

*tration commissioners, shall neglect or refuse to perform any of the duties prescribed by Article XIII-B of this act, or shall reveal or divulge any of the details of any ballot cast in accordance with the provisions of Article XIII-B of this act, or shall count an absentee ballot knowing the same to be contrary to Article XIII-B, or shall reject an absentee ballot without reason to believe that the same is contrary to Article XIII-B, or shall permit an elector to cast his ballot at a polling place knowing that there has been issued to the elector an \*absentee ballot, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one thousand dollars (\$1000), or be imprisoned for a term of one year, or both, at the discretion of the court,*

**General repeal.**

Section 4. All acts and parts of acts are repealed in so far as they are inconsistent herewith.

**Construction.**

The provisions of this act shall not be construed to repeal any acts, or parts of acts, authorizing voting by qualified electors in actual military service or qualified bedridden or hospitalized veterans absent from or unable to attend their regular polling places.

**Authority to appropriate.**

Section 5. Cities of the first class and counties are hereby authorized and empowered to appropriate the moneys necessary to carry out the provisions of this amendment.

**Effective date.**

Section 6. This act shall take effect January 1, 1960.

APPROVED—The 8th day of January, A. D. 1960.

DAVID L. LAWRENCE

No. 790

AN ACT

Amending the act of June 3, 1937 (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further regulating the marking and counting of ballots.

Pennsylvania  
Election Code.

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

\* "absentee" in original.

Section 1. Subsection (a) of section 1002, act of June 3, 1937 (P. L. 1333), known as the "Pennsylvania Election Code," is amended to read:

Subsection (a), section 1002, act of June 3, 1937, P. L. 1333, amended.

Section 1002. Form of Official Primary Ballot.—

(a) At primaries separate official ballots shall be prepared for each party which shall be in substantially the following form:

Official .....Primary Ballot.  
(Name of Party)  
.....District,.....Ward, City of.....  
County of....., State of Pennsylvania  
..... Primary election held on the .....  
day of ....., 19.....

Make a cross (X) or check (✓) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write, *print* or paste his name in the blank space provided for that purpose. If you spoil your ballot, do not erase, but ask for a new ballot. [Use] *Mark ballot only in black lead pencil, [or] indelible pencil or blue, black or blue-black ink in fountain pen or ball point pen. Use the same pencil or pen for all markings you place on the ballot; use the same mark either a cross (X) or check (✓) for all markings.*

President of the United States.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

United States Senator.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Governor.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Representative in Congress .....District.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

LAWS OF PENNSYLVANIA,

Delegates at Large to National Convention.  
(Vote for :.....)

John Doe  
(Promises to support popular choice of party in the State for President.)

John Stiles  
(Does not promise to support popular choice of party in the State for President.)

Delegate to National Convention .....District.  
(Vote for .....)

John Doe  
(Promises to support popular choice of party in .....District for President.)

John Stiles  
(Does not promise to support popular choice of party in .....District for President.)

Senator in the General Assembly .....District.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Member of State Committee.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Party Committeemen.  
(Vote for .....)

John Doe  
Richard Roe  
John Stiles

\* \* \* \* \*

Subsection (a).  
section 1003  
of the act,  
amended April  
24, 1947. P. L.  
68, further  
amended.

Section 2. Subsection (a) of section 1003 of the act, amended April 24, 1947 (P. L. 68), is amended to read:

Section 1003. Form of Official Ballot.—

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

OFFICIAL BALLOT

.....District, .....Ward, City of  
....., County of....., State of Penn-  
sylvania ..... Election held on the .... day  
of ....., 19..... A cross [mark] (X)  
or check (✓) mark in the square opposite the name of  
any candidate indicates a vote for that candidate.

To vote a straight party ticket, mark a cross (X) or  
check (✓) in the square, in the Party Column, opposite  
the name of the party of your choice. To vote for an

individual candidate of another party after making a mark in the party square, mark a cross (X) or check (✓) opposite his name. For an office where more than one candidate is to be voted for, the voter, after marking in the party square, may divide his vote by marking a cross (X) or check (✓) to the right of each candidate for whom he or she desires to vote. For such office votes shall not be counted for candidates not individually marked.

