at  
4 least sixty (60) days following the issuance of the writ as the  
5 presiding officer may deem appropriate: Provided, however, That  
6 should the Governor after the issuance of the said writ of  
7 election advise the presiding officer that the General Assembly  
8 will be called into extraordinary session prior to the date set  
9 for such special election, the presiding officer may countermand  
10 the writ theretofore issued and shall issue a new writ of  
11 election, fixing therein such earlier date therefor as is deemed  
12 expedient, but which shall not be less than sixty (60) days  
13 after the issuance of said writ: Provided further, That if the  
14 vacancy shall occur less than seven (7) months prior to the  
15 expiration of the term, a special election shall be held only if  
16 in the opinion of the presiding officer the election is in the  
17 public interest.

18 Section 629. Nominations for Special Election for  
19 Representative in Congress, Senator and Representative in the  
20 General Assembly and Member of Council or Legislative Body of  
21 Cities, Boroughs, Towns and Townships.--Candidates to fill  
22 vacancies in the offices of Representative in Congress, Senator  
23 and Representative in the General Assembly and member of the  
24 council or legislative body of any city, borough, town or  
25 township shall be nominated by political parties, in accordance  
26 with the party rules relating to the filling of vacancies, by  
27 means of nomination certificates, in the form prescribed in  
28 section 630 of this act; and by political bodies, by means of  
29 nomination papers, in accordance with the provisions of sections  
30 951, 952 and 954 of this act. Said nomination certificates and

1 nomination papers for the office of Representative in Congress,  
2 Senator and Representative in the General Assembly shall be  
3 filed in the office of the [Secretary of the Commonwealth]  
4 Election Commission not later than fifty (50) days prior to the  
5 date of the special election, and for the office of member of  
6 the council or legislative body of a city, borough, town or  
7 township, in the office of the county board of elections wherein  
8 such city, borough, town or township is situate, not later than  
9 fifteen (15) days after the issuance of the writ of election.

10 Section 630. Number, Form and Requirements of Nomination  
11 Certificates.--Each political party shall be entitled to  
12 nominate and to file nomination certificates for as many  
13 candidates as will be voted for at such special election. Every  
14 nomination certificate for a special election to be held under  
15 the provisions of this article shall be in form prescribed by  
16 the [Secretary of the Commonwealth] Election Commission, and  
17 shall set forth the following:

18 \* \* \*

19 Section 631. Examination of Nomination Certificates and  
20 Nomination Papers by the [Secretary of the Commonwealth]  
21 Election Commission and County Board of Elections; Review.--It  
22 shall be the duty of the [Secretary of the Commonwealth]  
23 Election Commission or the proper county board of elections, as  
24 the case may be, to examine, as to legal sufficiency, in the  
25 manner and under the provisions of section 976 of this act, all  
26 nomination certificates and nomination papers brought to his or  
27 its office for the purpose of filing, for the nomination of  
28 candidates for a special election, as herein provided, and if  
29 manifestly defective, they shall not be filed. The action of the  
30 [Secretary of the Commonwealth] Election Commission or the

1 county board of elections, in refusing to accept and file any  
2 such certificate or paper may be reviewed by the court upon an  
3 application to compel its reception and filing as of the date  
4 when it was brought to said office. No such certificate of  
5 nomination or nomination paper shall be refused by the  
6 [Secretary of the Commonwealth] Election Commission or the  
7 county board of elections, except for any of the reasons  
8 provided for in section 976 of this act.

9 Section 633. Withdrawals of Candidates Nominated for a  
10 Special Election.--Any person who has been nominated by any  
11 political party or political body for a special election as  
12 herein provided, may withdraw his name from nomination by a  
13 request in writing signed by him and acknowledged before an  
14 officer qualified and empowered to administer oaths, and filed  
15 in the office of the officer or board with whom the nomination  
16 certificate or nomination paper was filed within seven (7) days  
17 next succeeding the last day for filing nomination certificates  
18 or papers. Such withdrawals to be effective must be received at  
19 the office of the [Secretary of the Commonwealth] Election  
20 Commission or county board of elections, as the case may be, not  
21 later than five (5) o'clock P. M. on the last day for filing  
22 same. No name, so withdrawn, shall be printed on the ballot or  
23 ballot labels. No candidate may withdraw any withdrawal notice  
24 already received and filed, and thereby reinstate his  
25 nomination.

26 Section 636. Certification by [Secretary of the  
27 Commonwealth] Election Commission of Candidates for Special  
28 Elections.--The [Secretary of the Commonwealth] Election  
29 Commission shall, not later than the thirtieth (30th) day next  
30 preceding the day fixed for any special election to fill a

1 vacancy in the offices of United States Senator, Representative  
2 in Congress, Senator and Representative in the General Assembly,  
3 certify to the proper county board or boards the names and  
4 residences of, and parties or political bodies represented by,  
5 all candidates whose nomination certificates or papers have been  
6 filed with him, as herein provided, for such election, and have  
7 not been found and declared invalid, and to be voted for in the  
8 county or any district or districts thereof, substantially in  
9 the form of the ballots to be used therein.

10 Section 804. Organization of State Committee; Rules.--Each  
11 political party shall be directed by a State committee, to be  
12 chosen in such a manner and for such a term of office as party  
13 rules may provide. The members of the State committee shall meet  
14 for organization not later than the sixth Wednesday following  
15 their election, at such hour and place as shall be designated by  
16 the State chairman of each political party. The State committee  
17 of each political party may make such rules for government of  
18 the party in the State, not inconsistent with law, as it may  
19 deem expedient; and may also revoke, alter or renew, in any  
20 manner not inconsistent with law, any present or future rules of  
21 such political party. No such rules shall be effective until a  
22 certified copy thereof has been filed in the office of the  
23 [Secretary of the Commonwealth] Election Commission.

24 Section 808.1. Selection of Delegates to National  
25 Conventions; Forwarding of Rules to [Secretary of Commonwealth]  
26 Election Commission.--Delegates and alternate delegates to a  
27 National convention of a political party shall be apportioned,  
28 selected or elected in such manner as the rules of the party may  
29 provide. The secretary of any political party shall certify and  
30 forward to the [Secretary of the Commonwealth] Election

1 Commission a copy of the party rules at least thirty days prior  
2 to the first day on which nomination petitions may be circulated  
3 for the offices which are to be filled at the Spring primaries  
4 in the years in which candidates for the President of the United  
5 States are to be nominated, or at such other times as a  
6 political party shall meet in National convention or conference  
7 when candidates for the President of the United States are not  
8 to be nominated.

9 Section 809.1. Delegate and Alternate Delegate Commitments;  
10 Authorization Required; Petitions.--\* \* \*

11 (b) No candidate for delegate or alternate delegate shall  
12 make a commitment unless he has obtained prior authorization to  
13 do so from the presidential candidate to whom he is pledging  
14 support. No candidate for delegate or alternate delegate shall  
15 be allowed to commit himself to any presidential candidate nor  
16 shall the [Secretary of the Commonwealth] Election Commission  
17 cause any notation of commitment to be printed on any ballot  
18 unless the presidential candidate forwards notice to the  
19 [Secretary of the Commonwealth] Election Commission, upon a form  
20 prescribed by the [secretary] Election Commission, that he is a  
21 candidate for the nomination of President of the United States  
22 and that he authorizes delegates and alternate delegates to  
23 pledge their support and commit themselves to him. This notice  
24 must be received by the [secretary] Election Commission at least  
25 fifteen days prior to the first day on which nomination  
26 petitions may be circulated for the offices which are to be  
27 filled at the Spring primaries in the years in which candidates  
28 for the President of the United States are to be nominated.

29 (c) Nomination petitions for delegates committed to  
30 particular presidential candidates shall be obtained only from

1 the presidential candidate or his duly authorized representative  
2 who is certified by the [Secretary of the Commonwealth] Election  
3 Commission as being authorized by the candidate to distribute  
4 nomination petitions bearing his name.

5 Section 811. Party Officer Elected in Case of Tie Vote.--In  
6 the case of a tie vote for any party office, the candidates  
7 receiving the tie vote shall cast lots before the county board  
8 or the [Secretary of the Commonwealth] Election Commission, as  
9 the case may be, at twelve (12) o'clock noon on the third Friday  
10 following the primary, and the one to whom the lot shall fall  
11 shall be entitled to the election. In any case where the fact of  
12 a tie vote is not authoritatively determined until after the  
13 third Wednesday following the primary, the day for casting lots  
14 shall be the second day after the fact of such tie vote is  
15 authoritatively determined. If any candidate or candidates,  
16 receiving a tie vote, fail to appear before twelve (12) o'clock  
17 noon on said day, the county board or the [Secretary of the  
18 Commonwealth] Election Commission, as the case may be, shall  
19 cast lots for him or them. For the purpose of casting lots any  
20 candidate may appear in person, or by proxy appointed in  
21 writing.

22 Section 901. Determination and Certification of State-wide  
23 and County-wide Parties.--(a) The [Secretary of the  
24 Commonwealth] Election Commission shall determine which  
25 organizations are political parties within the State, within the  
26 meaning of section 801(a) of this act, and not later than the  
27 thirteenth Tuesday preceding each primary shall transmit to each  
28 county board a list of said political parties which shall be  
29 entitled to nominate candidates at primaries.

30 (b) Each county board shall determine which organizations



1 are political parties within the county, within the meaning of  
2 section 801(b), and not later than the thirteenth Tuesday  
3 preceding each primary shall transmit to the [Secretary of the  
4 Commonwealth] Election Commission a list of said political  
5 parties which shall be entitled to nominate candidates at  
6 primaries in said county.

7 Section 903. Offices for Which Candidates Are to Be  
8 Nominated to Be Ascertained.--It shall be the duty of the  
9 [Secretary of the Commonwealth] Election Commission, prior to  
10 each primary, to ascertain the various national and State  
11 offices to be filled at the ensuing November election, and for  
12 which candidates are to be nominated at such primary, and  
13 otherwise, in accordance with the provisions of this act. It  
14 shall be the duty of each county board of elections, prior to  
15 each primary, to ascertain the various public offices in said  
16 county and in the cities, boroughs, towns, townships, wards,  
17 school districts, poor districts and election districts thereof,  
18 to be filled at the ensuing November election, and for which  
19 candidates are to be nominated at such primary, and otherwise,  
20 in accordance with the provisions of this act.

21 Section 904. Municipal Clerks and Party Chairmen to Furnish  
22 Information as to Offices to Be Filled.--To assist the  
23 respective county boards in ascertaining the offices to be  
24 filled, it shall be the duty of the clerks or secretaries of the  
25 various cities, boroughs, towns, townships and school districts,  
26 with the advice of their respective solicitors, on or before the  
27 thirteenth Tuesday preceding the Municipal primary, to send to  
28 the county boards of their respective counties a written notice  
29 setting forth all city, borough, town, township and school  
30 district offices to be filled in their respective subdivisions

1 at the ensuing municipal election, and for which candidates are  
2 to be nominated at the ensuing primary. It shall also be the  
3 duty of the chairman of the State committee of each political  
4 party to forward to the [Secretary of the Commonwealth] Election  
5 Commission and to the respective county boards, on or before the  
6 thirteenth Tuesday preceding the General primary, a written  
7 notice setting forth the number of delegates and alternate  
8 delegates to the National convention of such party who are to be  
9 elected in the State at large at the ensuing primary, and the  
10 number of such delegates and alternate delegates who are to be  
11 elected at said primary in such county, or in any district  
12 within such county, or of which it forms a part. The said notice  
13 shall also set forth the number of members of the National  
14 committee, if any, who, under the National party rules, are to  
15 be elected at the said primary in the State at large, and the  
16 number of members of the State committee to be elected at the  
17 said primary in such county, or in any district, or part of a  
18 district within such county. It shall also be the duty of the  
19 chairman of the county committee and, in cases where a city is  
20 coextensive with a county, the chairman of the city committee of  
21 each party, on or before the thirteenth Tuesday preceding the  
22 General primary, to send to the county board of such county a  
23 written notice setting forth all party offices to be filled in  
24 the county at the ensuing primary.

25 Section 905. [Secretary of the Commonwealth] Election  
26 Commission to Notify County Board of Certain Nominations to Be  
27 Made.--On or before the thirteenth Tuesday preceding each  
28 primary, the [Secretary of the Commonwealth] Election Commission  
29 shall send to the county board of each county a written notice  
30 designating all the offices for which candidates are to be

1 nominated therein, or in any district of which such county forms  
2 a part, or in the State at large, at the ensuing primary, and  
3 for the nomination to which candidates are required to file  
4 nomination petitions in the office of the [Secretary of the  
5 Commonwealth] Election Commission, including that of President  
6 of the United States; and shall also in said notice set forth  
7 the number of presidential electors, United States Senators,  
8 Representatives in Congress and State officers, including  
9 senators, representatives and judges of courts of record, to be  
10 elected at the succeeding November election by a vote of the  
11 electors of the State at large, or by a vote of the electors of  
12 the county, or of any district therein, or of any district of  
13 which such county forms a part.

14 Section 907. Nomination Petitions to Be Filed.--The names of  
15 candidates for nomination as President of the United States, and  
16 the names of all other candidates for party nominations, and for  
17 election as delegates, alternate delegates, members of  
18 committees and other party officers, shall be printed upon the  
19 official primary ballots or ballot labels of a designated party,  
20 upon the filing of separate nomination petitions in their  
21 behalf, in form prescribed by the [Secretary of the  
22 Commonwealth] Election Commission, signed by duly registered and  
23 enrolled members of such party who are qualified electors of the  
24 State, or of the political district, as the case may be, within  
25 which the nomination is to be made or election is to be held.  
26 Nomination petitions of delegates and alternate delegates to  
27 National conventions committed to support a particular  
28 presidential candidate must be signed by the particular  
29 presidential candidate to whom support is pledged before it can  
30 be certified by the [Secretary of the Commonwealth] Election

1 Commission. The name of no candidate shall be placed upon the  
2 official ballots or ballot labels of a political party to be  
3 used at any primary, unless such petition shall have been filed  
4 in his behalf. In no event shall any person's name be printed  
5 upon the official ballots or ballot labels of any party for the  
6 office of delegate, alternate delegate, member of committee or  
7 other party officer, unless he is a duly registered and enrolled  
8 member of said party.

9 Section 911. Statement of Candidates for Delegates to  
10 National Conventions.--Each candidate for election as delegate  
11 or alternate delegate to a National party convention may  
12 include, with his affidavit, the statement hereinafter set forth  
13 in this section; but his failure to include such statement shall  
14 not be a valid ground, on the part of the [Secretary of the  
15 Commonwealth] Election Commission, for refusal to receive and  
16 file his nomination petition. Such statement, if signed, shall  
17 be signed on all the sheets of said petition, together with the  
18 date of signing and shall be in substantially the following  
19 form:

20 Delegate's Statement

21 I hereby declare to the voters of my political party in the  
22 (here insert "State of Pennsylvania," if a delegate or alternate  
23 delegate at large; otherwise, insert ".....District") that,  
24 if elected and in attendance as a delegate to the National  
25 convention of the party, I shall, with all fidelity, to the best  
26 of my judgment and ability, in all matters coming before the  
27 convention, support (here insert name of presidential candidate)  
28 for President of the United States and shall use all honorable  
29 means within my power to aid in securing the nomination for such  
30 candidate for President.

1 .....  
2 (Signature of candidate for delegate or alternate delegate, and  
3 date of signing.)

4 On the ballots or ballot labels used at a primary, after or  
5 under the name of each candidate for delegate or alternate  
6 delegate to a National party convention, shall appear the words  
7 "committed to (here insert name of presidential candidate)" or  
8 "uncommitted" according to whether the candidate included, or  
9 failed to include, the above statement with his affidavit.

10 Section 912.2. Nominations by Minor Political Parties.--(a)  
11 Notwithstanding any other provision in this act to the contrary,  
12 minor political parties shall nominate all of their candidates  
13 for the offices to be filled at the ensuing November election  
14 pursuant to section 903 in accordance with the requirements of  
15 section 951, other than subsection (e)(6) and (7) thereof, and  
16 section 954, and shall obtain the required signatures during the  
17 same time frame available to political bodies. Minor political  
18 parties shall be subject to the provisions of this act  
19 applicable to political parties with respect to special  
20 elections, voter registration forms, substituted nominations and  
21 all other purposes except as otherwise expressly provided in  
22 this section. "Minor political party" shall mean a political  
23 party as defined in section 801(a) or (b) whose State-wide  
24 registration is less than fifteen per centum of the combined  
25 State-wide registration for all State-wide political parties as  
26 of the close of the registration period immediately preceding  
27 the most recent November election. The [Secretary of the  
28 Commonwealth] Election Commission shall prescribe forms or, if  
29 there is insufficient time, make appropriate conforming changes  
30 in existing forms to carry out the purposes of this section.

1 \* \* \*

2 (c) Each person filing any nomination paper for public  
3 office shall be given a statement composed by the [Secretary of  
4 the Commonwealth] Election Commission setting forth his duties  
5 under law to file pre-election and post-election campaign  
6 finance reports and the penalties for nonfiling. Each person  
7 filing any nomination paper for public office shall be given a  
8 form to file expenses if the amount received or expended or  
9 liabilities incurred shall exceed the sum of two hundred fifty  
10 dollars (\$250), and a form containing a sworn statement that the  
11 amount received or expended or liabilities incurred do not  
12 exceed the sum of two hundred fifty dollars (\$250), with written  
13 instructions prepared by the [Secretary of the Commonwealth]  
14 Election Commission. Within three weeks after such candidate has  
15 filed, the appropriate supervisor shall mail the same forms and  
16 instructions to such candidate by first class mail.

17 Section 913. Place and Time of Filing Nomination Petitions;  
18 Filing Fees.--(a) Nomination petitions in the case of  
19 candidates for the office of President of the United States,  
20 United States Senator, Representative in Congress and for all  
21 State offices, including senators, representatives and judges of  
22 courts of record, for the office of delegate or alternate  
23 delegate to National party conventions, and for the office of a  
24 member of a State or National committee, shall be filed with the  
25 [Secretary of the Commonwealth] Election Commission. Nomination  
26 petitions in all other cases shall be filed with the county  
27 boards of election of the respective counties. Nomination  
28 petitions for candidates for any office to be voted for by the  
29 electors of any city, borough, township, ward or school district  
30 which is situate in two or more counties, shall be filed with

1 the county board of the county in which the major number of the  
2 registered electors of such city, borough, township, ward or  
3 school district reside. Immediately after the last day for such  
4 candidates to withdraw and after they have cast lots for their  
5 position on the ballots or ballot labels, the said county board  
6 shall certify to the county board of each other county involved  
7 a list of the names, addresses and occupations of the candidates  
8 so filing nomination petitions for each party, together with the  
9 order in which their names are to appear upon the primary  
10 ballots or ballot labels, and such other county board shall  
11 prepare the primary ballots or ballot labels to be used in the  
12 portion of such city, borough, township, ward or school district  
13 situate in such county accordingly.

