

No. 1990-169

AN ACT

SB 577

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," further providing for Commonwealth reimbursement for certain election expenses, for primary election notices in second class counties, for the form of absentee ballots for qualified electors, for filing fees for nomination petitions, for the mailing of absentee ballots and for the form of ballot labels on voting machines; and authorizing children to accompany electors into polling places.

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

Section 1. Sections 102(w)(7) and (8) and 305(c) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, reenacted and amended March 6, 1951 (P.L.3, No.1) and amended August 13, 1963 (P.L.707, No.379), are amended to read:

Section 102. Definitions.—The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

* * *

(w) The words "qualified absentee elector" shall mean:

* * *

(7) Any qualified elector *who expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election or who is or who may be a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia, whether or not such elector is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, if at the time of voting he is absent from the State or county of his residence: Provided, however, That said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or*

(8) Any qualified elector *who is a spouse or dependent residing with or accompanying a person who expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia*

because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election or who is a spouse or dependent residing with or accompanying a person who is a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia whether or not such person is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress if at the time of voting such spouse or dependent is absent from the State or county of his residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

* * *

Section 305. Expenses of County Boards and of Primaries and Elections to Be Paid by County; Expenses of Special Elections; Boards to Be Provided with Offices.—

* * *

(c) The Commonwealth shall reimburse each city of the first class and county for election expenses incurred in and incidental to preparing, handling, mailing, delivering, counting and storing official absentee ballots requested by any elector in military service, Federal employment overseas, Merchant Marine, and in any religious group or welfare agency assisting the Armed Forces, including spouses and dependents, and bedridden and hospitalized veterans as herein provided in the sum of [forty cents (40¢)] *sixty cents (60¢)* for each such ballot mailed or delivered.

Each county board of elections shall file in the Department of State, not later than thirty days after every election, on a form prescribed by the Department of State, a statement of the number of ballots mailed or delivered in such manner as is now or may hereafter be provided by law to electors in actual military service, Federal employment overseas, Merchant Marine, and in any religious group or welfare agency assisting the Armed Forces, including spouses and dependents, and to bedridden or hospitalized veterans.

The Department of State shall ascertain and fix the amount due, as herein provided, to each city of the first class and county for election expenses incurred, and by requisition in the usual course shall provide for payment of such amounts so found due from moneys appropriated to the Department of State for such purpose, or shall prorate the moneys so appropriated among the several cities of the first class and counties to be reimbursed, if the amount so appropriated shall not be sufficient for the payment in full to each city of the first class and county of the amount found to be due.

Section 2. Section 913(b.1) of the act, amended February 13, 1989 (P.L.1, No.1), is amended to read:

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

(b.1) Each person filing any nomination petition shall pay for each petition, at the time of filing, a filing fee to be determined as follows, and no nomination petition shall be accepted or filed, unless and until such filing fee is paid by a certified check or money order or also by cash when filed with the county board. All moneys paid on account of filing fees shall be transmitted by the county board to the county treasurer and shall become part of the General Fund. Certified checks or money orders in payment of filing fees shall be made payable to the Commonwealth of Pennsylvania or to the county, as the case may be, and shall be transmitted to the State Treasurer or to the county treasurer and shall become part of the General Fund.

1. If for the office of President of the United States, or for any public office to be filled by the electors of the State at large, the sum of two hundred dollars (\$200.00).

2. If for the office of Representative in Congress, the sum of one hundred fifty dollars (\$150.00).

3. If for the office of judge of a court of record, excepting judges to be voted for by the electors of the State at large, the sum of one hundred dollars (\$100.00).

4. If for the offices of Senator or Representative in the General Assembly, for any office to be filled by the electors of an entire county, for the office of district councilman in a city of the first class and for any office *other than school district office* to be filled by the electors of an entire city [other than school district office], the sum of one hundred dollars (\$100.00)[.], *except as provided in paragraph 4.1.*

4.1. If for nonschool board offices for any third class city official, the sum of twenty-five dollars (\$25.00).

5. If for any borough, town, or township of the first class, not otherwise provided for, the sum of five dollars (\$5.00).

6. If for the office of delegate or alternate delegate to National party convention, or member of National committee or member of State committee, the sum of twenty-five dollars (\$25.00).

7. If for the office of constable, the sum of ten dollars (\$10.00).

8. If for the office of district councilman in a city of the second class or the office of district justice, the sum of fifty dollars (\$50.00).

Section 3. Section 1110 of the act is amended by adding a subsection to read:

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

(m) Notwithstanding any other provision of this section, a county election board may, to avoid voter confusion, provide for the use of a color scheme to identify all the candidates for a specific office.

