

"PENNSYLVANIA ELECTION CODE"

Act of Jun. 3, 1937, P.L. 1333, No. 320

Cl. 25

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.

**Compiler's Note:** Section 508 of Act 223 of 1970 provided that Act 320 is repealed insofar as it is inconsistent with Act 223.

**Compiler's Note:** Section 14 of Act 185 of 1969 provided that Act 320 is repealed insofar as it relates to the Court of Common Pleas of Dauphin County, the court of common pleas of the proper county in connection with matters relating to the powers or duties of the Secretary of the Commonwealth or the special court of common pleas established by section 1731 of Act 320.

TABLE OF CONTENTS

ARTICLE	I.	Preliminary Provisions
ARTICLE	II.	The Secretary of the Commonwealth
ARTICLE	III.	County Boards of Elections
ARTICLE	IV.	District Election Officers
ARTICLE	V.	Election Districts and Polling Places
ARTICLE	VI.	Dates of Elections and Primaries and Special Elections
ARTICLE	VII.	Qualifications of Electors
ARTICLE	VIII.	Party Organization
ARTICLE	IX.	Nomination of Candidates
ARTICLE	X.	Ballots
ARTICLE	XI.	Voting Machines
ARTICLE	XI-A.	Electronic Voting Systems
ARTICLE	XII.	Preparation For and Conduct of Primaries and Elections
ARTICLE	XIII.	Voting By Qualified Absentee Electors
ARTICLE	XIII-A.	Voting By Bedridden Or Hospitalized Veterans (Repealed)
ARTICLE	XIII-B.	Absentee Voting (Repealed)
ARTICLE	XIII-C.	Statewide Uniform Registry of Electors Advisory Board
ARTICLE	XIV.	Returns of Primaries and Elections
ARTICLE	XV.	Electoral College
ARTICLE	XVI.	Primary and Election Expenses
ARTICLE	XVII.	Recounts and Contests
ARTICLE	XVIII.	Penalties
ARTICLE	XVIII-A.	Congressional Districts (Repealed)
ARTICLE	XIX.	Repeals

Section 1. Be it enacted, &c., That the laws relating to general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and

election contests are hereby codified, revised and consolidated as follows:

ARTICLE I  
Preliminary Provisions

Section 101. Short Title.--This act shall be known, and may be cited, as the "Pennsylvania Election Code."

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

(a) The word "candidate" shall, unless the context otherwise requires, include both candidates for nomination and election.

(a.1) "Canvass" includes gathering the ballots after the election and counting, computing and tallying the votes. ((a.1) added Dec. 11, 1968, P.L.1183, No.375)

(b) The word "county" shall mean any county of this Commonwealth.

(c) The words "county board" or "board" shall mean the county board of elections of any county herein provided for.

(d) The words "district election board" or "election board" shall mean the election officers required to conduct primaries and elections in any election district in accordance with the provisions of this act.

(e) The words "district register" shall mean the cards containing all or any part of the registry list of qualified electors of the same election district, as prepared by the registration commissions.

(f) The word "election" shall mean any general, municipal, special or primary election, unless otherwise specified.

(g) The words "election district" shall mean a district, division or precinct, established in accordance with the provisions of this act, within which all qualified electors vote at one polling place.

(g.1) The words "election officer" shall include the judge of elections and the majority and minority inspectors elected or appointed by a county board of elections and the clerk or machine inspector appointed by a county board of elections. ((g.1) added Dec. 9, 2002, P.L.1246, No.150)

(h) The words "general election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years.

(i) The words "independent nomination" shall mean the selection by an independent political body, in accordance with the provisions of this act, of a candidate for a public office authorized to be voted for at an election.

(j) The words "municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years.

(k) The word "nomination" shall mean the selection, in accordance with the provisions of this act, of a candidate for a public office authorized to be voted for at an election.

(l) The words "November election" shall mean either the general or municipal election, or both, according to the context.

(m) The word "oath" shall include affirmation and the word "swear" shall include affirm.

(n) The word "party" shall mean a political party, as defined in section 801 of this act.

(o) The words "party nomination" shall mean the selection by a political party, in accordance with the provisions of this

act, of a candidate for a public office authorized to be voted for at an election.

(p) The words "political body" shall mean an independent body of electors, as defined in section 801 of this act.

(q) The words "polling place" shall mean the room provided in each election district for voting at a primary or election.

(r) The words "primary" or "primary election" shall mean any election held for the purpose of electing party officers and nominating candidates for public offices to be voted for at an election.

(r.1) "Public institution" means institutions primarily maintained by the Federal, State or local governments and includes but is not limited to veterans' hospitals and homes, State hospitals, poorhouses and county homes. ((r.1) added Dec. 11, 1968, P.L.1183, No.375)

(s) The words "public office" shall include every public office to which persons can be elected by a vote of the electors under the laws of this State.

(t) The words "qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth, or who, being otherwise qualified by continued residence in his election district, shall obtain such qualifications before the next ensuing election.

(u) The words "registered and enrolled member of a political party" shall mean any qualified elector who shall be registered according to political designation, in accordance with the provisions of the registration acts.

(v) The words "special election" shall mean any election other than a regular general, municipal or primary election.

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

(1) Any qualified elector who is or who may be in the military service of the United States regardless of whether at the time of voting he is present in the election district of his residence or is within or without this Commonwealth and regardless of whether he is registered or enrolled; or

(2) Any qualified elector who is a spouse or dependent residing with or accompanying a person in the military service of the United States if at the time of voting such spouse or dependent is absent from the municipality 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

(3) Any qualified elector who is or who may be in the service of the Merchant Marine of the United States if at the time of voting he is absent from the municipality 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

(4) Any qualified elector who is a spouse or dependent residing with or accompanying a person who is in the service of the Merchant Marine of the United States if at the time of voting such spouse or dependent is absent from the municipality 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

(5) Any qualified elector who is or who may be in a religious or welfare group officially attached to and serving with the armed forces if at the time of voting he is absent from the municipality 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

(6) Any qualified elector who is a spouse or dependent residing with or accompanying a person in a religious or welfare group officially attached to and serving with the armed forces if at the time of voting such spouse or dependent is absent from the municipality 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

(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 municipality 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 municipality 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

(9) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is absent from the municipality of his residence and unable to

attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled; or

(10) Any qualified, registered and enrolled elector who expects to be or is absent from the municipality of his residence 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

(11) Any qualified, registered and enrolled elector who is unable to attend his polling place because of illness or physical disability; or

(12) Any qualified, registered and enrolled elector who is a spouse or dependent accompanying a person employed in the service of this Commonwealth or in the service of the Federal Government within the territorial limits of the several States of the United States and the District of Columbia in the event the duties, profession or occupation of such person require him to be absent from the municipality of his residence; or

(13) Any qualified elector who is a county employe who cannot vote due to duties on election day relating to the conduct of the election; or

(14) Any qualified elector who will not attend a polling place because of the observance of a religious holiday:

Provided, however, That the words "qualified absentee elector" shall in no wise be construed to include persons confined in a penal institution or a mental institution nor shall it in anywise be construed to include a person not otherwise qualified as a qualified elector in accordance with the definition set forth in section 102(t) of this act.

((w) amended Feb. 13, 1998, P.L.72, No.18)

(x) The words "members of the Merchant Marine of the United States" mean persons (other than persons in military service) employed as officers or members of crews of vessels documented under the laws of the United States or of vessels owned by the United States or of vessels of foreign flag registry under charter to or control of the United States, and persons (other than persons in military service) enrolled with the United States for employment or for training for employment or maintained by the United States for emergency relief service as officers or members of crews of any such vessels, but does not include persons so employed or enrolled for such employment or for training for employment or maintained for such emergency relief on the Great Lakes or the Inland waterways. ((x) added Aug. 13, 1963, P.L.707, No.379)

(y) The word "dependent" means any person who is in fact a dependent. ((y) added Aug. 13, 1963, P.L.707, No.379)

(z) The words "person authorized to administer oaths" shall mean any person who is a commissioned officer in military service or any member of the Merchant Marine of the United States designated for this purpose by the United States Secretary of Commerce or any civilian official empowered by any State or Federal law to administer oaths. ((z) added Aug. 13, 1963, P.L.707, No.379)

(z-1) The words "in military service" shall mean the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804 U.S. Code, Title 37, Par. 231). ((z-1) added Aug. 13, 1963, P.L.707, No.379)

(z-2) ((z-2) repealed Dec. 11, 1968, P.L.1183, No.375)

(z-3) The words "duties, occupation or business" shall include leaves of absence for teaching or education, vacations, sabbatical leaves, and all other absences associated with the elector's duties, occupation or business, and also include an

elector's spouse who accompanies the elector. ((z-3) added Dec. 11, 1968, P.L.1183, No.375)

(z.4) The word "municipality" shall mean a city, borough, incorporated town, township or any similar general purpose unit of government which may be created by the General Assembly. ((z.4) added Feb 13, 1998, P.L.72, No.18)

(102 amended Aug. 1, 1941, P.L.672, No.273)

(z.5) The words "proof of identification" shall mean:

(1) In the case of an elector who has a religious objection to being photographed, a valid-without-photo driver's license or a valid-without-photo identification card issued by the Department of Transportation.

(2) For an elector who appears to vote under section 1210, a document that:

(i) shows the name of the individual to whom the document was issued and the name substantially conforms to the name of the individual as it appears in the district register;

(ii) shows a photograph of the individual to whom the document was issued;

(iii) includes an expiration date and is not expired, except:

(A) for a document issued by the Department of Transportation which is not more than twelve (12) months past the expiration date; or

(B) in the case of a document from an agency of the Armed forces of the United States or their reserve components, including the Pennsylvania National Guard, establishing that the elector is a current member of or a veteran of the United States Armed Forces or National Guard which does not designate a specific date on which the document expires, but includes a designation that the expiration date is indefinite; and

(iv) was issued by one of the following:

(A) The United States Government.

(B) The Commonwealth of Pennsylvania.

(C) A municipality of this Commonwealth to an employee of that municipality.

(D) An accredited Pennsylvania public or private institution of higher learning.

(E) A Pennsylvania care facility.

(3) For a qualified absentee elector under section 1301:

(i) in the case of an elector who has been issued a current and valid driver's license, the elector's driver's license number;

(ii) in the case of an elector who has not been issued a current and valid driver's license, the last four digits of the elector's Social Security number;

(iii) in the case of an elector who has a religious objection to being photographed, a copy of a document that satisfies paragraph (1); or

(iv) in the case of an elector who has not been issued a current and valid driver's license or Social Security number, a copy of a document that satisfies paragraph (2).

((z.5) added Mar. 14, 2012, P.L.195, No.18)

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

Section 103. Construction.--(a) The provisions of this act are severable, and if any article, section or clause of this act, or part thereof, is held to be unconstitutional, the decision shall not be construed to affect or invalidate any other provisions of this act, or the act as a whole. It is

hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

(b) The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws, and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act, or part thereof, heretofore repealed or superseded. The provisions of this act shall not affect any act done, liability or penalty incurred, right accrued or vested, or nomination made prior to the taking effect of this act, nor shall they affect any suit of prosecution then pending or to be instituted to enforce any right or penalty then accrued or to punish any offense theretofore committed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

(c) Whenever in this act reference is made to any other act by title, such reference shall be construed to apply to, and include any codification or other act of Assembly wherein the provisions of the act referred to are substantially re-enacted.

(d) Whenever the masculine gender is used in this act, it shall be construed to include the feminine.

(e) In determining or reckoning any period of time mentioned in this act, the day upon which the act is done, paper filed, or notice given, shall be excluded from, and the date of the primary, election, hearing or other subsequent event, as the case may be, shall be included in the calculation or reckoning: Provided, however, That if the last day upon which any act may be done, paper filed, or notice given, shall fall on a Sunday or a legal holiday, the next following ordinary business day shall be considered as the last day for said purpose.

Section 104. Acts Done on Legal Holidays and Sundays.--No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof, or the right of any person to any compensation provided for herein for rendering any service required hereby, or so as to relieve any person from doing on such day whatever is necessary for such purposes, and such services are hereby declared to be necessary public services.

Section 105. Effective Date.--Except as otherwise provided herein, this act shall be in force and take effect from and after its final enactment.

Section 106. Publication of Notices.--Whenever under the provisions of this act notice is required to be given by newspaper publication in any county or in any municipal subdivision thereof, such notice shall be published in at least two and not more than three newspapers of general circulation as defined in the "Newspaper Advertising Act," approved May 16, 1929 (Pamphlet Laws 1784). At least one of said newspapers shall represent the majority party, and at least one shall represent the minority party, if there be that many published within the limits of such county or municipal subdivision. If there are not two such newspapers, then publication shall be made in at least either one newspaper of general circulation representing the majority party or at least one newspaper of general circulation representing the minority party, whichever is published in such county, and at least one newspaper of general circulation representing the other party published in an

adjacent county and circulating in such county or municipal subdivision in which such notice is required to be published: Provided, however, That if in any such county, or in any municipal subdivision thereof, there are at least three newspapers of general circulation published within the limits of such county or municipal subdivision, the foregoing provisions if this section shall be deemed complied with if publication shall be made in all of the said newspapers in the county or municipal subdivision, notwithstanding that all such newspapers may represent either the majority party or the minority party. Whenever such notice relates to any matter or proceeding in court or to the sale of bonds or increase of indebtedness, the same shall also be published in the legal newspaper, if any, in the proper county, provided publication can be made therein on the same day or days as publication is made in newspapers of general circulation.

(106 amended June 28, 1947, P.L.1057, No.452)

## ARTICLE II

### The Secretary of the Commonwealth

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:

(a) To determine, in accordance with the provisions of this act, the forms of nomination petitions and papers, expense accounts and all other forms and records, the form of which he is required to determine under the provisions of this act.

(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). ((b) amended July 14, 2009, P.L.86, No.20)

(c) To certify to county boards of elections for primaries and elections the names of the candidates for President and Vice-President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives, and judges of all courts of record, and delegates and alternate delegates to National Conventions, and members of State committees, and the form and wording of constitutional amendments or other questions to be submitted to the electors of the State at large.

(d) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives and judges of all courts of record, and delegates and alternate delegates to National Conventions and members of State committees.

(e) To receive such reports from county boards of elections as are required by this act, and to demand such additional reports on special matters as he may deem necessary.

(e.1) To receive from county boards of elections information on voting system errors or difficulties or other election data pursuant to regulation.



(f) To receive from county boards of elections the returns of primaries and elections, to canvass and compute the votes cast for candidates and upon questions as required by the provisions of this act; to proclaim the results of such primaries and elections, and to issue certificates of election to the successful candidates at such elections, except in cases where that duty is imposed by law on another officer or board.

(f.1) To develop a voluntary professional certification and poll worker training program for county election officials in consultation with county boards of elections.

(f.2) To order a county board to conduct a recount or recanvass of an election under section 1404 for a public office which appears on the ballot in every election district in this Commonwealth or for a ballot question which appears on the ballot in every election district in this Commonwealth.

(g) To perform such other duties as may be prescribed by law.

(h) To establish a system for the remedy of complaints regarding the administration of the provisions of Title III of the Help America Vote Act of 2002 (Public Law 107-252, 42 U.S.C. § 15481 et seq.).

(201 amended Oct. 8, 2004, P.L.807, No.97)

Section 201.1. Explanation of Ballot Question.--Whenever a proposed constitutional amendment or other State-wide ballot question shall be submitted to the electors of the Commonwealth in referendum, the Attorney General shall prepare a statement in plain English which indicates the purpose, limitations and effects of the ballot question on the people of the Commonwealth. The Secretary of the Commonwealth shall include such statement in his publication of a proposed constitutional amendment as required by Article XI of the Constitution of Pennsylvania. The Secretary of the Commonwealth shall certify such statement to the county boards of elections who shall publish such statement as a part of the notice of elections required by section 1201 or any other provision of this act. The county board of elections shall also require that at least three copies of such statement be posted in or about the voting room outside the enclosed space with the specimen ballots and other instructions and notices of penalties. In election questions which affect only one county or portion thereof, the county board of elections shall fulfill these requirements in the place of the Attorney General and the Secretary of the Commonwealth.

(201.1 added Feb. 19, 1986, P.L.29, No.11)

Section 202. Records and Documents to Be Open to Public Inspection.--The records of the Secretary of the Commonwealth and all returns, nomination petitions, certificates and papers, other petitions, accounts, contracts, reports and other documents and records in his custody shall be open to public inspection, and may be inspected and copied by any qualified elector of the State during ordinary business hours at any time when they are not necessarily being used by the Secretary of the Commonwealth, or his deputy or employes having duties to perform in reference thereto: Provided, however, That such public inspection thereof shall only be in the presence of the Secretary of the Commonwealth, or his deputy or one of his authorized employes, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act.

Section 203. Preservation of Records.--All documents and records in the office of the Secretary of the Commonwealth shall

be preserved therein for a period of two years, unless otherwise provided in this act.

Section 204. Voting Standards Development Board.--(a) There is hereby established within the Department of State a Voting Standards Development Board comprised of seven members for the purpose of developing uniform and nondiscriminatory standards that define what constitutes a vote.

(b) The board shall be comprised of the following members:

(1) The Secretary of the Commonwealth or his designee.

(2) Two county directors of election appointed by the President pro tempore of the Senate, one of whom shall be from a county in which votes are cast on paper ballots.

(3) One county director of elections appointed by the Minority Leader of the Senate, who shall be from a county in which votes are cast on punch card voting systems.

(4) Two county directors of election appointed by the Speaker of the House of Representatives, one of whom shall be from a county in which votes are cast on direct recording electronic voting systems.

(5) One county director of elections appointed by the Minority Leader of the House of Representatives, who shall be from a county in which votes are cast on optical scan voting systems.

(c) The Secretary of the Commonwealth shall serve as chair of the board. Each member shall serve until the expiration of his term. A vacancy shall be filled in the same manner as the original appointment.

(d) The board shall meet as needed to fulfill the requirements of this section.

(e) Four members of the board shall constitute a quorum, and an affirmative vote of a majority of the members of the board is required for the issuance of standards in accordance with subsection (h).

(f) The board may establish any rules necessary for its operation, consistent with the provisions of subsection (e).

(g) The members of the board shall receive no compensation for their services on the board but shall be reimbursed by the department for ordinary and necessary expenses incurred in the performance of their duties.

(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 have the force and effect of law until such time as a category of voting system, other than the paper ballot or electronic voting system as defined in section 1101-A, is approved by the secretary for use in this Commonwealth under section 201(b). The secretary shall publish the approval as a notice in the Pennsylvania Bulletin.

((h) amended May 15, 2013, P.L.25, No.6)

(204 added Dec. 9, 2002, P.L.1246, No.150)

**Compiler's Note:** Section 16 of Act 45 of 2006 provided that the amendment of section 204(h) shall take effect immediately.

Section 205. State Plan Advisory Board.--(a) There is hereby established within the Department of State a State Plan Advisory Board comprised of fifteen members for the purpose of advising the Secretary of the Commonwealth on the development of the State Plan required by the Help America Vote Act of 2002 (Public Law 107-252, 42 U.S.C. § 15301 et seq.).

(b) The board shall be comprised of the following members:

(1) One director of elections from a county of the first class.

(2) One director of elections from a county of the second class.

(3) The chairperson of the political party with the highest number of registered voters in the Commonwealth.

(4) The chairperson of the political party with the second highest number of registered voters in the Commonwealth.

(5) Eleven members appointed by the Secretary of the Commonwealth as follows:

(i) Seven directors of elections, one from a county of the second class A and one each from a county of the third, fourth, fifth, sixth, seventh and eighth class.

(ii) One representative of an organization of disabled Pennsylvania veterans.

(iii) One representative of an organization of blind and visually impaired Pennsylvanians.

(iv) Two representatives of the public at large, who shall be registered electors of the Commonwealth.

(c) The board shall elect a chairman from among its members. Each member appointed by the secretary shall serve for a term of five years. A vacancy shall be filled in the same manner as the original appointment.

(d) The board shall meet as needed to fulfill the requirements of this section.

(e) Eight members of the board shall constitute a quorum. A vote of the majority of the members of the board is required for the issuance of recommendations in accordance with subsection (h).