14 \* \* \*

15 (f) Each person filing any nomination petition for public  
16 office shall be given a statement composed by the [Secretary of  
17 the Commonwealth] Election Commission setting forth his duties  
18 under law to file pre-election and post-election campaign  
19 finance reports, and the penalties for nonfiling. Each person  
20 filing shall also be given a form to file expenses if the amount  
21 received or expended or liabilities incurred shall exceed the  
22 sum of two hundred fifty dollars (\$250), and a form containing a  
23 sworn statement that the amount received or expended or  
24 liabilities incurred do not exceed the sum of two hundred fifty  
25 dollars (\$250), with written instructions prepared by the  
26 [Secretary of the Commonwealth] Election Commission. Within  
27 three weeks after such candidate has filed, the appropriate  
28 supervisor shall mail the same forms and instructions to such  
29 candidate by first class mail.

30 \* \* \*

1 Section 914. Withdrawal of Candidates.--Any of the  
2 candidates for nomination or election at any primary may  
3 withdraw his name as a candidate by a request in writing, signed  
4 by him and acknowledged before an officer empowered to  
5 administer oaths, and filed in the office in which his  
6 nomination petition was filed. Such withdrawals, to be  
7 effective, must be received in the office of the [Secretary of  
8 the Commonwealth] Election Commission not later than 5 o'clock  
9 P. M. on the fifteenth day next succeeding the last day for  
10 filing nomination petitions in said office, and in the office of  
11 any county board of elections, not later than the ordinary  
12 closing hour of said office on the fifteenth day next succeeding  
13 the last day for filing nomination petitions in said office. No  
14 name so withdrawn shall be printed on the ballot or ballot  
15 labels. No candidate may withdraw any withdrawal notice already  
16 received and filed, and thereby reinstate his nomination  
17 petition.

18 Section 915. Casting of Lots for Position of Names Upon the  
19 Primary Ballots or Ballot Labels; Notice to Candidates.--  
20 Immediately after the last day fixed for filing of such  
21 nomination petitions with them, the [Secretary of the  
22 Commonwealth] Election Commission or the county board, as the  
23 case may be, shall fix a day for the casting of lots, in such  
24 manner as may be prescribed by the [Secretary of the  
25 Commonwealth] Election Commission, or county board, as the case  
26 may be, for the position of names upon the primary ballots or  
27 ballot labels. The [Secretary of the Commonwealth] Election  
28 Commission shall give at least two (2) days notice by mail of  
29 said date to all candidates whose petitions have been received  
30 and filed in his office, and the county board shall give at



1 least two (2) days notice of said date by posting thereof in a  
2 conspicuous place in its office, and by publication once in at  
3 least two newspapers of general circulation published in the  
4 county. All candidates may appear in person, or by agent duly  
5 authorized by letter of attorney, signed and acknowledged by an  
6 officer empowered to take acknowledgments. In the event of any  
7 of said candidates not being present in person or by  
8 representative at the time of casting of lots, it shall be the  
9 duty of the [Secretary of the Commonwealth] Election Commission  
10 or the county board, as the case may be, to appoint some person  
11 to represent such absentee. After said lots are cast, the  
12 [Secretary of the Commonwealth] Election Commission or the  
13 county board, as the case may be, shall accordingly establish  
14 the order in which the names of said candidates are to appear  
15 upon the primary ballots or ballot labels, and certify the same  
16 for placing upon the official primary ballots or ballot labels.

17 Section 916. [Secretary of the Commonwealth] Election  
18 Commission to Furnish County Boards with List of Candidates;  
19 Candidates to Be Notified.--The [Secretary of the Commonwealth]  
20 Election Commission, as soon as possible after the last day  
21 fixed for the filing of nomination petitions with him, and after  
22 the last day for the withdrawal of candidates filing such  
23 nomination petitions, and after the candidates shall have cast  
24 lots for the position of their names upon the primary ballots or  
25 ballot labels, shall forward to the county board of each county  
26 a correct list of candidates of each party for the various  
27 offices, in the order in which they are to appear upon the  
28 official ballots or ballot labels, with their respective  
29 residences, giving city, borough, town or township, and post-  
30 office addresses as shown in their affidavits; and shall also at

1 the same time notify the said candidates by mail that their  
2 names have been so certified to said county boards. In the case  
3 of each candidate for delegate or alternate delegate to a  
4 National party convention, the [Secretary of the Commonwealth]  
5 Election Commission shall certify as to whether such candidate  
6 has included with his affidavit the statement provided for in  
7 section 911 of this act and in cases where such candidate has  
8 committed himself to a particular presidential preference, the  
9 name of the presidential candidate to whom he is committed.

10 Section 918. Presidential Electors; Selection by Nominees;  
11 Certification; Vacancies.--The nominee of each political party  
12 for the office of President of the United States shall, within  
13 thirty days after his nomination by the National convention of  
14 such party, nominate as many persons to be the candidates of his  
15 party for the office of presidential elector as the State is  
16 then entitled to. If for any reason the nominee of any political  
17 party for President of the United States fails or is unable to  
18 make the said nominations within the time herein provided, then  
19 the nominee for such party for the office of Vice-President of  
20 the United States shall, as soon as may be possible after the  
21 expiration of thirty days, make the nominations. The names of  
22 such nominees, with their residences and post-office addresses,  
23 shall be certified immediately to the [Secretary of the  
24 Commonwealth] Election Commission by the nominee for the office  
25 of President or Vice-President, as the case may be, making the  
26 nominations. Vacancies existing after the date of nomination of  
27 presidential electors shall be filled by the nominee for the  
28 office of President or Vice-President making the original  
29 nomination. Nominations made to fill vacancies shall be  
30 certified to the [Secretary of the Commonwealth] Election

1 Commission in the manner herein provided for in the case of  
2 original nominations.

3 Section 921. Primary Election Returns.--The returns made by  
4 the district election officers of the votes cast at primaries  
5 shall be received by the respective county boards of election,  
6 and tabulated and computed by them, and their returns to the  
7 [Secretary of the Commonwealth] Election Commission tabulated  
8 and computed by him in the manner provided by Article XIV of  
9 this act, in so far as it is applicable to primaries.

10 Section 923. Nominee in Case of Tie Vote.--In the case of a  
11 tie, the candidates receiving the tie vote shall cast lots  
12 before the county board or the [Secretary of the Commonwealth]  
13 Election Commission, as the case may be, at twelve o'clock noon  
14 on the third Friday following the primary, and the one to whom  
15 the lot shall fall shall be entitled to the nomination. In any  
16 case where the fact of a tie vote is not authoritatively  
17 determined until after the third Wednesday following the  
18 primary, the time for casting lots shall be at twelve o'clock  
19 noon on the second day after the fact of such tie vote is  
20 authoritatively determined. If any candidate or candidates,  
21 receiving a tie vote, fail to appear before twelve o'clock noon  
22 on said day, the county board or the [Secretary of the  
23 Commonwealth] Election Commission, as the case may be, shall  
24 cast lots for him or them. For the purpose of casting lots any  
25 candidate may appear in person, or by proxy appointed in  
26 writing.

27 Section 951. Nominations by Political Bodies.--(a) In  
28 addition to the party nominations made at primaries, nomination  
29 of candidates for any public office may also be made by  
30 nomination papers signed by qualified electors of the State, or

1 of the electoral district for which the nomination is made, and  
2 filed in the manner herein provided. Such nomination papers  
3 shall be in form prescribed by the [Secretary of the  
4 Commonwealth] Election Commission, and no other forms than the  
5 ones so prescribed shall be used for such purposes.

6 \* \* \*

7 Section 952. Contents of Nomination Papers; Restriction on  
8 Names; Campaign Finances.--All nomination papers shall specify--

9 (a) The name or appellation of the political body which the  
10 candidates nominated thereby represent, expressed in not more  
11 than three words, and in the case of electors for President and  
12 Vice-President of the United States, the names of the candidates  
13 for President and Vice-President of such political body; (b) the  
14 name of each candidate nominated therein, his profession,  
15 business or occupation, if any; and his place of residence with  
16 street and number, if any; (c) the office for which such  
17 candidate is nominated; and (d) the names and addresses of the  
18 committee, not to be less than three (3) nor more than five (5)  
19 persons, authorized to fill vacancies, if any shall occur. No  
20 words shall be used in any nomination paper to designate the  
21 name or appellation of the political body represented by the  
22 candidates named in such nomination paper which are identical  
23 with or deceptively similar to the words used for a like purpose  
24 by any existing political party as defined by section 801 of  
25 this act, or which contain part of the name or an abbreviation  
26 of the name or part of the name of any existing political party;  
27 nor shall any words be used in any nomination paper to designate  
28 the name or appellation of the political body represented by the  
29 candidate's name in such nomination paper which are identical  
30 with or deceptively similar to the words used for a like purpose

1 by any political body which has already filed nomination papers  
2 for the same office nor which contain part of the name or an  
3 abbreviation of the name or part of the name of a political body  
4 which has already filed nomination papers for the same office.  
5 Any petition to set aside a nomination paper on account of the  
6 name or appellation used therein, or involving the right of the  
7 signers thereof to use such name or appellation shall be decided  
8 as in the case of other petitions to set aside nomination  
9 papers, in the manner provided by this article.

10 Each person filing any nomination paper for public office  
11 shall be given a statement composed by the [Secretary of the  
12 Commonwealth] Election Commission setting forth his duties under  
13 law to file pre-election and post-election campaign finance  
14 reports, and the penalties for nonfiling. Each person filing  
15 shall also be given a form to file expenses if the amount  
16 received or expended or liabilities incurred shall exceed the  
17 sum of two hundred fifty dollars (\$250), and a form containing a  
18 sworn statement that the amount received or expended or  
19 liabilities incurred do not exceed the sum of two hundred fifty  
20 dollars (\$250), with written instructions prepared by the  
21 [Secretary of the Commonwealth] Election Commission. Within  
22 three weeks after such candidate has filed, the appropriate  
23 supervisor shall mail the same forms and instructions to such  
24 candidate by first class mail.

25 Section 953. Place and Time of Filing Nomination Papers.--

26 (a) Nomination papers for candidates for presidential  
27 electors, United States Senators, Representatives in Congress,  
28 and State offices, including senators, representatives and  
29 judges of courts of record, shall be filed with the [Secretary  
30 of the Commonwealth] Election Commission. Nomination papers for

1 all other candidates shall be filed with the county boards of  
2 elections of the respective counties. Nomination papers for  
3 candidates for any office to be voted for by the electors of any  
4 city, borough, township, ward or school district which is  
5 situate in two or more counties shall be filed with the county  
6 board of the county in which the major number of the registered  
7 electors of such city, borough, township, ward or school  
8 district reside. Immediately after the last day for withdrawals  
9 of candidates nominated by nomination papers, the said county  
10 board shall certify to the county board of each other county  
11 involved a list of the names, addresses and occupations of the  
12 candidates so nominated to be voted for in two or more counties,  
13 together with the names or appellations of the political bodies  
14 nominating them.

15 \* \* \*

16 Section 954. Filing Fee.--The same filing fee shall be paid  
17 for each candidate nominated by a nomination paper as required  
18 in section 913 for the filing of nomination petitions by  
19 candidates for nomination to the same office. Each nomination  
20 paper nominating a candidate or a group of candidates for office  
21 shall be accompanied by a certified check or money order drawn  
22 in the proper amount to cover the filing fees for each candidate  
23 nominated therein but in no case less than the sum of five  
24 dollars (\$5.00), and payable to the Commonwealth of Pennsylvania  
25 or to the county, as the case may be. All fees so received by  
26 the [Secretary of the Commonwealth] Election Commission or the  
27 county election board shall be transmitted to the State  
28 Treasurer or to the county treasurer, as the case may be, and  
29 shall become part of the General Fund.

30 Section 976. Examination of Nomination Petitions,

1 Certificates and Papers; Return of Rejected Nomination  
2 Petitions, Certificates and Papers.--When any nomination  
3 petition, nomination certificate or nomination paper is  
4 presented in the office of the [Secretary of the Commonwealth]  
5 Election Commission or of any county board of elections for  
6 filing within the period limited by this act, it shall be the  
7 duty of the said officer or board to examine the same. No  
8 nomination petition, nomination paper or nomination certificate  
9 shall be permitted to be filed if--(a) it contains material  
10 errors or defects apparent on the face thereof, or on the face  
11 of the appended or accompanying affidavits; or (b) it contains  
12 material alterations made after signing without the consent of  
13 the signers; or (c) it does not contain a sufficient number of  
14 signatures as required by law; Provided, however, That the  
15 [Secretary of the Commonwealth] Election Commission or the  
16 county board of elections, although not hereby required so to  
17 do, may question the genuineness of any signature or signatures  
18 appearing thereon, and if he or it shall thereupon find that any  
19 such signature or signatures are not genuine, such signature or  
20 signatures shall be disregarded in determining whether the  
21 nomination petition, nomination paper or nomination certificate  
22 contains a sufficient number of signatures as required by law;  
23 or (d) in the case of nomination petitions, if nomination  
24 petitions have been filed for printing the name of the same  
25 person for the same office, except the office of judge of a  
26 court of common pleas, the Philadelphia Municipal Court or the  
27 office of school director in districts where that office is  
28 elective or the office of justice of the peace upon the official  
29 ballot of more than one political party; or (e) in the case of  
30 nomination papers, if the candidate named therein has filed a

1 nomination petition for any public office for the ensuing  
2 primary, or has been nominated for any such office by nomination  
3 papers previously filed; or (f) if the nomination petitions or  
4 papers are not accompanied by the filing fee or certified check  
5 required for said office; or (g) in the case of nomination  
6 papers, the appellation set forth therein is identical with or  
7 deceptively similar to the words used by any existing party or  
8 by any political body which has already filed nomination papers  
9 for the same office, or if the appellation set forth therein  
10 contains part of the name, or an abbreviation of the name or  
11 part of the name of an existing political party, or of a  
12 political body which has already filed nomination papers for the  
13 same office. The invalidity of any sheet of a nomination  
14 petition or nomination paper shall not affect the validity of  
15 such petition or paper if a sufficient petition or paper remains  
16 after eliminating such invalid sheet. The action of said officer  
17 or board in refusing to receive and file any such nomination  
18 petition, certificate or paper, may be reviewed by the court  
19 upon an application to compel its reception as of the date when  
20 it was presented to the office of such officer or board:

21 Provided, however, That said officer or board shall be entitled  
22 to a reasonable time in which to examine any petitions,  
23 certificates or papers, and to summon and interrogate the  
24 candidates named therein, or the persons presenting said  
25 petitions, certificates or papers, and his or their retention of  
26 same for the purpose of making such examination or interrogation  
27 shall not be construed as an acceptance or filing.

28 Upon completion of any examination, if any nomination  
29 petition, certificate or paper is found to be defective, it  
30 shall forthwith be rejected and returned to the candidate or one



1 of the candidates named therein, together with a statement of  
2 the reasons for such rejection:

3        Provided further, That no nomination petition, nomination  
4 paper or nomination certificate shall be permitted to be filed,  
5 if the political party or political body referred to therein  
6 shall be composed of a group of electors whose purposes or aims,  
7 or one of whose purposes or aims, is the establishment, control,  
8 conduct, seizure or overthrow of the Government of the  
9 Commonwealth of Pennsylvania or the United States of America by  
10 the use of force, violence, military measure or threats of one  
11 or more of the foregoing. The authority to reject such  
12 nomination petition, paper or certificate for this reason shall,  
13 when filed with the [Secretary of the Commonwealth] Election  
14 Commission, be vested in a committee composed of the Governor,  
15 the Attorney General and the [Secretary of the Commonwealth]  
16 Election Commission, and when filed with any county board of  
17 elections shall be vested in such board. If in such case the  
18 committee or board, as the case may be, shall conclude that the  
19 acceptance of such nomination petition, paper or certificate  
20 should be refused, it shall within two days of the filing of  
21 such nomination petition, paper or certificate fix a place and a  
22 time five days in advance for hearing the matter, and notice  
23 thereof shall be given to all parties affected thereby. At the  
24 time and place so fixed the committee or board, as the case may  
25 be, shall hear testimony, but shall not be bound by technical  
26 rules of evidence. The testimony presented shall be  
27 stenographically recorded and made a part of the record of the  
28 committee or board. Within two days after such hearing the  
29 committee or board, if satisfied upon competent evidence that  
30 the said nomination petition, paper or certificate is not

1 entitled to be accepted and filed, it shall announce its  
2 decision and immediately notify the parties affected thereby.  
3 Failure to announce decision within two days after such hearing  
4 shall be conclusive that such nomination petition, paper or  
5 certificate has been accepted and filed. The decision of said  
6 committee or board in refusing to accept and file such  
7 nomination petition, paper or certificate may be reviewed by the  
8 court upon an application to compel its reception as of the date  
9 when presented to the [Secretary of the Commonwealth] Election  
10 Commission or such board. The application shall be made within  
11 two days of the time when such decision is announced. If the  
12 application is properly made, any judge of said court may fix a  
13 time and place for hearing the matter in dispute, of which  
14 notice shall be served with a copy of said application upon the  
15 [Secretary of the Commonwealth] Election Commission or the  
16 county board of elections, as the case may be. At the time so  
17 fixed, the court, or any judge thereof assigned for the purpose,  
18 shall hear the case de novo. If after such hearing the said  
19 court shall find that the decision of the committee or the board  
20 was erroneous, it shall issue its mandate to the committee or  
21 board to correct its decision and to accept and file the  
22 nomination paper, petition or certificate. From any decision of  
23 the court an appeal may be taken within two days after the entry  
24 thereof. It shall be the duty of the said court to fix the  
25 hearing and to announce its decision within such period of time  
26 as will permit the [Secretary of the Commonwealth] Election  
27 Commission or the county board of elections to permit the names  
28 of the candidates affected by the court's decision to be printed  
29 on the ballot, if the court should so determine.