Section 4. Section 1201.1 of the act is amended to read:

[Section 1201.1. Primary Election Notices in Second Class Counties.—The county board of elections in counties of the second class shall, not earlier than ten days nor later than three days before each primary election, give notice of the same by newspaper publication in the county in accordance

with the provisions of section 106 of this act. Such primary election notice shall set forth—(1) the names of all public offices for which nominations are to be made; (2) the names of all party offices for which candidates are to be elected at the said primary; (3) the date of the primary and the hours during which the polls will be open; and (d) the places at which the primary will be conducted in the various election districts of the county. Such notice may include a portion of the form of the primary ballots in reduced-size.]

Section 5. Section 1301(g) and (h) of the act, amended August 13, 1963 (P.L.707, No.379), are amended to read:

Section 1301. Qualified Absentee Electors.—The following persons shall be entitled to vote by an official absentee ballot in any primary or election held in this Commonwealth in the manner hereinafter provided:

* * *

(g) Any qualified elector *who expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election* or who is or who may be a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia, whether or not such elector is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, if at the time of voting he is absent from the State or county of his residence: Provided, however, That said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

(h) Any qualified elector *who is a spouse or dependent residing with or accompanying a person who expects to be or is outside the territorial limits of the several States of the United States and the District of Columbia because his duties, occupation or business require him to be elsewhere during the entire period the polls are open for voting on the day of any primary or election* or who is a spouse or dependent residing with or accompanying a person who is a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia, whether or not such person is subject to civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, if at the time of voting such spouse or dependent is absent from the State or county of his residence: Provided, however, That the said elector has been registered or enrolled according to law or is entitled, under provisions of the Permanent Registration Law as now or hereinafter enacted by the General Assembly, to absentee registration prior to or concurrently with the time of voting; or

* * *

Section 6. Section 1303(d) of the act, amended July 11, 1980 (P.L.600, No.128), is amended to read:

Section 1303. Official Absentee Voters Ballots.—* * *

(d) In cases where there is not time, in the opinion of the county boards of election, to print on said ballots the names of the various candidates [for district, county, and local offices, the ballots], *the county board of elections shall print special write-in absentee ballots which shall be in substantially the form of other official absentee ballots except that such special write-in absentee ballots shall contain blank spaces only under the titles of such offices in which electors may insert the names of the candidates for whom they desire to vote, and in such cases the county [boards of election] board of elections shall furnish to electors lists containing the names of all the candidates named in nomination petitions or who have been regularly nominated under the provisions of this act, for the use of such electors in preparing their ballots. Special write-in absentee ballots also shall include all constitutional amendments and other questions to be voted on by the electors.*

* * *

Section 7. Section 1305(a) of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 1305. Delivering or Mailing Ballots.—

(a) The county [boards of election] *board of elections* upon receipt *and approval* of an application filed by any elector qualified in accordance with the provisions of section 1301, subsections (a) to (h), inclusive, shall [as soon as possible after the respective district ballots are printed and in no event later than the second Tuesday] *not later than fifty days prior to the day of the primary or not later than seventy days prior to the day of the election commence to deliver or mail to such elector who has included with said application a statement that he or she is unable to vote during the regular absentee balloting period by reason of living or performing military service in an extremely remote or isolated area of the world, and not later than forty-five days prior to the day of the primary or election commence to deliver or mail to all other such electors as provided for in section 1301, subsections (a) to (h), inclusive, official absentee ballots [to all such electors whose applications have been approved] or special write-in absentee ballots as prescribed by subsection (d) of section 1303 when official absentee ballots are not yet printed; as additional applications of such electors are received, the board shall deliver or mail official absentee ballots or special write-in absentee ballots when official absentee ballots are not yet printed* to such additional electors within forty-eight hours after approval of their application. *If the calling of a special election would make it impossible to comply with the forty-five day delivery or mailing requirement of this section, then the county board of elections shall mail absentee ballots or special write-in absentee ballots within five days of the county board's receipt of the information necessary to prepare said ballots.*

* * *

Section 8. The act is amended by adding sections to read:

Section 1305.1. Notice to County Board of Elections.—(a) At least fifty days prior to a primary, the Secretary of the Commonwealth shall transmit to the county board of elections a list of candidates who have filed a

nominating petition with him and who are not known to have withdrawn or been disqualified, conforming, to the extent possible, with the requirements of section 916.

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

Section 1831.1. Children in Polling Places and Voting Compartments or Voting Machine Booths.—Notwithstanding any other provision of this act, an elector may permit his or her minor child or children to accompany him or her into the polling place and may permit one such minor child to accompany him or her into the voting compartment or voting machine booth.

Section 9. This act shall take effect in 60 days.

APPROVED—The 17th day of December, A. D. 1990.

ROBERT P. CASEY