(f) The board may establish any rules necessary for its operation consistent with the provisions of subsection (e).

(g) The members of the board shall receive no compensation for their services on the board but shall be reimbursed by the department for ordinary and necessary expenses incurred in the performance of their duties.

(h) The board shall have the power and duty to advise the Secretary of the Commonwealth on the development of the State Plan, which the secretary must develop and submit to the Federal Election Assistance Commission in accordance with the Help America Vote Act of 2002. The board shall make recommendations on all aspects of the State Plan described in section 254 of the Help America Vote Act of 2002.

(205 added Dec. 9, 2002, P.L.1246, No.150)

Section 206. Requirements Relating to Voter Identification.--(a) The Secretary of the Commonwealth shall prepare and disseminate information to the public regarding the proof of identification requirements established under sections 1210 and 1302.

(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b) (relating to issuance and content of driver's license) to the contrary, the Department of Transportation shall issue an identification card described in 75 Pa.C.S. § 1510(b) at no cost to any registered elector who has made application therefor and has included with the completed application a statement signed by the elector declaring under oath or affirmation that

the elector does not possess proof of identification as defined in section 102(z.5)(2) and requires proof of identification for voting purposes.

(c) The Secretary of the Commonwealth shall prepare the form of the statement described in subsection (b) and shall distribute the form to the counties and the Department of Transportation. The Secretary of the Commonwealth, the Secretary of Transportation and the county boards of election shall disseminate information to the public regarding the availability of identification cards under subsection (b).

(206 added Mar. 14, 2012, P.L.195, No.18)

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

### ARTICLE III County Boards of Elections

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. Except in counties of the first class, in counties which have adopted home rule charters or optional plans the board of elections shall consist of the members of the county body which performs legislative functions unless the county charter or optional plan provides for the appointment of the board of elections. In either case, there shall be minority representation on the board. The county body which performs legislative functions shall in the case where the board does not contain minority representation appoint such representation from a list submitted by the county chairman of the minority party.

(c) Whenever a member of the board of county commissioners is a candidate for nomination or election to any public office, the President Judge of the Court of Common Pleas shall appoint a judge or an elector of the county to serve in his stead. 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 President Judge of the Court of Common Pleas shall appoint judges or electors of the county to serve in the stead of the county commissioners. Appointees who are not currently elected office holders shall receive compensation for such service as determined by the salary board plus mileage as specified by the county for expenses incurred when performing election board business. ((c) amended June 10, 1982, P.L.458, No.135)

(301 amended July 21, 1979, P.L.189, No.63)

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

(a) To investigate and report to the court of quarter sessions their recommendations on all petitions presented to

the court by electors for the division, redivision, alteration, change or consolidation of election districts, and to present to the court petitions for the division, redivision, alteration, change or consolidation of election districts in proper cases.

(b) To select and equip polling places that meet the requirements of this act. ((b) amended May 12, 2006, P.L.178, No.45)

(c) To purchase, preserve, store and maintain primary and election equipment of all kinds, including voting booths, ballot boxes and voting machines, and to procure ballots and all other supplies for elections.

(d) To appoint their own employes, voting machine custodians, and machine inspectors.

(e) To issue certificates of appointment to watchers at primaries and elections.

(f) To make and issue such rules, regulations and instructions, not inconsistent with law, as they may deem necessary for the guidance of voting machine custodians, elections officers and electors.

(g) To instruct election officers in their duties, calling them together in meeting whenever deemed advisable, and to inspect systematically and thoroughly the conduct of primaries and elections in the several election districts of the county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted.

(h) To prepare and publish, in the manner provided by this act, all notices and advertisements in connection with the conduct of primaries and elections, which may be required by law.

(i) To investigate election frauds, irregularities and violations of this act, and to report all suspicious circumstances to the district attorney.

(j) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for county, city, borough, township, ward, school district, poor district, election offices, and local party offices required by law or by party rules to be filed with the board.

(k) To receive from district election officers the returns of all primaries and elections, to canvass and compute the same, and to certify, no later than the third Monday following the primary or election, the results thereof to the Secretary of the Commonwealth, as may be provided by law, and to such other authorities as may be provided by law. The certification shall include the number of votes received in each election district by each candidate for the General Assembly.

(l) To publicly announce by posting at its office the results of primaries and elections for county, city, borough, township, ward, school district, poor district, election offices, and party offices, if any; to provide the results to the Secretary of the Commonwealth; and to issue certificates of election to the successful candidates for said offices.

(m) To prepare and submit, within twenty days after the last day to register to vote in each primary, municipal and general election, a report to the Secretary of the Commonwealth in the form prescribed by him, which shall contain a statement of the total number of electors registered in each election district, together with a breakdown of registration by each political party or other designation. Copies of said statement shall be furnished, upon request, to the county chairman of each political party and political body. The Secretary of the Commonwealth shall forthwith submit such information to the

Legislative Data Processing Center and shall publicly report the total number of registered electors for each political party or other designation in each county not later than five days prior to the primary, municipal or general election.

(n) To annually prepare and submit to the county commissioners or other appropriating authorities of the county an estimate of the cost of primaries and elections and of the expenses of the board for the ensuing fiscal year.

(o) To perform such other duties as may be prescribed by law.

(p) A county board of elections shall not pay compensation to a judge of elections who wilfully fails to deliver by two o'clock A. M. on the day following the election envelopes; supplies, including all uncast provisional ballots; and returns, including all provisional ballots and absentee ballots cast in the election district.

(302 amended Oct. 8, 2004, P.L.807, No.97)

Section 303. Decisions by Majority Vote; Employees.--

(a) All actions of a county board shall be decided by a majority vote of all the members, except as may be otherwise provided herein.

(b) Each county board may appoint a chief clerk, who shall have authority to administer oaths and to sign vouchers, and such other employes and assistants as, from time to time, the board may deem necessary to carry out the provisions of this act. The county board may appoint the chief clerk and other employes of the county commissioners to act as such for the county board of elections without any additional compensation as such.

Section 304. Regulations; Subpoenas; Witnesses; Fees.--

(a) Each county board of elections may make regulations, not inconsistent with this act or the laws of this Commonwealth, to govern its public sessions, and may issue subpoenas, summon witnesses, compel production of books, papers, records and other evidence, and fix the time and place for hearing any matters relating to the administration and conduct of primaries and elections in the county under the provisions of this act. All subpoenas issued by the county board shall be in substantially the same form and shall have the same force and effect as subpoenas issued by the court of common pleas of such county, and, upon application, the board shall be entitled to the benefit of the process of such court if necessary to enforce any subpoena issued by them. Each member of the county board shall have the power to administer oaths and affirmations. Each person testifying before any county board shall be first duly sworn or affirmed.

(b) Any person filing any petition with a county board or opposing the same shall have the privilege of having subpoenas issued by the board to compel the attendance of witnesses, upon condition that all witnesses so subpoenaed shall be paid witness fees, in the manner herein provided. ((b) repealed in part Apr. 28, 1978, P.L.202, No.53)

(c) Witnesses subpoenaed by the county board shall each also be entitled to daily witness fees at the rate aforesaid, to be paid by the board: Provided, however, That election officers, clerks, machine inspectors, overseers and watchers, when subpoenaed by the county board to appear before the board, sitting for the computation and canvassing of votes cast at an election, shall not be entitled to witness fees.

(d) No subpoena shall be issued for the benefit of any person other than the county board until he shall have paid the board a fee of twenty-five (.25) cents for issuing the same and

deposited with the board one day's witness fees for each witness to be summoned thereby, whose names shall be given to the board and entered by it in such subpoena and among its records, and no such subpoena shall be effective to require the further attendance of any witness after the day mentioned therein, unless the hearing be postponed or continued by the board, and unless, before four o'clock P. M. of said day, the person for whose benefit it be issued shall have deposited with the board an additional day's witness fees for each witness whose further attendance is desired. As soon as convenient after any hearing is concluded, postponed or continued on any day, the county board shall disburse the fees deposited with it by any persons aforesaid, among those witnesses who have appeared in response to subpoenas issued as aforesaid, and shall return to the person who deposited the same any fees deposited for others who did not attend, and shall also pay like fees to any witnesses summoned by the board as aforesaid, taking their receipts therefor, so long as there are sufficient funds available for such payments. The county board shall pay over to the county treasurer all fees received for subpoenas.

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.--

(a) The county commissioners or other appropriating authorities of the county shall appropriate annually, and from time to time, to the county board of elections of such county, the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county, including the payment of the compensation of the employes of the board, custodians, election officers, and other assistants and employes herein provided for, and the fees of witnesses as herein provided; for the purchase or printing, under contracts made by the board, of all ballots and other primary and election supplies required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the purchase, under contracts made by the board, and maintenance, of voting machines, when adopted as herein provided, and of all other primary and election equipment required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the publication of notices authorized by this act, under contracts made by the board, and for all other necessary expenses hereunder: Provided, however, That bonds or other evidences of indebtedness, payable not later than thirty years from their dates of issuance, may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county, to meet all or any part of the cost of voting machines.

1. The county shall be liable for the expenses of holding special elections for any city, borough, township, school district or other municipality or incorporated district contained therein, which is held on the day of any general, municipal or primary election, and on any special question which is required by law to be, or which is, at the discretion of the county board, as hereinafter provided, printed on the regular ballot after the list of the candidates, or on the same voting machine as the list of candidates.

2. Any city, borough, township, school district or other municipality or incorporated district contained in any county, holding a special election, as authorized by law, on the question of increase of indebtedness or any other question to

be voted on by the electors of such subdivision, which special election is held on the day of any general, municipal or primary election and which is required by law to be conducted or at the discretion of the county board, as hereinafter provided, is conducted by special ballots for such question, shall be liable to the county for the expenses necessarily incurred in the printing of such special ballots.

3. If any other day than the day of any general, municipal or primary election be fixed by the corporate authorities of any municipality, school district or incorporated district for the holding of a special election on the question of increase of indebtedness or any other question, as authorized by law, such municipality, school district or incorporated district shall be liable for and pay the entire expense of holding such election, including the cost of printing ballots and supplies, pay of election officers, the rental of polling places, and the cost of canvassing and computing the votes cast.

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

(a) amended May 5, 1982, P.L.374, No.108)

(b) The county commissioners or other appropriating authorities of the county shall provide the county board with suitable and adequate offices at the county seat, properly furnished for keeping its records, holding its public sessions and otherwise performing its public duties, and shall also provide such branch offices for the board in cities other than the county seat, as may be necessary.

(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 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.

((c) amended Dec. 17, 1990, P.L.681, No.169)

(305 amended Aug. 1, 1941, P.L.672, No.273)

Section 306. Counsel; Compensation; Duties.--The county solicitor shall serve as counsel for the county board in the several counties of the Commonwealth, and shall receive no compensation therefor in addition to his compensation as county solicitor. Such counsel shall advise the county board, from time to time, regarding its powers and duties, and the rights of candidates and electors, and concerning the best methods of legal procedure for carrying out the various provisions of this act, and shall appear for and represent the county board on all appeals taken from its decisions or orders to the court of common pleas, as herein provided.

Section 307. Acts of Employes.--The amending of any records by any employe of any county board of elections by order of such board shall be construed to have been done by the board itself, which shall likewise be responsible for the correction of any errors in the doing thereof.

Section 308. Records and Documents to Be Open to Public Inspection; Proviso.--The records of each county board of elections, general and duplicate returns, tally papers, affidavits of voters and others, nomination petitions, certificates and papers, other petitions, appeals, witness lists, accounts, contracts, reports and other documents and records in its custody, except the contents of ballot boxes and voting machines and records of assisted voters, shall be open to public inspection, except as herein provided, and may be inspected and copied by any qualified elector of the county during ordinary business hours, at any time when they are not necessarily being used by the board, or its employes having duties to perform thereto: Provided, however, That such public inspection thereof shall only be in the presence of a member or authorized employe of the county board, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act: And provided further, That general and duplicate returns, tally papers, affidavits of voters and others, and all other papers required to be returned by the election officers to the county board sealed, shall be open to public inspection only after the county board shall, in the course of the computation and canvassing of the returns, have broken such seals and finished, for the time, their use of said papers in connection with such computation and canvassing.

Section 309. Preservation of Records.--All documents, papers and records in the office of the county board of elections of each county shall be preserved therein for a period of at least eleven (11) months, and all official ballots and the contents of ballot boxes shall be preserved therein for a period of at least four (4) months; in the event the county board has been notified in writing by the district attorney of the county, or by a judge of a court of record, to preserve said papers or contents of ballot boxes for a longer period of time, for the purposes of pending prosecution or litigation, said records shall be preserved accordingly.

(309 amended July 14, 1961, P.L.648, No.334)

Section 310. Watchers or Attorneys at Sessions of County Board; Candidates May Be Present.--

(a) Any party or political body or body of citizens which now is, or hereafter may be, entitled to have watchers at any registration, primary or election, shall also be entitled to appoint watchers who are qualified electors of the county or attorneys to represent such party or political body or body of citizens at any public session or sessions of the county board of elections, and at any computation and canvassing of returns of any primary or election and recount of ballots or recanvass of voting machines under the provisions of this act. Such watchers or attorneys may exercise the same rights as watchers at registration and polling places, but the number who may be present at any one time may be limited by the county board to not more than three for each party, political body or body of citizens.

(b) Every candidate shall be entitled to be present in person or by attorney in fact duly authorized, and to participate in any proceeding before any county board whenever any matters which may affect his candidacy are being heard, including any computation and canvassing of returns of any primary or election or recount of ballots or recanvass of voting machines affecting his candidacy.

(c) Any candidate, attorney or watcher present at any recount of ballots or recanvass of voting machines shall be entitled to examine the ballots or the voting machine and to raise any objections regarding the same, which shall be decided by the county board, subject to appeal, in the manner provided by this act.

Section 311. Immunity from Arrest.--Members of county boards of elections, and custodians of voting machines shall be privileged from arrest while performing their duties as such under this act, except upon warrant of a court of record or judge thereof, for felony, for wanton breach of the peace or for a criminal violation of this act.

Section 312. Intervention in Suits.--(312 repealed Apr. 28, 1978, P.L.202, No.53)

#### ARTICLE IV District Election Officers

Section 401. District Election Boards; Election.--All primaries and elections shall be conducted in each election district by a district election board consisting of a judge of election, a majority inspector of election and a minority inspector of election, assisted by clerks and machine inspectors in certain cases, as hereinafter provided. The judge and inspectors of election of each election district shall be elected by the electors thereof at the municipal election, and shall hold office for a term of four years from the first Monday of January next succeeding their election. Each elector may vote for one person as judge and for one person as inspector, and the person receiving the highest number of votes for judge shall be declared elected judge of election, the person receiving the highest number of votes for inspector shall be declared elected majority inspector of election, and the person receiving the second highest number of votes for inspector shall be declared elected minority inspector of election.

(401 amended Feb. 10, 1956, P.L.1019, No.319)

Section 402. Qualifications of Election Officers.--

(a) Except as provided in subsection (b), election officers shall be qualified registered electors of the district in which they are elected or appointed. No person shall be qualified to

serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the Government of the United States or of this State or of any city or county or poor district, of any municipal board, commission or trust in any city, save only district justices, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be voted for at a primary or election at which he shall serve, except that of an election officer.

(b) The county board may appoint students notwithstanding their eligibility to vote to serve as a clerk or machine inspector pursuant to the following:

(1) The county board may appoint no more than two students per precinct.

(2) The judge of elections shall have direct supervision of the student.

(3) The county board may compensate the student.

(4) The county board shall comply with all applicable Federal and State laws.

(5) The student must at the time of the election for which the student shall serve:

(i) be at least seventeen (17) years of age;

(ii) be a United States citizen and a resident of the county in which he was appointed to serve;

(iii) be enrolled in a secondary educational institution with an exemplary academic record as determined by the educational institution;

(iv) be approved by the principal or director of the secondary educational institution; and

(v) have obtained the consent of their parent or guardian.

(6) The student may not serve as a judge of election or majority or minority inspector.

(402 amended Dec. 9, 2002, P.L.1246, No.150)

Section 403. Tie Votes for Judge and Inspector.--If at any municipal election in any district there shall be a tie vote for the office of judge of election, the majority inspector of election elected at said election shall decide the tie vote. If at any municipal election in any district there is a tie vote for inspectors, the two candidates who receive the same number of votes shall determine by lot which of them shall be the majority inspector, and the other candidate shall be the minority inspector, and in case of a tie vote also for judge of election at said election, the tie shall be decided by the person so determined to be majority inspector. The county board shall be notified immediately upon the determination of any such tie vote.

Section 404. Clerks of Election, Machine Inspectors.--Prior to the opening of the polls at each primary and election in districts in which voting machines are not used, each inspector shall appoint one clerk to serve at such primary or election. One clerk shall be appointed by the minority inspector in each district in which a voting machine or machines are used, and in each district in which more than one voting machine is used, the county board of elections shall, prior to each primary and election, appoint for each additional voting machine to be used in such district, one qualified registered elector of the county to serve as machine inspector therein for such primary or election. The qualifications of clerks and machine inspectors shall be the same as herein provided for election officers.

**Compiler's Note:** Section 5(3) of Act 3 of 2002 provided that section 404 is repealed to the extent that it

prohibits the sharing of the duties of the authorized positions of clerk of elections or machine operator.

Section 405. Vacancies in Election Boards; Appointment; Judge and Majority Inspector to Be Members of Majority Party; Minority Inspector to Be Member of Minority Party.--(a) Vacancies in election boards existing by reason of the disqualification, removal, resignation or death of an election officer, or from any other cause, occurring prior to the fifth day before any primary or election, shall, in all cases, be filled by appointment, by the court of the proper county, of competent persons, qualified in accordance with the provisions of this act, who shall serve for the unexpired term of the person whose place he is appointed to fill: Provided, however, That any district election officer who, after his election or appointment, changes his political affiliation, shall not thereby become disqualified to serve on said election board, and shall not thereby be subject to removal. In making such appointments, the court shall receive and consider any petitions filed by qualified electors of the district affected, and shall make no appointment to fill any vacancy unless notice of the time at which they will make such appointment shall have been posted on the polling place of such district, and in the immediate vicinity thereof, at least five days prior thereto. In the appointment of inspectors in any election district, both shall not be of the same political party at the time of said appointment, but one shall be of the party having the largest number of votes and the other shall be of the party having the second largest number of votes in said district at the last preceding November election, as nearly as the judge or judges can ascertain the fact. The judge of election shall, in all cases of appointment, be of the political party having the majority of votes in said district at the last preceding November election, as nearly as the judge or judges can ascertain the fact. Immediately upon the entry of an order of court filling any vacancy on an election board, the clerk of said court shall forthwith transmit a certified copy of said order to the county board, giving the name and address of said appointee. Notwithstanding any provisions to the contrary, in counties which have adopted home rule charters or optional plans and which appoint the members of the county election board under section 301(b), vacancies in the county board of elections shall be filled consistent with the provisions for appointment of county election board members under that section.

(a.1) Vacancies in county boards existing by reason of the disqualification, removal, resignation or death of a clerk or machine inspector appointed pursuant to section 404 or a vacancy of a clerk or machine inspector from any other cause occurring prior to the day of any primary or election may be filled by a student pursuant to section 402(b).

(b) The first election board for any new district shall be selected, by the court of the proper county, of competent persons, qualified in accordance with the provisions of this act, who shall serve until the next municipal election at which all election officials are elected under the provisions of section 401.

(c) Vacancies in election boards occurring at any time during the five days immediately preceding any primary or election or on the day of the primary or election may be filled by appointment by the county board of elections from a pool of competent persons who are qualified registered electors of the county and who have been trained by the county to perform the duties of election officers which are required by this act. Any

person appointed to fill a vacancy in accordance with this subsection shall serve as a member of the election board on the day of the primary or election only. Any election board position filled in accordance with this subsection shall be deemed vacant on the day immediately following the primary or election and subsequently shall be filled in accordance with subsection (a).