To vote for a person whose name is not on the ballot, write, *print* or paste his name in the blank space provided for that purpose. A cross (X) or check (✓) mark in the square opposite the names of the candidates of any party for President and Vice-President of the United States indicates a vote for all the candidates of that party for presidential elector. To vote for individual candidates for presidential elector, write, *print* or paste their names in the blank spaces provided for that purpose under the title "Presidential Electors." [Use] *Mark ballot only in black lead pencil, [or] indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen; use the same pencil or pen for all markings you place on the ballot; use the same mark either a cross (X) or check (✓) for all markings.*

PARTY COLUMN	PRESIDENTIAL ELECTORS
To Vote a Straight Party Ticket Mark a Cross (X) or Check (✓) in this Column.	(Vote for the candidates of one party for President and Vice-President, or insert the names of candidates.)
*Democratic	For John Stiles and Richard Doe, Democratic .....
Republican	For John Doe and Richard Roe, Republican .....
Socialist	For John Smith and William Jones, Socialist .....
Citizens	

\* "Democrat" in original.

LAWS OF PENNSYLVANIA,

United States Senator.

(Vote for one)

Richard Roe ..... Democratic  
 John Doe ..... Republican  
 Richard Stiles ..... Socialist

Governor.

(Vote for one)

Richard Roe ..... Democratic  
 John Doe ..... Republican  
 Richard Stiles ..... Socialist

Representatives in Congress,

.....District.

(Vote for one)

Richard Roe ..... Democratic  
 John Doe ..... Republican  
 Richard Stiles ..... Socialist

Senator in the General Assembly,

.....District.

(Vote for one)

John Doe ..... Democratic  
 Richard Roe ..... Republican

\* \* \* \* \*

Section 1215  
 of the act,  
 amended.

Section 3. Section 1215 of the act is amended to read:

Section 1215. Method of Marking Ballots and Depositing Same in Districts in Which Ballots are Used.—

(a) In districts in which ballots are used, the elector, after receiving his ballot, shall retire to one of the voting compartments, and draw the curtain or shut the screen or door, and shall then prepare his ballot.

(b) At primaries, the elector shall prepare his ballot in the following manner: He shall vote for the candidates of his choice for nomination or election, according to the number of persons to be voted for by him, for each office, by making a cross (X) or check (✓) mark in the square opposite the name of the candidate, or he may insert by writing, stamping or sticker, in the blank space provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without the making of a cross (X) or check (✓) mark.

(c) At elections, the elector shall prepare his ballot in the following manner: He may vote for the candidates of his choice for each office to be filled according to the number of persons to be voted for by him for each office, by making a cross (X) or check (✓) mark in the square opposite the name of the candidate, or he may insert by writing, stamping or sticker, in the blank spaces provided therefor, any name not already printed on the ballot, and such insertion shall count as a vote without

the making of a cross (X) or check (✓) mark. If he desires to vote for every candidate of a political party or political body, except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided, he may make a cross (X) or check (✓) mark in the square opposite the name of the party or political body of his choice in the party column on the left of the ballot, and every such cross (X) or check (✓) mark shall be equivalent to and be counted as a vote for every candidate of a party or political body so marked, including its candidates for presidential electors, except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body, by making a cross (X) or check (✓) mark opposite their names in the manner hereinabove provided, as to which offices his ballot shall be counted only for the candidates which he has thus individually marked, notwithstanding the fact that he made a mark in the party column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote. If he desires to vote for the entire group of presidential electors nominated by any party or political body, he may make a cross (X) or check (✓) mark in the appropriate square at the right of the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert the names of the candidates for presidential electors for whom he desires to vote in the blank spaces provided therefor under the title of the office "Presidential Electors." In case of a question submitted to the vote of the electors, he may make a cross (X) or check (✓) mark in the appropriate square opposite the answer which he desires to give.