30 Section 977. Objections to Nomination Petitions and

1 Papers.--All nomination petitions and papers received and filed  
2 within the periods limited by this act shall be deemed to be  
3 valid, unless, within seven days after the last day for filing  
4 said nomination petition or paper, a petition is presented to  
5 the court specifically setting forth the objections thereto, and  
6 praying that the said petition or paper be set aside. A copy of  
7 said petition shall, within said period, be served on the  
8 officer or board with whom said nomination petition or paper was  
9 filed. Upon the presentation of such a petition, the court shall  
10 make an order fixing a time for hearing which shall not be later  
11 than ten days after the last day for filing said nomination  
12 petition or paper, and specifying the time and manner of notice  
13 that shall be given to the candidate or candidates named in the  
14 nomination petition or paper sought to be set aside. On the day  
15 fixed for said hearing, the court shall proceed without delay to  
16 hear said objections, and shall give such hearing precedence  
17 over other business before it, and shall finally determine said  
18 matter not later than fifteen (15) days after the last day for  
19 filing said nomination petitions or papers. If the court shall  
20 find that said nomination petition or paper is defective under  
21 the provisions of section 976, or does not contain a sufficient  
22 number of genuine signatures of electors entitled to sign the  
23 same under the provisions of this act, or was not filed by  
24 persons entitled to file the same, it shall be set aside. If the  
25 objections relate to material errors or defects apparent on the  
26 face of the nomination petition or paper, the court, after  
27 hearing, may, in its discretion, permit amendments within such  
28 time and upon such terms as to payment of costs, as the said  
29 court may specify. In case any such petition is dismissed, the  
30 court shall make such order as to the payment of the costs of

1 the proceedings, including witness fees, as it shall deem just.  
2 If a person shall sign any nomination petitions or papers for a  
3 greater number of candidates than he is permitted under the  
4 provisions of this act, if said signatures bear the same date,  
5 they shall, upon objections filed thereto, not be counted on any  
6 petition or paper and if they bear different dates, they shall  
7 be counted in the order of their priority of date, for only so  
8 many persons as there are candidates to be nominated or elected.  
9 The office of the Prothonotary of the Commonwealth Court and the  
10 office of the [Secretary of the Commonwealth] Election  
11 Commission and the various offices of prothonotary of the court  
12 of common pleas shall be open between the hours of eight-thirty  
13 o'clock A.M. and five o'clock P.M. on the last day to withdraw  
14 after filing nomination petitions and on the last day to file  
15 objections to nomination petitions.

16 Section 978. Withdrawal of Nominated Candidates.--(a) Any  
17 person who has been nominated by any political party in  
18 accordance with the provisions of this act, as a candidate for  
19 the office of presidential elector, United States Senator,  
20 Representative in Congress or for any State office, including  
21 that of senator, representative and judge of court of record,  
22 may withdraw his name from nomination by request in writing,  
23 signed by him and acknowledged before an officer qualified to  
24 take acknowledgement of deeds, and filed in the office of the  
25 [Secretary of the Commonwealth] Election Commission. Any person  
26 who has been similarly nominated as a candidate for any other  
27 office may withdraw his name from nomination by similar request,  
28 filed with the county board of elections of the proper county.  
29 Such written withdrawals shall be filed with the [Secretary of  
30 the Commonwealth] Election Commission or the county board of

1 elections, as the case may be, at least eighty-five (85) days  
2 previous to the day of the general or municipal election. Such  
3 withdrawals to be effective must be received in the office of  
4 the [Secretary of the Commonwealth] Election Commission not  
5 later than five (5) o'clock P. M. on the last day for filing  
6 same, and in the office of any county board of elections not  
7 later than the ordinary closing hour of said office on the last  
8 day for filing same. No name so withdrawn shall be printed upon  
9 the ballot or ballot labels. No candidate may withdraw any  
10 withdrawal notice already received and filed, and thereby  
11 reinstate his nomination.

12 (b) Any person who has been nominated by any political body  
13 in accordance with the provisions of this act, as a candidate  
14 for the office of presidential elector, United States Senator,  
15 Representative in Congress or for any State office, including  
16 that of senator, representative and judge of a court of record,  
17 may withdraw his name from nomination by request in writing,  
18 signed by him and acknowledged before an officer qualified to  
19 take acknowledgment of deeds and filed in the office of the  
20 [Secretary of the Commonwealth] Election Commission. Any person  
21 who has been similarly nominated as a candidate for any other  
22 office may withdraw his name from nomination by a similar  
23 request, filed with the county board of elections of the proper  
24 county. Such written withdrawals shall be filed with the  
25 [Secretary of the Commonwealth] Election Commission or the  
26 county board of elections, as the case may be, not later than  
27 the ordinary closing hour of said office on the seventh day next  
28 succeeding the last day for filing nomination papers for said  
29 office. No name so withdrawn shall be printed upon the ballot or  
30 ballot labels. No candidate may withdraw any withdrawal notice

1 already received and filed and thereby reinstate his nomination.

2 Section 978.1. Vacancy in Party Nomination by Failure to Pay  
3 Filing Fee or for Failure to File Loyalty Oath.--Every person  
4 nominated at any primary election as the candidate of any  
5 political party for any office, other than a borough, town,  
6 township, school district or poor district office, or the office  
7 of justice of the peace, or constable, who has not paid the  
8 filing fee required by section nine hundred thirteen of this  
9 act, as amended, for the filing of a nomination petition for  
10 such office, or who has not filed the loyalty oath required by  
11 section 14, act of December 22, 1951 (P.L.1726), known as the  
12 "Pennsylvania Loyalty Act," as last amended June 19, 1961  
13 (P.L.446), shall pay the amount of such fee to and file such  
14 oath with the [Secretary of the Commonwealth] Election  
15 Commission, or the county board of elections, as the case may  
16 be, at least eighty-five (85) days previous to the day of the  
17 general or municipal election at which such candidate's name  
18 would appear on the ballot. Failure to pay such fee or file such  
19 oath within the time herein prescribed shall result in a vacancy  
20 in such party nomination. Such vacancy shall be filled in the  
21 manner hereinafter provided for the filling of such vacancies  
22 happening by reason of the death or withdrawal of any candidate.

23 Section 978.2. Revocation of Declaration of Candidacy for  
24 Retention.--In the event a justice or a judge had filed a  
25 declaration of candidacy for retention under the provisions of  
26 section 15 of the Constitution of the Commonwealth of  
27 Pennsylvania and thereafter, but on or before the thirteenth  
28 Tuesday preceding the primary election, revoked the declaration  
29 by notifying the [Secretary of the Commonwealth] Election  
30 Commission in writing of the same, the [Secretary of the

1 Commonwealth] Election Commission shall include such office in  
2 certifications under provisions of section 905.

3 Section 978.3. Vacancy Due to Revocation of Declaration of  
4 Candidacy for Retention.--In the event a justice or a judge had  
5 filed a declaration of candidacy for retention under the  
6 provisions of section 15 of the Constitution of the Commonwealth  
7 of Pennsylvania and thereafter, but after the thirteenth Tuesday  
8 preceding the primary election and prior to sixty (60) days  
9 preceding the municipal election revoked the declaration by  
10 notifying the [Secretary of the Commonwealth] Election  
11 Commission in writing of the same, nomination to fill such  
12 vacancy shall be made in accordance with section 993 of this  
13 act.

14 Section 979. Substituted Nominations by Parties.--Any  
15 vacancy happening or existing after the date of the primary in  
16 any party nomination, by reason of the death or withdrawal of  
17 any candidate after nomination, or by reason of the death before  
18 or on the day of the primary election of a candidate for  
19 nomination who had received a plurality of votes of his party  
20 electors cast for the office for which he sought nomination, may  
21 be filled by a substituted nomination made by such committee as  
22 is authorized by the rules of the party to make nominations in  
23 the event of vacancies on the party ticket: Provided, however,  
24 That no substitute nomination certificate shall nominate any  
25 person who has already been nominated by any political party or  
26 by any other political body for the same office. Upon the making  
27 of any such substituted nomination, in accordance with the party  
28 rules, it shall be the duty of the chairman and secretary or  
29 secretaries of the party committee making the nomination to file  
30 with the [Secretary of the Commonwealth] Election Commission in

1 the case of United States Senator, Representative in Congress  
2 and all State officers, including judges of courts of records,  
3 senators and representatives, and with the proper county board  
4 of elections in the case of other offices, a nomination  
5 certificate which shall be signed by the chairman and secretary  
6 or secretaries of the said committee, and which shall set forth  
7 the following:

8 (a) The office and district, if any, for which it is filed;

9 (b) the cause of the vacancy; (c) the rule or rules of the  
10 political party, setting forth the provisions applicable to a  
11 substituted nomination; (d) that a quorum of the committee,  
12 caucus or convention, as provided by the party rules, duly  
13 convened, and the names of those present at said meeting, or  
14 their proxies; that said persons are the duly appointed or  
15 elected members of said committee, caucus or convention; (e) the  
16 name, residence and occupation of the candidate duly nominated  
17 at said meeting. Every such certificate of nomination shall be  
18 sworn to or affirmed by the chairman and secretary or  
19 secretaries before an officer qualified to administer oaths.

20 Section 981. Time for Filing Substituted Nomination  
21 Certificates.--(a) Substituted nomination certificates to fill  
22 vacancies caused by the withdrawal of candidates nominated at  
23 primaries or by nomination papers shall be filed with the  
24 [Secretary of the Commonwealth] Election Commission or proper  
25 county board of elections, as the case may be, at least seventy-  
26 five (75) days before the day of the general or municipal  
27 election: Provided, however, That no substituted nomination  
28 certificate by a political body may be filed until after the  
29 primary election.

30 \* \* \*



1 Section 984. Certification of Nominees by [Secretary of the  
2 Commonwealth] Election Commission to County Boards.--The  
3 [Secretary of the Commonwealth] Election Commission shall, as  
4 soon as possible after the last day fixed for the filing of  
5 substituted nomination certificates for any November election of  
6 presidential electors, United States Senator, Representative in  
7 Congress or State officers, including judges of courts of  
8 record, senators and representatives, or upon constitutional  
9 amendments or other questions to be submitted to the electors of  
10 the State at large, transmit to the county board of elections of  
11 each county, in which such election is to be held, an official  
12 list, certified by him, of all of the candidates who have been  
13 nominated in accordance with the provisions of this act, to be  
14 voted for in such county at such election, substantially in the  
15 form of the ballots to be used therein, and also a copy of the  
16 text of all constitutional amendments and other questions to be  
17 voted upon at such election, together with a statement of the  
18 form in which they are to be printed on the ballots or ballot  
19 labels.

20 Section 993. Filling of Certain Vacancies in Public Office  
21 by Means of Nomination Certificates and Nomination Papers.--\* \*  
22 \*

23 (b) Said nomination certificates and nomination papers for  
24 State public offices and judges of courts of records shall be  
25 filed in the office of the [Secretary of the Commonwealth]  
26 Election Commission at least fifty (50) days prior to a general  
27 or municipal election, as the case may be. Nomination  
28 certificates and nomination papers for public offices in  
29 counties, cities, boroughs, towns, townships, wards and school  
30 districts and for the offices of aldermen and justices of the

1 peace shall be filed in the office of the county board of  
2 elections at least fifty (50) days prior to a municipal  
3 election.

4 \* \* \*

5 Section 994. Number, Form and Requirements of Nomination  
6 Certificates to Fill Certain Vacancies.--(a) Each political  
7 party shall be entitled to nominate and to file nomination  
8 certificates in accordance with the provisions of section nine  
9 hundred ninety-three of this act for the purpose of supplying as  
10 many candidates as each elector will be entitled to vote for at  
11 the ensuing November election. Every nomination certificate for  
12 a November election required under the provisions of section  
13 nine hundred ninety-three of this act shall be in the form  
14 prescribed by the [Secretary of the Commonwealth] Election  
15 Commission and shall set forth the following:

16 (1) The office and district, if any, for which it is filed;

17 (2) The cause of the vacancy;

18 (3) The rule or rules of the political party setting forth  
19 the provisions applicable to the nomination of a candidate or  
20 candidates to fill said vacancy;

21 (4) That a quorum of the committee, caucus or convention as  
22 provided by the party rules duly convened and the names of those  
23 present at said meeting or their proxies that said persons are  
24 the duly appointed or elected members of said committee, caucus  
25 or convention;

26 (5) The name, residence and occupation of the candidate duly  
27 nominated at said meeting.

28 \* \* \*

29 Section 995. [Secretary of the Commonwealth] Election  
30 Commission or County Board of Elections to Examine Nomination

1 Certificates and Nomination Papers to Fill Certain Vacancies;  
2 Review.--(a) It shall be the duty of the [Secretary of the  
3 Commonwealth] Election Commission or the proper county board of  
4 elections, as the case may be, to examine as to legal  
5 sufficiency, in the manner and under the provisions of section  
6 nine hundred seventy-six of this act, all nomination  
7 certificates and nomination papers brought to his or its office  
8 for the purpose of filing for the nomination of candidates for a  
9 general or municipal election, as the case may be, in accordance  
10 with the provisions of section nine hundred ninety-three of this  
11 act, and if manifestly defective they shall not be filed.

12 (b) No such certificate of nomination or nomination paper  
13 shall be refused by the [Secretary of the Commonwealth] Election  
14 Commission or the county board of elections except for a reason  
15 provided for in section nine hundred seventy-six of this act.

16 (c) The action of the [Secretary of the Commonwealth]  
17 Election Commission or the county board of elections in refusing  
18 to accept and file any such certificate or paper may be reviewed  
19 by the court upon an application to compel its reception and  
20 filing as of the date when it was brought to said office.

21 Section 997. Withdrawals of Candidates Nominated to Fill  
22 Certain Vacancies at a November Election.--(a) Any person who  
23 has been nominated by any political party or political body to  
24 fill certain vacancies at a November election in accordance with  
25 the provisions of section nine hundred ninety-three of this act  
26 may withdraw his name from nomination by a request in writing  
27 signed by him and acknowledged before an officer qualified and  
28 empowered to administer oaths and filed in the office of the  
29 officer or board with whom the nomination certificate or  
30 nomination papers were filed within three (3) days next

1 succeeding the last day for filing nomination certificates or  
2 papers. Such withdrawals to be effective must be received at the  
3 office of the [Secretary of the Commonwealth] Election  
4 Commission not later than five (5) o'clock P. M. or at the  
5 county board of elections not later than the ordinary closing  
6 hour of its office on the last day for filing same.

7 \* \* \*

8 Section 999.1. Candidates to Fill Certain Vacancies;  
9 Certification of Nominees by [Secretary of the Commonwealth]  
10 Election Commission to County Election Boards.--The [Secretary  
11 of the Commonwealth] Election Commission shall certify, in  
12 accordance with section nine hundred eighty-four of this act,  
13 the names and residences of and parties or political bodies  
14 represented by all candidates whose nomination certificates or  
15 papers have been filed with him in accordance with the  
16 provisions of section nine hundred ninety-three or subdivision  
17 (e) of this act for a general or municipal election, as the case  
18 may be, and have not been found and declared invalid, and to be  
19 voted for in the county or any district or districts thereof.

20 Section 1002. Form of Official Primary Ballot.--\* \* \*

21 (d) At the written request of a State committee, filed with  
22 the party rules and on the deadline provided by section 808.1 of  
23 this act, a party may have a "no preference" column added to the  
24 list of candidates for the office of President of the United  
25 States at the primary election. The ballot position for "no  
26 preference" shall be drawn in the same manner as the other  
27 candidates for that office: Provided, however, That this  
28 position shall be drawn by the [Secretary of the Commonwealth]  
29 Election Commission or his or her designee.

30 Section 4. Section 1004 of the act, amended March 27, 2020

1 (P.L.41, No.12), is amended to read:

2 Section 1004. Form of Ballots; Printing Ballots.--From the  
3 lists furnished by the [Secretary of the Commonwealth] Election  
4 Commission under the provisions of sections 915 and 984, and  
5 from petitions and papers filed in their office, the county  
6 election board shall print the official primary and election  
7 ballots in accordance with the provisions of this act: Provided,  
8 however, That in no event, shall the name of any person  
9 consenting to be a candidate for nomination for any one office,  
10 except the office of judge of a court of common pleas, the  
11 Philadelphia Municipal Court or the office of school director in  
12 districts where that office is elective or the office of justice  
13 of the peace be printed as a candidate for such office upon the  
14 official primary ballot of more than one party. All ballots for  
15 use in the same election district at any primary or election  
16 shall be alike.

17 Section 5. Sections 1103(d), 1104(a)(1), (d), (e) and (f),  
18 1104.1, 1106(a), (b), (c) and (e), 1107 introductory paragraph,  
19 1110(b) and (l), 1111(f), 1103-A(d), 1104-A(a), (c) and (d),  
20 1105-A, 1106-A(b) and 1107-A introductory paragraph and (11) of  
21 the act are amended to read:

22 Section 1103. Placing the Question on the Ballot; Election  
23 Thereon.--

24 \* \* \*

25 (d) The election on said question shall be held at the  
26 places, during the hours, and under the regulations, provided by  
27 law for holding general and municipal elections, and shall be  
28 conducted by the election officers provided by law to conduct  
29 such elections. The election officers shall count the votes cast  
30 at the elections on said question, and shall make return thereof

1 to the county election board of the county, as required by law.  
2 Said returns shall be computed by the county election board, or  
3 other return board, and, when so computed, a certificate of the  
4 total number of electors voting "Yes" and of the total number of  
5 electors voting "No" on such question shall be filed in the  
6 office of the county election board, and copies thereof,  
7 certified by the county election board, shall forthwith be  
8 furnished to the [Secretary of the Commonwealth] Election  
9 Commission, and to the county commissioners or other  
10 appropriating authority.

11 \* \* \*

12 Section 1104. Installation of Voting Machines.--(a) (1) If  
13 a majority of the qualified electors voting on the question  
14 shall vote in the affirmative, the county election board of the  
15 said county shall purchase for each election district of such  
16 county, city, borough or township, one or more voting machines,  
17 of a kind or kinds approved by the [Secretary of the  
18 Commonwealth] Election Commission, as hereinafter provided, and  
19 of sufficient capacity to accommodate the names of a reasonable  
20 number of candidates for all public and party offices which,  
21 under the provisions of existing laws and party rules, are  
22 likely to be voted for at any future election, and shall notify  
23 the [Secretary of the Commonwealth] Election Commission, in  
24 writing, that they have done so. The county election board shall  
25 provide machines in good working order, and shall preserve and  
26 keep them in repair. Voting machines of different kinds may be  
27 used for different election districts in the same county, city,  
28 borough or township. In each election district in which voting  
29 machines are used, the county election board shall provide an  
30 adequate number of voting machines for the electors of the

1 election district in accordance with section 530.

2 \* \* \*

3 (d) If the question hereinbefore provided shall have been  
4 submitted to the qualified electors of the county, city, borough  
5 or township, and the majority of the electors voting thereon  
6 shall have voted favorably thereon, and if the county election  
7 board shall not, within one year, have executed their contract  
8 or contracts providing for the purchase or procurement of voting  
9 machines for use at the next general, municipal or primary  
10 election, occurring at least one year and sixty days after the  
11 referendum, then the [Secretary of the Commonwealth] Election  
12 Commission shall forthwith, in writing, notify the said county  
13 election board that, after the expiration of thirty days, he,  
14 under the authority of this act, on behalf of the said county,  
15 will award, make, and execute such contract or contracts, unless  
16 the said county election board meanwhile shall have made and  
17 executed the same.

