

## No. 269

## AN ACT

## HB 1579

Amending the act of June 3, 1937 (P.L.1333, No.320), 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," providing for the county board of elections in certain instances; increasing the compensation of certain election officers; providing for certain rental payments; requiring a receipt upon the filing of nomination petitions and papers; further providing for wording on ballots and ballot labels; providing for the placement of certain candidates on ballots and voting machines; requiring the filing of a written statement asserting continuing disability; and further providing for absentee ballots.

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

Section 1. Section 301, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," is amended to read:

Section 301. County Boards of Elections; Membership.—

(a) There shall be a county board of elections in and for each county of this Commonwealth, which shall have jurisdiction over the conduct of primaries and elections in such county, in accordance with the provisions of this act.

(b) In each county of the Commonwealth, the county board of elections shall consist of the county commissioners of such county ex officio, or any officials or board who are performing or may perform the duties of the county commissioners, who shall serve without additional compensation as such.

*(c) Whenever the members of the board of county commissioners are candidates for nomination or election to any public office or whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the county commissioners shall not sit as the county board of elections. The President Judge of the Court of Common Pleas shall appoint judges to serve as the county board of elections or where an insufficient number of judges are present, the president judge shall appoint a reputable elector of the county to serve as a member, with the judges on the county board of elections.*

Section 2. Subsection (b) of section 412 of the act, amended June 19, 1974 (P.L.366, No.122), is amended to read:

Section 412. Compensation of Election Officers.—\* \* \*

(b) In all counties the compensation of judges, inspectors, clerks and

machine inspectors shall be fixed by the county board of elections of the county at not less than the following: judges of election, [**thirty dollars (\$30.00);**] *forty-five dollars (\$45.00)*; inspectors and clerks, [**twenty-five dollars (\$25.00);**] *forty dollars (\$40.00)*; and machine operators, [**twenty-five dollars (\$25.00)**] *forty dollars (\$40.00)*; and not more than the following: judges of election, [**forty-five dollars (\$45.00)**] *sixty dollars (\$60.00)*; inspectors and clerks, [**forty dollars (\$40.00)**] *fifty-five dollars (\$55.00)*; and machine operators, [**forty dollars (\$40.00);**] *fifty-five dollars (\$55.00)*; for each primary and election. The county board of elections may, in its discretion, establish different per diem rates within the above mentioned minima and maxima based on the number of votes cast for the following groups: 150 votes or less, 151 to 500 votes, 501 to 1000 votes, over 1000 votes.

\* \* \*

Section 3. Section 531 of the act, amended May 25, 1939 (P.L.215, No.119), is amended to read:

Section 531. Compensation for Rent, Heat and Light.—The county board of elections shall fix the compensation for rent, heat, light and janitorial services to be paid for the use of polling places for primaries and elections: Provided, however, That no compensation for rent, heat, *water, custodial service, janitorial services, other services*, or light shall be paid in the case of schoolhouses, municipal buildings or rooms, or other public buildings used as polling places *and as limited voter registration centers*.

Section 4. Sections 913 and 953 of the act are amended by adding a subsection to each section to read:

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.—\* \* \*

*(e) The office in which a nomination petition is filed shall issue to the person filing the nomination petition a receipt containing the date and time of filing, the name of the candidate and the office for which he is a candidate.*

\* \* \*

Section 953. Place and Time of Filing Nomination Papers.—

\* \* \*

*(d) The office in which a nomination paper is filed shall issue to the person filing the nomination paper a receipt containing the date and time of filing, the name of the candidate and the office for which he is a candidate.*

Section 5. Subsection (b) of section 1002 of the act amended March 17, 1972 (P.L.114, No.40), is amended to read:

Section 1002. Form of Official Primary Ballot.—\* \* \*

(b) On the back of each ballot shall be printed in prominent type the words "OFFICIAL PRIMARY BALLOT OF . . . PARTY FOR" followed by the designation of the election district for which it is prepared, the date of the primary and the facsimile signatures of the members of the county board of elections. The names of candidates shall in all cases be