(405 amended Dec. 9, 2002, P.L.1246, No.150)

Section 406. Election Officers to Be Sworn.--All judges, inspectors, clerks of election and machine inspectors shall, before entering upon their duties at any primary or election, be duly sworn in the presence of each other and of the watchers and overseers, if any. The judge shall first be sworn by the minority inspector or by a magistrate, alderman or justice of the peace, and the inspectors, clerks and machine inspectors shall then be sworn by the judge. Each of them shall forthwith sign in duplicate the oath taken by him upon forms to be furnished by the county board, and the same shall be attested by the officer who administered the oath.

Section 407. Oath of Judge of Election.--The following shall be the oath of each judge of election:

"I (John Doe) do swear (or affirm) that I will as judge duly attend the ensuing election (or primary) during the continuance thereof, and in cooperation with the inspectors, faithfully carry on the same; that I will not give my consent to the admission of any person to vote, except such as I firmly believe to be registered and entitled to vote at such election (or primary), according to the provisions of the Constitution and laws of this Commonwealth, and that I will use my best endeavors to prevent any fraud, deceit or abuse in carrying on the same, and that I will make a true and perfect return of the said election (or primary), and will at all times impartially and faithfully perform my duty respecting the same, to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary)."

Section 408. Oaths of Inspectors of Election.--The following shall be the form of the oath to be taken by each inspector:

"I (John Doe) do swear (or affirm) that I will as an inspector duly attend the ensuing election (or primary) during the continuance thereof, and that I will not admit any person to vote, except such as I shall firmly believe to be registered and entitled to vote at such election (or primary), according to the provisions of the Constitution and laws of this Commonwealth, that I will not vexatiously delay or refuse to permit any person to vote whom I shall believe to be entitled to vote as aforesaid, that I will make a true and perfect return of the said election (or primary), and that I will in all things truly, impartially and faithfully perform my duties therein, to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary)."

Section 409. Oaths of Clerks of Election.--The following shall be the form of the oath to be taken by each clerk:

"I (John Doe) do swear (or affirm) that I will as a clerk attend the ensuing election (or primary) during the continuance thereof, that I will carefully and truly record the number of votes that shall be given for each candidate at the election (or primary) as often as his name shall be read to me by the judge or inspectors thereof, and in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not directly or

indirectly interested in any bet or wager on the result of this election (or primary)."

Section 410. Oath of Machine Inspectors.--The following shall be the form of the oath to be taken by each machine inspector:

"I (John Doe) do swear (or affirm) that I will as a machine inspector attend the ensuing election (or primary) during the continuance thereof, that I will in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election (or primary)."

Section 411. Power of Election Officers to Administer Oaths.--The judge and inspectors of election shall each have the power to administer oaths to any person claiming the right to vote, or to his witnesses, or in any matter or thing required to be done or inquired into by them under this act.

Section 412. Compensation of Election Officers.--(412 repealed May 5, 1982, P.L.374, No.108)

Section 412.1. Compensation of Election Officers.--(412.1 repealed Oct. 31, 1997, P.L.482, No.48)

Section 412.2. Compensation of District Election Officers.--(a) In all counties regardless of class, the compensation of judges of election, inspectors of election, clerks and machine operators shall be fixed by the county board of elections for each election in accordance with the following:

Election Officers	Minimum Compensation	Maximum Compensation
Judges of election	\$75	\$200
Inspectors of election	\$75	\$195
Clerks and machine operators	\$70	\$195

(b) If a county board of elections authorizes that the duties of a clerk of elections or machine operator may be performed by two individuals who each perform such duties for one-half of an election day, such individuals shall each be compensated at one-half of the rate authorized for a single individual who performs the duties for the entire election day.

(c) The county board of elections may, in its discretion, establish different per diem rates within the minima and maxima provided for in subsection (a) based on the number of votes cast for the following groups:

- (1) 150 votes or fewer.
- (2) 151 to 300 votes.
- (3) 301 to 500 votes.
- (4) 501 to 750 votes.
- (5) 751 votes and over.

(d) For transmitting returns of elections and the ballot box or boxes, all judges of election shall be entitled to receive the additional sum of twenty dollars (\$20).

(e) The county board of elections may, in its discretion, require the minority inspector of election to accompany the judge of election in transmitting the returns of elections, in which case the minority inspector of election shall be entitled to receive the additional sum of twenty dollars (\$20).

(f) The person furnishing transportation to the judge of election and the minority inspector in transmitting returns and ballot boxes shall be entitled to a minimum of thirty-five cents (35¢) per circular mile from the polling place to the county court house. The name of such person shall appear on the voucher of the judge of election, and only one person shall receive mileage compensation.

(g) ((g) repealed Oct. 9, 2009, P.L.494, No.49)

(h) When a primary and special election or a special election and a general or municipal election take place on the same date, they shall be construed as one election for the purpose of receiving compensation.

(i) Compensation and other payments received by election officials pursuant to this section shall not be deemed income classified and categorized under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971." (412.2 amended May 12, 2006, P.L.178, No.45)

**Compiler's Note:** Section 14 of Act 45 of 2006, which amended section 412.2, provided that section 412.2 shall apply to the district election officers of a county when any increase in compensation payable to an elected election officer is permitted in accordance with section 27 of Article III of the Constitution of Pennsylvania.

Section 16 of Act 45 of 2006 provided that the amendment of section 412.2 shall take effect January 1, 2007.

**Compiler's Note:** Section 19 of Act 150 of 2002, which added section 412.2, provided that section 412.2 shall be applicable as constitutionally permissible.

Section 413. Election Officers, Clerks, Machine Inspectors, and Overseers Privileged from Arrest.--District election officers, clerks, machine inspectors and overseers shall be privileged from arrest upon days of primaries and elections, and while engaged in making up and transmitting returns, except upon the warrant of a court of record, or judge thereof, for an election fraud, for felony, or for wanton breach of the peace.

Section 414. Instruction of Election Officers in Voting Machine Districts; Unqualified Officers Not to Serve.--In districts in which voting machines are to be used, the county board of elections, or the custodians appointed by them, shall instruct in the use of the machines, and in their duties in connection therewith, all judges and inspectors of election and machine inspectors who are to serve at the primary or election, and who have not been previously instructed and found qualified, and they shall give to each judge, inspector and machine inspector, who has received such instruction and is found qualified to conduct such primary or election with the voting machine, a certificate to that effect. For the purpose of giving such instructions, the county boards shall call such meeting or meetings of election officers as shall be necessary. Each judge, inspector and machine inspector shall, upon notice, attend such meeting or meetings called for his instruction and receive such instruction as shall be necessary for the proper conduct of the primary or election with voting machines, and, as compensation for the time spent in receiving such instruction, each judge, inspector and machine inspector who shall qualify for and serve at such primary or election, shall receive the sum of five (\$5.00) dollars, to be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day. No judge, inspector or machine inspector shall serve at any primary or election at which a voting machine is used, unless he shall have received such instructions, shall have been found qualified to perform his duties in connection with the machine, and shall have received a certificate to that effect from the county board or one of the custodians appointed by them: Provided, however, That this shall not prevent the appointment of a judge or

inspector of election or machine inspector to fill a vacancy arising on the day of election or on the preceding day.

Section 415. Overseers of Election.--On the petition of five or more duly registered electors of any election district, setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of any primary or election in said district, it shall be the duty of the court of common pleas of the proper county, all the law judges of the said court able to act at the time concurring, to appoint two judicious, sober and intelligent electors of the said district belonging to different political parties, overseers of election to supervise the proceedings of election officers thereof and to make report of the same as they may be required by such court. Said overseers shall be persons qualified to serve upon election boards, but shall not be required to comply with the provisions of section 414 of this act. They shall be sworn or affirmed by the judge of election, to the faithful discharge of their duties, and each shall sign said oath in duplicate, and shall have the right to be present with the officers of such primary or election within the enclosed space during the entire time the same is held, the votes counted, and the returns made out and signed by the election officers; to keep a list of voters if they see proper; to challenge any person offering to vote and interrogate him and his witnesses under oath in regard to his right of suffrage at said primary or election, and to examine his papers produced. Overseers shall sign returns of elections as hereinafter required. Whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference.

Section 416. Driving away Overseers; Effect.--Election officers are required to afford to said overseers, so selected and appointed, every convenience and facility for the discharge of their duties. If said election officers shall refuse to permit said overseers to be present and to perform their duties, as aforesaid, or if the overseers shall be driven away from the polls by violence or intimidation, all the votes polled in such election district may be rejected by the proper tribunal trying a contest of the said primary or election, or a part or portion of such votes aforesaid may be counted, as such tribunal may deem necessary to a just and proper disposition of the case.

Section 417. Appointment of Watchers.--

(a) Each candidate for nomination or election at any election shall be entitled to appoint two watchers for each election district in which such candidate is voted for. Each political party and each political body which has nominated candidates in accordance with the provisions of this act, shall be entitled to appoint three watchers at any general, municipal or special election for each election district in which the candidates of such party or political body are to be voted for. Such watchers shall serve without expense to the county.

(b) Each watcher so appointed must be a qualified registered elector of the county in which the election district for which the watcher was appointed is located. Each watcher so appointed shall be authorized to serve in the election district for which the watcher was appointed and, when the watcher is not serving in the election district for which the watcher was appointed, in any other election district in the county in which the watcher is a qualified registered elector: Provided, That only one watcher for each candidate at primaries, or for each party or political body at general, municipal or special elections, shall be present in the polling place at any one time from the



time that the election officers meet prior to the opening of the polls under section 1208 until the time that the counting of votes is complete and the district register and voting check list is locked and sealed, and all watchers in the room shall remain outside the enclosed space. It shall not be a requirement that a watcher be a resident of the election district for which the watcher is appointed. After the close of the polls and while the ballots are being counted or voting machine canvassed, all the watchers shall be permitted to be in the polling place outside the enclosed space. Each watcher shall be provided with a certificate from the county board of elections, stating his name and the name of the candidate, party or political body he represents. Watchers shall be required to show their certificates when requested to do so. Watchers allowed in the polling place under the provisions of this act, shall be permitted to keep a list of voters and shall be entitled to challenge any person making application to vote and to require proof of his qualifications, as provided by this act. During those intervals when voters are not present in the polling place either voting or waiting to vote, the judge of elections shall permit watchers, upon request, to inspect the voting check list and either of the two numbered lists of voters maintained by the county board: Provided, That the watcher shall not mark upon or alter these official election records. The judge of elections shall supervise or delegate the inspection of any requested documents.

(c) No candidate or committee of a political party or of a political body, nor any other person or persons shall pay to any watcher compensation in excess of one hundred twenty (\$120.00) dollars per diem.

(d) A watcher whose watcher's certificate is destroyed or lost on election day may appear before the court of common pleas under section 1206 and, after swearing under oath or affirmation that the watcher's certificate was destroyed or lost, may immediately receive a replacement watcher's certificate issued by the court.

(417 amended Oct. 8, 2004, P.L.807, No.97)

#### ARTICLE V

#### Election Districts and Polling Places

(Hdg. amended Nov. 24, 1999, P.L.543, No.51)

Section 501. Townships, Boroughs and Wards to Constitute Election Districts.--Each borough and township, not divided into wards, and each ward of every city, borough and township now existing or hereafter created, shall constitute a separate election district, unless divided into two or more election districts or formed into one election district, as hereinafter provided.

(501 amended July 11, 1980, P.L.600, No.128)

Section 502. Court to Create New Election Districts.--Subject to the provisions of section 501 of this act, the court of common pleas of the county in which the same are located, may form or create new election districts by dividing or redividing any borough, township, ward or election district into two or more election districts of compact and contiguous territory, having boundaries with clearly visible physical features conforming with census block lines from the most recently completed Federal decennial census and wholly contained within any larger district from which any Federal, State, county, municipal or school district officers are elected, or alter the bounds of any election district, or form an election district out of two or more adjacent districts or

parts of districts, or consolidate adjoining election districts or form an election district out of two or more adjacent wards, so as to suit the convenience of the electors and to promote the public interests. Except for good cause shown, election districts so formed shall not contain more than one thousand two hundred (1,200) registered electors. No election district shall be formed that shall contain less than one hundred (100) registered electors. When a school district crosses county lines, the regions of the school district shall be composed of contiguous election districts.

(502 amended Dec. 9, 2002, P.L.1246, No.150)

Section 503. Petitions for New Election Districts; Reference to County Board of Elections; Report.--Upon the petition of twenty registered electors of any township, borough, ward or election district, to the court of the proper county, praying for the division or redivision of such township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, the said court shall refer the said petition to the county board of elections, which shall make a full investigation of the facts, and shall report to the court its findings and recommendations as to the division, redivision, alteration, formation or consolidation of election districts prayed for. If the county board shall find that a division, redivision, alteration, formation or consolidation of election districts will promote the convenience of the electors and the public interests, it shall recommend a proper division, redivision, alteration, formation or consolidation of election districts, which must have clearly visible physical boundaries conforming with census block lines from the most recently completed Federal decennial census, and shall accompany its report with a map and a verbal description of the boundaries, as well as a certification of the number of electors registered in each of the resulting election districts for the immediately preceding general or municipal election. Such petitions may specify the boundaries desired by the petitioners, and may be accompanied by a map setting forth such boundaries. When petitioners request specific boundaries, their petition shall include a certification from the county board of elections of the electors registered in each proposed election district for the immediately preceding general or municipal election.

(503 amended Dec. 9, 2002, P.L.1246, No.150)

Section 504. Petitions by County Board; Action by Court on Petition or Report.--The county board of elections may also petition the court for the division or redivision of any township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, accompanying its petition with a map and a verbal description of the boundaries of the proposed new election districts which must have clearly visible physical features conforming with census block lines from the most recently completed Federal decennial census. The petition must also include a certification of the number of electors registered in each of the resulting election districts for the immediately preceding general or municipal election. Upon the presentation of any such petition by the county board, or upon the filing

by the board of its report and recommendations as to any petition presented by qualified electors under the provisions of section 503 of this act, the court may make such order for the division, redivision, alteration, formation or consolidation of election districts, as will, in its opinion, promote the convenience of electors and the public interests: Provided, however, That the court shall not make any final order for the division, redivision, alteration, formation or consolidation of election districts until at least ten days after notice shall have been posted in at least five public and conspicuous places in the district or districts to be affected thereby, one of which notices shall be posted on or in the immediate vicinity of the polling place in each such district. Such notice shall state in brief form the division, redivision, alteration, formation or consolidation of election districts recommended by the county board, the number of electors registered in each district at the immediately preceding general or municipal election, and the date upon which the same will be considered by the court, and shall contain a warning that any person objecting thereto must file his objections with the clerk of the court prior to such date. Upon the making of any such final order by the court, a copy thereof shall be certified by the clerk to the county board of elections.

(504 amended Dec. 9, 2002, P.L.1246, No.150)

Section 505. Court in its Order to Appoint Election Officers.--In all cases in which any court shall make a final order for the division, redivision, alteration, formation or consolidation of an election district or districts, said court shall, within a reasonable time thereafter, make an order appointing the district election board or boards for holding elections in said district or districts, until an election board shall have been elected according to law.

(505 amended July 25, 1961, P.L.871, No.376 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 506. District Boundaries.--In administering elections for the nomination and election of candidates for the United States House of Representatives and the General Assembly, county boards of election shall adhere to the following rule: Where an election district is used in or pursuant to a congressional redistricting statute or the Final Plan of the Legislative Reapportionment Commission to define the boundary of a congressional district or State legislative district, the boundary of such election district shall be the boundary existing and recognized by the Legislative Reapportionment Commission for the adoption of its Final Plan. The boundaries of the congressional districts as established by statute and State legislative districts as set forth in the Final Plan of the Legislative Reapportionment Commission shall remain in full force and effect for use thereafter until the next reapportionment or redistricting as required by law and shall not be deemed to be affected by any action taken pursuant to this article.

(506 added Dec. 9, 2002, P.L.1246, No.150)

(b) Polling Places

Section 526. Polling Places to Be Selected by County Board.--(a) The county board of elections shall select and fix the polling place within each new election district and may, at any time, for any reason that may seem proper to it, either on its own motion or on petition of ten qualified registered electors of an election district, change the polling place within any election district. Except in case of an emergency

or unavoidable event occurring within twenty days of a primary or election, which renders any polling place unavailable for use at such primary or election, the county board shall not change any polling place until at least five days after notice of the proposed change shall have been posted on the existing polling place and in the immediate vicinity thereof, and until at least five days after written notice of the proposed change shall have been given to the occupant or owner of said polling place, or their agent.

(b) Except in case of emergency or unavoidable event, occurring within twenty days of a primary or election, which renders any polling place unavailable for use, if a petition be presented to the county board on or before the day set for hearing of the petition for change of polling place, signed by a majority of the registered electors of the district, objecting to the proposed change, said change shall not be ordered.

(c) The county board of elections shall publicly announce, not less than twenty days prior to the primary election, special election, municipal election or general election, by posting at its office in a conspicuous place, a list of the places at which the election is to be held in the various election districts of the county. The list shall be available for public inspection at the office of the county board of elections.

(526 amended May 12, 2006, P.L.178, No.45)

Section 527. Public Buildings to Be Used Where Possible; Portable Polling Places.--(a) In selecting polling places, the county board of elections shall, wherever possible and practicable, select schoolhouses, municipal buildings or rooms, or other public buildings for that purpose. Any board of public education or school directors, or county or the municipal authorities shall, upon request of the county board, make arrangements for the use of school property, or of county or municipal property for polling places. In selecting polling places, the county board of elections shall make every effort to select polling places that provide all electors with an environment that is free from intimidation and violence.

In the event no available public building as contemplated under this section is situated within the boundaries of any election district, the county board of elections may, not less than twenty days prior to any election, designate as the polling place for such election district any such public building situated in another election district within the same or immediately adjacent ward, or, if there are no wards, then within the same borough or township as the case may be, provided such other building is located in an election district which is immediately adjacent to the boundary of the election district for which it is to be the polling place and is directly accessible therefrom by public street or thoroughfare. Two or more polling places may be located in the same public building under this section. A polling place may be selected and designated hereunder less than twenty days prior to any election, with the approval of a court of competent jurisdiction.

((a) amended May 12, 2006, P.L.178, No.45)

(b) In the event no available public building as contemplated under subsection (a) is situated within the boundaries of a borough which constitutes a single election district, the county board of elections may, not less than ten days prior to any election, designate as the polling place for such election district a municipal building owned by that borough and located in an adjoining second class township: Provided, That the municipal building which is to serve as the

polling place is located in an election district immediately adjacent to the boundary of such borough and is directly accessible from the borough by public street or thoroughfare. Such municipal building may be designated as the polling place for an election less than ten days prior to that election, with the approval of a court of competent jurisdiction.

(c) The board, in its discretion, may procure and provide portable or movable polling places of adequate size and facilities for any or all election districts.

(527 amended July 1, 1987, P.L.178, No.20)

Section 528. Temporary Polling Places.--If, in any election district, no proper polling place can be obtained, the county board of elections shall cause to be constructed for such district, a temporary room of adequate size to be used as a polling place.

Section 529. Polling Places in Buildings or Rooms Where Malt or Brewed Beverages or Liquors Dispensed Prohibited.--(a) Except as provided in subsection (c), no election shall be held in any room where malt or brewed beverages or liquors are dispensed. No malt or brewed beverages or liquors may be served in a building where a polling place is located during the hours that the polling place is open.

(b) The polling place must be accessible from an outside entrance that does not require passageway through the room where malt or brewed beverages or liquors are dispensed.

(c) In the case of an establishment licensed as a club under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, which is located in a building with only one room, an election may be held in the room if no malt or brewed beverages or liquors are served during the hours that the polling place is open.

(529 amended May 12, 2006, P.L.178, No.45)

Section 529.1. Polling Places in Other Buildings.--No election shall be held in any of the following:

(1) A private residence not situated within the boundaries of the election district.

(2) A private residence of an elected or appointed party official.

(3) A private residence that is not otherwise prohibited under paragraphs (1), (2), (6) and (7), unless the county board of elections certifies in writing and at a public hearing that:

(i) the polling place located within the private residence is accessible to persons with disabilities; and

(ii) the private residence is a location free of intimidation and harassment.

(4) An abandoned building.

(5) A vacant lot.

(6) An office, building or private residence of a candidate for political office.

(7) An office, building or private residence of an elected official.

(8) A building utilized by a ward or political party as headquarters.