18 (e) If, upon the expiration of said thirty days, the county  
19 election board still shall not have made and executed the  
20 contract or contracts providing for the delivery of machines as  
21 aforesaid, the [Secretary of the Commonwealth] Election  
22 Commission, on behalf of the said county and upon the approval  
23 of the Attorney General as to form, shall thereupon award, make,  
24 and execute a contract or contracts for the purchase or  
25 procurement of a sufficient number of voting machines, approved  
26 as required by this act, for each election district within each  
27 such county, city, borough or township; and the cost of such  
28 voting machines, including the delivery thereof, and of making  
29 and entering into the said contract or contracts, including the  
30 preparation and printing of specifications and all other

1 necessary expense incidental thereto, shall be the debt of the  
2 said county, and, upon the certificate of the [Secretary of the  
3 Commonwealth] Election Commission, it shall be the duty of the  
4 controller, if any, to allow, and of the treasurer of the county  
5 to pay, the sum out of any appropriation available therefor, or  
6 out of the first unappropriated moneys that come into the  
7 treasury of the county.

8 (f) Provided, however, that if the county election board or  
9 the [Secretary of the Commonwealth] Election Commission, as the  
10 case may be, shall find it impracticable to procure a voting  
11 machine or voting machines for each election district of the  
12 county, city, borough or township, for use at the general,  
13 municipal or primary election then next ensuing, they or he  
14 shall provide as many machines as it shall be practicable to  
15 procure, and, as soon thereafter as practicable, shall provide  
16 the remainder of such machines required hereunder. The machines  
17 shall be installed in the election district or districts, in the  
18 manner provided for the gradual introduction of voting machines  
19 in paragraph (c) of this section.

20 \* \* \*

21 Section 1104.1. Temporary Use of Approved Voting Machines in  
22 Certain Cases.--If the question hereinbefore provided shall have  
23 been submitted to the qualified electors of the county, and the  
24 majority of the electors voting thereon shall have voted  
25 favorably thereon, and if the county election board has made a  
26 gradual installation of voting machines approved by the  
27 [Secretary of the Commonwealth] Election Commission, then such  
28 county board of elections may, upon their own motion, authorize  
29 the temporary installation of voting machines approved by the  
30 [Secretary of the Commonwealth] Election Commission for



1 primaries and elections in one or more election districts of the  
2 county and the use of such voting machines shall be as valid for  
3 all purposes as if the voting machines had been permanently  
4 installed.

5 Section 1106. Examination and Approval of Voting Machines by  
6 the [Secretary of the Commonwealth] Election Commission.--

7 (a) Any person or corporation owning, manufacturing or  
8 selling, or being interested in the manufacture or sale of, any  
9 voting machine, may request the [Secretary of the Commonwealth]  
10 Election Commission to examine the machine. Any ten or more  
11 persons, being qualified electors of this Commonwealth, may, at  
12 any time, request the [Secretary of the Commonwealth] Election  
13 Commission to reexamine any voting machine theretofore examined  
14 and approved by him. Before any such examination or  
15 reexamination, the person, persons, or corporation, requesting  
16 such examination or reexamination, shall pay to the treasurer of  
17 the Commonwealth an examination fee of four hundred and fifty  
18 dollars (\$450). The [Secretary of the Commonwealth] Election  
19 Commission may, at any time, in his discretion, reexamine any  
20 voting machine.

21 (b) The [Secretary of the Commonwealth] Election Commission  
22 shall thereupon require such machine to be examined or  
23 reexamined by three examiners, whom he shall appoint for the  
24 purpose, of whom one shall be an expert in patent law, and the  
25 other two shall be experts in mechanics, and shall require of  
26 them a written report on such machine, attested by their  
27 signatures; and the [Secretary of the Commonwealth] Election  
28 Commission himself shall examine the machine, and shall make and  
29 file in his office, together with the reports of the examiners  
30 appointed by him, his own report, attested by his signature and

1 the seal of his office, stating whether, in his opinion and in  
2 consideration of the reports of the examiners aforesaid, the  
3 kind of machine so examined can be safely used by electors at  
4 elections, as provided in this act. If his report states that  
5 the machine can be so used, the machine shall be deemed  
6 approved, and machines of its kind may be adopted for use at  
7 elections, as herein provided.

8 (c) No kind of voting machine not so approved shall be used  
9 at any election, and if, upon the reexamination of any voting  
10 machine previously approved, it shall appear that the machine so  
11 reexamined can no longer be safely used by electors at elections  
12 as provided in this act, the approval of the same shall  
13 forthwith be revoked by the [Secretary of the Commonwealth]  
14 Election Commission, and no such voting machine shall thereafter  
15 be purchased for use in this Commonwealth.

16 \* \* \*

17 (e) Neither the [Secretary of the Commonwealth] Election  
18 Commission, nor any examiner appointed by him for the purpose  
19 prescribed by this section, nor any member of a county election  
20 board shall have any pecuniary interest in any voting machine,  
21 or in the manufacture or sale thereof.

22 \* \* \*

23 Section 1107. Requirements of Voting Machines.--No voting  
24 machine shall, upon any examination or reexamination, be  
25 approved by the [Secretary of the Commonwealth] Election  
26 Commission, or by any examiner appointed by him, unless it  
27 shall, at the time, satisfy the following requirements:

28 \* \* \*

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

30 \* \* \*

1 (b) If the construction of the machine shall require it, the  
2 ballot label for each candidate, group of candidates, political  
3 party, or question, to be voted on, shall bear the designating  
4 letter or number of the counter on the voting machine which will  
5 register or record votes therefor. Each question to be voted on  
6 shall appear on the ballot labels, in brief form, of not more  
7 than seventy-five words, to be determined by the [Secretary of  
8 the Commonwealth] Election Commission in the case of  
9 constitutional amendments or other questions to be voted on by  
10 the electors of the State at large, and by the county election  
11 board in other cases.

12 \* \* \*

13 (1) At the written request of a State committee, filed with  
14 the party rules and on the deadline prescribed by section 808.1  
15 of this act, a party may have a "no preference" column added to  
16 the list of candidates for the office of President of the United  
17 States at the primary election. The ballot position for "no  
18 preference" shall be drawn in the same manner as the other  
19 candidates for that office: Provided, however, That this  
20 position shall be drawn by the [Secretary of the Commonwealth]  
21 Election Commission or his or her designee.

22 \* \* \*

23 Section 1111. Preparation of Voting Machines by County  
24 Election Boards.--

25 \* \* \*

26 (f) The county election board shall furnish, at the expense  
27 of the county, all ballot labels, forms of certificates,  
28 returns, and other papers and supplies, required under the  
29 provisions of this act, all of which shall be in the form, and  
30 according to the specifications, prescribed, from time to time,

1 by the [Secretary of the Commonwealth] Election Commission.

2 Section 1103-A. Placing the Question on the Ballot; Election  
3 Thereon.--\* \* \*

4 (d) The election on said question shall be held at the  
5 places, during the hours, and under the regulations, provided by  
6 law for holding primaries and elections, and shall be conducted  
7 by the election officers provided by law to conduct such  
8 elections. The election officers shall count the votes cast at  
9 the elections on said question, and shall make return thereof to  
10 the county election board of the county, as required by law.  
11 Said returns shall be computed by the county election board, or  
12 other return board, and, when so computed, a certificate of the  
13 total number of electors voting "Yes" and of the total number of  
14 electors voting "No" on such question shall be filed in the  
15 office of the county election board, and copies thereof,  
16 certified by the county election board, shall forthwith be  
17 furnished to the [Secretary of the Commonwealth] Election  
18 Commission, and to the county commissioners or other  
19 appropriating authority of the county or municipality.

20 \* \* \*

21 Section 1104-A. Installation of Electronic Voting Systems.--

22 (a) If a majority of the qualified registered electors voting  
23 on the question in any county or municipality vote in favor of  
24 the adoption of an electronic voting system, the county board of  
25 elections of that county shall purchase, lease, or otherwise  
26 procure for each election district of such county or  
27 municipality, the components of an electronic voting system of a  
28 kind approved, as hereinafter provided, by the [Secretary of the  
29 Commonwealth] Election Commission, and the board shall  
30 thereafter notify the [Secretary of the Commonwealth] Election

1 Commission, in writing, that they have done so.

2 \* \* \*

3 (c) If the question hereinbefore provided shall have been  
4 submitted to the qualified registered electors of the county or  
5 municipality and the majority of the electors voting thereon  
6 shall have voted favorably thereon, and if the county board of  
7 elections shall not, within one year after such vote, have  
8 executed a contract or contracts providing for the purchase,  
9 lease or other procurement of an electronic voting system for  
10 use at the general, municipal, primary or special election  
11 occurring at least one year and sixty days after such vote, then  
12 the [Secretary of the Commonwealth] Election Commission shall  
13 forthwith in writing, notify the said county board of elections  
14 that, after the expiration of thirty days, he, under the  
15 authority of this act, will award, make and execute such  
16 contract or contracts on behalf of the said county, unless the  
17 said county board of elections shall make and execute the same  
18 prior to the expiration of that period and shall notify him, in  
19 writing, that they have done so.

20 (d) If, upon the expiration of said thirty days, the county  
21 board of elections still shall not have made and executed a  
22 contract or contracts providing for the purchase, lease or other  
23 procurement of an electronic voting system as aforesaid, the  
24 [Secretary of the Commonwealth] Election Commission, on behalf  
25 of the said county and upon the approval of the Attorney General  
26 as to form, shall thereupon award, make and execute a contract  
27 or contracts for the purchase, lease or other procurement of an  
28 electronic voting system, approved as required by this act, for  
29 each election district within such county or municipality, and  
30 the cost of such system, including the preparation and printing

1 of specifications and all other necessary expenses incidental  
2 thereto, shall be the debt of the said county, and upon the  
3 certificate of the [Secretary of the Commonwealth] Election  
4 Commission, it shall be the duty of the controller, if any, to  
5 allow, and of the treasurer of the county to pay, the sum out of  
6 any appropriation available therefore or out of the first  
7 unappropriated moneys that come into the treasury of the county.  
8 If the [Secretary of the Commonwealth] Election Commission shall  
9 find it impracticable to procure an electronic voting system for  
10 installation in each election district of the county or  
11 municipality for use at the election then next ensuing, he shall  
12 provide for the installation of such a system in as many  
13 election districts of the county or municipality as shall be  
14 practicable and, as soon thereafter as practicable, shall  
15 provide for the installation of such system in the remainder of  
16 the election districts of the county or municipality.

17 \* \* \*

18 Section 1105-A. Examination and Approval of Electronic  
19 Voting Systems by the [Secretary of the Commonwealth] Election  
20 Commission.--(a) Any person or corporation owning,  
21 manufacturing or selling, or being interested in the manufacture  
22 or sale of, any electronic voting system, may request the  
23 [Secretary of the Commonwealth] Election Commission to examine  
24 such system if the voting system has been examined and approved  
25 by a federally recognized independent testing authority and if  
26 it meets any voting system performance and test standards  
27 established by the Federal Government. The costs of the  
28 examination shall be paid by the person requesting the  
29 examination in an amount set by the [Secretary of the  
30 Commonwealth] Election Commission. Any ten or more persons,

1 being qualified registered electors of this Commonwealth, may,  
2 at any time, request the [Secretary of the Commonwealth]  
3 Election Commission to reexamine any electronic voting system  
4 theretofore examined and approved by him. Before any  
5 reexamination, the person, persons, or corporation, requesting  
6 such reexamination, shall pay to the Treasurer of the  
7 Commonwealth a reexamination fee of four hundred fifty dollars  
8 (\$450). The [Secretary of the Commonwealth] Election Commission  
9 may, at any time, in his discretion, reexamine any such system  
10 therefore examined and approved by him. The [Secretary of the  
11 Commonwealth] Election Commission may issue directives or  
12 instructions for implementation of electronic voting procedures  
13 and for the operation of electronic voting systems.

14 (b) Upon receipt of a request for examination or  
15 reexamination of an electronic voting system as herein provided  
16 for or in the event he determines to reexamine any such system,  
17 the [Secretary of the Commonwealth] Election Commission shall  
18 examine the electronic voting system and shall make and file in  
19 his office his report, attested by his signature and the seal of  
20 his office, stating whether, in his opinion, the system so  
21 examined can be safely used by voters at elections as provided  
22 in this act and meets all of the requirements hereinafter set  
23 forth. If his report states that the system can be so used and  
24 meets all such requirements, such system shall be deemed  
25 approved and may be adopted for use at elections, as herein  
26 provided. With respect to any electronic voting system approved  
27 for use in this Commonwealth by the [secretary] Election  
28 Commission, the report of the [secretary] Election Commission  
29 shall specify the capacity of the components of that system, the  
30 number of voters who may reasonably be accommodated by the

1 voting devices and automatic tabulating equipment which comprise  
2 such system and the number of clerks and machine inspectors, if  
3 any, required based on the number of registered electors in any  
4 election district in which the voting system is to be used, such  
5 specifications being based upon the [secretary's] Election  
6 Commission's examination of the system. Any county which  
7 thereafter may adopt any such approved system shall provide the  
8 components of such system in a number no less than that  
9 sufficient to accommodate the voters of that county or  
10 municipality in accordance with the minimum capacity standards  
11 so prescribed by the [secretary] Election Commission. The county  
12 board shall comply with the requirements for the use of the  
13 electronic voting system as set forth in the report by the  
14 [Secretary of the Commonwealth] Election Commission.

15 (c) No electronic voting system not so approved shall be  
16 used at any election, and if, upon the reexamination of any such  
17 system previously approved, it shall appear that the system so  
18 reexamined can no longer be used safely by voters at elections  
19 as provided in this act or does not meet the requirements  
20 hereinafter set forth, the approval of that system shall  
21 forthwith be revoked by the [Secretary of the Commonwealth]  
22 Election Commission, and that system shall not thereafter be  
23 used or purchased for use in this Commonwealth.

24 (d) When an electronic voting system has been so approved,  
25 no improvement or change that does not impair its accuracy,  
26 efficiency or capacity or its compliance with the requirements  
27 hereinafter set forth, shall render necessary the reexamination  
28 or reapproval of such system.

29 (e) Neither the [Secretary of the Commonwealth] Election  
30 Commission nor any member of a county board of elections shall



1 have any pecuniary interest in any electronic voting system or  
2 in any of the components thereof, or in the design, manufacture  
3 or sale thereof.

4 Section 1106-A. Experimental Use of Electronic Voting  
5 Systems.--\* \* \*

6 (b) The [Secretary of the Commonwealth] Election Commission  
7 may approve the use of an experimental electronic voting system  
8 by the county board of elections of any county which complies  
9 with section 1306(a) for absentee voters as provided for in the  
10 Uniformed and Overseas Citizens Absentee Voting Act (Public Law  
11 99-410, 100 Stat. 924) if the system allows the elector to mark  
12 his electronic ballot in secrecy as provided for paper absentee  
13 ballots pursuant to section 1306(a). The system shall be exempt  
14 from the requirements of sections 1107-A, 1302, 1303, 1304, 1305  
15 and 1306.

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

22 \* \* \*

23 (11) Is suitably designed for the purpose used, is  
24 constructed in a neat and workmanlike manner of durable material  
25 of good quality, is safely and efficiently useable in the  
26 conduct of elections and, with respect to the counting of  
27 ballots cast at each district, is suitably designed and equipped  
28 to be capable of absolute accuracy, which accuracy shall be  
29 demonstrated to the [Secretary of the Commonwealth] Election  
30 Commission.

1 \* \* \*

2 Section 6. Section 1109-A(b) and (e) of the act, amended  
3 March 27, 2020 (P.L.41, No.12), are amended to read:

4 Section 1109-A. Forms.--\* \* \*

5 (b) Ballot labels shall be printed in plain clear type, of  
6 such size and arrangement as to fit the construction of the  
7 voting device; and they shall be printed in a manner prescribed  
8 by the [Secretary of the Commonwealth] Election Commission to  
9 identify different ballots or parts of a ballot and in primary  
10 elections to identify each political party.

11 \* \* \*

12 (e) In primary elections, the [Secretary of the  
13 Commonwealth] Election Commission shall prescribe a method to  
14 ensure that the elector votes the correct ballot.

15 \* \* \*

16 Section 7. Sections 1110-A(a), (b) and (b.1) and 1112-A(b)  
17 (6) of the act are amended to read:

18 Section 1110-A. Supplies; Preparation of the Voting System  
19 and of Polling Places.--(a) Prior to any election in which an  
20 electronic voting system is to be used, the county board of  
21 elections shall furnish to each election district, at the  
22 expense of the county, the elements of such voting system,  
23 including voting devices, automatic tabulating equipment, ballot  
24 boxes, ballot labels, ballots, ballot envelopes, forms of  
25 certificates, returns and other records and supplies, as are  
26 necessary for the proper operation of the voting system at the  
27 election district level or as are required under the provisions  
28 of this act, all of which shall be in the form and according to  
29 the specifications prescribed from time to time by the  
30 [Secretary of the Commonwealth] Election Commission.

1 (b) Unless the voting device itself enables the voter to  
2 register his vote in secret, the county board of elections shall  
3 provide voting booths for each election district, which shall be  
4 of a size and design which shall enable the voter to register  
5 his vote in secret. The county board shall determine the number  
6 of voting devices and voting booths to be provided in each such  
7 district in order to satisfy the minimum capacity standards  
8 prescribed by the [Secretary of the Commonwealth] Election  
9 Commission.

10 (b.1) The county board of elections shall furnish supplies  
11 to each election district which shall enable the voter to insert  
12 the ballot into the district automatic tabulating equipment in  
13 secret. The supplies shall be in the form and according to the  
14 specifications prescribed by the [Secretary of the Commonwealth]  
15 Election Commission.

16 \* \* \*

17 Section 1112-A. Election Day Procedures and the Process of  
18 Voting.--\* \* \*

19 (b) In an election district which uses an electronic voting  
20 system which utilizes paper ballots or ballot cards to register  
21 the votes, the following procedures will be applicable for the  
22 conduct of the election at the election district:

23 \* \* \*

24 (6) Following the completion of his vote, the voter shall  
25 leave the voting booth and return the ballot to the election  
26 officer by a means designed to insure its secrecy as prescribed  
27 by the [Secretary of the Commonwealth] Election Commission; the  
28 voter shall insert the ballot into the district automatic  
29 tabulating equipment or, in the event district tabulation is not  
30 provided for by the voting system or such district tabulation

1 equipment is inoperative for any reason, into a secure ballot  
2 box.