arranged under the title of the office for which they are candidates, and be printed thereunder in the order determined by the casting of lots as provided by this act. *Under the title of such offices where more than one candidate is to be voted for, shall be printed "Vote for not more than . . . " (the blank space to indicate the number of candidates to be voted for the particular office.)* At the right of the name of each candidate there shall be a square of sufficient size for the convenient insertion of a cross (X) or check (✓) mark. There shall be left at the end of the list of candidates for each office (or under the title of the office itself in case there be no candidates who have filed nomination petitions therefor) as many blank spaces as there are persons to be voted for, for such office, in which space the elector may insert the name of any person whose name is not printed on the ballot as a candidate for such office. Opposite or under the name of each candidate, except candidates for the office of President of the United States and candidates for delegate or alternate delegate to a National Party Convention, who is to be voted for by the electors of more than one county, shall be printed the name of the county in which such candidate resides; and opposite or under the name of each candidate except candidates for delegate or alternate delegate to a National Party Convention who is to be voted for by the electors of an entire county or any congressional, senatorial or representative district within the county, shall be printed the name of the city, borough, township or ward, as the case may be, in which such candidate resides.

\* \* \*

Section 6. Subsection (b) of section 1003 of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 1003. Form of Official Election Ballot.—

\* \* \*

(b) On the back of each ballot shall be printed in prominent type the words "Official Ballot," followed by the designation of the election district for which it is prepared, the date of the election and the facsimile signatures of the members of the county board of elections. The names of candidates shall be arranged under the title of the office for which they are candidates, and shall be printed thereunder in the order of the votes obtained by the parties or bodies at the last gubernatorial election, beginning with the party obtaining the highest number of votes: Provided, however, That in the case of parties or bodies not represented on the ballot at the last gubernatorial election, the names of the candidates of such parties shall be arranged alphabetically, according to the party name or political appellation. In the case of offices for which two or more candidates are to be voted for, the candidates of each party shall be arranged together in the order of the number of votes obtained by them at the primary, beginning with the candidates obtaining the highest number of votes, and the candidates of each political body shall be arranged in the order in which their names were placed in their nomination paper. *Under the title of such offices where more than one candidate is to be voted for, shall be printed "Vote for not*

*more than . . . .” (the blank space to indicate the number of candidates to be voted for the particular office.)* Opposite or under the name of each candidate shall be printed the name or appellation of the political party or political body nominating him, and at the right of such name or appellation there shall be a square of sufficient size for the convenient insertion of a cross (X) or check (✓) mark.

\* \* \*

Section 7. The act is amended by adding a section to read:

**Section 1004.1. Placement of Certain Candidates on Ballots and Voting Machines.**—*Notwithstanding any other provisions of this act to the contrary, the names of candidates for the party offices of delegate or alternate delegate to a National Party Convention, member of the State committee, member of a county committee and any other party office as prescribed by the bylaws of the political party shall appear at the end of the ballot after the names of the candidates for all public offices. In any case where voting machines are used, the names of the candidates for the aforementioned offices shall appear in the final columns or rows, as the case may be, of the voting machine.*

Section 8. Subsection (d) of section 1110 of the act, amended April 24, 1947 (P.L.68, No.33), is amended to read:

Section 1110. Form of Ballot Labels on Voting Machines.—

\* \* \*

(d) The titles of offices may be arranged horizontally or vertically, with the names of candidates for an office arranged transversely under or opposite the title of the office. *Under the title of such offices where more than one candidate is to be voted for, shall be printed “Vote for not more than . . . .” (the blank space to indicate the number of candidates to be voted for the particular office.)*

\* \* \*

Section 9. Subsection (e.1) of section 1302 of the act, added December 6, 1972 (P.L.1405, No.301), is amended to read:

Section 1302. Applications for Official Absentee Ballots.—\* \* \*

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may, with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section

but *such person* must [**file a physician's certificate of permanent disability**] **submit a written statement asserting continuing disability** ~~every two years~~ in order to maintain his eligibility to vote under the provisions of this subsection. Should any such person lose his disability he shall inform the county board of elections of the county of his residence.

\* \* \*

Section 10. Section 1302 of the act is amended by adding a subsection to read:

Section 1302. Applications for Official Absentee Ballots.— \* \* \*

*(e.2) Notwithstanding the other provisions of this act any qualified elector who expects to be or is absent from the Commonwealth or county of his residence because his duties, occupation or business require him to be elsewhere on the day of any election may make an application for an absentee ballot by mail by sending a letter to the county board of elections in the county in which his voting residence is located. The letter shall be signed by the applicant and contain his name and place of residence.*

\* \* \*

Section 11. Subsection (b) of section 1403 of the act is repealed to the extent that it is inconsistent with the provisions of this act.

Section 12. This act shall take effect immediately.

APPROVED—The 2nd day of December, A. D. 1976.

MILTON J. SHAPP