(529.1 added May 12, 2006, P.L.178, No.45)

Section 530. Equipment and Arrangement of Polling Places; Guard Rail; Number of Voting Compartments or Voting Machines.--

(a) The county board of elections shall cause all rooms used as polling places to be suitably provided with heat and light, and, in districts in which ballots are used, with a sufficient number of voting compartments or booths with proper supplies, in which electors may conveniently mark their ballots, with a curtain, screen or door in the upper part of the front of each

compartment or booth so that in the marking thereof they may be screened from the observation of others. Every polling place shall consist of a single room, every part of which is within the unobstructed view of those present therein, and shall be furnished with a guard rail or barrier enclosing the inner portion of the said room, which guard rail or barrier shall be so constructed and placed that only such persons as are inside said rail or barrier can approach within six feet of the ballot box and voting compartments, or booths, or voting machines, as the case may be. The ballot box and voting compartments or booths shall be so arranged in the voting room within the enclosed space as to be in full view of those persons in the room outside the said guard rail or barrier. The voting machine or machines shall be so placed in the voting room within the enclosed space that, unless its construction shall otherwise require, the ballot labels on the face of the machine can be plainly seen by the election officers, overseers and watchers when the machine is not occupied by an elector.

(b) The number of voting compartments to be furnished to each polling place shall not be less than one for every two hundred (200) registered qualified electors, or fraction thereof, in the election district. The number of voting machines to be furnished to polling places in which voting machines are used shall be not more than one machine for each three hundred and fifty (350) registered electors, or fraction thereof, nor less than one machine for each six hundred (600) registered electors, or fraction thereof, in such election district: Provided, however, That the court of common pleas having jurisdiction, upon petition presented by either the county election board or by ten (10) or more registered qualified electors of an election district, may order that additional voting machines or voting compartments be provided for any such election district if the court shall be of the opinion that such additional voting machines or voting compartments shall be necessary in such district for the convenience of the electors and the public interests. The county shall provide equal distribution of voting machines or voting compartments in election districts containing a similar number of electors. ((b) amended Feb. 13, 1998, P.L.72, No.18)

(c) The county board may make such arrangements as it deems proper for the storage of election equipment in the various election districts of the county at such times of the year that it will not be used for election purposes, and may fix reasonable compensation therefor.

Section 531. Compensation for Rent, Heat and Light.--(a) 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 other than public buildings for primaries and elections.

(b) No compensation for rent, heat, water, custodial service, janitorial services, other services, or light shall be paid in the case of municipal buildings or rooms, or other public buildings used as polling places and as limited voter registration centers.

(c) No compensation for rent, heat, water, or light shall be paid in the case of schoolhouses, but the county board of elections shall fix the compensation for custodial services and janitorial services for schoolhouses used as polling places or as limited voter registration centers.

(531 amended Oct. 4, 1978, P.L.995, No.207)

(c) Creation, Division, Realignment and Consolidation of Wards in Cities of the First Class

Section 532. Wards in Cities of the First Class May be Created, Divided, Realigned, or Consolidated.--

(a) Wards in a city of the first class may be created, divided, realigned or consolidated, along clearly visible physical boundaries conforming with census block lines from the most recently completed Federal decennial census, by the court of common pleas of the county in which said city is located, upon application thereto for those purposes by the petition of at least a total of one hundred qualified electors from the ward or wards sought to be affected, or of the council of such city. ((a) amended Dec. 9, 2002, P.L.1246, No.150)

(b) Upon such petition, the said court shall appoint five impartial persons as a commission to inquire into and consider the merits of said petition, by such procedure as said court shall direct, to inspect the ward or wards sought to be affected, and to prepare a plan of the ward or wards proposed to be created, divided, realigned or consolidated.

(c) Said commission shall submit its report and plan within such time as shall be fixed by the said court.

(d) Unless at least four of said commissioners report favorably upon said petition and agree upon an implementing plan, said petition shall be dismissed by said court and the subject or subjects of said petition shall not be reconsidered for at least two years from the date of such dismissal.

(e) No final plan shall be entered until at least ten days after notice to the electors in the wards to be affected thereby. Such notice shall be in the manner, form and means directed by the commission, shall state the date of consideration by the commission and shall contain a warning that all objections to said report and plan must be set forth in writing and filed with the commission prior to such date.

(f) On or after such given date, the commission shall prepare a final plan which will best serve the public interest, shall number the new ward or wards and shall cause a certified copy of the whole proceedings to be placed of record among the minutes of the city council and with the Mayor of said city.

(g) In the event that any final plan shall affect less than fifty (50) per centum of the wards in existence prior to the preparation of said plan, the city council, upon receipt of said plan from the commission, shall cause the same to be placed upon the ballot for the purpose of approval or rejection by vote of the qualified electors of the ward or wards divided, created, consolidated or realigned by said plan at the primary election next following the preparation of said plan.

(h) In the event that any final plan shall affect fifty (50) per centum or more of the wards in existence prior to the preparation of said plan, the city council upon receipt of said plan from the commission, shall cause the same to be placed upon the ballot for the purpose of approval or rejection by vote of the qualified electors of the city at the primary election next following the preparation of said plan.

(i) No plan dividing, creating, consolidating or realigning any ward shall be valid or take effect unless approved by the vote of the qualified electors as provided by subsections (g) or (h) of this act, whichever is applicable.

(j) Upon the appointment of said commission, it shall prepare and submit to the said court, for consideration and approval, a proposed budget of the expenses involved in connection with its duties and functions. After the filing of its report, the commission shall prepare and submit to said

court for consideration and approval, its request for allowance of fees and any supplemental expenses. Upon approval of these items, said court shall enter an order directing payment by said city.

(532 reenacted and amended Nov. 23, 1976, P.L.1124, No.236)

(d) Election District Alteration  
and Data Reporting

(Subdiv. added Nov. 24, 1999, P.L.543, No.51)

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

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

The word "secretary" shall mean the Secretary of the Commonwealth.

(535 added Nov. 24, 1999, P.L.543, No.51)

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 July 15, 2009, through November 30, 2012, or through resolution of all judicial appeals to the 2012 Congressional Redistricting Plan, whichever occurs later.

(b) During the period from July 15, 2009, through December 31, 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 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 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 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 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.

(536 amended July 14, 2009, P.L.86, No.20)



**Compiler's Note:** See section 4 of Act 20 of 2009 in the appendix to this act for special provisions relating to reapportionment and redistricting following 2010 census.

Section 537. Alterations After Period of Restriction.--(a) Unless otherwise provided in this act, an election district may be established, abolished, divided, consolidated or altered if the boundary of each resulting district is composed entirely of clearly visible physical features conforming with census block lines from the most recently completed Federal decennial census.

(b) Within thirty (30) days of an alteration under subsection (a), the county board of elections shall submit to the bureau a report, including a map and a verbal description, of the boundaries of each resulting district.

(c) The bureau shall review each report submitted under subsection (b) to determine whether the boundaries of all resulting election districts included in the report comply with the requirements of subsection (a). If the bureau determines that the boundaries of any resulting election district included in the report do not comply with the requirements of subsection (a), the bureau shall send written notice of this determination to the county board of elections within thirty (30) days of receipt of the report. Within sixty (60) days of receipt of the notice, the county board shall submit a subsequent report regarding the election district or districts named in the bureau's notice, indicating that changes have been made to the boundaries of each such election district so as to comply with the requirements of subsection (a). If the county board fails to submit a subsequent report indicating that changes have been made to the boundaries of each such election district so as to comply with the requirements of subsection (a), the Department of State shall withhold any reimbursements owed to the county board under section 305 until the bureau receives the report.

(537 amended Dec. 9, 2002, P.L.1246, No.150)

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

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

(538 added Nov. 24, 1999, P.L.543, No.51)

Section 539. Election Results; Registration.--In addition to any other reports, returns or certifications required by any other law, within thirty (30) days after a primary, municipal, special or general election, the county board of elections shall submit to the bureau a report stating the total number of votes cast in each voting district for each candidate for the following offices:

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

(539 added Nov. 24, 1999, P.L.543, No.51)

Section 540. Regulations.--The secretary may promulgate regulations to administer this subdivision.

(540 added Nov. 24, 1999, P.L.543, No.51)

ARTICLE VI  
Dates of Elections and Primaries and  
Special Elections

(a) November Elections and Preceding Primaries.

Section 601. General Election; Officers to Be Elected.--The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year. Electors of President and Vice-President of the United States, United States Senators, Representatives in Congress, the Governor, the Lieutenant Governor, the Secretary of Internal Affairs, the Auditor General, the State Treasurer and Senators and Representatives in the General Assembly shall be elected at the general election.

(601 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 602. Municipal Election; Officers to Be Elected.--The municipal election shall be held biennially on the Tuesday next following the first Monday of November in each odd-numbered year. All judges of courts of record of the various judicial districts and counties, and all county, city, borough, township, ward, school district, poor district and election officers shall be elected at the municipal election. Judges may be elected at the municipal election.

(602 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 603. General Primary; Candidates to Be Nominated and Party Officers to Be Elected.--(a) There shall be a General primary preceding each general election which shall be held on the third Tuesday of May in all even-numbered years, except in the year of the nomination of a President of the United States, in which year the General primary shall be held on the fourth Tuesday of April. Candidates for all offices to be filled at the ensuing general election shall be nominated at the General primary. The vote for candidates for the office of President of the United States, as provided for by this act, shall be cast at the General primary.

(b.1) Notwithstanding subsection (a), the General primary for 2000 shall be held on April 4, 2000.

(603 amended Nov. 24, 1999, P.L.543, No.51)

Section 604. Municipal Primary; Officers to be Nominated.--There shall be a Municipal primary preceding each municipal election which shall be held on the third Tuesday of May in all odd-numbered years. Candidates for all offices to be filled at the ensuing municipal election shall be nominated at the Municipal primary.

(604 amended Jan. 14, 1952, 1951 P.L.1937, No.540)

Section 605. Elections on Proposed Constitutional Amendments.--Unless the General Assembly shall prescribe otherwise with respect to any particular proposed amendment or amendments and the manner and time of submitting to the qualified electors of the State any proposed amendment or amendments to the Constitution for the purpose of ascertaining whether the same shall be approved by a majority of those voting thereon, the said amendment or amendments which have heretofore, or which may hereafter be proposed, and which have not been submitted to the qualified electors of the State, shall be submitted to the qualified electors of the State for the purpose aforesaid, at the first municipal or general election at which such amendment or amendments may be legally submitted to the electors, which election shall occur at least three months after the date upon which such proposed amendment or amendments shall

have been agreed to for the second time by a majority of the members elected to each house of the General Assembly, as provided in Article Eighteen, section one of the Constitution. Said election shall be conducted on said election day in the manner prescribed by the provisions of this act. Such proposed constitutional amendments shall be printed on the ballots or ballot labels in brief form to be determined by the Secretary of the Commonwealth with the approval of the Attorney General.

(b) Special Elections

Section 626. Special Elections for United States Senator; Nominations.--Whenever a vacancy shall occur in the office of United States Senator, said vacancy shall be filled for the unexpired term by the vote of the electors of the State at a special election to be held at the time of the next general or municipal election, occurring at least ninety (90) days after the happening of such vacancy, and it shall be the duty of the Governor to issue writs of election to the various county boards of elections and to the Secretary of the Commonwealth within ten (10) days after the happening of said vacancy. Candidates to fill vacancies in the office of United States Senator shall be nominated by political parties, in accordance with the party rules relating to the filling of vacancies, by means of nomination certificates, in the form prescribed in section 630 of this act; and by political bodies, by means of nomination papers, in accordance with the provisions of sections 951, 952 and 954 of this act. Said nomination certificates and nomination papers shall be filed in the office of the Secretary of the Commonwealth at least sixty (60) days prior to the date of said special election. Until such time as said vacancy shall be filled by an election as herein provided, the Governor of the Commonwealth may make a temporary appointment to fill said vacancy.

(626 amended Aug. 13, 1963, P.L.707, No.379)

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

(627 amended Aug. 13, 1963, P.L.707, No.379)

Section 628. Special Elections for Senator and Representative in the General Assembly.--Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session, the presiding officer of such house shall, within ten (10) days after the happening of the vacancy, issue a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held at the next ensuing primary, municipal or general election

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

(628 amended Feb. 13, 1998, P.L.72, No.18)

Section 628.1. Special Elections for Members of Councils or Legislative Bodies of Cities, Boroughs, Towns and Townships.--In all cases where under any law now or hereafter enacted, a special election is required to fill any vacancy in the office of member of the council or legislative body of any city, borough, town or township, such election shall be held on the day fixed in the writ for the special election or on such day as may be otherwise provided by such law, which day shall be within sixty (60) days after the issuance of the writ or after the happening of the vacancy, as the case may be, notwithstanding any provisions in such law requiring the special election to be held on an earlier day. This section shall not be construed as requiring a special election in any case where such election is not required under any law now or hereafter enacted.

(628.1 amended Aug. 13, 1963, P.L.707, No.379)

Section 629. Nominations for Special Election for Representative in Congress, Senator and Representative in the General Assembly and Member of Council or Legislative Body of Cities, Boroughs, Towns and Townships.--Candidates to fill vacancies in the offices of Representative in Congress, Senator and Representative in the General Assembly and member of the council or legislative body of any city, borough, town or township shall be nominated by political parties, in accordance with the party rules relating to the filling of vacancies, by means of nomination certificates, in the form prescribed in section 630 of this act; and by political bodies, by means of nomination papers, in accordance with the provisions of sections 951, 952 and 954 of this act. Said nomination certificates and nomination papers for the office of Representative in Congress, Senator and Representative in the General Assembly shall be filed in the office of the Secretary of the Commonwealth not later than fifty (50) days prior to the date of the special election, and for the office of member of the council or legislative body of a city, borough, town or township, in the office of the county board of elections wherein such city, borough, town or township is situate, not later than fifteen (15) days after the issuance of the writ of election.

(629 amended Oct. 28, 1971, P.L.493, No.112)

Section 630. Number, Form and Requirements of Nomination Certificates.--Each political party shall be entitled to nominate and to file nomination certificates for as many candidates as will be voted for at such special election. Every nomination certificate for a special election to be held under the provisions of this article shall be in form prescribed by

the Secretary of the Commonwealth, and shall set forth the following:

- (a) The office and district, if any, for which it is filed;
- (b) The cause of the vacancy;
- (c) The rule or rules of the political party, setting forth the provisions applicable to the nomination of a candidate or candidates to fill said vacancy;
- (d) That a quorum of the committee, caucus or convention as provided by the party rules, duly convened, and the names of those present at said meeting, or their proxies; that said persons are the duly appointed or elected members of said committee, caucus or convention;
- (e) The name, residence and occupation of the candidate duly nominated at said meeting;

Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the committees, caucus or convention, and shall be sworn or affirmed to by them before any officer qualified to administer oaths.

(630 amended May 23, 1949, P.L.1656, No.504)

Section 630.1. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures; and (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit.

(630.1 amended May 12, 2006, P.L.178, No.45)

Section 631. Examination of Nomination Certificates and Nomination Papers by the Secretary of the Commonwealth and County Board of Elections; Review.--It shall be the duty of the Secretary of the Commonwealth or the proper county board of elections, as the case may be, to examine, as to legal sufficiency, in the manner and under the provisions of section 976 of this act, all nomination certificates and nomination papers brought to his or its office for the purpose of filing, for the nomination of candidates for a special election, as herein provided, and if manifestly defective, they shall not be filed. The action of the Secretary of the Commonwealth or the county board of elections, in refusing to accept and file any such certificate or paper may be reviewed by the court upon an application to compel its reception and filing as of the date when it was brought to said office. No such certificate of nomination or nomination paper shall be refused by the Secretary of the Commonwealth or the county board of elections,

except for any of the reasons provided for in section 976 of this act.

(631 amended May 23, 1949, P.L.1656, No.504 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 632. Objections to Certificates of Nomination and Nomination Papers Filed for a Special Election; Hearing; Determination.--All certificates of nomination and nomination papers to fill a vacancy as herein provided, which have been accepted and filed shall be deemed to be valid, unless objections thereto are duly made in writing and filed in the court and with the officer or board with whom said nomination certificates or papers were filed, and within three (3) days next succeeding the last day for filing such certificates or papers. Any objections shall set forth specifically the matters objected to. Upon the filing of the objections, the court shall make an order fixing a time for hearing, which shall not be later than seven (7) days after the last day for filing nomination certificates or papers, and specifying the time and manner of notice that shall be given to the candidate named in the nomination certificate or paper objected to. On the day fixed for said hearing, the court shall proceed without delay to hear said objections, and shall give such hearing precedence over any other business before it, and shall finally determine said matter not later than twelve (12) days after the last day for filing said nomination certificates or papers. In determining such matter, the court shall be governed in its order or decree by the provisions of section 977 of this act.

(632 amended Feb. 13, 1998, P.L.72, No.18)

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

(633 amended July 11, 1980, P.L.591, No.127)

Section 634. Substituted Nominations for Special Elections.--

(a) Any vacancy happening or existing in any party nomination for a special election by reason of the death or withdrawal of any candidate, may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket in the form prescribed by section 630 of this act.

(b) In case of the death or withdrawal of any candidate nominated by a political body for a special election, the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form and manner prescribed by section 980 of this act. In the case of a vacancy caused by the death of any candidate, said nomination certificate shall be accompanied by a death certificate properly certified: Provided, however, That no substitute nomination certificate shall nominate any

person who has already been nominated by any political party or by any other political body for any office to be filled at the same special election. ((b) amended July 5, 1947, P.L.1358, No.537)

(c) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated for a special election shall be filed with the officer or board with whom the original nomination certificates or papers were filed not later than seven (7) days after the last day for filing the original nomination certificates or papers. ((c) amended May 23, 1949, P.L.1656, No.504)

(d) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated for a special election shall be filed in the office of the officer or board with whom the original nomination certificates or papers were filed at any time prior to the day in which the printing of ballots is started. ((d) amended May 23, 1949, P.L.1656, No.504)

Section 635. Objections to Substituted Nomination Certificates for Special Elections.--All substituted nomination certificates for special elections may be objected to, as provided in section 977 of this act, except that objections to substituted nomination certificates must in any case be filed within three (3) days after the filing of the substituted nomination certificate: Provided, however, That no objections as to form and conformity to law shall be received after the day on which the printing of ballots is started.

Section 636. Certification by Secretary of the Commonwealth of Candidates for Special Elections.--The Secretary of the Commonwealth shall, not later than the thirtieth (30th) day next preceding the day fixed for any special election to fill a vacancy in the offices of United States Senator, Representative in Congress, Senator and Representative in the General Assembly, certify to the proper county board or boards the names and residences of, and parties or political bodies represented by, all candidates whose nomination certificates or papers have been filed with him, as herein provided, for such election, and have not been found and declared invalid, and to be voted for in the county or any district or districts thereof, substantially in the form of the ballots to be used therein.

(636 amended Aug. 13, 1963, P.L.707, No.379)

Section 637. Conduct of Special Elections.--Every special election, held under the provisions of this article, shall be held and conducted in all respects in accordance with provisions of this act relating to November elections, and the provisions of this act relating to November elections shall apply thereto in so far as applicable, and not inconsistent with any other provisions of this act. All such special elections held at the time of a regular primary or November election shall be conducted by the election officers by the use of the same equipment and facilities, so far as practicable, as are used for such primary or November election.

## ARTICLE VII Qualifications of Electors

Section 701. Qualifications of Electors.--Every citizen of this Commonwealth eighteen years of age, possessing the following qualifications, shall be entitled to vote at all elections, provided he or she has complied with the provisions

of the acts requiring and regulating the registration of electors:

(1) He or she shall have been a citizen of the United States at least one month.

(2) He or she shall have resided in the State ninety days immediately preceding the election.

(3) He or she shall have resided in the election district where he or she shall offer to vote at least thirty days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within thirty days preceding the election.

(701 amended July 3, 1974, P.L.443, No.153)

Section 702. Qualifications of Electors at Primaries.--The qualifications of electors entitled to vote at primaries shall be the same as the qualifications of electors entitled to vote at elections within the election district where the primary is held, provided that no elector who is not registered and enrolled as a member of a political party, in accordance with the provisions of this act, shall be permitted to vote the ballot of such party or any other party ballot at any primary.