3 Section 8. The definitions of "bond", "department" and  
4 "voting apparatus" in section 1101-B of the act are amended to  
5 read:

6 Section 1101-B. Definitions.

7 The following words and phrases when used in this article  
8 shall have the meanings given to them in this section unless the  
9 context clearly indicates otherwise:

10 \* \* \*

11 "Bond." Any type of revenue obligation, including a bond or  
12 series of bonds, note, certificate or other instrument, issued  
13 by the authority for the benefit of the [department] Election  
14 Commission under this article.

15 \* \* \*

16 ["Department." The Department of State of the Commonwealth.]

17 \* \* \*

18 "Voting apparatus." A kind or type of electronic voting  
19 system that received the approval of the [Secretary of the  
20 Commonwealth] Election Commission under section 1105-A.

21 Section 9. Sections 1102-B(b) (1), 1103-B(a) and (b) (1),  
22 1104-B(a) and (b), 1106-B, 1107-B, 1108-B(1), 1110-B, 1111-B,  
23 1112-B, 1203, 1206.2(a), (b) and (c), 1210(a.4) (11) and 1228(a)  
24 of the act are amended to read:

25 Section 1102-B. Bond issuance.

26 \* \* \*

27 (b) Authority.--Notwithstanding any other law, the following  
28 shall apply:

29 (1) The [department] Election Commission may be a  
30 project applicant under the Financing Law and may apply to

1 the authority for the funding of the replacement of voting  
2 apparatuses.

3 \* \* \*

4 Section 1103-B. Criteria for bond issuance.

5 (a) Determination.--If the [department] Election Commission  
6 decertifies one or more voting apparatuses that are in use in  
7 any county of this Commonwealth, the [department] Election  
8 Commission shall apply to the authority to issue bonds for  
9 reimbursements to each county for the cost of procuring new  
10 voting apparatuses.

11 \* \* \*

12 (b) Terms.--

13 (1) The [department] Election Commission, with the  
14 approval of the Office of the Budget, shall specify in its  
15 application to the authority:

16 (i) the maximum principal amount of the bonds for  
17 each bond issue; and

18 (ii) the maximum term of the bonds consistent with  
19 applicable law.

20 \* \* \*

21 Section 1104-B. Issuance of bonds, security and sources of  
22 payments.

23 (a) Issuance.--The authority shall consider issuance of  
24 bonds upon application by the [department] Election Commission.  
25 Bonds issued under this article shall be subject to the  
26 provisions of the Financing Law, unless otherwise specified  
27 under this article.

28 (b) Service agreement authorized.--The authority and the  
29 [department] Election Commission may enter into an agreement or  
30 service agreement to effectuate this article, including an

1 agreement to secure bonds issued for the purposes under section  
2 1102-B(b), pursuant to which the [department] Election  
3 Commission shall agree to pay the bond obligations and bond  
4 administrative expenses to the authority in each fiscal year  
5 that the bonds or refunding bonds are outstanding in amounts  
6 sufficient to timely pay in full the bond obligations, bond  
7 administrative expenses and any other financing costs due on the  
8 bonds issued for the purposes under section 1102-B(b). The  
9 [department's] Election Commission's payment of the bond  
10 obligations, bond administrative expenses and other financing  
11 costs due on the bonds as service charges under an agreement or  
12 service agreement shall be subject to and dependent upon the  
13 appropriation of funds by the General Assembly to the  
14 [department] Election Commission for payment of the service  
15 charges. The service agreement may be amended or supplemented by  
16 the authority and the [department] Election Commission in  
17 connection with the issuance of any series of bonds or refunding  
18 bonds authorized under this section.

19 \* \* \*

20 Section 1106-B. Deposit of bond proceeds.

21 The net proceeds of bonds, other than refunding bonds,  
22 exclusive of costs of issuance, reserves and any other financing  
23 charges, shall be transferred by the authority to the State  
24 Treasurer for deposit into a restricted account established in  
25 the State Treasury and held solely for the purposes under  
26 section 1102-B(b) to be known as the County Voting Apparatus  
27 Reimbursement Account. The [department] Election Commission  
28 shall pay out the bond proceeds to the counties from the account  
29 in accordance with this article.

30 Section 1107-B. Payment of bond-related obligations.

1 For each fiscal year in which bond obligations and bond  
2 administrative expenses will be due, the authority shall notify  
3 the [department] Election Commission of the amount of bond  
4 obligations and the estimated amount of bond administrative  
5 expenses in sufficient time, as determined by the [department]  
6 Election Commission, to permit the [department] Election  
7 Commission to request an appropriation sufficient to pay bond  
8 obligations and bond administrative expenses that will be due  
9 and payable in the following fiscal year. The authority's  
10 calculation of the amount of bond obligations and bond  
11 administrative expenses that will be due shall be subject to  
12 verification by the [department] Election Commission.

13 Section 1108-B. Commonwealth not to impair bond-related  
14 obligations.

15 The Commonwealth pledges that it shall not do any of the  
16 following:

17 (1) Limit or alter the rights and responsibilities of  
18 the authority or the [department] Election Commission under  
19 this article, including the responsibility to:

20 (i) pay bond obligations and bond administrative  
21 expenses; and

22 (ii) comply with any other instrument or agreement  
23 pertaining to bonds.

24 \* \* \*

25 Section 1110-B. Personal liability.

26 The members, directors, officers and employees of the  
27 [department] Election Commission and the authority shall not be  
28 personally liable as a result of good faith exercise of the  
29 rights and responsibilities granted under this article.

30 Section 1111-B. Annual report.

1 No later than March 1 of the year following the first full  
2 year in which bonds have been issued under this article and for  
3 each year thereafter in which bond obligations existed in the  
4 prior year, the [department] Election Commission shall submit an  
5 annual report to the chair and minority chair of the  
6 Appropriations Committee of the Senate, the chair and minority  
7 chair of the Appropriations Committee of the House of  
8 Representatives, the chair and minority chair of the State  
9 Government Committee of the Senate and the chair and minority  
10 chair of the State Government Committee of the House of  
11 Representatives providing all data available on bonds issued or  
12 existing in the prior year. The report shall include existing  
13 and anticipated bond principal, interest and administrative  
14 costs, revenue, repayments, refinancing, overall benefits to  
15 counties and any other relevant data, facts and statistics that  
16 the [department] Election Commission believes necessary in the  
17 content of the report.

18 Section 1112-B. Reimbursement of county voting apparatus  
19 expenses.

20 (a) Application.--A county may apply to the [department]  
21 Election Commission to receive funding to replace the county's  
22 voting apparatuses or to reimburse the county's cost to purchase  
23 or lease by capital lease voting apparatuses. Each county shall  
24 submit an application for funding on a form containing  
25 information and documentation prescribed by the [department]  
26 Election Commission no later than July 1, 2020.

27 (b) Documentation for prior purchase or lease.--If a county  
28 seeks reimbursement of the county's cost to purchase or lease by  
29 capital lease a voting apparatus that the county purchased or  
30 leased before the date that the county submits its application



1 to the [department] Election Commission, the county's  
2 application shall include documentation prescribed by the  
3 [department] Election Commission to substantiate the county's  
4 cost to purchase or lease the voting apparatus, including copies  
5 of fully executed voting apparatus contracts, invoices and proof  
6 of payment to the vendor of the voting apparatus.

7 (c) Documentation for subsequent purchase or lease.--If a  
8 county seeks funding to purchase or lease by capital lease a  
9 voting apparatus that the county will purchase or lease after  
10 the date that the county submits its application to the  
11 [department] Election Commission, the county's application shall  
12 include documentation prescribed by the [department] Election  
13 Commission to substantiate the county's estimate to purchase or  
14 lease the voting apparatus, including copies of fully executed  
15 voting apparatus contracts, bids or price quotes submitted to  
16 the county by voting apparatus vendors and other price estimates  
17 or cost proposals.

18 (d) Review.--The [department] Election Commission shall  
19 review each county application on a rolling basis and shall  
20 either approve or deny each county's application within 90 days  
21 of the date the application is received by the [department]  
22 Election Commission. A county may supplement or amend submitted  
23 applications during the 90-day review period in consultation  
24 with the [department] Election Commission.

25 (e) Approval for prior purchase or lease.--If the  
26 [department] Election Commission approves a county's application  
27 submitted under subsection (b), the [department] Election  
28 Commission and the county shall enter into a written grant  
29 agreement through which the [department] Election Commission  
30 shall reimburse the county at the amount determined under

1 subsection (g).

2 (f) Approval for subsequent purchase or lease.--If the  
3 [department] Election Commission approves a county's application  
4 under subsection (c), the [department] Election Commission and  
5 the county shall enter into a written grant agreement through  
6 which the [department] Election Commission will provide funding  
7 to reimburse the county's cost to purchase or lease a voting  
8 apparatus at the amount determined under subsection (g). The  
9 county shall hold the grant money in an account of the county  
10 that is separate from each other county account. The county  
11 shall deliver quarterly reports to the [department] Election  
12 Commission of the voting apparatus costs paid from the grant  
13 money in a form prescribed by the [department] Election  
14 Commission. The county shall return any unspent grant money to  
15 the [department] Election Commission within 30 days of the  
16 expiration of the grant agreement.

17 (g) Payments.--

18 (1) A county shall only receive amounts under this  
19 section to the extent that the [department] Election  
20 Commission has bond proceeds available in the account from  
21 which to make payments.

22 (2) Except as provided under paragraph (3), a county  
23 which submitted an application approved under subsection (e)  
24 or (f) shall receive 60% of the total amount submitted under  
25 subsection (b) or (c) which may be reimbursed or paid.

26 (3) If the total amount submitted by all counties under  
27 paragraph (2) exceeds the total amount available for  
28 reimbursement or payment, a county shall receive a portion of  
29 the amount available equal to the total amount submitted by  
30 the county under subsection (b) or (c) which may be

1 reimbursed or paid, divided by the total amount submitted by  
2 all counties under subsection (b) or (c) which may be  
3 reimbursed or paid.

4 (4) If any bond proceeds remain after the [department]  
5 Election Commission has issued all reimbursements in  
6 accordance with paragraphs (1), (2) and (3), the [department]  
7 Election Commission may utilize the remaining balance for  
8 grants for counties for the purchase and distribution to the  
9 counties of election security equipment. The [department]  
10 Election Commission shall provide notice to each county no  
11 later than 30 days prior to receiving applications for grants  
12 under this paragraph.

13 (h) Certification.--A county shall only receive the  
14 reimbursement or funding under this article after making a  
15 certification to the [department] Election Commission, the  
16 President pro tempore of the Senate, the Speaker of the House of  
17 Representatives, the Minority Leader of the Senate, the Minority  
18 Leader of the House of Representatives, the chair and minority  
19 chair of the Appropriations Committee of the Senate, the chair  
20 and minority chair of the Appropriations Committee of the House  
21 of Representatives, the chair and minority chair of the State  
22 Government Committee of the Senate and the chair and minority  
23 chair of the State Government Committee of the House of  
24 Representatives that the county has completed a program under 25  
25 Pa.C.S. § 1901(b) (1) (relating to removal of electors) and  
26 mailed notices required under 25 Pa.C.S. § 1901(b) (3) within the  
27 prior 12 months. The certification shall include information on  
28 whether the county has undertaken a canvass under 25 Pa.C.S. §  
29 1901(b) (2).

30 (i) [Department] Election Commission application.--The

1 [department] Election Commission shall apply to the authority  
2 for funding under section 1102-B only if the [department]  
3 Election Commission has approved county applications under this  
4 article which total at least \$50,000,000.

5 Section 1203. Voter's Certificates.--At each primary and  
6 election each county board shall prepare a suitable number of  
7 voter's certificates which shall be in form approved by the  
8 [Secretary of the Commonwealth] Election Commission  
9 substantially as follows:

10 Voter's Certificate

11 (Primary) (Election) ..... 19.....

12 I hereby certify that I am qualified to vote at this  
13 (primary) (election)

14 Signature .....

15 Address .....

16 ..... Pa.

17 Approved.....

18 Number of admission to voting machines (and party, at  
19 primary).....

20 The voter's certificate shall be so prepared as to be capable  
21 of being inserted by the election officers in a suitable file or  
22 binder to be furnished by the county board. One such file or  
23 binder shall be furnished by the county board for each election  
24 district for each primary and election, and shall have printed  
25 or written thereon the words "Voting Check List," together with  
26 the number of the district and ward, if any, and the date of the  
27 primary or election.

28 Section 1206.2. Title III Complaints.--The [Department of  
29 State] Election Commission shall establish within the [Bureau of  
30 Commissions, Elections and Legislation] Election Commission a

1 procedure for the review of complaints regarding the  
2 administration of Title III of the Help America Vote Act of 2002  
3 (Public Law 107-252, 42 U.S.C. § 15301 et seq.). The [Department  
4 of State] Election Commission shall provide a complaint form  
5 which shall require the signature of the complainant, an  
6 affidavit and notarization and the attachment of any supporting  
7 documentation.

8 (b) Where a complaint pertains to a local or county employe  
9 or official, the following procedure shall apply:

10 (1) The [Department of State] Election Commission shall  
11 provide the county board of elections with a copy of the  
12 complaint within three business days of receipt.

13 (2) The county board of elections shall have twenty days to  
14 either reach an agreement with the complainant or file a written  
15 response to the complaint.

16 (3) The [Department of State] Election Commission shall  
17 provide the complainant with a copy of the response and an  
18 opportunity for an informal hearing.

19 (4) Where an informal hearing is requested, the county board  
20 of elections shall be given notice and the opportunity to  
21 participate.

22 (5) The [Department of State] Election Commission shall  
23 issue a final determination and remedial plan if necessary no  
24 later than ninety days after the filing of the complaint. If the  
25 [Department of State] Election Commission fails to issue the  
26 determination within ninety days, it shall provide alternative  
27 dispute resolution for the disposition of the complaint. The  
28 alternative process shall be completed within sixty days of its  
29 commencement.

30 (c) Where a complaint pertains to the [Department of State]

1 Election Commission the following procedure shall apply:

2 (1) The [Department of State] Election Commission shall  
3 forward the complaint to the Office of General Counsel within  
4 three business days of receipt.

5 (2) The [Department of State] Election Commission shall have  
6 twenty days to either reach an agreement with the complainant or  
7 file a written response to the complaint.

8 (3) The Office of General Counsel shall provide the  
9 complainant with a copy of the response and an opportunity for  
10 an informal hearing.

11 (4) Where an informal hearing is requested, the [Department  
12 of State] Election Commission shall be given notice and an  
13 opportunity to participate.

14 (5) The Office of General Counsel shall issue a final  
15 determination and remedial plan if necessary no later than  
16 ninety days after the filing of the complaint. If the Office of  
17 General Counsel fails to issue the determination within ninety  
18 days, it shall provide alternative dispute resolution for the  
19 disposition of the complaint. The alternative process shall be  
20 completed within sixty days of its commencement.

21 \* \* \*

22 Section 1210. Manner of Applying to Vote; Persons Entitled  
23 to Vote; Voter's Certificates; Entries to Be Made in District  
24 Register; Numbered Lists of Voters; Challenges.--\* \* \*

25 (a.4) \* \* \*

26 (11) The [department] Election Commission shall establish a  
27 World Wide Web site and a toll-free telephone number to permit  
28 an individual who cast a provisional ballot to determine whether  
29 the vote of that individual was counted and, if the vote was not  
30 counted, the reason that it was not counted.

1 \* \* \*

2 Section 1228. Disposition of Returns; Posting; Return of  
3 District Register and Voting Check List.--(a) The general  
4 return sheet, duplicate return sheets, and statement, shall be  
5 printed to conform to the type of voting machine used, and in  
6 form approved by the [Secretary of the Commonwealth] Election  
7 Commission. The designating number and letter, if any, on the  
8 counter for each candidate, shall be printed thereon opposite  
9 the candidate's name: Provided, however, That it shall not be  
10 necessary to print the name or designating counter number or  
11 letter of any candidate for any borough, township, ward, or  
12 election district office. Immediately after the vote has been  
13 ascertained, the statement thereof shall be posted on the door  
14 of the polling place. The minority inspector shall retain one of  
15 said duplicate return sheets, one numbered list of voters,  
16 sealed as aforesaid, and one set of oaths of election officers  
17 and carefully preserve the same for a period of at least one  
18 year. The other duplicate return sheet, numbered list of voters,  
19 oaths of election officers, and affidavits of voters and others,  
20 shall be sealed up and given to the judge of election, who shall  
21 deliver them, together with the general return sheet and the  
22 package of ballots deposited, written or affixed in or upon the  
23 voting machine, to the county board. If the type of voting  
24 machine is equipped with mechanism for printing paper proof  
25 sheets, one of said proof sheets shall be posted on the door of  
26 the polling place with the statement aforesaid; one shall be  
27 retained by the minority inspector; one shall be placed in the  
28 envelope and delivered with the general return sheet; and one  
29 shall be sealed in the envelope with the duplicate return sheets  
30 and delivered by the judge of election to the county board. The

1 printed proof sheet returned with the general return sheet, and  
2 the printed proof sheet returned with the duplicate return  
3 sheet, shall each be part of the return of the election. The  
4 judge of elections shall return to the county board by two  
5 o'clock A. M. on the day following the election envelopes;  
6 supplies, including all uncast provisional ballots; and returns,  
7 including all provisional ballots and absentee ballots cast in  
8 the election district.

9 \* \* \*

10 Section 10. Section 1302(a), (b), (b.1), (e), (i) and (k) of  
11 the act, amended March 27, 2020 (P.L.41, No.12), are amended to  
12 read:

13 Section 1302. Applications for Official Absentee Ballots.--

14 (a) Any qualified elector defined in preceding section 1301,  
15 subsections (a) to (h), inclusive, may apply at any time before  
16 any primary or election for any official absentee ballot in  
17 person, on any form supplied by the Federal Government, or on  
18 any official county board of election form addressed to the  
19 [Secretary of the Commonwealth of Pennsylvania] Election  
20 Commission or the county board of election of the county in  
21 which his voting residence is located.

22 (b) An application for a qualified elector under subsection  
23 (a) shall contain the following information: Home residence at  
24 the time of entrance into actual military service or Federal  
25 employment, length of time a citizen, length of residence in  
26 Pennsylvania, date of birth, length of time a resident of voting  
27 district, voting district if known, party choice in case of  
28 primary, name and, for a military elector, his stateside  
29 military address, FPO or APO number and serial number. Any  
30 elector other than a military elector shall in addition specify



1 the nature of his employment, the address to which ballot is to  
2 be sent, relationship where necessary, and such other  
3 information as may be determined and prescribed by the  
4 [Secretary of the Commonwealth] Election Commission. When such  
5 application is received by the [Secretary of the Commonwealth]  
6 Election Commission it shall be forwarded to the proper county  
7 board of election.

