

No. 2009-20

AN ACT

SB 33

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 powers and duties of the Secretary of the Commonwealth, for Voting Standards Development Board and for restrictions on alteration of boundaries of election districts.

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

Section 1. Section 201(b) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended October 8, 2009 (P.L.807, No.97), is amended to read:

Section 201. Powers and Duties of the Secretary of the Commonwealth.—The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act, and shall perform all the duties imposed upon him by this act, which shall include the following:

* * *

(b) To examine and reexamine voting machines, and to approve or disapprove them for use in this State, in accordance with the provisions of this act. *The secretary shall not approve any voting machine for any election, Federal or State, in this Commonwealth, that does not comply with the requirements of section 301 of the Help America Vote Act of 2002 (Public Law 107-252, 42 U.S.C. § 15481).*

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Section 2. Section 204(h) of the act, amended May 12, 2006 (P.L.178, No.45), is amended to read:

Section 204. Voting Standards Development Board.—* * *

(h) (1) The board shall have the power and duty to develop uniform and nondiscriminatory standards that define what constitutes a valid vote cast through a paper ballot and what constitutes a valid vote through each type of electronic voting system used in the Commonwealth. On or before July 1, 2003, the board shall adopt standards for paper ballots and each type of electronic voting system. The department shall cause these standards to be published as a notice in the Pennsylvania Bulletin.

(2) The standards adopted by the board and published by the Department of State in the Pennsylvania Bulletin Volume 33 Number 31 on August 2,

2003, shall, for the general election in 2004 and any primary, municipal, special and general election in 2006 **[and]**, 2007, **2009 and 2010**, have the force and effect of law.

Section 3. Section 536 of the act, amended May 16, 2002 (P.L.310, No.44), is amended to read:

Section 536. Restrictions on Alteration.—(a) Except as provided in subsection (b), there shall be no power to establish, abolish, divide, consolidate or alter in any manner an election district during the period **[June 1, 2000] July 15, 2009**, through **[June 30, 2002] November 30, 2012**, or through resolution of all judicial appeals to the **[2002] 2012** Congressional **[Reapportionment] Redistricting** Plan, whichever occurs later.

(b) During the period from **[June 1, 2000] July 15, 2009**, through December 31, **[2000] 2010**, an election district may be divided or election districts may be combined if the following are met:

(1) In the case of the division of an election district, the boundary of each resulting district is composed entirely of clearly visible physical features conforming with the census block lines or portions of the original boundary of the election district which was divided.

(2) In the case of the combination of election districts, the boundary of each resulting district is composed entirely of portions of the original boundaries of the election districts which were combined.

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

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

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

(i) A certification by the secretary that the determination has been made.

(ii) A certification by the board that notice under this clause has been given to the **[bureau] secretary** and that the secretary has not acted within forty-five (45) days of the notice.

(3) The board shall forward a copy of the order approving any alteration to the secretary and the Legislative Data Processing Center within seven (7) days of the issuance of that order.

Section 4. To facilitate effective reapportionment and redistricting processes following the 2010 United States Census, no later than August 15, 2009, the Secretary of the Commonwealth shall submit to the United States Department of Commerce, Bureau of the Census, any corrections to

municipal boundaries and election district boundaries as depicted on the maps maintained by the bureau which may be necessary to conform the boundaries to the official municipal boundaries and election district boundaries of the Commonwealth. If the Secretary of the Commonwealth determines that no corrections are necessary, the secretary shall so notify the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives.

Section 5. This act shall take effect as follows:

- (1) The amendment of section 204(h) of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 14th day of July, A.D. 2009.

EDWARD G. RENDELL