Section 703. Residence of Electors.--For the purpose of registration and voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison, except that any veteran who resides in a home for disabled and indigent soldiers and sailors, operated and maintained by the Commonwealth of Pennsylvania, and who possesses all the qualifications for voting, may gain a residence for registration and voting at the home for disabled and indigent soldiers and sailors. The provisions of this amendment shall not be construed to affect the voting rights of bedridden or hospitalized veterans who choose to vote as absentee electors by the use of veteran's official ballots.

(703 amended Sept. 9, 1959, P.L.851, No.339)

Section 704. Rules for Determining Residence.--In determining the residence of a person desiring to register or vote, the following rules shall be followed so far as they may be applicable:

(a) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

(b) A person shall not be considered to have lost his residence who leaves his home and goes into another state or another election district of this State for temporary purposes only, with the intention of returning.

(c) A person shall not be considered to have gained a residence in any election district of this State into which he comes for temporary purposes only, without the intention of making such election district his permanent place of abode.

(d) The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence, except where the husband and wife have actually separated and live apart, in which case the place where he or she has resided for two months or more shall be considered and held to be his or her place of residence.



(e) If a person removes to another state with the intention of making such state his permanent residence, he shall be considered to have lost his residence in this State.

(f) If a person removes to another state with the intention of remaining there an indefinite time and making such state his place of residence, he shall be considered to have lost his residence in this State, notwithstanding he may entertain an intention to return at some indefinite future period.

(g) If a person removes to the District of Columbia or other Federal territory or foreign country to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service, and the place where the person resided at the time of his removal shall be considered and held to be his place of residence.

(h) If a person goes into another state and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this State.

## ARTICLE VIII Party Organization

Section 801. Definition of Political Parties and Political Bodies.--

(a) Any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate, is hereby declared to be a political party within the State, and shall nominate all its candidates for any of the offices provided for in this act, and shall elect its delegates and alternate delegates to the National convention as party rules provide. State committee members, and also such party officers, including members of the National committee, as its rules provide, shall be elected by a vote of the party electors, in accordance with the provisions of this act and party rules. ((a) amended Dec. 22, 1971, P.L.613, No.165)

(b) Any party or political body, one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county, is hereby declared to be a political party within said county; and shall nominate all its candidates for office in such county and in all political districts within said county, or of which said county forms a part, and shall elect such party officers as its rules provide shall be elected therein, by a vote of the party electors, in accordance with the provisions of this act.

(c) Any political body which is not a political party, as hereinabove defined, but which has nominated candidates for such general or municipal election by nomination papers in the manner provided by this act, shall be deemed to be a political body within the meaning of this act, but such political body shall not be entitled to nominate its candidates or elect its party officers at primaries held under the provisions of this act.

(d) Provided, however, That the words "political party" and the words "political body", as hereinabove defined, shall not include any political party, political organization or political body composed of a group of electors, whose purposes or aims,

or one of whose purposes or aims, is the establishment, control, conduct, seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force, violence, military measures, or threats of one or more of the foregoing.

(801 amended July 28, 1941, P.L.526, No.213)

Section 802. Only Enrolled Electors to Vote at Primaries or Hold Party Offices.--No person who is not registered and enrolled as a member of a political party shall be entitled to vote at any primary of such party or to be elected or serve as a party officer, or a member or officer of any party committee, or delegate or alternate delegate to any party convention.

Section 803. State Committees; Election at Spring Primaries.--(803 repealed Dec. 22, 1971, P.L.613, No.165)

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

(804 amended Dec. 22, 1971, P.L.613, No.165)

Section 805. Filling of Vacancy in State Committee.--Vacancies happening at any time in the office of member of the State committee shall be filled according to the rules of the party.

Section 806. Election of National Committeemen.--National committeemen shall be elected, and vacancies happening at any time in said office shall be filled, by the State committee of the proper party, unless the rules of the national party otherwise provide, in which case such committeemen shall be elected and vacancies be filled in the manner provided by the rules of the national party.

Section 807. County Committees; Rules; Other Party Officers.--There may be in each county a county committee for each political party within such county, the members of which shall be elected at the Spring primary, or appointed, as the rules of the respective parties within the county may provide. The county committee of each party may make such rules for the government of the party in the county, not inconsistent with law or with the State rules of the party, as it may deem expedient, and may also revoke, alter or renew in any manner not inconsistent with law or with such State rules, any present or future county rules of such party. No such rules shall be effective until a certified copy thereof has been filed in the office of the county board of elections. The members of all other party committees, and all other party officers whose election is required by the party rules, shall also be elected at the Spring primary, in the manner provided by this act.

Section 808. Selection of Delegates and Alternate Delegates.--(808 repealed Dec. 22, 1971, P.L.613, No.165)

Section 808.1. Selection of Delegates to National Conventions; Forwarding of Rules to Secretary of Commonwealth.--Delegates and alternate delegates to a National convention of a political party shall be apportioned, selected

or elected in such manner as the rules of the party may provide. The secretary of any political party shall certify and forward to the Secretary of the Commonwealth a copy of the party rules at least thirty days prior to the first day on which nomination petitions may be circulated for the offices which are to be filled at the Spring primaries in the years in which candidates for the President of the United States are to be nominated, or at such other times as a political party shall meet in National convention or conference when candidates for the President of the United States are not to be nominated.

(808.1 amended Jan. 16, 1974, P.L.5, No.2)

Section 809. Delegates to National Conventions.--(809 repealed Dec. 22, 1971, P.L.613, No.165)

Section 809.1. Delegate and Alternate Delegate Commitments; Authorization Required; Petitions.--(a) Whenever the rules of a party provide that a candidate for delegate or alternate delegate to a National convention of a political party may pledge his support to a presidential candidate, he shall be committed to support and vote for the nomination of that candidate as President as party rules provide, the notation of which shall be printed upon the ballot in accordance with section 1002 of this act.

(b) No candidate for delegate or alternate delegate shall make a commitment unless he has obtained prior authorization to do so from the presidential candidate to whom he is pledging support. No candidate for delegate or alternate delegate shall be allowed to commit himself to any presidential candidate nor shall the Secretary of the Commonwealth cause any notation of commitment to be printed on any ballot unless the presidential candidate forwards notice to the Secretary of the Commonwealth, upon a form prescribed by the secretary, that he is a candidate for the nomination of President of the United States and that he authorizes delegates and alternate delegates to pledge their support and commit themselves to him. This notice must be received by the secretary at least fifteen days prior to the first day on which nomination petitions may be circulated for the offices which are to be filled at the Spring primaries in the years in which candidates for the President of the United States are to be nominated.

(c) Nomination petitions for delegates committed to particular presidential candidates shall be obtained only from the presidential candidate or his duly authorized representative who is certified by the Secretary of the Commonwealth as being authorized by the candidate to distribute nomination petitions bearing his name. ((c) amended Dec. 20, 1983, P.L.299, No.81)

(809.1 added Dec. 22, 1971, P.L.613, No.165)

Section 810. Who Shall Be Declared Elected Members of National or State Committee and Party Offices.--Candidates of the various political parties for the office of member of the State committee, or for the office of member of the National committee, in cases where the rules of the party provide that such office shall be filled by a vote of the party electors, who receive a plurality of the votes of the party electors at a primary, shall be the duly elected members of the State or National committee, as the case may be, of their respective parties. Candidates for other party offices, who receive a plurality of the votes of the party electors at a primary, shall be the party officers of their respective parties.

Section 811. Party Officer Elected in Case of Tie Vote.--In the case of a tie vote for any party office, the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth, as the case may be, at

twelve (12) o'clock noon on the third Friday following the primary, and the one to whom the lot shall fall shall be entitled to the election. In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday following the primary, the day for casting lots shall be the second day after the fact of such tie vote is authoritatively determined. If any candidate or candidates, receiving a tie vote, fail to appear before twelve (12) o'clock noon on said day, the county board or the Secretary of the Commonwealth, as the case may be, shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person, or by proxy appointed in writing.

Section 812. District Committees.--Whenever two or more members of a political party shall be elected or appointed, as the rules of the party may provide, as members of a political committee to represent the members of such party in the respective election districts, such members shall constitute a political committee of said political party to function within such election district: Provided, that, When acting in the capacity of a political committee, such duly elected or appointed members shall be subject to the control, direction and supervision of the political committee of which they are members.

(812 added June 14, 1947, P.L.610, No.262)

## ARTICLE IX Nomination of Candidates

### (a) Nomination of Party Candidates at Primaries

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

(b) Each county board shall determine which organizations are political parties within the county, within the meaning of section 801(b), and not later than the thirteenth Tuesday preceding each primary shall transmit to the Secretary of the Commonwealth a list of said political parties which shall be entitled to nominate candidates at primaries in said county.

(901 amended Aug. 13, 1963, P.L.707, No.379)

Section 902. Candidates to Be Nominated and Party Officers to Be Elected at Primaries.--All candidates of political parties, as defined in section 801 of this act, for the offices of United States Senator, Representative in Congress and for all other elective public offices within this State, except that of presidential electors, shall be nominated, and party delegates and alternate delegates, committeemen and officers who, under the provisions of Article VIII of this act or under the party rules, are required to be elected by the party electors, shall be elected at primaries held in accordance with the provisions of this act, except as otherwise provided in this act. In the years when candidates for the office of President of the United States are to be nominated, every registered and enrolled member of a political party shall have the opportunity at the Spring primary in such years to vote his

preference for one person to be the candidate of his political party for President.

(902 amended May 23, 1949, P.L.1656, No.504)

Section 903. Offices for Which Candidates Are to Be Nominated to Be Ascertained.--It shall be the duty of the Secretary of the Commonwealth, prior to each primary, to ascertain the various national and State offices to be filled at the ensuing November election, and for which candidates are to be nominated at such primary, and otherwise, in accordance with the provisions of this act. It shall be the duty of each county board of elections, prior to each primary, to ascertain the various public offices in said county and in the cities, boroughs, towns, townships, wards, school districts, poor districts and election districts thereof, to be filled at the ensuing November election, and for which candidates are to be nominated at such primary, and otherwise, in accordance with the provisions of this act.

Section 904. Municipal Clerks and Party Chairmen to Furnish Information as to Offices to Be Filled.--To assist the respective county boards in ascertaining the offices to be filled, it shall be the duty of the clerks or secretaries of the various cities, boroughs, towns, townships and school districts, with the advice of their respective solicitors, on or before the thirteenth Tuesday preceding the Municipal primary, to send to the county boards of their respective counties a written notice setting forth all city, borough, town, township and school district offices to be filled in their respective subdivisions at the ensuing municipal election, and for which candidates are to be nominated at the ensuing primary. It shall also be the duty of the chairman of the State committee of each political party to forward to the Secretary of the Commonwealth and to the respective county boards, on or before the thirteenth Tuesday preceding the General primary, a written notice setting forth the number of delegates and alternate delegates to the National convention of such party who are to be elected in the State at large at the ensuing primary, and the number of such delegates and alternate delegates who are to be elected at said primary in such county, or in any district within such county, or of which it forms a part. The said notice shall also set forth the number of members of the National committee, if any, who, under the National party rules, are to be elected at the said primary in the State at large, and the number of members of the State committee to be elected at the said primary in such county, or in any district, or part of a district within such county. It shall also be the duty of the chairman of the county committee and, in cases where a city is coextensive with a county, the chairman of the city committee of each party, on or before the thirteenth Tuesday preceding the General primary, to send to the county board of such county a written notice setting forth all party offices to be filled in the county at the ensuing primary.

(904 amended Aug. 13, 1963, P.L.707, No.379)

Section 905. Secretary of the Commonwealth to Notify County Board of Certain Nominations to Be Made.--On or before the thirteenth Tuesday preceding each primary, the Secretary of the Commonwealth shall send to the county board of each county a written notice designating all the offices for which candidates are to be nominated therein, or in any district of which such county forms a part, or in the State at large, at the ensuing primary, and for the nomination to which candidates are required to file nomination petitions in the office of the Secretary of the Commonwealth, including that of President of the United

States; and shall also in said notice set forth the number of presidential electors, United States Senators, Representatives in Congress and State officers, including senators, representatives and judges of courts of record, to be elected at the succeeding November election by a vote of the electors of the State at large, or by a vote of the electors of the county, or of any district therein, or of any district of which such county forms a part.

(905 amended Aug. 13, 1963, P.L.707, No.379)

Section 906. Publication of Notice of Officers to Be Nominated and Elected.--Beginning not earlier than twelve weeks, nor later than eleven weeks before any General or Municipal primary, the county board of each county shall publish in newspapers, as provided by section 106 of this act, a notice setting forth the number of delegates and alternate delegates to the National convention of each party who are to be elected in the State at large at the ensuing primary, and the number of delegates and alternate delegates who are to be elected at the said primary in said county, or in any district of which said county or part thereof forms a part, and also setting forth the names of all public offices for which nominations are to be made, and the names of all party offices, including that of members of the National committee, if any, and State committee, for which candidates are to be elected at said primary in said county, or in any district of which such county or part thereof forms a part, or in the State at large. Said notice shall contain the date of the primary, and shall be published once each week for two successive weeks in counties of the first and second class and once in all other counties.

(906 amended Aug. 13, 1963, P.L.707, No.379)

Section 907. Nomination Petitions to Be Filed.--The names of candidates for nomination as President of the United States, and the names of all other candidates for party nominations, and for election as delegates, alternate delegates, members of committees and other party officers, shall be printed upon the official primary ballots or ballot labels of a designated party, upon the filing of separate nomination petitions in their behalf, in form prescribed by the Secretary of the Commonwealth, signed by duly registered and enrolled members of such party who are qualified electors of the State, or of the political district, as the case may be, within which the nomination is to be made or election is to be held. Nomination petitions of delegates and alternate delegates to National conventions committed to support a particular presidential candidate must be signed by the particular presidential candidate to whom support is pledged before it can be certified by the Secretary of the Commonwealth. The name of no candidate shall be placed upon the official ballots or ballot labels of a political party to be used at any primary, unless such petition shall have been filed in his behalf. In no event shall any person's name be printed upon the official ballots or ballot labels of any party for the office of delegate, alternate delegate, member of committee or other party officer, unless he is a duly registered and enrolled member of said party.

(907 amended Dec. 22, 1971, P.L.613, No.165)

Section 908. Manner of Signing Nomination Petitions; Time of Circulating.--Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many

candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, of the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his residence, giving city, borough or township, with street and number, if any, and shall legibly print his name and add the date of signing, expressed in words or numbers: Provided, however, That if the said political district named in the petition lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a nomination petition to state therein the city, borough or township of his residence. No nomination petition shall be circulated prior to the thirteenth Tuesday before the primary, and no signature shall be counted unless it bears a date affixed not earlier than the thirteenth Tuesday nor later than the tenth Tuesday prior to the primary.

(908 amended Dec. 9, 2002, P.L.1246, No.150)

Section 909. Petition May Consist of Several Sheets; Affidavit of Circulator.--Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. In cases of petitions for delegate or alternate delegate to National conventions, each sheet shall contain a notation indicating the presidential candidate to whom he is committed or the term "uncommitted." Each sheet shall have appended thereto the affidavit of the circulator of each sheet, setting forth--(a) that he or she is a qualified elector duly registered and enrolled as a member of the designated party of the State, or of the political district, as the case may be, referred to in said petition, unless said petition relates to the nomination of a candidate for a court of common pleas, for the Philadelphia Municipal Court or for the Traffic Court of Philadelphia or for justice of the peace, in which event the circulator need not be a duly registered and enrolled member of the designated party; (b) his residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the affidavit; (f) that each signed on the date set opposite his name; and (g) that, to the best of affiant's knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

(909 amended Feb. 19, 1986, P.L.29, No.11)

Section 910. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act,

or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in a district where that office is elective or for the office of justice of the peace that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term "uncommitted"; (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures; and (j) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

(910 amended May 12, 2006, P.L.178, No.45)

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

Delegate's Statement

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

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

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

(911 amended Dec. 22, 1971, P.L.613, No.165)



Section 912. Number of Signers Required; Nomination Petitions of Candidates at Primaries Shall Be Signed.--(912 repealed Dec. 12, 1984, P.L.968, No.190)

Section 912.1. Number of Signers Required for Nomination Petitions of Candidates at Primaries.--Candidates for nomination of offices as listed below shall present a nominating petition containing at least as many valid signatures of registered and enrolled members of the proper party as listed below:

- (1) President of the United States: Two thousand.
- (2) United States Senate: Two thousand.
- (3) Governor: Two thousand including at least one hundred from each of at least ten counties.
- (4) Lieutenant Governor: One thousand including at least one hundred from each of at least five counties.
- (5) Treasurer: One thousand including at least one hundred from each of at least five counties.
- (6) Auditor General: One thousand including at least one hundred from each of at least five counties.
- (7) Attorney General: One thousand including at least one hundred from each of at least five counties.
- (8) Justice of the Supreme Court: One thousand including at least one hundred from each of at least five counties.
- (9) Judge of the Superior Court: One thousand including at least one hundred from each of at least five counties.
- (10) Judge of the Commonwealth Court: One thousand including at least one hundred from each of at least five counties.
- (11) For any other office to be filled by the vote of the electors of the State at large or for any other party office to be elected by the electors of the State at large: One thousand including at least one hundred from each of at least five counties.
- (12) Representative in Congress: One thousand.
- (13) Senator in the General Assembly: Five hundred.
- (14) Representative in the General Assembly: Three hundred.
- (15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.
- (16) Public or party offices to be filled by a vote of the electors in counties of the second class at large: Five hundred.
- (17) Public or party offices to be filled by a vote of the electors in cities of the first class at large: One thousand.
- (18) Public or party offices to be filled by a vote of the electors in counties of the second class A at large: Two hundred fifty.
- (19) Public or party offices to be filled by a vote of the electors in counties of the third class at large: Two hundred fifty.
- (20) Public or party offices to be filled by a vote of the electors in counties of the fourth class at large: Two hundred fifty.
- (21) Public or party offices to be filled by a vote of the electors in cities of the second class at large: Two hundred fifty.
- (22) Public or party offices to be filled by a vote of the electors in cities of the second class A at large: One hundred.
- (23) Public or party offices to be filled by a vote of the electors in cities of the third class at large: One hundred.
- (24) Public or party offices to be filled by a vote of the electors in counties of the fifth class at large: One hundred.
- (25) Public or party offices to be filled by a vote of the electors in counties of the sixth class at large: One hundred.
- (26) Public or party offices to be filled by a vote of the electors in counties of the seventh class at large: One hundred.

(27) Public or party offices to be filled by a vote of the electors in counties of the eighth class at large: One hundred.

(28) Office of judge of any court of record other than a Statewide court or a court in a county of the first or second class: Two hundred fifty.

(29) District delegate or alternate district delegate to a National party convention: Two hundred fifty.

(30) Member of State committee: One hundred.

(31) Office of district council member in a city of the first class: Seven hundred fifty.

(31.1) Office of district council member in a city of the second class: One hundred.

(32) Office of district justice: One hundred.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

(35) All other public and party offices: Ten.

(912.1 amended Feb. 13, 1989, P.L.1, No.1)

**Compiler's Note:** Section 3 of Act 2 of 1999 provided that section 912.1 is repealed insofar as it is inconsistent with Act 2.

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

(b) All nomination papers circulated and filed pursuant to this section shall specify--(1) the name or appellation of the minor political party which the candidates nominated thereby represent and, in the case of electors for President and Vice President of the United States, the names of the candidates for President and Vice President of such minor political party; (2) the name of each candidate nominated therein, his profession, business or occupation, if any, and his place of residence with street and number, if any; and (3) the office for which such candidate is nominated. No words shall be used in any nomination paper to designate the name or appellation of the minor political party represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any minor political party which has already filed nomination papers for the same office. Any petition to set aside a nomination paper on account of the name or appellation used therein, or involving the right of the signers thereof to use such name or appellation, or on any other account, shall be decided as in the case of other

petitions to set aside nomination papers, in the manner provided by this article.