8 (b.1) An application for a qualified elector other than  
9 under subsection (a) shall contain the following information:  
10 Date of birth, length of time a resident of voting district,  
11 voting district if known, party choice in case of primary and  
12 name. The elector shall in addition specify the nature of his or  
13 her employment, the address to which ballot is to be sent,  
14 relationship where necessary, and other information as may be  
15 determined and prescribed by the [Secretary of the Commonwealth]  
16 Election Commission. When the application is received by the  
17 [Secretary of the Commonwealth] Election Commission it shall be  
18 forwarded to the proper county board of election.

19 \* \* \*

20 (e) Any qualified bedridden or hospitalized veteran absent  
21 from the municipality of his residence and unable to attend his  
22 polling place because of such illness or physical disability,  
23 regardless of whether he is registered or enrolled, may apply at  
24 any time before any primary or election for an official absentee  
25 ballot on any official county board of election form addressed  
26 to the [Secretary of the Commonwealth of Pennsylvania] Election  
27 Commission or the county board of elections of the county in  
28 which his voting residence is located.

29 The application shall contain the following information:  
30 Residence at the time of becoming bedridden or hospitalized,

1 length of time a citizen, length of residence in Pennsylvania,  
2 date of birth, length of time a resident in voting district,  
3 voting district if known, party choice in case of primary, name  
4 and address of present residence or hospital at which  
5 hospitalized. When such application is received by the  
6 [Secretary of the Commonwealth] Election Commission, it shall be  
7 forwarded to the proper county board of elections.

8 The application for an official absentee ballot for any  
9 primary or election shall be made on information supplied over  
10 the signature of the bedridden or hospitalized veteran as  
11 required in the preceding subsection. Any qualified registered  
12 elector, including a spouse or dependent referred to in  
13 subsection (1) of section 1301, who expects to be or is absent  
14 from the municipality of his residence because his duties,  
15 occupation or business require him to be elsewhere on the day of  
16 any primary or election and any qualified registered elector who  
17 is unable to attend his polling place on the day of any primary  
18 or election because of illness or physical disability and any  
19 qualified registered bedridden or hospitalized veteran in the  
20 county of residence, or in the case of a county employe who  
21 cannot vote due to duties on election day relating to the  
22 conduct of the election, or in the case of a person who will not  
23 attend a polling place because of the observance of a religious  
24 holiday, may apply to the county board of elections of the  
25 county in which his voting residence is located for an Official  
26 Absentee Ballot. Such application shall be made upon an official  
27 application form supplied by the county board of elections. Such  
28 official application form shall be determined and prescribed by  
29 the [Secretary of the Commonwealth of Pennsylvania] Election  
30 Commission.

1 (1) The application of any qualified registered elector,  
2 including spouse or dependent referred to in subsection (1) of  
3 section 1301, who expects to be or is absent from the  
4 municipality of his residence because his duties, occupation or  
5 business require him to be elsewhere on the day of any primary  
6 or election, or in the case of a county employe who cannot vote  
7 due to duties on election day relating to the conduct of the  
8 election, or in the case of a person who will not attend a  
9 polling place because of the observance of a religious holiday,  
10 shall be signed by the applicant and shall include the surname  
11 and given name or names of the applicant, proof of  
12 identification, his occupation, date of birth, length of time a  
13 resident in voting district, voting district if known, place of  
14 residence, post office address to which ballot is to be mailed,  
15 the reason for his absence, and such other information as shall  
16 make clear to the county board of elections the applicant's  
17 right to an official absentee ballot.

18 (2) The application of any qualified registered elector who  
19 is unable to attend his polling place on the day of any primary  
20 or election because of illness or physical disability and the  
21 application of any qualified registered bedridden or  
22 hospitalized veteran in the county of residence shall be signed  
23 by the applicant and shall include surname and given name or  
24 names of the applicant, proof of identification, his occupation,  
25 date of birth, residence at the time of becoming bedridden or  
26 hospitalized, length of time a resident in voting district,  
27 voting district if known, place of residence, post office  
28 address to which ballot is to be mailed, and such other  
29 information as shall make clear to the county board of elections  
30 the applicant's right to an official ballot. In addition, the

1 application of such electors shall include a declaration stating  
2 the nature of their disability or illness, and the name, office  
3 address and office telephone number of their attending  
4 physician: Provided, however, That in the event any elector  
5 entitled to an absentee ballot under this subsection be unable  
6 to sign his application because of illness or physical  
7 disability, he shall be excused from signing upon making a  
8 statement which shall be witnessed by one adult person in  
9 substantially the following form: I hereby state that I am  
10 unable to sign my application for an absentee ballot without  
11 assistance because I am unable to write by reason of my illness  
12 or physical disability. I have made or have received assistance  
13 in making my mark in lieu of my signature.

14 ..... (Mark)  
15 (Date)  
16 .....  
17 (Complete Address of Witness) (Signature of Witness)

18 \* \* \*

19 (i) (1) Application for official absentee ballots shall be  
20 on physical and electronic forms prescribed by the [Secretary of  
21 the Commonwealth] Election Commission. The application shall  
22 state that an elector who applies for an absentee ballot  
23 pursuant to section 1301 shall not be eligible to vote at a  
24 polling place on election day unless the elector brings the  
25 elector's absentee ballot to the elector's polling place, remits  
26 the ballot and the envelope containing the declaration of the  
27 elector to the judge of elections to be spoiled and signs a  
28 statement subject to the penalties of 18 Pa.C.S. § 4904  
29 (relating to unsworn falsification to authorities) to the same  
30 effect. Such physical application forms shall be made freely

1 available to the public at county board of elections, municipal  
2 buildings and at such other locations designated by the  
3 [secretary] Election Commission. Such electronic application  
4 forms shall be made freely available to the public through  
5 publicly accessible means. No written application or personal  
6 request shall be necessary to receive or access the application  
7 forms. Copies and records of all completed physical and  
8 electronic applications for official absentee ballots shall be  
9 retained by the county board of elections.

10 (2) Nothing in this act shall prohibit a private  
11 organization or individual from printing blank voter  
12 applications for absentee ballots or shall prohibit the use of  
13 such applications by another individual, provided the form,  
14 content and paper quality have been approved by the [Secretary  
15 of the Commonwealth] Election Commission.

16 \* \* \*

17 (k) The [Secretary of the Commonwealth] Election Commission  
18 may develop an electronic system through which all qualified  
19 electors may apply for an absentee ballot and request permanent  
20 absentee voter status under subsection (e.1), provided the  
21 system is able to capture a digitized or electronic signature of  
22 the applicant. A county board of elections shall treat any  
23 application or request received through the electronic system as  
24 if the application or request had been submitted on a paper form  
25 or any other format used by the county.

26 Section 11. Section 1303(b) of the act is amended to read:

27 Section 1303. Official Absentee Voters Ballots.--\* \* \*

28 (b) In districts in which voting machines are used and in  
29 those districts in which paper ballots are used and the county  
30 board of elections therein do not print official absentee

1 ballots in accordance with sections 1002 and 1003, the ballots  
2 for use by such absentee electors under the provisions of this  
3 act shall be prepared sufficiently in advance by the county  
4 board of elections and shall be distributed by such boards as  
5 hereinafter provided. Such ballots shall be marked Official  
6 Absentee Ballot but shall not be numbered and shall otherwise be  
7 in substantially the form for ballots required by article ten of  
8 this act, which form shall be determined and prescribed by the  
9 [Secretary of the Commonwealth] Election Commission.

10 \* \* \*

11 Section 12. Section 1304 of the act, amended March 27, 2020  
12 (P.L.41, No.12), is amended to read:

13 Section 1304. Envelopes for Official Absentee Ballots.--

14 The county boards of election shall provide two additional  
15 envelopes for each official absentee ballot of such size and  
16 shape as shall be prescribed by the [Secretary of the  
17 Commonwealth] Election Commission, in order to permit the  
18 placing of one within the other and both within the mailing  
19 envelope. On the smaller of the two envelopes to be enclosed in  
20 the mailing envelope shall be printed, stamped or endorsed the  
21 words "Official Election Ballot," and nothing else. On the  
22 larger of the two envelopes, to be enclosed within the mailing  
23 envelope, shall be printed the form of the declaration of the  
24 elector, and the name and address of the county board of  
25 election of the proper county. The larger envelope shall also  
26 contain information indicating the local election district of  
27 the absentee voter. Said form of declaration and envelope shall  
28 be as prescribed by the [Secretary of the Commonwealth] Election  
29 Commission and shall contain among other things a statement of  
30 the electors qualifications, together with a statement that such

1 elector has not already voted in such primary or election. The  
2 mailing envelope addressed to the elector shall contain the two  
3 envelopes, the official absentee ballot, lists of candidates,  
4 when authorized by section 1303 subsection (b) of this act, the  
5 uniform instructions in form and substance as prescribed by the  
6 [Secretary of the Commonwealth] Election Commission and nothing  
7 else.

8 Section 13. Section 1305.1 of the act is amended to read:

9 Section 1305.1. Notice to County Board of Elections.--(a)  
10 At least fifty days prior to a primary, the [Secretary of the  
11 Commonwealth] Election Commission shall transmit to the county  
12 board of elections a list of candidates who have filed a  
13 nominating petition with him and who are not known to have  
14 withdrawn or been disqualified, conforming, to the extent  
15 possible, with the requirements of section 916.

16 (b) At least seventy days prior to an election, the  
17 [Secretary of the Commonwealth] Election Commission shall  
18 transmit to the county board of elections a list, as he knows it  
19 to exist at that time, of candidates to be voted on in the  
20 county at the election, as well as a copy of all constitutional  
21 amendments and other questions to be voted on at such election,  
22 together with a statement of the form in which they are to be  
23 placed on the ballot, conforming to the extent possible with the  
24 requirements of section 984.

25 Section 14. Section 1306(a)(2) of the act, amended March 27,  
26 2020 (P.L.41. No.12), is amended to read:

27 Section 1306. Voting by Absentee Electors.--(a) Except as  
28 provided in paragraphs (2) and (3), at any time after receiving  
29 an official absentee ballot, but on or before eight o'clock P.M.  
30 the day of the primary or election, the elector shall, in

1 secret, proceed to mark the ballot only in black lead pencil,  
2 indelible pencil or blue, black or blue-black ink, in fountain  
3 pen or ball point pen, and then fold the ballot, enclose and  
4 securely seal the same in the envelope on which is printed,  
5 stamped or endorsed "Official Election Ballot." This envelope  
6 shall then be placed in the second one, on which is printed the  
7 form of declaration of the elector, and the address of the  
8 elector's county board of election and the local election  
9 district of the elector. The elector shall then fill out, date  
10 and sign the declaration printed on such envelope. Such envelope  
11 shall then be securely sealed and the elector shall send same by  
12 mail, postage prepaid, except where franked, or deliver it in  
13 person to said county board of election.

14 (2) Any elector, spouse of the elector or dependent of the  
15 elector, qualified in accordance with the provisions of section  
16 1301, subsections (e), (f), (g) and (h) to vote by absentee  
17 ballot as herein provided, shall be required to include on the  
18 form of declaration a supporting declaration in form prescribed  
19 by the [Secretary of the Commonwealth] Election Commission, to  
20 be signed by the head of the [department] Election Commission or  
21 chief of division or bureau in which the elector is employed,  
22 setting forth the identity of the elector, spouse of the elector  
23 or dependent of the elector.

24 \* \* \*

25 Section 15. Section 1306.1 of the act is amended to read:

26 Section 1306.1. Assistance in Voting by Certain Absentee  
27 Electors.--

28 Any elector qualified to vote an official absentee ballot in  
29 accordance with the provisions of section 1301, subsection (k),  
30 may receive assistance in voting (1) if there is recorded on his



1 registration card his declaration that he has a physical  
2 disability which renders him unable to see or mark the official  
3 absentee ballot, the exact nature of such disability being  
4 recorded on such registration card; (2) if such elector  
5 requiring assistance submits with his application for an  
6 official absentee ballot, a statement setting forth the precise  
7 nature of the disability which renders him unable to see or mark  
8 the official absentee ballot and that to the best of his  
9 knowledge and belief he will still suffer from the said physical  
10 disability at the time of voting his official absentee ballot.  
11 He shall acknowledge the same before an officer qualified to  
12 take acknowledgment of deeds. Such statement shall be in  
13 substantially the following form:

14 Statement of Absentee Elector Requiring Assistance

15 I, ....., hereby state

16 (Name of voter requiring assistance)

17 that I require assistance in marking the official absentee  
18 ballot for the primary or election held .....,

19 (Date)

20 19..., that will be issued to me for the following reason:

21  
22 .....

23 (Insert nature of disability)

24  
25 .....

26 (Signature or mark of elector)

27  
28 .....

29 (Date of signature or mark)

30 Commonwealth of Pennsylvania:

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ss

County of .....

On this.....day of....., 19...., before me,  
....., the undersigned officer personally  
appeared....., known to me (or satisfactorily  
proven) to be the person whose signature or mark appears on the  
within instrument and acknowledged the same for the purposes  
therein contained.

In witness whereof, I have hereunto set my hand and official  
seal

.....  
(Title of Officer)

Upon receipt of the official absentee ballot, such elector  
requiring assistance may select a person to assist him in  
voting, such assistance to be rendered in secret: Provided,  
however, That the person rendering assistance may not be the  
elector's employer or an agent of the employer or an officer or  
agent of the elector's union. The person rendering the  
assistance in voting shall complete, date and sign the  
declaration in such form approved by the [Secretary of the  
Commonwealth] Election Commission, or substantially in the form  
as set forth below, that the person has caused the elector's  
ballot to be marked in accordance with such elector's desires  
and instruction. Such declaration form shall be returned to the  
county board of elections in the mailing envelope addressed to  
the county board of elections within which the small "official  
absentee ballot" is returned.

Declaration of Person Rendering Assistance

I, .....,  
(Name of Person rendering assistance)

1 hereby declare that I have witnessed the aforesaid elector's  
2 signature or mark and that I have caused the aforesaid elector's  
3 ballot to be marked in accordance with the desires and  
4 instructions of the aforesaid elector.

5 .....  
6 (Signature of Person Rendering Assistance)  
7 .....  
8 (Address)

9 Section 16. The definitions of "department" and "secretary"  
10 in section 1301-C of the act are amended to read:

11 Section 1301-C. Definitions.

12 The following words and phrases when used in this article  
13 shall have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 ["Department." The Department of State of the Commonwealth.  
16 "Secretary." The Secretary of the Commonwealth.]

17 \* \* \*

18 Section 17. Section 1302-C(a) of the act is amended to read:

19 Section 1302-C. SURE System Advisory Board.

20 (a) Establishment.--The [secretary] Election Commission  
21 shall form an advisory board to confer with the [department]  
22 Election Commission regarding the SURE system.

23 \* \* \*

24 Section 18. Sections 1302-D(a), (b) (2) and (3), (f) and (g)  
25 (2) and 1302.2-D(a) (4) of the act, amended March 27, 2020  
26 (P.L.41, No.12), are amended to read:

27 Section 1302-D. Applications for official mail-in ballots.

28 (a) General rule.--A qualified elector under section 1301-D  
29 may apply at any time before any primary or election for an  
30 official mail-in ballot in person or on any official county

1 board of election form addressed to the [Secretary of the  
2 Commonwealth] Election Commission or the county board of  
3 election of the county in which the qualified elector's voting  
4 residence is located.

5 (b) Content.--The following shall apply:

6 \* \*

7 (2) A qualified elector shall, in addition, specify the  
8 address to which the ballot is to be sent, the relationship  
9 where necessary and other information as may be determined by  
10 the [Secretary of the Commonwealth] Election Commission.

11 (3) When an application is received by the [Secretary of  
12 the Commonwealth] Election Commission it shall be forwarded  
13 to the proper county board of election.

14 \* \* \*

15 (f) Form.--Application for an official mail-in ballot shall  
16 be on physical and electronic forms prescribed by the [Secretary  
17 of the Commonwealth] Election Commission. The application shall  
18 state that a voter who applies for a mail-in ballot under  
19 section 1301-D shall not be eligible to vote at a polling place  
20 on election day unless the elector brings the elector's mail-in  
21 ballot to the elector's polling place, remits the ballot and the  
22 envelope containing the declaration of the elector to the judge  
23 of elections to be spoiled and signs a statement subject to the  
24 penalties under 18 Pa.C.S. § 4904 (relating to unsworn  
25 falsification to authorities) to the same effect. The physical  
26 application forms shall be made freely available to the public  
27 at county board of elections, municipal buildings and at other  
28 locations designated by the [Secretary of the Commonwealth]  
29 Election Commission. The electronic application forms shall be  
30 made freely available to the public through publicly accessible

1 means. No written application or personal request shall be  
2 necessary to receive or access the application forms. Copies and  
3 records of all completed physical and electronic applications  
4 for official mail-in ballots shall be retained by the county  
5 board of elections.

6 (g) Permanent mail-in voting list.--

7 \* \* \*

8 (2) The [Secretary of the Commonwealth] Election  
9 Commission may develop an electronic system through which all  
10 qualified electors may apply for a mail-in ballot and request  
11 permanent mail-in voter status under this section, provided  
12 the system is able to capture a digitized or electronic  
13 signature of the applicant. A county board of elections shall  
14 treat an application or request received through the  
15 electronic system as if the application or request had been  
16 submitted on a paper form or any other format used by the  
17 county.

18 \* \* \*

19 Section 1302.2-D. Approval of application for mail-in ballot.

20 (a) Approval process.--The county board of elections, upon  
21 receipt of any application of a qualified elector under section  
22 1301-D, shall determine the qualifications of the applicant by  
23 verifying the proof of identification and comparing the  
24 information provided on the application with the information  
25 contained on the applicant's permanent registration card. The  
26 following shall apply:

27 \* \* \*

28 (4) When approved, the registration commission shall  
29 cause a mail-in voter's record to be inserted in the district  
30 register as prescribed by the [Secretary of the Commonwealth]

1       Election Commission.

2       \* \* \*

3       Section 19. Section 1303-D(b) of the act is amended to read:

4 Section 1303-D. Official mail-in elector ballots.

5       \* \* \*

6       (b) Preparation of ballots.--In election districts in which  
7 voting machines are used and in election districts in which  
8 paper ballots are used, the county board of elections in that  
9 election district will not print official mail-in ballots in  
10 accordance with sections 1002 and 1003. The ballots for use by  
11 mail-in voters under this section shall be prepared sufficiently  
12 in advance by the county board of elections and shall be  
13 distributed by the boards as provided under this act. The  
14 ballots shall be marked "Official Mail-in Ballot" but shall not  
15 be numbered and shall otherwise be in substantially the form for  
16 ballots required by Article X, which form shall be prescribed by  
17 the [Secretary of the Commonwealth] Election Commission.