(d) Before leaving the voting compartment, the elector shall fold his ballot, without displaying the markings thereon, in the same way it was folded when received by him, and he shall then leave the compartment and exhibit the ballot to one of the election officers who shall ascertain by an inspection of the number appearing upon the right hand corner of the back of the ballot whether the ballot so exhibited to him is the same ballot which the elector received before entering the voting compartment. If it is the same, the election officer shall direct the elector, without unfolding the ballot, to remove

the perforated corner containing the number, and the elector shall immediately deposit the ballot in the ballot box. Any ballot deposited in a ballot box at any primary or election without having the said number torn off shall be void and shall not be counted.

Section 1223  
of the act,  
amended June  
19, 1939, P. L.  
450, further  
amended.

Section 4. Section 1223 of the act, amended June 19, 1939 (P. L. 450), is amended to read:

Section 1223. What Ballots Shall Be Counted; Manner of Counting; Defective Ballots.—(a) No ballot which is so marked as to be capable of identification shall be counted. Any ballot that is marked in *blue, black or blue-black ink*, [or by anything but] *in fountain pen or ball point pen, or black lead pencil or indelible pencil*, shall be [void and not] *valid and counted: Provided, That all markings on the ballot are made by the same pen or pencil and that all markings on the ballot are the same type of marking either a cross (X) or check (✓)*. Any ballot marked by any other mark than an (X) or check (✓) in the spaces provided for that purpose shall be void and not counted: Provided, however, That no vote recorded thereon shall be declared void because a cross (X) or check (✓) mark thereon is irregular in form. Any erasure, mutilation or defective marking of the straight party column at November elections shall render the entire ballot void, unless the voter has properly indicated his choice for candidates in any office block, in which case the vote or votes for such candidates only shall be counted. Any erasure or mutilation in the vote in any office block shall render void the vote for any candidates in said block, but shall not invalidate the votes cast on the remainder of the ballot, if otherwise properly marked. Any ballot indicating a vote for any person whose name is not printed on the ballot, by writing, stamping or sticker, shall be counted as a vote for such person, if placed in the proper space or spaces provided for that purpose, whether or not an (X) or check (✓) is placed after the name of such person: Provided, however, That if such writing, stamping or sticker is placed over the name of a candidate printed on the ballot, it shall render the entire vote in said office block void. If an elector shall mark his ballot for more persons for any office than there are candidates to be voted for for such office, or if, for any reason, it may be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the ballot shall be counted for all offices for which it is properly marked. Ballots not marked, or improperly or defectively marked, so that the whole ballot is void, shall be set aside and shall be preserved with the other ballots.

(b) At November elections, a cross (X) or check (✓) mark in the square opposite the name of political party or political body in the party column shall be counted as a vote for every candidate of that party or body so marked, including its candidates for presidential electors, except for those offices as to which the voter has indicated a choice for individual candidates of the same or another party or body in any office block, in which case the ballot for such office block shall be counted only for the candidates thus individually marked, notwithstanding the fact that the voter has made a mark in the party column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote.

Section 5. This act shall take effect immediately.

Act effective  
immediately.

APPROVED—The 8th day of January, A. D. 1960.

DAVID L. LAWRENCE

No. 791

### AN ACT

Amending the act of May 28, 1937 (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, \*re-enactments and repeals of statutes," changing the provisions relating to the effective date of certain laws.

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

Statutory Con-  
struction Act.

Section 1. Section 4, act of May 28, 1937 (P. L. 1019), known as the "Statutory Construction Act," amended May 27, 1953 (P. L. 240), is amended to read:

Section 4, act  
of May 28, 1937,  
P. L. 1019,  
amended May  
27, 1953, P. L.  
240, further  
amended.

Section 4. **Effective Date and Time of Laws.**—All laws hereafter enacted finally at a regular session of the Legislature, except laws making appropriations, and except laws affecting the budget of any political subdivision, shall be in full force and effect from and after the first day of September next following their final enactment, unless a different date is specified in the law

\* "reenactments" in original.