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

(912.2 added Feb. 19, 1986, P.L.29, No.11)

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.--(a) Nomination petitions in the case of candidates for the office of President of the United States, United States Senator, Representative in Congress and for all State offices, including senators, representatives and judges of courts of record, for the office of delegate or alternate delegate to National party conventions, and for the office of a member of a State or National committee, shall be filed with the Secretary of the Commonwealth. Nomination petitions in all other cases shall be filed with the county boards of election of the respective counties. Nomination petitions for candidates for any office to be voted for by the electors of any city, borough, township, ward or school district which is situate in two or more counties, shall be filed with the county board of the county in which the major number of the registered electors of such city, borough, township, ward or school district reside. Immediately after the last day for such candidates to withdraw and after they have cast lots for their position on the ballots or ballot labels, the said county board shall certify to the county board of each other county involved a list of the names, addresses and occupations of the candidates so filing nomination petitions for each party, together with the order in which their names are to appear upon the primary ballots or ballot labels, and such other county board shall prepare the primary ballots or ballot labels to be used in the portion of such city, borough, township, ward or school district situate in such county accordingly.

(b) ((b) repealed Dec. 12, 1984, P.L.968, No.190)

(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, 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).

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).

((b.1) amended Oct. 8, 2004, P.L.807, No.97)

(b.2) A filing fee shall not be paid for a nomination petition for any public office for which no compensation is provided by law, nor for any nomination petition for any public officer in any borough, town or township nor any party officer except as provided above nor for any nomination petition for judge of election or inspector of elections. ((b.2) amended Oct. 8, 2004, P.L.807, No.97)

(c) The filing fees herein provided for shall not be refunded in the event of the withdrawal of any candidate named in any petition, or for any other cause whatsoever.

(d) All nomination petitions shall be filed on or before the tenth Tuesday prior to the primary. ((d) amended Aug. 13, 1963, P.L.707, No.379)

(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. ((e) added Dec. 2, 1976, P.L.1221, No.269)

(f) Each person filing any nomination petition for public office shall be given a statement composed by the Secretary of the Commonwealth setting forth his duties under law to file pre-election and post-election campaign finance reports, and the penalties for nonfiling. Each person filing shall also be given a form to file expenses if the amount received or expended or liabilities incurred shall exceed the sum of two hundred fifty dollars (\$250), and a form containing a sworn statement that the amount received or expended or liabilities incurred do not exceed the sum of two hundred fifty dollars (\$250), with written instructions prepared by the Secretary of the Commonwealth. Within three weeks after such candidate has filed, the appropriate supervisor shall mail the same forms and instructions to such candidate by first class mail. ((f) added July 21, 1979, P.L.189, No.63)

Petitions to be filed in the office of the Secretary of the Commonwealth shall be received in said office not later than 5 o'clock P.M. on the last day for filing same, and all petitions to be filed with any county board of elections shall be received in said office not later than the ordinary closing hour of said

office on the last day for filing same. (Par. amended June 28, 1947, P.L.1055, No.451)

**Compiler's Note:** Section 3 of Act 2 of 1999 provided that section 913 is repealed insofar as it is inconsistent with Act 2.

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

(914 amended July 11, 1980, P.L.591, No.127)

Section 915. Casting of Lots for Position of Names Upon the Primary Ballots or Ballot Labels; Notice to Candidates.--Immediately after the last day fixed for filing of such nomination petitions with them, the Secretary of the Commonwealth or the county board, as the case may be, shall fix a day for the casting of lots, in such manner as may be prescribed by the Secretary of the Commonwealth, or county board, as the case may be, for the position of names upon the primary ballots or ballot labels. The Secretary of the Commonwealth shall give at least two (2) days notice by mail of said date to all candidates whose petitions have been received and filed in his office, and the county board shall give at least two (2) days notice of said date by posting thereof in a conspicuous place in its office, and by publication once in at least two newspapers of general circulation published in the county. All candidates may appear in person, or by agent duly authorized by letter of attorney, signed and acknowledged by an officer empowered to take acknowledgments. In the event of any of said candidates not being present in person or by representative at the time of casting of lots, it shall be the duty of the Secretary of the Commonwealth or the county board, as the case may be, to appoint some person to represent such absentee. After said lots are cast, the Secretary of the Commonwealth or the county board, as the case may be, shall accordingly establish the order in which the names of said candidates are to appear upon the primary ballots or ballot labels, and certify the same for placing upon the official primary ballots or ballot labels.

Section 916. Secretary of the Commonwealth to Furnish County Boards with List of Candidates; Candidates to Be Notified.--The Secretary of the Commonwealth, as soon as possible after the last day fixed for the filing of nomination petitions with him, and after the last day for the withdrawal of candidates filing such nomination petitions, and after the candidates shall have cast lots for the position of their names upon the primary ballots or ballot labels, shall forward to the county board of each county a correct list of candidates of each party for the various offices, in the order in which they are to appear upon the official ballots or ballot labels, with their respective

residences, giving city, borough, town or township, and post-office addresses as shown in their affidavits; and shall also at the same time notify the said candidates by mail that their names have been so certified to said county boards. In the case of each candidate for delegate or alternate delegate to a National party convention, the Secretary of the Commonwealth shall certify as to whether such candidate has included with his affidavit the statement provided for in section 911 of this act and in cases where such candidate has committed himself to a particular presidential preference, the name of the presidential candidate to whom he is committed.

(916 amended Dec. 22, 1971, P.L.613, No.165)

Section 917. Manner of Filling Vacancy Caused by Death of Person Named in Nomination Petition.--Where a nomination petition has been duly filed for any primary, under the provisions of this article, and thereafter, and before the day of the primary, the candidate named in said petition dies, the original signers of said petition, or the majority of them, may sign another petition proposing a new candidate for said office at any time prior to the printing of the ballots or ballot labels. Said petition shall have the same force and effect as the original petition, and the name of the candidate so nominated shall be substituted for that of the deceased candidate.

Section 918. Presidential Electors; Selection by Nominees; Certification; Vacancies.--The nominee of each political party for the office of President of the United States shall, within thirty days after his nomination by the National convention of such party, nominate as many persons to be the candidates of his party for the office of presidential elector as the State is then entitled to. If for any reason the nominee of any political party for President of the United States fails or is unable to make the said nominations within the time herein provided, then the nominee for such party for the office of Vice-President of the United States shall, as soon as may be possible after the expiration of thirty days, make the nominations. The names of such nominees, with their residences and post-office addresses, shall be certified immediately to the Secretary of the Commonwealth by the nominee for the office of President or Vice-President, as the case may be, making the nominations. Vacancies existing after the date of nomination of presidential electors shall be filled by the nominee for the office of President or Vice-President making the original nomination. Nominations made to fill vacancies shall be certified to the Secretary of the Commonwealth in the manner herein provided for in the case of original nominations.

Section 919. Ballots; Ballot Boxes; Voting Machines and Other Supplies for Primaries.--Ballots and ballot boxes, or voting machines where used, and other supplies for primaries shall be prepared, provided and delivered to the district election officers, in accordance with the provisions of this act, in so far as they are applicable to primaries.

Section 920. Conduct of Primaries.--Primaries shall be conducted by the district election officers, clerks and machine inspectors, if any, of each election district, and the votes cast thereat counted and returned in the manner provided in Article XII of this act, in so far as it is applicable to primaries.

Section 921. Primary Election Returns.--The returns made by the district election officers of the votes cast at primaries shall be received by the respective county boards of election, and tabulated and computed by them, and their returns to the

Secretary of the Commonwealth tabulated and computed by him in the manner provided by Article XIV of this act, in so far as it is applicable to primaries.

Section 922. Which Candidates Nominated.--Candidates of the various political parties for nomination, except for the office of President of the United States, who receive a plurality of votes of their party electors in the State, or in the political district, as the case may be, at the primary election, together with the candidates for the office of presidential elector nominated as herein provided, shall be candidates of their respective parties, and it shall be the duty of the proper county boards to print their names upon the official ballots and ballot labels at the succeeding election: Provided, That when a candidate for nomination shall have died before or on the day of the primary election and shall nevertheless receive a plurality of votes of his party electors cast for the office for which he sought nomination, then no candidate shall have been nominated for the office at such primary and a substituted nomination may be made in the manner hereinafter provided.

(922 amended May 6, 1943, P.L.196, No.100)

Section 922.1. Setting Aside Nominations of Candidates.--With respect to any office that was in existence on the thirteenth Tuesday before the primary and for which nominations were made at the primary or by nomination papers, whenever it shall appear that said office has been abolished in accordance with any act of assembly or legal proceeding, the county board of elections shall set aside all nominations made for any such office and shall remove such office block affected, if any, from the ballots or ballot labels for the ensuing November election.

(922.1 added Jun. 2, 1965, P.L.93, No.63)

Section 923. Nominee in Case of Tie Vote.--In the case of a tie, the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth, as the case may be, at twelve o'clock noon on the third Friday following the primary, and the one to whom the lot shall fall shall be entitled to the nomination. In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday following the primary, the time for casting lots shall be at twelve o'clock noon on the second day after the fact of such tie vote is authoritatively determined. If any candidate or candidates, receiving a tie vote, fail to appear before twelve o'clock noon on said day, the county board or the Secretary of the Commonwealth, as the case may be, shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person, or by proxy appointed in writing.

(b) Nomination of Candidates by Political Bodies

Section 951. Nominations by Political Bodies.--(a) In addition to the party nominations made at primaries, nomination of candidates for any public office may also be made by nomination papers signed by qualified electors of the State, or of the electoral district for which the nomination is made, and filed in the manner herein provided. Such nomination papers shall be in form prescribed by the Secretary of the Commonwealth, and no other forms than the ones so prescribed shall be used for such purposes.

(b) Where the nomination is for any office to be filled by the electors of the State at large, the number of qualified electors of the State signing such nomination paper shall be at least equal to two per centum of the largest entire vote

cast for any elected candidate in the State at large at the last preceding election at which State-wide candidates were voted for. In the case of all other nominations, the number of qualified electors of the electoral district signing such nomination papers shall be at least equal to two per centum of the largest entire vote cast for any officer, except a judge of a court of record, elected at the last preceding election in said electoral district for which said nomination papers are to be filed, and shall be not less than the number of signers required for nomination petitions for party candidates for the same office. In cases where a new electoral district shall have been created, the number of qualified electors signing such nomination papers, for candidates to be elected at the first election held after the creation of such district, shall be at least equal to two per centum of the largest vote cast in the several election districts, which are included in the district newly created, for any officer elected in the last preceding election. ((b) amended Dec. 22, 1971, P.L.613, No.165)

(c) Each person signing a nomination paper shall declare therein that he is a qualified elector of the State or district, as the case may be, and shall add to his signature his legibly printed name and residence, giving city, borough or township, with street and number, if any, and shall also add the date of signing, expressed in words or numbers: Provided, however, That if said political district named in the papers lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a paper to state therein the city, borough or township of his residence. No elector shall sign more than one nomination paper for each office to be filled, unless there are two or more persons to be elected to the same office, in which case he may sign nomination papers for as many candidates for such office as, and no more than, he could vote for at the succeeding election. More than one candidate may be nominated by one nomination paper and candidates for more than one office may be nominated by one nomination paper: Provided, That each political body nominating does not nominate more candidates than there are offices to be voted for at the ensuing election: And provided, That all the signers on each nomination paper are qualified to vote for all the candidates nominated therein. ((c) amended Dec. 9, 2002, P.L.1246, No.150)

(d) Nomination papers may be on one or more sheets and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one nomination paper, and each sheet shall be numbered consecutively, beginning with number one (1) at the foot of each page. Each sheet shall have appended thereto the affidavit of some person, not necessarily a signer, and not necessarily the same person on each sheet, setting forth--(1) that the affiant is a qualified elector of the State, or of the electoral district, as the case may be, referred to in the nomination paper; (2) his residence, giving city, borough or township with street and number, if any; (3) that the signers signed with full knowledge of the contents of the nomination paper; (4) that their respective residences are correctly stated therein; (5) that they all reside in the county named in the affidavit; (6) that each signed on the date set opposite his name; and (7) that, to the best of affiant's knowledge and belief, the signers are qualified electors of the State, or of the electoral district, as the case may be.



(e) There shall be appended to each nomination paper offered for filing an affidavit of each candidate nominated therein, stating--(1) the election district in which he resides; (2) the name of the office for which he consents to be a candidate; (3) that he is eligible for such office; (4) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses, and prohibiting corrupt practices in connection therewith; (5) that his name has not been presented as a candidate by nomination petitions for any public office to be voted for at the ensuing primary election, nor has he been nominated by any other nomination papers filed for any such office; (6) that in the case where he is a candidate for election at a general or municipal election, he was not a registered and enrolled member of a party thirty (30) days before the primary held prior to the general or municipal election in that same year; (7) that, in the case where he is a candidate for election at a special election, he is not a registered and enrolled member of a party; and (8) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit. ((e) amended May 12, 2006, P.L.178, No.45)

Section 951.1. Limitations on Eligibility of Candidates.--Any person who is a registered and enrolled member of a party during any period of time beginning with thirty (30) days before the primary and extending through the general or municipal election of that same year shall be ineligible to be the candidate of a political body in a general or municipal election held in that same year nor shall any person who is a registered and enrolled member of a party be eligible to be the candidate of a political body for a special election.

(951.1 added July 12, 1980, P.L.649, No.134)

Section 952. Contents of Nomination Papers; Restriction on Names; Campaign Finances.--All nomination papers shall specify--(a) The name or appellation of the political body which the candidates nominated thereby represent, expressed in not more than three words, and in the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President of such political body; (b) the name of each candidate nominated therein, his profession, business or occupation, if any; and his place of residence with street and number, if any; (c) the office for which such candidate is nominated; and (d) the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur. No words shall be used in any nomination paper to designate the name or appellation of the political body represented by the candidates named in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any existing political party as defined by section 801 of this act, or which contain part of the name or an abbreviation of the name or part of the name of any existing political party; nor shall any words be used in any nomination paper to designate the name or appellation of the political body represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office nor which contain part of the name or an abbreviation of the name or part of the name of a political body which has already filed nomination papers for the same office. Any petition to set aside a nomination paper on account of the name

or appellation used therein, or involving the right of the signers thereof to use such name or appellation shall be decided as in the case of other petitions to set aside nomination papers, in the manner provided by this article.

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

(952 amended July 21, 1979, P.L.189, No.63)

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

(a) Nomination papers for candidates for presidential electors, United States Senators, Representatives in Congress, and State offices, including senators, representatives and judges of courts of record, shall be filed with the Secretary of the Commonwealth. Nomination papers for all other candidates shall be filed with the county boards of elections of the respective counties. Nomination papers for candidates for any office to be voted for by the electors of any city, borough, township, ward or school district which is situate in two or more counties shall be filed with the county board of the county in which the major number of the registered electors of such city, borough, township, ward or school district reside. Immediately after the last day for withdrawals of candidates nominated by nomination papers, the said county board shall certify to the county board of each other county involved a list of the names, addresses and occupations of the candidates so nominated to be voted for in two or more counties, together with the names or appellations of the political bodies nominating them.

(b) No nomination paper shall be circulated prior to the tenth Wednesday prior to the primary, and no signature shall be counted unless it bears a date affixed not earlier than the tenth Wednesday prior to the primary nor later than the second Friday subsequent to the primary. ((b) amended July 12, 1980, P.L.649, No.134)

(c) All nomination papers must be filed on or before the second Friday subsequent to the primary. ((c) amended July 12, 1980, P.L.649, No.134)

(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. ((d) added Dec. 2, 1976, P.L.1221, No.269)

(e) For the primary election in the year 1982, the time schedule relating to circulating and filing of nominating petitions, filing of objections, and casting of lots for position on the ballot or ballot labels for the Office of Representative in Congress shall be delayed twenty-one (21) days from the times otherwise specified in this act and the time for withdrawal of candidates for such office shall be delayed fourteen (14) days from the time otherwise specified in this act. ((e) added Mar. 3, 1982, P.L.127, No.42)

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

(954 amended Sept. 11, 1959, P.L.877, No.351)

(c) Objections; Withdrawals; Certifications

Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination Petitions, Certificates and Papers.--When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if--(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of signatures as required by law; Provided, however, That the Secretary of the Commonwealth or the county board of elections, although not hereby required so to do, may question the genuineness of any signature or signatures appearing thereon, and if he or it shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded in determining whether the nomination petition, nomination paper or nomination certificate contains a sufficient number of signatures as required by law; or (d) in the case of nomination petitions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or the office of school director in districts where that office is elective or the office of justice of the peace upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for any public office for the ensuing primary, or has been nominated for any such office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of

such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court upon an application to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing. (Par. amended Feb. 19, 1986, P.L.29, No.11)

Upon completion of any examination, if any nomination petition, certificate or paper is found to be defective, it shall forthwith be rejected and returned to the candidate or one of the candidates named therein, together with a statement of the reasons for such rejection:

Provided further, That no nomination petition, nomination paper or nomination certificate shall be permitted to be filed, if the political party or political body referred to therein shall be composed of a group of electors whose purposes or aims, or one of whose purposes or aims, is the establishment, control, conduct, seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force, violence, military measure or threats of one or more of the foregoing. The authority to reject such nomination petition, paper or certificate for this reason shall, when filed with the Secretary of the Commonwealth, be vested in a committee composed of the Governor, the Attorney General and the Secretary of the Commonwealth, and when filed with any county board of elections shall be vested in such board. If in such case the committee or board, as the case may be, shall conclude that the acceptance of such nomination petition, paper or certificate should be refused, it shall within two days of the filing of such nomination petition, paper or certificate fix a place and a time five days in advance for hearing the matter, and notice thereof shall be given to all parties affected thereby. At the time and place so fixed the committee or board, as the case may be, shall hear testimony, but shall not be bound by technical rules of evidence. The testimony presented shall be stenographically recorded and made a part of the record of the committee or board. Within two days after such hearing the committee or board, if satisfied upon competent evidence that the said nomination petition, paper or certificate is not entitled to be accepted and filed, it shall announce its decision and immediately notify the parties affected thereby. Failure to announce decision within two days after such hearing shall be conclusive that such nomination petition, paper or certificate has been accepted and filed. The decision of said committee or board in refusing to accept and file such nomination petition, paper or certificate may be reviewed by the court upon an application to compel its reception as of the date when presented to the Secretary of the Commonwealth or such board. The application shall be made within two days of the time when such decision is announced. If the application is properly made, any judge of said court may fix a time and place for hearing the matter in dispute, of which notice shall be served with a copy of said application upon the Secretary of the Commonwealth or the county board of elections, as the case may be. At the time so fixed, the court, or any judge

thereof assigned for the purpose, shall hear the case de novo. If after such hearing the said court shall find that the decision of the committee or the board was erroneous, it shall issue its mandate to the committee or board to correct its decision and to accept and file the nomination paper, petition or certificate. From any decision of the court an appeal may be taken within two days after the entry thereof. It shall be the duty of the said court to fix the hearing and to announce its decision within such period of time as will permit the Secretary of the Commonwealth or the county board of elections to permit the names of the candidates affected by the court's decision to be printed on the ballot, if the court should so determine.

(976 amended July 28, 1941, P.L.526, No.213 and repealed in part Apr. 28, 1978, P.L.202, No.53)

**Compiler's Note:** Section 509 of Act 223 of 1970 provided that section 976 is repealed insofar as it vests jurisdiction and powers in courts in any manner inconsistent with Act 223, provides a time for appeal to an appellate court which is other than the time expressly provided in section 502 of Act 223, provides appeal procedures inconsistent with Act 223 or is otherwise in any manner inconsistent with Act 223.