18       \* \* \*

19       Section 20. Sections 1304-D(a), (b) and (c) and 1302-E(b) (1)  
20 and (c) (4) (i) of the act, amended March 27, 2020 (P.L. 41,  
21 No.12), are amended to read:

22 Section 1304-D. Envelopes for official mail-in ballots.

23       (a) Additional envelopes.--The county boards of election  
24 shall provide two additional envelopes for each official mail-in  
25 ballot of a size and shape as shall be prescribed by the  
26 [Secretary of the Commonwealth] Election Commission, in order to  
27 permit the placing of one within the other and both within the  
28 mailing envelope. On the smaller of the two envelopes to be  
29 enclosed in the mailing envelope shall be printed, stamped or  
30 endorsed the words "Official Election Ballot," and nothing else.

1 On the larger of the two envelopes, to be enclosed within the  
2 mailing envelope, shall be printed the form of the declaration  
3 of the elector and the name and address of the county board of  
4 election of the proper county. The larger envelope shall also  
5 contain information indicating the local election district of  
6 the mail-in voter.

7 (b) Form of declaration and envelope.--The form of  
8 declaration and envelope shall be as prescribed by the  
9 [Secretary of the Commonwealth] Election Commission and shall  
10 contain, among other things, a statement of the elector's  
11 qualifications, together with a statement that the elector has  
12 not already voted in the primary or election.

13 (c) Mailing envelope.--The mailing envelope addressed to the  
14 elector shall contain the two envelopes, the official mail-in  
15 ballot, lists of candidates, when authorized by section 1303-  
16 D(b), the uniform instructions in form and substance as  
17 prescribed by the [Secretary of the Commonwealth] Election  
18 Commission and nothing else.

19 \* \* \*

20 Section 1302-E. Pennsylvania Election Law Advisory Board.

21 \* \* \*

22 (b) Members.--The board shall be comprised of the following  
23 members:

24 (1) The [Secretary of the Commonwealth] Election  
25 Commission chairman or a designee.

26 \* \* \*

27 (c) Duties.--The board shall have the following duties:

28 \* \*

29 (4) Evaluate and make recommendations on:

30 (i) improving the electoral process in this

1 Commonwealth by amending this act or through regulations  
2 promulgated by the [Department of State] Election  
3 Commission; and

4 \* \* \*

5 Section 21. Sections 1402(b), 1404(f) and (g), 1405, 1408,  
6 1409, 1410(a) and (b), 1411, 1412, 1413, 1414, 1415, 1416, 1418,  
7 1621(j), 1623, 1624(a), 1626(a), (g) and (j), 1627(a), 1631(1)  
8 (ii), (2)(i) and (3), 1635(a), (b) and (e), 1636(a), 1640, 1641,  
9 1701(a.1) introductory paragraph, 1702(a)(2) introductory  
10 paragraph, 1729, 1732, 1739, 1746, 1774, 1803, 1807, 1848 and  
11 the last paragraph of section 1901 of the act are amended to  
12 read:

13 Section 1402. Returns to Be Open to Public Inspection;  
14 Exceptions.--\* \* \*

15 (b) The county board shall submit returns received under  
16 subsection (a) to the [Department of State] Election Commission  
17 for each office for which a candidate must file a nomination  
18 petition with the [Secretary of the Commonwealth] Election  
19 Commission by three o'clock A. M. on the day following the  
20 election. The submission shall be by telephone, facsimile or the  
21 World Wide Web site or by any other manner required by the  
22 [secretary] Election Commission.

23 Section 1404. Computation of Returns by County Board;  
24 Certification; Issuance of Certificates of Election.--

25 \* \* \*

26 (f) As the returns from each election district are read,  
27 computed and found to be correct or corrected as aforesaid, they  
28 shall be recorded on the blanks prepared for the purpose until  
29 all the returns from the various election districts which are  
30 entitled to be counted shall have been duly recorded, when they



1 shall be added together, announced and attested by the clerks  
2 who made and computed the entries respectively and signed by the  
3 members of the county board. Returns under this subsection shall  
4 be considered unofficial for five (5) days. The county board  
5 shall submit the unofficial returns to the [Secretary of the  
6 Commonwealth] Election Commission by five o'clock P. M. on the  
7 Tuesday following the election. The submission shall be as  
8 directed by the [secretary] Election Commission for public  
9 office which appears on the ballot in every election district in  
10 this Commonwealth or for a ballot question which appears on the  
11 ballot in every election district in this Commonwealth. At the  
12 expiration of five (5) days after the completion of the  
13 computation of votes, in case no petition for a recount or  
14 recanvass has been filed in accordance with the provisions of  
15 this act, or upon the completion of the recount or recanvass if  
16 a petition therefor has been filed within five (5) days after  
17 the completion of the computation of votes, the county board  
18 shall certify the returns so computed in said county in the  
19 manner required by this act, unless upon appeals taken from any  
20 decision, the court of common pleas shall have directed any  
21 returns to be revised, or unless in case of a recount, errors in  
22 the said returns shall have been found, in which case said  
23 returns shall be revised, corrected and certified accordingly.  
24 The county board shall thereupon, in the case of elections,  
25 issue certificates of election to the successful candidates for  
26 all county, city, borough, township, ward, school district, poor  
27 district and election offices, and local party offices to be  
28 filled by the votes of the electors of said county, or of any  
29 part thereof.

30 (g) This subsection relates to recounts and recanvasses

1 ordered by the [secretary] Election Commission.

2 (1) Except as set forth in subsection (h), the [secretary]  
3 Election Commission shall order a recount and recanvass to all  
4 county boards if the unofficial returns prepared in accordance  
5 with subsection (f) reflect any of the following:

6 (i) A candidate for a public office which appears on the  
7 ballot in every election district in this Commonwealth was  
8 defeated by one-half of a percent or less of the votes cast for  
9 the office. This subclause includes a candidate for retention to  
10 a Statewide judicial office.

11 (ii) A ballot question appearing on the ballot in every  
12 election district in this Commonwealth was approved or rejected  
13 by one-half of a percent or less of the votes cast on the  
14 question.

15 (2) The [secretary] Election Commission shall issue an order  
16 under clause (1) by five o'clock P. M. of the second Thursday  
17 following the day of the election.

18 (3) The [secretary] Election Commission shall provide  
19 twenty-four (24) hours notice of an order under clause (1) to  
20 each candidate and to the county chairman of each party or  
21 political body affected by the recount and recanvass. Notice  
22 shall be by press release, the World Wide Web site or other  
23 means.

24 (4) A candidate affected by the recount and recanvass may be  
25 present, in person or by attorney, at the recount and recanvass.  
26 A party or body affected by the recount and recanvass may send  
27 two representatives to the recount and recanvass.

28 (5) The recount and recanvass shall:

29 (i) follow procedures specified in subsection (e);

30 (ii) be scheduled to be held by the third Wednesday

1 following the day of the election; and

2 (iii) be completed by noon on the following Tuesday.

3 (6) The results of the recount and recanvass shall be  
4 submitted to the [secretary] Election Commission by 12 o'clock  
5 noon on the day following completion of the recount and  
6 recanvass.

7 (7) The [secretary] Election Commission shall issue a press  
8 release and publish on the World Wide Web site all results  
9 received from the county boards of election.

10 (8) Following the completion of the recount and recanvass,  
11 the Commonwealth shall pay to each county the sum specified in  
12 sections 1701 and 1702. The amounts necessary to pay the  
13 counties are hereby appropriated, upon approval of the Governor,  
14 to the [Department of State] Election Commission.

15 \* \* \*

16 Section 1405. Manner of Computing Irregular Ballots.--The  
17 county board, in computing the votes cast at any primary or  
18 election, shall compute and certify votes cast on irregular  
19 ballots exactly as such names were written, stamped or deposited  
20 in or on receptacles for that purpose, and as they have been so  
21 returned by the election officers. In districts in which paper  
22 ballots or ballot cards are electronically tabulated, stickers  
23 or labels may not be used to mark ballots. A vote cast by means  
24 of a sticker or label affixed to a ballot or ballot card shall  
25 be void and may not be counted. In the primary the [Secretary of  
26 the Commonwealth] Election Commission shall not certify the  
27 votes cast on irregular ballots for any person for a National  
28 office including that of the President of the United States,  
29 United States Senator and Representative in Congress; or for any  
30 State office including that of Governor and Lieutenant Governor,

1 Auditor General, State Treasurer, Senator and Representative in  
2 the General Assembly, justices and judges of courts of record or  
3 for any party office including that of delegate or alternate  
4 delegate to National conventions and member of State committee  
5 unless the total number of votes cast for said person is equal  
6 to or greater than the number of signatures required on a  
7 nomination petition for the particular office. In the primary  
8 the county board shall not certify the votes cast on irregular  
9 ballots for any person for a justice of the peace, constable,  
10 National, State, county, city, borough, town, township, ward,  
11 school district, election or local party office unless the total  
12 number of votes cast for said person is equal to or greater than  
13 the number of signatures required on a nomination petition for  
14 the particular office.

15 Section 1408. Copy of Certified Returns to Be Filed; Copy to  
16 Be Forwarded to the [Secretary of the Commonwealth] Election  
17 Commission; Duplicate Copies.--After the certification of the  
18 returns of any primary or election, as provided by section 1404  
19 of this act, the county board shall retain in its office one  
20 copy of the returns so certified. In the case of elections of  
21 presidential electors, United States Senators, Representatives  
22 in Congress, Governor, Lieutenant Governor, Auditor General,  
23 State Treasurer and Secretary of Internal Affairs, Judges of the  
24 Supreme Court, Judges of the Superior Court and judges of other  
25 courts of record, including associate judges, senators and  
26 representatives in the General Assembly, a separate certificate,  
27 showing totals of the returns cast for each of such offices  
28 respectively, shall also be forwarded by the county board to the  
29 [Secretary of the Commonwealth] Election Commission on forms  
30 furnished by the [Secretary of the Commonwealth] Election

1 Commission.

2 Section 1409. [Secretary of the Commonwealth] Election  
3 Commission to Tabulate, Compute and Canvass Returns.--Upon  
4 receiving the certified returns of any primary or election from  
5 the various county boards, the [Secretary of the Commonwealth]  
6 Election Commission shall forthwith proceed to tabulate, compute  
7 and canvass the votes cast for all candidates enumerated in  
8 section 1408, and upon all questions voted for by the electors  
9 of the State at large, and shall thereupon certify and file in  
10 his office the tabulation thereof.

11 Section 1410. Returns of Local Officers Voted for in Two or  
12 More Counties; Certificates of Election; Returns of County and  
13 Local Officers Commissioned by Governor to Be Transmitted to  
14 Governor; Commissions; Contests.--

15 (a) In the case of any city, borough, township, ward, school  
16 district, or poor district office, or of the submission of any  
17 question to the electors, voted for or upon by the electors of  
18 two or more counties or parts of counties, the county election  
19 board, in each of the counties in which such municipality is  
20 located, shall certify to the county board of the county in  
21 which reside the majority of registered electors of such city,  
22 borough, township, ward, school district or poor district, the  
23 return of the vote cast for such officers or upon such  
24 questions. After completing the tabulation of such returns, the  
25 return board of said county shall issue certificates of election  
26 to the successful candidates. In case of any county, borough,  
27 city or township officer who is by law required to be  
28 commissioned by the Governor, the said return board shall also  
29 transmit a certified copy of such return to the [Secretary of  
30 the Commonwealth] Election Commission, who shall forthwith lay

1 the results of such election before the Governor.

2 (b) In case of the election of judge of a court of record,  
3 prothonotary, clerk of the courts, recorder of deeds, register  
4 of wills, or any other officer required by law to be  
5 commissioned by the Governor in any of the several counties of  
6 this Commonwealth, it shall be the duty of the county elections  
7 board to transmit immediately to the [Secretary of the  
8 Commonwealth] Election Commission a certified copy of the  
9 returns for all such offices. The [Secretary of the  
10 Commonwealth] Election Commission shall forthwith lay the return  
11 so made before the Governor, and the Governor shall issue a  
12 commission to any persons elected to said offices,  
13 notwithstanding that the election of such person to any or  
14 either of said offices may be contested in the manner provided  
15 by this act.

16 \* \* \*

17 Section 1411. [Secretary of the Commonwealth] Election  
18 Commission to Certify Votes of National Delegates and Members of  
19 State Committee.--Following his tabulation of the returns  
20 received from each Spring primary, the [Secretary of the  
21 Commonwealth] Election Commission shall issue certificates of  
22 election to the persons in each political party who have been  
23 duly elected delegates or alternate delegates to the National  
24 convention of each party, and to the persons in each party who  
25 have been duly elected members of the National Committee or the  
26 State committee of each party. In the case of delegates or  
27 alternate delegates to a National party convention, the  
28 certificates of election shall show the number of votes received  
29 in the State or in the political district, as the case may be,  
30 by each candidate of such delegate's or alternate delegate's

1 political party for nomination as President of the United  
2 States. The [Secretary of the Commonwealth] Election Commission  
3 shall also certify to the State chairman of each party the votes  
4 cast for each candidate for the office of member of State  
5 committee of each party.

6 Section 1412. [Secretary of the Commonwealth] Election  
7 Commission to Certify Presidential Votes by Congressional  
8 Districts.--The [Secretary of the Commonwealth] Election  
9 Commission, following his tabulation of the returns from each  
10 such Spring primary held in years in which candidates for  
11 President of the United States are to be nominated, shall  
12 prepare a statement from the said returns, showing the total  
13 number of votes cast in the State and in each congressional  
14 district of the State for each political party for nomination as  
15 President of the United States.

16 Section 1413. United States Senators, Representatives in  
17 Congress; Certificates of Election; Returns.--Upon completing  
18 the tabulation of any election for United States Senator or  
19 Representative in Congress, the [Secretary of the Commonwealth]  
20 Election Commission shall lay the same before the Governor, who  
21 shall immediately issue certificates of election under the seal  
22 of the Commonwealth, duly signed by himself, and attested by the  
23 [Secretary of the Commonwealth] Election Commission chair, and  
24 deliver the same to the candidates receiving the highest number  
25 of votes for the respective offices. The Governor shall also  
26 transmit the returns of such election to the President of the  
27 United States Senate, in the case of the election of a United  
28 States Senator, and to the Speaker of the House of  
29 Representatives of the United States, in the case of the  
30 election of representatives in Congress.

1 Section 1414. Members of the General Assembly; Certificates  
2 of Election; Returns.--The [Secretary of the Commonwealth]  
3 Election Commission shall issue certificates of election to the  
4 persons elected members of the Senate and House of  
5 Representatives of the Commonwealth, and between the hours of  
6 twelve noon and one P. M. on the first Tuesday in January of  
7 each odd-numbered year, present before the Senate and the House  
8 of Representatives the several returns of the elections of  
9 members of the respective houses: Provided, however, That if the  
10 General Assembly shall be convened in extraordinary session  
11 during the month of December next following their election, the  
12 said returns shall be presented as aforesaid, on the first day  
13 of said extraordinary session. In case of a special election  
14 occurring during a session of the General Assembly, he shall  
15 present the returns thereof to the proper house as soon as  
16 received and tabulated by him.

17 Section 1415. Governor and Other State Officers; Judges;  
18 Certificates of Election; Commissions.--The [Secretary of the  
19 Commonwealth] Election Commission, at the first meeting of the  
20 General Assembly following the election of a Governor,  
21 Lieutenant Governor, Secretary of Internal Affairs, Auditor  
22 General or State Treasurer, shall deliver to the President of  
23 the Senate the returns of elections for all such offices, who  
24 shall open and publish them in the presence of members of both  
25 houses of the General Assembly. The person receiving the highest  
26 number of votes for the respective offices shall be declared  
27 elected thereto, and certificates of such elections shall be  
28 made and filed with the [Secretary of the Commonwealth. The  
29 Secretary of the Commonwealth] Election Commission. The Election  
30 Commission shall immediately lay before the Governor such



1 certificates of election, except the certificate of election of  
2 Governor, whereupon the Governor shall issue a commission to  
3 each person so elected. The [Secretary of the Commonwealth]  
4 Election Commission shall immediately after tabulating and  
5 computing the returns of each election of Judge of every court,  
6 certify the result thereof to the Governor, who shall  
7 immediately issue a commission to such person.

8 Section 1416. Presidential Electors; Certificates of Persons  
9 Elected.--The [Secretary of the Commonwealth] Election  
10 Commission, on receiving and computing the returns of the  
11 election of presidential electors, shall lay them before the  
12 Governor, who shall enumerate and ascertain the number of votes  
13 given for each person so voted for, and shall cause a  
14 certificate of election to be delivered to each person so  
15 chosen.

16 Section 1418. Tie Votes.--In the case of a tie vote not  
17 otherwise provided for by law, the candidates receiving the tie  
18 vote shall cast lots before the county board or the [Secretary  
19 of the Commonwealth] Election Commission, as the case may be, at  
20 12 o'clock noon on the third Friday after the election, and the  
21 one to whom the lot shall fall shall be declared elected. In any  
22 case where the fact of a tie vote is not authoritatively  
23 determined until after the third Wednesday after the election,  
24 the time for casting lots shall be 12 o'clock noon of the second  
25 day after the fact of such tie vote is authoritatively  
26 determined. If any candidate or candidates receiving a tie vote,  
27 fail to appear before twelve o'clock noon of said day, the  
28 county board or the [Secretary of the Commonwealth] Election  
29 Commission, as the case may be, shall cast lots for him or them.  
30 For the purpose of casting lots any candidate may appear in

1 person, or by proxy duly appointed in writing.

2 Section 1621. Definitions.--As used in this article, the  
3 following words have the following meanings:

4 \* \* \*

5 (j) The word "supervisor" shall mean the [Secretary of the  
6 Commonwealth] Election Commission or the respective county  
7 boards of elections.

8 \* \* \*

9 Section 1623. Authorization of Political Committee.--No  
10 treasurer of any political committee shall receive any money on  
11 behalf of a candidate until such political committee shall have  
12 been so authorized in writing by the candidate on a form  
13 designed by the [Secretary of the Commonwealth] Election  
14 Commission. A copy of such written authorization shall be filed  
15 with the appropriate supervisor; however the treasurer of any  
16 state, county, city, borough, township, ward or other regularly  
17 constituted party committee of any political party or political  
18 body is hereby authorized to receive money on behalf of the  
19 candidates of such political party or political body in a  
20 general, municipal or special election, without special written  
21 authorization from such candidate.

22 Section 1624. Registration.--

23 (a) Any political committee which receives contributions in  
24 an aggregate amount of two hundred fifty dollars (\$250) or more  
25 shall file a registration statement, designed by the [Secretary  
26 of the Commonwealth] Election Commission, with the appropriate  
27 supervisor within twenty (20) days after the date on which it  
28 receives such amount. Each committee in existence shall have  
29 sixty (60) days from the effective date of this amendatory act  
30 to comply with the requirements of this section.

1 \* \* \*

2 Section 1626. Reporting by Candidate and Political  
3 Committees and other Persons.--

4 (a) Each treasurer of a political committee and each  
5 candidate for election to public office shall file with the  
6 appropriate supervisor reports of receipts and expenditures on  
7 forms, designed by the [Secretary of the Commonwealth] Election  
8 Commission, if the amount received or expended or liabilities  
9 incurred shall exceed the sum of two hundred fifty dollars  
10 (\$250). Should such an amount not exceed two hundred fifty  
11 dollars (\$250), then the candidate or the treasurer of the  
12 committee shall file a sworn statement to that effect with the  
13 appropriate supervisor rather than the report required by this  
14 section.

15 \* \* \*

16 (g) Every person, other than a political committee or  
17 candidate, who makes independent expenditures expressly  
18 advocating the election or defeat of a clearly identified  
19 candidate, or question appearing on the ballot, other than by  
20 contribution to a political committee or candidate, in an  
21 aggregate amount in excess of one hundred dollars (\$100) during  
22 a calendar year shall file with the appropriate supervisor, on a  
23 form prepared by the [Secretary of the Commonwealth] Election  
24 Commission, a report which shall include the same information  
25 required of a candidate or political committee receiving such a  
26 contribution and, additionally, the name of the candidate or  
27 question supported or opposed. Reports required by this  
28 subsection shall be filed on dates on which reports by political  
29 committees making expenditures are required to report under this  
30 section.

1 \* \* \*

2 (j) All "Political Action Committees" shall report to the  
3 [Secretary of the Commonwealth] Election Commission all  
4 expenditures to or made on behalf of, any State-wide candidate,  
5 candidate for the Pennsylvania House of Representatives, or  
6 candidate for the State Senate, in the same manner as indicated  
7 in this section as a candidate's political committee. This  
8 provision shall be in addition to any other filing and reporting  
9 provisions of this act which apply to such committees, their  
10 treasurers and chairmen.

11 Section 1627. Annual Reports.--

12 (a) All political committees and candidates, including those  
13 committees and candidates filing reports under section 1626 (d)  
14 and (e), shall file a report on January 31 of each year which  
15 shall be complete as of December 31 of the prior year. Such  
16 reports shall be filed annually at this time until there is no  
17 balance or debt in the report of the candidate or political  
18 committee. Such reports shall be cumulative. However, if there  
19 has been no change in the account, then the candidate or  
20 political committee shall file a statement to that effect with  
21 the appropriate supervisor. Each form designated by the  
22 [Secretary of the Commonwealth] Election Commission for filing a  
23 report or statement required by section 1626(e) shall contain a  
24 block which may be marked by the candidate or political  
25 committee designating it a termination report or statement. If  
26 such report or statement is so designated, or if an authorized  
27 candidate elects to file no report or statement pursuant to  
28 section 1626.1, no annual report need be filed under this  
29 section unless contributions were received or expenditures made  
30 subsequent to the time period for filing of such termination

1 report. However, no candidate or political committee may  
2 terminate by way of a statement where the unpaid balance  
3 indicated in the previous report was greater than two hundred  
4 fifty dollars (\$250). In the case of annual reports said report  
5 shall cover the campaign activity of a candidate or political  
6 committee from the last prior report or statement.

7 \* \* \*

8 Section 1631. Place of Filing.--

9 Any statement or report required by this article to be filed,  
10 shall be done in the following manner:

11 (1) \* \* \*

12 (ii) All candidates and political committees, authorized by  
13 candidates and created solely for the purpose of influencing the  
14 election of such candidates, who must file reports with the  
15 [Secretary of the Commonwealth] Election Commission, shall also  
16 file copies of their reports in the county in which the  
17 candidate resides.

18 (2) (i) Any statement or report concerning an issue to be  
19 voted on by the electors of the State at large shall be filed  
20 with the [Secretary of the Commonwealth] Election Commission.

21 \* \* \*

22 (3) However, if any report of any political committee  
23 concerns both candidates who file for nomination with the  
24 [Secretary of the Commonwealth] Election Commission and  
25 candidates who file with a county board of elections, then such  
26 report shall be filed with the [Secretary of the Commonwealth]  
27 Election Commission.

28 Section 1635. Independent Audit.--

29 (a) Every two (2) years, the [Secretary of the Commonwealth]  
30 Election Commission shall contract for the services of a

1 certified public accountant or certified public accounting firm.  
2 Such contract shall be awarded on a bid basis and no certified  
3 public accountant or certified public accounting firm shall be  
4 eligible to obtain such a contract for two (2) successive  
5 contract periods.

6 (b) The [Secretary of the Commonwealth] Election Commission  
7 shall select by lottery, at a public drawing, forty (40) days  
8 after each primary, general and municipal election three (3) per  
9 cent of all public offices for which candidates must file  
10 nominating petitions or papers with the [Secretary of the  
11 Commonwealth] Election Commission. For the purpose of this  
12 subsection, a legislative or senatorial district shall be  
13 considered a public office. Any public office filled at a  
14 special election occurring other than at a primary, general or  
15 municipal election shall be placed in the lottery of public  
16 offices for audit at the next succeeding primary, general or  
17 municipal election whichever occurs first. Any public office  
18 filled at a special election held at the same time as any other  
19 election shall be included in the lottery for that election.

20 \* \* \*

21 (e) The accountant shall report his or her findings to the  
22 [Secretary of the Commonwealth] Election Commission who shall  
23 make public the report of the accountants. The results of the  
24 primary election audit shall not be released to the public until  
25 after the general or municipal election. Nothing in this  
26 subsection shall be construed to prohibit the initiation of  
27 prosecution for criminal violations by the appropriate agencies.

28 \* \* \*

29 Section 1636. Audit of Expense Accounts.--

30 (a) Within ninety (90) days after the last day for filing

1 any report and affidavit required by this act, any five (5)  
2 electors of the Commonwealth or of the political subdivision may  
3 present a petition to the court of common pleas of the county in  
4 which is situated the office where such original report has been  
5 filed or with the Commonwealth Court in the case of original  
6 report filed with the [Secretary of the Commonwealth] Election  
7 Commission for an audit of such report. Thereupon the court  
8 shall direct the officer or board with whom such report has been  
9 filed to certify the same to the court for audit and may, in its  
10 discretion, require security to be entered for costs. The court  
11 may, in its discretion, appoint an auditor to audit such report,  
12 but the fees of such auditor shall be a reasonable sum per day  
13 for each day actually engaged. The court or auditor shall fix a  
14 day as early as may be convenient for the audit, at which time  
15 the person by whom such report has been filed shall be required  
16 to be present in person to vouch his report and to answer on  
17 oath or affirmation all such relevant questions concerning the  
18 same, as may be put to him by the petitioners or their counsel.  
19 The auditor shall issue subpoenas to all parties whom the  
20 petitioners or the filer of the report may require, to give  
21 evidence concerning such report, and he shall determine, subject  
22 to exception, all questions as to the admissibility of evidence,  
23 and shall file a copy of the evidence with his findings. If upon  
24 the audit, the court shall decide that the report was false in  
25 any substantial manner, or that any expenses have been incurred  
26 in contravention of this act, the costs of said audit shall be  
27 paid by the filer of the report, otherwise the court shall make  
28 such order as to payment of costs as shall be just in the  
29 circumstances.

30 \* \* \*

1 Section 1640. Additional Powers and Duties of the [Secretary  
2 of the Commonwealth] Election Commission.--The [Secretary of the  
3 Commonwealth] Election Commission shall have the following  
4 additional powers and duties:

5 (1) To serve as the State clearing house for information  
6 concerning the administration of this act.

7 (2) To prescribe suitable rules and regulations to carry out  
8 the provisions of this act.

9 (3) To develop the prescribed forms required by the  
10 provisions of this article for the making of the reports and  
11 statements required to be filed with the supervisor.

12 (4) To prepare a manual setting forth recommended uniform  
13 methods of bookkeeping and reporting which shall be furnished by  
14 the supervisor to the person required to file such reports and  
15 statements as required by this article.

16 (5) To examine the contributions to State legislative and  
17 Statewide candidates and publish a list of all those political  
18 committees who have contributed to candidates and who have  
19 failed to file reports as required by this act within six (6)  
20 days of their failure to comply.

21 Section 1641. Reports by Business Entities; Publication by  
22 [Secretary of the Commonwealth] Election Commission.--

23 (a) Any business entity including but not limited to a  
24 corporation, company, association, partnership or sole  
25 proprietorship, which has been awarded non-bid contracts from  
26 the Commonwealth or its political subdivisions during the  
27 preceding calendar year, shall report by February 15 of each  
28 year to the [Secretary of the Commonwealth] Election Commission  
29 an itemized list of all political contributions known to the  
30 business entity by virtue of the knowledge possessed by every



1 officer, director, associate, partner, limited partner or  
2 individual owner that has been made by:

3 (1) any officer, director, associate, partner, limited  
4 partner, individual owner or members of their immediate family  
5 when the contributions exceed an aggregate of one thousand  
6 dollars (\$1,000) by any individual during the preceding year; or

7 (2) any employe or members of his immediate family whose  
8 political contribution exceeded one thousand dollars (\$1,000)  
9 during the preceding year.

10 For the purposes of this subsection, "immediate family" means a  
11 person's spouse and any unemancipated child.

12 (b) It shall be the duty of the [Secretary of the  
13 Commonwealth] Election Commission to publish sixty (60) days  
14 after February 15 of each year a complete itemized list of all  
15 contributions given under the provisions of subsection (a). This  
16 list shall be a matter of public record open to public  
17 inspection and copies made available at cost to any individual  
18 who requests them.

19 Section 1701. Opening Ballot Boxes upon Petition of Electors  
20 Alleging Fraud or Error; Deposit or Bond.--\* \* \*

21 (a.1) In cases resulting from a recount or recanvass order  
22 by the [Secretary of the Commonwealth] Election Commission under  
23 section 1404(g), all of the following apply:

24 \* \* \*

25 Section 1702. Recanvassing Voting Machines upon Petition of  
26 Electors Alleging Fraud or Error.--(a) Judicial proceedings  
27 shall be as follows:

28 \* \* \*

29 (2) In cases resulting from a recount or recanvass ordered  
30 by the [Secretary of the Commonwealth] Election Commission under

1 section 1404(g), all of the following apply:

2 \* \* \*

3 Section 1729. New Election if Invalid; Notice.--If the  
4 committee, or a majority thereof, shall report that such  
5 election or return is invalid, a new election shall take place  
6 on the day of the general election ensuing, agreeably to the  
7 Constitution, of which the presiding officer of each house shall  
8 immediately give notice by their joint writ directed to the  
9 [Secretary of the Commonwealth] Election Commission and the  
10 county boards of the respective counties; and the county boards  
11 of the respective counties shall give due notice thereof  
12 according to law. If the committee, or a majority thereof, shall  
13 report that such nomination is invalid, the vacancy in the party  
14 ticket shall be filled in the manner provided by section 979 of  
15 this act.

16 Section 1732. Entry and Effect of Decision.--After the  
17 hearing of the said case, the said judges shall, without  
18 unnecessary delay, decide which of the candidates voted for  
19 received the greatest number of legal votes, and is entitled to  
20 the nomination or office which decision shall be entered of  
21 record to the case in the said court, and a certified copy  
22 thereof shall, within five (5) days from the rendering thereof,  
23 be delivered to the [Secretary of the Commonwealth] Election  
24 Commission, whereupon the person who, by the decision of the  
25 court, shall appear to have received the largest number of  
26 votes, shall be entitled to the nomination or to the office, and  
27 be commissioned accordingly.

28 Section 1739. Certification and Effect of Decision.--After  
29 such hearing the said judges shall, without delay, decide which  
30 of the candidates voted for received the greatest number of

1 legal votes, and is entitled to the nomination or office, which  
2 decision shall be entered of record to the case in said court,  
3 and a certified copy thereof shall, within five (5) days from  
4 the rendering of such decision, be transmitted to the [Secretary  
5 of the Commonwealth] Election Commission; whereupon the person  
6 who, by the said decision, shall appear to have received the  
7 largest number of votes, shall be entitled to the nomination, or  
8 to the office, and commissioned accordingly.

9 Section 1746. Return of Result to Proper House.--In the case  
10 of contested elections of senator and representative in the  
11 General Assembly, the [Secretary of the Commonwealth] Election  
12 Commission shall, on the day of the meeting of the next General  
13 Assembly, or if in session, then immediately upon its reception,  
14 deliver to the presiding officer of the proper house the  
15 certified copy of the decision of the court aforesaid.

16 Section 1774. Certified Copy of Order of Court to Be  
17 Forwarded to [Secretary of the Commonwealth] Election Commission  
18 and County Boards.--Immediately upon the entry of any order or  
19 decree of court deciding any contested nomination or election,  
20 it shall be the duty of the prothonotary of said court to  
21 transmit immediately to the [Secretary of the Commonwealth]  
22 Election Commission and to the proper county board a certified  
23 copy of said order or decree.

24 Section 1803. Refusal to Permit Inspection of Papers;  
25 Destruction or Removal; [Secretary of the Commonwealth] Election  
26 Commission.--[Any Secretary of the Commonwealth, deputy, or  
27 employe of his office,] The Election Commission or any employe  
28 of the Election Commission who shall refuse to permit the public  
29 inspection or copying as authorized, except when in use in his  
30 office, by this act, of any return, nomination petition,

1 certificate or paper, other petition, account, contract, report  
2 or any other document or record in his custody which, under the  
3 provisions of this act, is required to be open to public  
4 inspection; or who shall destroy or alter, or permit to be  
5 destroyed or altered, any such document or record during the  
6 period for which the same is required to be kept in his office;  
7 or who shall remove any such document or record from his office  
8 during said period, or permit the same to be removed, except  
9 pursuant to the direction of any competent court or any  
10 committee required to determine any contested primary or  
11 election, shall be guilty of a misdemeanor, and, upon conviction  
12 thereof, shall be sentenced to pay a fine not exceeding one  
13 thousand (\$1,000) dollars, or to undergo an imprisonment of not  
14 less than one (1) month nor more than two (2) years, or both, in  
15 the discretion of the court.

16 Section 1807. Driving away Watchers, Attorneys, Candidates  
17 or Overseers.--Any person who by violence or intimidation shall  
18 threaten or drive away any watcher, attorney, candidate or  
19 overseer, or representative of the county board of elections, or  
20 of the [Secretary of the Commonwealth] Election Commission,  
21 required or permitted to be present at any polling place, or who  
22 shall in any manner prevent any overseer, or representative of  
23 the county board of elections or of the [Secretary of the  
24 Commonwealth] Election Commission from performing his duty under  
25 this act, shall be guilty of a misdemeanor, and, upon conviction  
26 thereof, shall be sentenced to pay a fine not exceeding one  
27 thousand (\$1,000) dollars, or to undergo an imprisonment of not  
28 less than one (1) month nor more than two (2) years, or both, in  
29 the discretion of the court.

30 Section 1848. Failure to Perform Duty.--[Any Secretary of

1 the Commonwealth,] A member of the Election Commission or a  
2 member of a county board of elections, chief clerk, employe,  
3 overseer, judge of election, inspector of election, clerk of  
4 election, machine inspector or custodian or deputy custodian of  
5 voting machines on whom a duty is laid by this act who shall  
6 wilfully neglect or refuse to perform his duty, shall be guilty  
7 of a misdemeanor, and, upon conviction thereof, shall be  
8 sentenced to pay a fine not exceeding one thousand (\$1,000)  
9 dollars, or to undergo an imprisonment of not more than two (2)  
10 years, or both, in the discretion of the court.

11 Section 1901. The following acts and parts of acts of  
12 Assembly are hereby repealed as particularly set forth:

13 \* \* \*

14 The [Secretary of the Commonwealth] Election Commission is  
15 authorized and empowered to prepare and print an index of this  
16 act. The index, if prepared, shall be attached to the advance  
17 sheets of the pamphlet laws, and shall also be printed in the  
18 pamphlet laws.

19 Section 22. The following shall apply:

20 (1) This act shall apply to elections occurring 60 days  
21 after the effective date of this section.

22 (2) Beginning on the effective date of this section, the  
23 Department of State and the Secretary of the Commonwealth may  
24 not exercise a duty or power of the Secretary of the  
25 Commonwealth or the Department of State to oversee the process  
26 in general, primary and municipal elections and campaign  
27 finance. This paragraph shall not apply to a Constitutionally  
28 mandated function of the Secretary of the Commonwealth and the  
29 Department of State regarding elections or campaign finance.

30 (3) The following shall apply beginning 60 days after the

1 effective date of this section:

2 (i) An entity or board relating to elections or campaign  
3 finance, such as the Voting Standards Development Board or the  
4 State Plan Advisory Board, established or existing within the  
5 Department of State shall exist within the Election Commission.

6 (ii) An entity or board relating to elections or campaign  
7 finance, which was formed by the Secretary of the Commonwealth,  
8 such as the Statewide Uniform Registry of Electors Advisory  
9 Board, shall exist within the Elections Commission.

10 (iii) The membership of the Secretary of the Commonwealth on  
11 an entity or board relating to elections or campaign finance,  
12 such as the Pennsylvania Election Law Advisory Board, shall be  
13 assumed by the chair of the Elections Commission.

14 (4) Activities initiated by the Department of State or the  
15 Secretary of the Commonwealth to oversee the process in general,  
16 primary and municipal elections and campaign finance shall  
17 continue and remain in full force and effect and shall be  
18 completed by the Election Commission. Orders, regulations, rules  
19 and decisions which were made by the Department of State or the  
20 Secretary of the Commonwealth and which are in effect on the  
21 effective date of this section shall remain in full force and  
22 effect until revoked, vacated or modified by the Election  
23 Commission. Contracts, obligations and collective bargaining  
24 agreements entered into by the Department of State or the  
25 Secretary of the Commonwealth are not affected nor impaired by  
26 the termination of duties under paragraph (2) and shall be  
27 executed by the Election Commission on and after the effective  
28 date of this section.

29 Section 23. This act shall take effect in 60 days.