Section 977. Objections to Nomination Petitions and Papers.--All nomination petitions and papers received and filed within the periods limited by this act shall be deemed to be valid, unless, within seven days after the last day for filing said nomination petition or paper, a petition is presented to the court specifically setting forth the objections thereto, and praying that the said petition or paper be set aside. A copy of said petition shall, within said period, be served on the officer or board with whom said nomination petition or paper was filed. Upon the presentation of such a petition, the court shall make an order fixing a time for hearing which shall not be later than ten days after the last day for filing said nomination petition or paper, and specifying the time and manner of notice that shall be given to the candidate or candidates named in the nomination petition or paper sought to be set aside. On the day fixed for said hearing, the court shall proceed without delay to hear said objections, and shall give such hearing precedence over other business before it, and shall finally determine said matter not later than fifteen (15) days after the last day for filing said nomination petitions or papers. If the court shall find that said nomination petition or paper is defective under the provisions of section 976, or does not contain a sufficient number of genuine signatures of electors entitled to sign the same under the provisions of this act, or was not filed by persons entitled to file the same, it shall be set aside. If the objections relate to material errors or defects apparent on the face of the nomination petition or paper, the court, after hearing, may, in its discretion, permit amendments within such time and upon such terms as to payment of costs, as the said court may specify. In case any such petition is dismissed, the court shall make such order as to the payment of the costs of the proceedings, including witness fees, as it shall deem just. If a person shall sign any nomination petitions or papers for a greater number of candidates than he is permitted under the provisions of this act, if said signatures bear the same date, they shall, upon objections filed thereto, not be counted on any petition or paper and if they bear different dates, they shall be counted

in the order of their priority of date, for only so many persons as there are candidates to be nominated or elected. The office of the Prothonotary of the Commonwealth Court and the office of the Secretary of the Commonwealth and the various offices of prothonotary of the court of common pleas shall be open between the hours of eight-thirty o'clock A.M. and five o'clock P.M. on the last day to withdraw after filing nomination petitions and on the last day to file objections to nomination petitions.

(977 amended Feb. 13, 1998, P.L.72, No.18)

Section 978. Withdrawal of Nominated Candidates.--(a) Any person who has been nominated by any political party in accordance with the provisions of this act, as a candidate for the office of presidential elector, United States Senator, Representative in Congress or for any State office, including that of senator, representative and judge of court of record, may withdraw his name from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgement of deeds, and filed in the office of the Secretary of the Commonwealth. Any person who has been similarly nominated as a candidate for any other office may withdraw his name from nomination by similar request, filed with the county board of elections of the proper county. Such written withdrawals shall be filed with the Secretary of the Commonwealth or the county board of elections, as the case may be, at least eighty-five (85) days previous to the day of the general or municipal election. Such withdrawals to be effective must be received in the office of the Secretary of the Commonwealth not later than five (5) o'clock P. M. on the last day for filing same, and in the office of any county board of elections not later than the ordinary closing hour of said office on the last day for filing same. No name so withdrawn shall be printed upon the ballot or ballot labels. No candidate may withdraw any withdrawal notice already received and filed, and thereby reinstate his nomination.

(b) Any person who has been nominated by any political body in accordance with the provisions of this act, as a candidate for the office of presidential elector, United States Senator, Representative in Congress or for any State office, including that of senator, representative and judge of a court of record, may withdraw his name from nomination by request in writing, signed by him and acknowledged before an officer qualified to take acknowledgment of deeds and filed in the office of the Secretary of the Commonwealth. Any person who has been similarly nominated as a candidate for any other office may withdraw his name from nomination by a similar request, filed with the county board of elections of the proper county. Such written withdrawals shall be filed with the Secretary of the Commonwealth or the county board of elections, as the case may be, not later than the ordinary closing hour of said office on the seventh day next succeeding the last day for filing nomination papers for said office. No name so withdrawn shall be printed upon the ballot or ballot labels. No candidate may withdraw any withdrawal notice already received and filed and thereby reinstate his nomination.

(978 amended July 11, 1980, P.L.591, No.127)

Section 978.1. Vacancy in Party Nomination by Failure to Pay Filing Fee or for Failure to File Loyalty Oath.--Every person nominated at any primary election as the candidate of any political party for any office, other than a borough, town, township, school district or poor district office, or the office of justice of the peace, or constable, who has not paid the

filing fee required by section nine hundred thirteen of this act, as amended, for the filing of a nomination petition for such office, or who has not filed the loyalty oath required by section 14, act of December 22, 1951 (P.L.1726), known as the "Pennsylvania Loyalty Act," as last amended June 19, 1961 (P.L.446), shall pay the amount of such fee to and file such oath with the Secretary of the Commonwealth, or the county board of elections, as the case may be, at least eighty-five (85) days previous to the day of the general or municipal election at which such candidate's name would appear on the ballot. Failure to pay such fee or file such oath within the time herein prescribed shall result in a vacancy in such party nomination. Such vacancy shall be filled in the manner hereinafter provided for the filling of such vacancies happening by reason of the death or withdrawal of any candidate.

(978.1 amended Aug. 13, 1963, P.L.707, No.379 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 978.2. Revocation of Declaration of Candidacy for Retention.--In the event a justice or a judge had filed a declaration of candidacy for retention under the provisions of section 15 of the Constitution of the Commonwealth of Pennsylvania and thereafter, but on or before the thirteenth Tuesday preceding the primary election, revoked the declaration by notifying the Secretary of the Commonwealth in writing of the same, the Secretary of the Commonwealth shall include such office in certifications under provisions of section 905.

(978.2 added January 16, 1974, P.L.5, No.2)

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

(978.3 added Jan. 16, 1974, P.L.5, No.2)

Section 978.4. Withdrawal; Order of Court.--Upon petition to the court of common pleas, or the Commonwealth Court, when a court of common pleas is without jurisdiction, by a candidate for nomination or election, or, in the case of the death of such candidate by the treasurer of his political committee, the court shall order the withdrawal of said candidate's name for nomination or election, except upon a showing of special circumstances.

(978.4 added July 11, 1980, P.L.591, No.127)

Section 979. Substituted Nominations by Parties.--Any vacancy happening or existing after the date of the primary in any party nomination, by reason of the death or withdrawal of any candidate after nomination, or by reason of the death before or on the day of the primary election of a candidate for nomination who had received a plurality of votes of his party electors cast for the office for which he sought nomination, may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket: Provided, however, That no substitute nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for the same office. Upon the making of any such substituted nomination, in accordance with the party rules, it shall be the duty of the

chairman and secretary or secretaries of the party committee making the nomination to file with the Secretary of the Commonwealth in the case of United States Senator, Representative in Congress and all State officers, including judges of courts of records, senators and representatives, and with the proper county board of elections in the case of other offices, a nomination certificate which shall be signed by the chairman and secretary or secretaries of the said committee, and which shall set forth the following:

(a) The office and district, if any, for which it is filed; (b) the cause of the vacancy; (c) the rule or rules of the political party, setting forth the provisions applicable to a substituted nomination; (d) that a quorum of the committee, caucus or convention, as provided by the party rules, duly convened, and the names of those present at said meeting, or their proxies; that said persons are the duly appointed or elected members of said committee, caucus or convention; (e) the name, residence and occupation of the candidate duly nominated at said meeting. Every such certificate of nomination shall be sworn to or affirmed by the chairman and secretary or secretaries before an officer qualified to administer oaths.

(979 amended May 6, 1943, P.L.196, No.100)

Section 980. Substituted Nominations by Political Bodies.--In case of the death or withdrawal of any candidate nominated by any political body by nomination papers, the committee named in the original nomination papers may nominate a substitute in his place by filing in the proper office a substituted nomination certificate, which shall set forth the facts of the appointment and powers of the committee (naming all its members), of the death or withdrawal of the candidate and of the action of the committee thereon, giving the name, residence and occupation of the candidate substituted thereby, and the truth of these facts shall be verified by the affidavit annexed to the certificate of at least two members of the committee. In the case of a vacancy caused by the death of any candidate, said substituted nomination certificate shall be accompanied by a death certificate, properly certified: Provided, however, That no substitute nomination certificate shall nominate any person who was a candidate for nomination by any political party for any office to be filled at the ensuing November election, whether or not nominated for such office by such political party, or who has already been nominated by any other political body for any office to be filled at the ensuing November or special election.

(980 amended July 5, 1947, P.L.1358, No.537)

Section 981. Time for Filing Substituted Nomination Certificates.--(a) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated at primaries or by nomination papers shall be filed with the Secretary of the Commonwealth or proper county board of elections, as the case may be, at least seventy-five (75) days before the day of the general or municipal election: Provided, however, That no substituted nomination certificate by a political body may be filed until after the primary election. ((a) amended Aug. 13, 1963, P.L.707, No.379)

(b) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated at primaries or by nomination papers shall be filed at the proper office at any time prior to the day on which the printing of ballots is started.

Section 981.1. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town,



township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures; and (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit.

(981.1 amended May 12, 2006, P.L.178, No.45)

Section 982. Objections to Substituted Nomination Certificates.--All substituted nomination certificates may be objected to, as provided in section 977 of this act, except objections to substituted nomination certificates must, in any case, be filed within three (3) days after the filing of the substituted nomination certificate: Provided, however, That no objections as to form and conformity to law, shall be received after the day on which the printing of ballots is started.

(982 amended Feb. 13, 1998, P.L.72, No.18)

Section 983. Preservation of Nomination Petitions, Certificates and Papers.--All nomination petitions, certificates and papers shall be preserved in the offices where they have been filed for a period of at least two years.

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

(984 amended Aug. 13, 1963, P.L.707, No.379)

(d) Nominations and Elections in Counties about  
to Undergo a Change in Classification

(Hdg. added May 24, 1951, P.L.363, No.81)

Section 990. County Boards to Ascertain Offices to be Filled.--Whenever, pursuant to the provisions of The General County Law, the Governor certifies a change of classification to any county, the board of county commissioners shall, immediately after the recording of such change, notify the county board of elections of the change in classification. The board of elections shall thereupon promptly ascertain all county offices to be filled at the ensuing municipal election as a result of the impending change in classification and any existing county offices which are not to be filled at said election. For this purpose, it shall be the duty of the chairman of the county committee of each party to send to the board a written notice setting forth all party offices to be filled in the county at the ensuing municipal election.

(990 added May 24, 1951, P.L.363, No.81)

Section 991. Procedure upon Ascertaining Offices.--When the board shall have ascertained all offices to be filled at the ensuing municipal election, it shall proceed, as already provided in this article, if it is still possible to secure nominations for such offices in accordance with this article at the primary election. But if notice of an impending change in classification, as hereinbefore provided for, does not come to the election board in time for it to ascertain the county offices for the primary election, then all candidates who have been or are nominated for county offices pursuant to subdivision (a) or to subdivision (b) of this article shall, in all cases where the offices for which they are nominated are the same under the county's present classification and under its new classification which is impending as a result of the Governor's certification, be the candidates for those offices, except for deaths or withdrawals provided for in this act: Provided, however, That no office which is not automatically established by law for the impending classification shall be deemed to be established by this section. Any nomination, either for joint county offices or for any separate county office, when such offices or office will become either partly or wholly separate, or will become joint with one or more presently separate county office, upon the ensuing first Monday of January, shall not be construed as a nomination for any of the said offices, but any person being such a nominee may be nominated for any new office or offices ascertained. All offices ascertained, which are to be filled at the municipal election in anticipation of the new classification and for which nominations have not been made pursuant to the foregoing provisions of this subdivision, may have candidates nominated for them as if vacancies had occurred as to the candidates for such offices and as if they were substituted nominations, in accordance with the procedure, insofar as it is applicable, provided by sections 979, 980 and 981 (b) of this act, for substituted nominations, except that the cause of vacancy set out in the nomination certificates shall not be death or withdrawal, but that the office was not ascertained for nominations in time for the regular procedures established by this article.

Upon the ascertainment of the offices to be filled at the ensuing municipal election, if it shall appear that any candidates have been or will be nominated for offices which are to be abolished as a result of the impending change in classification, the county board of elections shall proceed to keep off or to remove from the ballots or ballot labels all such nominations, together with the offices involved.

Upon the ascertainment of offices to be filled at the municipal election pursuant to notice of change in

classification, the board shall give notice of all such offices by newspaper publication, at least twice, in accordance with section 106 of this act, indicating whether the nominations thereto were obtained at the primary election or are to be obtained as hereinbefore provided. Notice of the November election shall be given, as provided in section 1201 of this act, and shall set forth, (1) any existing county offices which will cease to exist on the ensuing first Monday of January, indicating that those offices and any candidates therefor will not appear as such upon the ballots or ballot labels; (2) existing county offices which will subsist and the candidates therefor; (3) county offices which will come into existence on the ensuing first Monday of January and the candidates therefor.

(991 added May 24, 1951, P.L.363, No.81)

(e) Nominations to Fill Certain Vacancies  
(Hdg. added Aug. 26, 1953, P.L.1479, No.434)

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination

Papers.--(a) In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hundred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective or for the office of justice of the peace. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective or for the office of justice of the peace. ((a) amended Feb. 19, 1986, P.L.29, No.11)

(b) Said nomination certificates and nomination papers for State public offices and judges of courts of records shall be filed in the office of the Secretary of the Commonwealth at least fifty (50) days prior to a general or municipal election, as the case may be. Nomination certificates and nomination papers for public offices in counties, cities, boroughs, towns, townships, wards and school districts and for the offices of aldermen and justices of the peace shall be filed in the office of the county board of elections at least fifty (50) days prior to a municipal election. ((b) amended Aug. 13, 1963, P.L.707, No.379)

(c) The provisions of this subdivision shall not be construed to apply to elective public offices for which a method is provided in this act for the holding of special elections

to fill vacancies in certain public offices, or to the filling of vacancies in the office of presidential electors in accordance with the provisions of section nine hundred eighteen of this act. Nor shall the provisions of this subdivision be construed to apply to any public office for which, by the provisions of any statute, a vacancy is required to be filled at the next election appropriate to the office, if said vacancy occurs at any time within two (2) calendar months immediately preceding a general or municipal election, as the case may be.

(993 added Aug. 26, 1953, P.L.1479, No.434)

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

- (1) The office and district, if any, for which it is filed;
- (2) The cause of the vacancy;
- (3) The rule or rules of the political party setting forth the provisions applicable to the nomination of a candidate or candidates to fill said vacancy;

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

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

(b) Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the committees, caucus or convention and shall be sworn or affirmed to by them before any officer qualified to administer oaths.

(994 added Aug. 26, 1953, P.L.1479, No.434)

Section 995. Secretary of the Commonwealth or County Board of Elections to Examine Nomination Certificates and Nomination Papers to Fill Certain Vacancies; Review.--(a) It shall be the duty of the Secretary of the Commonwealth or the proper county board of elections, as the case may be, to examine as to legal sufficiency, in the manner and under the provisions of section nine hundred seventy-six of this act, all nomination certificates and nomination papers brought to his or its office for the purpose of filing for the nomination of candidates for a general or municipal election, as the case may be, in accordance with the provisions of section nine hundred ninety-three of this act, and if manifestly defective they shall not be filed.

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

(c) The action of the Secretary of the Commonwealth or the county board of elections in refusing to accept and file any such certificate or paper may be reviewed by the court upon an application to compel its reception and filing as of the date when it was brought to said office. ((c) repealed in part Apr. 28, 1978, P.L.202, No.53)

(995 added Aug. 26, 1953, P.L.1479, No.434)

Section 996. Objections to Certificates of Nomination and Nomination Papers Filed to Fill Certain Vacancies for a November Election; Hearing; Determination.--(a) All certificates of nomination and nomination papers to fill certain vacancies in accordance with the provisions of section nine hundred ninety-three of this act which have been accepted and filed shall be deemed to be valid unless, within three (3) days next succeeding the last day for filing such certificates or papers, objections thereto are duly made in writing and filed in the court and with the officer or board with whom said nomination certificates or papers were filed. Any objections shall set forth specifically the matters objected to. ((a) repealed in part Apr. 28, 1978, P.L.202, No.53)

(b) Upon the filing of the objections, the court shall make an order fixing a time for hearing, which shall not be later than seven (7) days after the last day for filing nomination certificates or papers, and specifying the time and manner of notice that shall be given to the candidate named in the nomination certificate or paper objected to. On the day fixed for said hearing, the court shall proceed without delay to hear said objections and shall give such hearing precedence over any other business before it and shall finally determine said matter promptly.

(996 added Aug. 26, 1953, P.L.1479, No.434)

Section 997. Withdrawals of Candidates Nominated to Fill Certain Vacancies at a November Election.--(a) Any person who has been nominated by any political party or political body to fill certain vacancies at a November election in accordance with the provisions of section nine hundred ninety-three of this act may withdraw his name from nomination by a request in writing signed by him and acknowledged before an officer qualified and empowered to administer oaths and filed in the office of the officer or board with whom the nomination certificate or nomination papers were filed within three (3) days next succeeding the last day for filing nomination certificates or papers. Such withdrawals to be effective must be received at the office of the Secretary of the Commonwealth not later than five (5) o'clock P. M. or at the county board of elections not later than the ordinary closing hour of its office on the last day for filing same.

(b) No names so withdrawn shall be printed on the ballot or ballot labels.

(c) No candidate may withdraw any withdrawal notice already received and filed and thereby reinstate his nomination.

(997 added Aug. 26, 1953, P.L.1479, No.434)

Section 998. Substituted Nominations to Fill Certain Vacancies for a November Election.--(a) Any vacancy happening or existing in any party nomination made in accordance with the provisions of section nine hundred ninety-three of this act for a November election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket, in the form prescribed by section nine hundred ninety-four of this act. But no substituted nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective or for the

office of justice of the peace. ((a) amended Feb. 19, 1986, P.L.29, No.11)

(b) In case of the death or withdrawal of any candidate nominated by a political body for an election, the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form and manner prescribed by section nine hundred eighty of this act. In the case of a vacancy caused by the death of any candidate, said nomination certificate shall be accompanied by a death certificate properly certified. No substituted nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective or for the office of justice of the peace. ((b) amended Feb. 19, 1986, P.L.29, No.11)

(c) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated for a November election in accordance with the provisions of section nine hundred ninety-three of this act shall be filed with the officer or board with whom the original nomination certificates or papers were filed not later than seven (7) days after the last day for filing the original nomination certificates or papers.

(d) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated for a November election in accordance with the provisions of section nine hundred ninety-three of this act shall be filed in the office of the officer or board with whom the original nomination certificates or papers were filed at any time prior to the day in which the printing of ballots is started.

(998 added Aug. 26, 1953, P.L.1479, No.434)

Section 999. Objections to Substituted Nomination Certificates Filed to Fill Certain Vacancies for November Election.--All substituted nomination certificates for a November election filed in accordance with the provisions of section nine hundred ninety-eight of this act may be objected to as provided in section nine hundred eighty-two of this act.

(999 added Aug. 26, 1953, P.L.1479, No.434)

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

(999.1 added Aug. 26, 1953, P.L.1479, No.434)

## ARTICLE X Ballots

Section 1001. Official Ballots to Be used.--All primaries and elections in this Commonwealth shall be conducted by ballot, except in districts in which voting machines are used under the

provisions of Article XI of this act. All ballots used at primaries and elections in election districts in which ballots are used, shall be provided by the respective county boards of elections, in accordance with the provisions of this act, and, except as otherwise provided in this act, only official ballots furnished by the county boards of elections shall be cast or counted at any primary or election in any district in which ballots are used.

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, Cityof.....,  
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. Mark ballot only in black lead pencil, 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.

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

Delegates at Large to National Convention.

(Vote for.....)

John Doe  
(Committed to Jeremiah Smith)

John Stiles  
(Uncommitted)

Delegate to National Convention.....District.

(Vote for.....)

John Doe  
(Committed to Jeremiah Smith)

John Stiles  
(Uncommitted)

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

((a) amended Dec. 22, 1971, P.L.613, No.165)

(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. ((b) amended Dec. 2, 1976, P.L.1221, No.269)

(c) The ballot shall vary in form only as the names of districts, offices, candidates or the provisions of this act may require.

(d) At the written request of a State committee, filed with the party rules and on the deadline provided by section 808.1 of this act, a party may have a "no preference" column added to the list of candidates for the office of President of the United States at the primary election. The ballot position for "no preference" shall be drawn in the same manner as the other candidates for that office: Provided, however, That this position shall be drawn by the Secretary of the Commonwealth or his or her designee. ((d) added July 21, 1979, P.L.189, No.63)

Section 1003. Form of Official Election 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 Pennsylvania.....  
Election held on the ..... day of ....., 19.....

A cross (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." Mark ballot only in black lead pencil, 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.

Before leaving the voting compartment, fold this ballot, without displaying the markings thereon, in the same way it was folded when received, 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.

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

United States Senator.

(Vote for one)

RichardRoe.....Democratic  
JohnDoe.....Republican  
RichardStiles.....Socialist

Governor.

(Vote for one)

RichardRoe.....Democratic  
JohnDoe.....Republican  
RichardStiles.....Socialist

Representatives in Congress,

..... District.

(Vote for one)

RichardRoe.....Democratic  
JohnDoe.....Republican  
RichardStiles.....Socialist

Senator in the General Assembly,

..... District.

(Vote for one)

JohnDoe.....Democratic  
RichardRoe.....Republican

((a) amended Dec. 10, 1974, P.L.835, No.280)

(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. ((b) amended Dec. 2, 1976, P.L.1221, No.269)

(c) When presidential electors are to be elected, their names shall not be printed upon the ballot, but in lieu thereof, the names of the candidates of their respective parties or political bodies for President and Vice-President of the United States shall be printed together in pairs under the title "Presidential Electors." All ballots marked for the candidates for President and Vice-President of a party or political body

shall be counted as votes for each candidate for presidential elector of such party or political body.

(d) Whenever any candidate shall receive more than one nomination for the same office, his name shall be printed once, and the names of each political party so nominating him shall be printed opposite the name of such candidate, arranged in the same order as candidates names are required to be arranged. At the right of all the party names or appellation shall be a single square of sufficient size for the convenient insertion of a cross (X) or check ( ) mark. ((d) amended July 16, 1968, P.L.354, No.175)

(e) There shall be left at the end of the group of candidates for President and Vice-President of the United States under the title "Presidential Electors," as many blank spaces as there are presidential electors to be elected, in which spaces the elector may insert the names of any individual candidates for presidential electors for whom he desires to vote. There shall also be left at the end of each group of candidates for each other office (or under the title of the office itself in case no candidates have been nominated 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 or persons whose name is not printed on the ballot as a candidate for such office.

(f) In order that each elector may have the opportunity of designating his choice for all the candidates nominated by one political party or political body, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or political bodies represented on such ballot which have nominated candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained at the last gubernatorial election by the candidate for Governor of the parties or bodies nominating, beginning with the party that received the highest number of votes cast. Following the names of such political parties and political bodies shall be the names of the parties and bodies not represented on the ballot at the last gubernatorial election, arranged alphabetically, according to the party name or appellation. A square of sufficient size for the convenient insertion of a cross mark shall be placed at the right of each party name or appellation.

(g) The official ballots shall vary in form only as the names of districts, offices, candidates or the provisions of this act may require. When constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices, and, when required by law, shall be so printed. Constitutional amendments so submitted shall be printed in brief form, to be determined by the Secretary of the Commonwealth, and other questions so submitted shall be printed in brief form, to be determined by the Secretary of the Commonwealth in the case of questions to be voted on by the electors of the State at large, and by the county boards in other cases. To the right of each question there shall be placed the words "yes" and "no," together with appropriate squares to the right of each for the convenient insertion of a cross mark.

(1003 amended Apr. 24, 1947, P.L.68, No.33)

Section 1004. Form of Ballots; Printing Ballots; Stubs; Numbers.--From the lists furnished by the Secretary of the Commonwealth under the provisions of sections 915 and 984, and

from petitions and papers filed in their office, the county election board shall print the official primary and election ballots in accordance with the provisions of this act: Provided, however, That in no event, shall the name of any person consenting to be a candidate for nomination for any one office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or the office of school director in districts where that office is elective or the office of justice of the peace be printed as a candidate for such office upon the official primary ballot of more than one party. All ballots for use in the same election district at any primary or election shall be alike. They shall be at least six inches long and four inches wide, and shall have a margin extending beyond any printing thereon. They shall be printed with the same kind of type (which shall not be smaller than the size known as "brevier" or "eight point body") upon white paper of uniform quality, without any impression or mark to distinguish one from another, and with sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub, and all the ballots for the same election district shall be bound together in books of fifty, in such manner that each ballot may be detached from its stub and removed separately. The ballots for each party to be used at a primary shall be bound separately. The stubs of the ballots shall be consecutively numbered, and in the case of primary ballots, the number shall be preceded by an initial or abbreviation designating the party name. The number and initial or abbreviation which appears upon the stub shall also be printed in the upper right hand corner of the back of the ballot, separated from the remainder of the ballot by a diagonal perforated line so prepared that the upper right hand corner of the back of the ballot containing the number may be detached from the ballot before it is deposited in the ballot box and beside that corner shall also be printed, "Remove numbered stub immediately before depositing your ballot in ballot box."

(1004 amended Feb. 19, 1986, P.L.29, No.11)

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.

(1004.1 added Dec. 2, 1976, P.L.1221, No.269)

Section 1005. Candidates with Similar Surnames, Occupation to Be Printed.--If two or more candidates for the same office shall have the same or similar surnames, the county board of elections shall, upon the request of any such candidate filed in writing not later than five days after the last day for filing nomination petitions, certificates or papers, print the occupation or residence of any such candidate, so filing a request, on the ballot or ballot labels opposite or under his name.

Section 1006. Names of Substituted Candidates to Be Printed on Ballots.--As soon as any substituted candidate shall have been duly nominated, at any time prior to the day on which the

printing of ballots is started, his name shall be substituted in place of that of the candidate who has died or withdrawn.

Section 1007. Number of Ballots to Be Printed; Specimen Ballots.--The county board of each county shall provide for each election district in which a primary is to be held, one book of fifty official ballots of each party for every forty-five registered and enrolled electors of such party and fraction thereof, appearing upon the district register, and shall provide for each election district in which an election is to be held one book of fifty official ballots for every forty-five registered electors and fraction thereof appearing upon the district register. They shall also, in addition to the number of ballots required to be printed for general distribution, maintain a sufficient supply of such ballots at the office of the county board for the use of absentee electors and for the use of any district, the ballots for which may be lost, destroyed or stolen. They shall also cause to be printed on tinted paper, and without the facsimile endorsements, permanent binding or stubs, copies of the form of ballots provided for each polling place at each primary or election therein, which shall be called specimen ballots, and which shall be of the same size and form as the official ballots, and at each election they shall deliver to the election officers, in addition to the official ballots to be used at such election, a suitable supply of specimen ballots for the use of the electors. At each primary, a suitable supply of specimen ballots of each party shall be furnished.

(1007 amended Feb. 13, 1998, P.L.72, No.18)

Section 1008. Forms of Ballots on File and Open to Public Inspection; Ballots and Diagrams to Be Furnished to Candidates and Parties.--

(a) The county board of elections shall have on file in its office, on and after the Thursday preceding each primary and election, open to public inspection, forms of the ballots and ballot labels, with the names and such statements and notations as may be required by the provisions of this act, printed thereon, which shall be used in each election district within the county.

(b) On the Thursday preceding each primary, the county board shall, upon request made at their office, there deliver to each candidate whose name is printed on the ballot of any party, or to his authorized representative, without charge, three specimen ballots of such party for the entire district in which such candidate is to be voted for, and the candidate may, at his own expense, have printed on different colored paper as many copies as he requires for conducting his campaign.

(c) On the Thursday preceding each November election, the county board shall, upon request made at their office, there deliver to the county chairman or other authorized representative of each political party and political body in the county, without charge, two specimen ballots or diagrams for each election district within the county in which candidates of such party or political body are to be voted for, and such political party or political body may, at its own expense, have printed on different colored paper as many copies as it requires for conducting its campaign.

Section 1009. County Boards to Cause Ballots to Be Accurately Printed.--It shall be the duty of the county board of elections of each county to cause all the ballots and ballot labels to be used therein to be accurately printed, and they shall be responsible for the safekeeping of the same while in their possession or that of their subordinates or agents.

Section 1010. Correction of Mistakes Appearing on Ballot.--When it is shown by affidavit that mistake or omission has occurred in the printing of official ballots or ballot labels for any primary or election, the court of common pleas of the proper county, or any judge thereof, may, upon the application of any qualified elector of the county, require the county board of elections to correct the mistake or omission, or to show cause why they should not do so.

Section 1011. Record of Ballots to Be Kept.--The county board shall keep a record of the number of official ballots printed and furnished to each election district at each primary and election, and of the number of stubs, unused ballots and cancelled ballots subsequently returned therefrom, and also of the disposition of the additional official ballots provided, as required by section 1007 of this act.

## ARTICLE XI Voting Machines

Section 1101. Definition of Terms.--The list of offices and candidates, and the statements of questions on the voting machine shall be deemed an "official ballot."

As used in this act:

(1) The words "ballot labels" shall mean the cards, paper or other material, containing the names of offices and candidates and statements of questions to be voted on;

(2) The word "diagram" shall mean an illustration of the official ballot, when placed upon the machine, showing the names of the parties, bodies, offices and candidates, and statements of the questions, in their proper places, and shall be considered a specimen ballot;

(3) The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election;

(4) The words "irregular ballot" shall mean the paper or other material on which a vote is cast on a voting machine for persons whose names do not appear on the ballot labels;

(5) The words "vote indicator" shall mean those devices with which votes are indicated for candidates, or for or against questions;

(6) The words "candidate counters," and "question counters," shall mean the counters on which are registered numerically the votes cast for candidates, and on questions, respectively;

(7) The words "public counter" shall mean a counter or other device which shall, at all times, publicly indicate how many times the machine has been operated at an election;

(8) The words "protective counter" shall mean a counter or protective device or devices that will register each time the machine is operated, and shall be constructed and so connected that it cannot be reset, altered or operated, except by operating the machine;

(9) The words "voting machine booth" shall mean the enclosure occupied by the voter when voting;

(10) The word "model" shall mean a mechanically operating model of a portion of the face of the machine, illustrating the manner of voting;

(11) The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election and instructing the election officers in the use of the voting machine;

(12) The words "election" and "elections," whenever used in this act, shall be held to include and mean all general, municipal, primary and special elections;

(13) The word "borough" shall be held to include incorporated towns;

(14) The word "seal," and other words of the singular number relative thereto, shall include the plural number as applied to a voting machine, designed to be made secure with two or more seals.

Section 1102. Authorization of Voting Machines.--Any county, city, borough or township may, by a majority vote of its qualified electors voting thereon cast at any general or municipal election, authorize and direct the use of voting machines for registering or recording and computing the vote at all elections held in such county, city, borough or township, or in any part thereof.

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

(a) The county election board may, upon their own motion, submit to the qualified electors of the county, or of any city, borough or township thereof, at any general or municipal election, the question "Shall voting machines be used in the (county, city, borough or township) of ....."?"

(b) The county election board, upon receipt of a request from the council of any city or borough, or from the commissioners or supervisors of any township, said request being evidenced by the filing of a copy of a resolution certified by the secretary or clerk of the council, commissioners or supervisors, or upon the filing of a petition with them signed by qualified electors of the county, city, borough or township, equal in number to at least ten per cent of the total number of electors who voted in said county, city, borough or township at the preceding general or municipal election, but in no case less than fifty, unless the total number of electors who voted therein at the preceding general or municipal election was less than one hundred, in which case one-half of the number so voting shall be sufficient, shall, at the next general or municipal election, occurring at least sixty days thereafter, submit to the qualified electors of such county, city, borough or township, the question "Shall voting machines be used in the (county, city, borough or township) of ....."?" (b) amended July 11, 1980, P.L.600, No.128)

(c) The county board shall cause the said question to be printed upon the ballots to be used at the election, in the form and manner provided by the laws governing general and municipal elections.

(d) The election on said question shall be held at the places, during the hours, and under the regulations, provided by law for holding general and municipal elections, and shall be conducted by the election officers provided by law to conduct such elections. The election officers shall count the votes cast at the elections on said question, and shall make return thereof to the county election board of the county, as required by law. Said returns shall be computed by the county election board, or other return board, and, when so computed, a certificate of the total number of electors voting "Yes" and of the total number of electors voting "No" on such question shall be filed in the office of the county election board, and copies thereof, certified by the county election board, shall forthwith be furnished to the Secretary of the Commonwealth, and to the county commissioners or other appropriating authority.

(e) Where the qualified electors of any city, borough or township vote in favor of the adoption of voting machines in such city, borough or township, a vote on the question of adoption of voting machines by the qualified electors of the entire county containing therein such city, borough or township, held at the same time or at a subsequent time, the result of which vote is against the adoption of voting machines, shall not be considered as a vote to discontinue the use of voting machines in such city, borough or township.

(f) If a majority of the electors of any county, city, borough or township, voting on such question, shall vote against the adoption of voting machines, the question shall not again be submitted to the voters of such political subdivision within a period of one hundred and three weeks.

(g) Whenever, under the provisions of this section, the question of the adoption of voting machines is about to be submitted to the electors of any county, city, borough or township, it shall be the duty of the county commissioners, or other authority which levies taxes for county purposes in such county, to ascertain whether current funds will be available to pay for said machines, if adopted and purchased, or whether they have power to increase the indebtedness of the county in an amount sufficient to pay for the same without the consent of the electors and, if such current funds will not be available and the power to increase the indebtedness of the county in a sufficient amount without the consent of the electors is lacking, it shall be the duty of the county commissioners, or other authority aforesaid, to submit to the electors of the county, in the manner provided by law, at the same election at which the adoption of voting machines is to be voted on, the question whether the indebtedness of such county shall be increased, in an amount specified by them, sufficient to pay for such voting machines, if adopted.

Section 1104. Installation of Voting Machines.--(a) (1) If a majority of the qualified electors voting on the question shall vote in the affirmative, the county election board of the said county shall purchase for each election district of such county, city, borough or township, one or more voting machines, of a kind or kinds approved by the Secretary of the Commonwealth, as hereinafter provided, and of sufficient capacity to accommodate the names of a reasonable number of candidates for all public and party offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future election, and shall notify the Secretary of the Commonwealth, in writing, that they have done so. The county election board shall provide machines in good working order, and shall preserve and keep them in repair. Voting machines of different kinds may be used for different election districts in the same county, city, borough or township. In each election district in which voting machines are used, the county election board shall provide an adequate number of voting machines for the electors of the election district in accordance with section 530.

(2) Whenever there shall be a number of candidates in a primary election so great as to require voting machines limited to the candidates of one political party, there shall be two voting machines of the same kind in any district for any party which has more than three hundred and fifty (350) registered qualified electors in that district.

((a) amended Feb. 13, 1998, P.L.72, No.18)

(b) Such voting machines shall be installed, either simultaneously or gradually, in political subdivisions which



adopt them. Upon the installation of voting machines in any election district, the use of paper ballots therein shall be discontinued, except as otherwise provided herein.

(c) If voting machines are installed gradually, they may be introduced, in the case of counties, in alphabetical order--by cities, boroughs and townships, so that they will first be used in the city, borough or township, the name of which is first in alphabetical order, and then in the city, borough or township, the name of which is next in alphabetical order, and so on. In cities, boroughs and townships, they shall be introduced in numerical or alphabetical order by wards and election districts, if any, so that they will first be used in the first election district of the first ward, and then in the second election district of the first ward, and so on. After they have been installed in all the election districts in the first ward, they may be installed, in the same manner, in the second ward, then in the third ward, and so on. In any event, the machines shall be installed as rapidly as practicable after the electors have voted in favor of them.

If voting machines are installed gradually they may also be introduced in the case of counties by legislative districts with priority in installation being given to municipalities therein in the order of their descending population rank according to the last official decennial census. Within such municipality the voting machines shall be introduced in numerical order by wards and election districts, if any, so that they will first be used in the first election district of the first ward and then in the second election district of the first ward and so on. After they have been installed in all the election districts in the first ward, they shall be installed in the same manner in the second ward, then in the third ward, and so on.

((c) amended Dec. 27, 1965, P.L.1226, No.500)

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

(e) If, upon the expiration of said thirty days, the county election board still shall not have made and executed the contract or contracts providing for the delivery of machines as aforesaid, the Secretary of the Commonwealth, on behalf of the said county and upon the approval of the Attorney General as to form, shall thereupon award, make, and execute a contract or contracts for the purchase or procurement of a sufficient number of voting machines, approved as required by this act, for each election district within each such county, city, borough or township; and the cost of such voting machines, including the delivery thereof, and of making and entering into the said contract or contracts, including the preparation and printing of specifications and all other necessary expense incidental thereto, shall be the debt of the said county, and,

upon the certificate of the Secretary of the Commonwealth, it shall be the duty of the controller, if any, to allow, and of the treasurer of the county to pay, the sum out of any appropriation available therefor, or out of the first unappropriated moneys that come into the treasury of the county.

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

(g) Any county, city, borough or township may, by a majority vote of its qualified electors cast at any general election held not earlier than one hundred and three weeks after they have voted to adopt such machines, direct the discontinuance of the use of voting machines at elections held in such county, city, borough or township. The question for the discontinuance of the use of such voting machines shall be submitted to the voters, subject to the same requirements as to resolution or petition and signatures thereon, as is required for the submission of the question on the authorization of the use of such voting machines. Such question for discontinuance must be submitted to the qualified electors of the county or municipality which voted on the question of the adoption of voting machines, and the question of discontinuance shall not be submitted to the qualified electors of any city, borough or township forming a part only of any county which has previously voted to adopt voting machines for the entire county, unless the qualified electors of such city, borough or township have previously, by separate vote of its qualified electors, voted in favor of the adoption of voting machines. Where the qualified electors of any city, borough or township and the qualified electors of the entire county containing therein such city, borough or township, both have voted by separate questions in favor of the adoption of voting machines, a subsequent vote by the qualified electors of the entire county in favor of discontinuance shall not be considered as a vote to discontinue the use of voting machines in such city, borough or township.

Such question as to the discontinuance of the use of voting machines shall be submitted in the following form:

"Shall the use of voting machines be continued in the (city, borough or township), of.....?"

(h) If it shall appear at any election that the county board requires additional voting machines for the use of the electors, said county board shall have authority to enter into a contract or contracts for the rental of a sufficient number of machines for said election.

Section 1104.1. Temporary Use of Approved Voting Machines in Certain Cases.--If the question hereinbefore provided shall have been submitted to the qualified electors of the county, and the majority of the electors voting thereon shall have voted favorably thereon, and if the county election board has made a gradual installation of voting machines approved by the Secretary of the Commonwealth, then such county board of elections may, upon their own motion, authorize the temporary installation of voting machines approved by the Secretary of

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

(1104.1 added Dec. 27, 1965, P.L.1226, No.500)

Section 1105. Changing the Boundaries of Election Districts.--

(a) The courts shall, upon petition, divide or redivide any borough, township or ward, where voting machines are adopted, into election districts of compact and contiguous territory, or shall consolidate election districts therein into new districts, each having between six hundred and eight hundred registered voters as nearly as may be, except that districts having less than six hundred registered voters may be created whenever the court shall be of opinion that the convenience of the voters and the public interests will be promoted thereby.

((a) repealed in part Apr. 28, 1978, P.L.202, No.53)

(b) Proceedings for such division or redivision shall be conducted under the provisions of sections 502, 503, 504, 505 and 506.

Section 1106. Examination and Approval of Voting Machines by the Secretary of the Commonwealth.--

(a) Any person or corporation owning, manufacturing or selling, or being interested in the manufacture or sale of, any voting machine, may request the Secretary of the Commonwealth to examine the machine. Any ten or more persons, being qualified electors of this Commonwealth, may, at any time, request the Secretary of the Commonwealth to reexamine any voting machine theretofore examined and approved by him. Before any such examination or reexamination, the person, persons, or corporation, requesting such examination or reexamination, shall pay to the treasurer of the Commonwealth an examination fee of four hundred and fifty dollars (\$450). The Secretary of the Commonwealth may, at any time, in his discretion, reexamine any voting machine.

(b) The Secretary of the Commonwealth shall thereupon require such machine to be examined or reexamined by three examiners, whom he shall appoint for the purpose, of whom one shall be an expert in patent law, and the other two shall be experts in mechanics, and shall require of them a written report on such machine, attested by their signatures; and the Secretary of the Commonwealth himself shall examine the machine, and shall make and file in his office, together with the reports of the examiners appointed by him, his own report, attested by his signature and the seal of his office, stating whether, in his opinion and in consideration of the reports of the examiners aforesaid, the kind of machine so examined can be safely used by electors at elections, as provided in this act. If his report states that the machine can be so used, the machine shall be deemed approved, and machines of its kind may be adopted for use at elections, as herein provided.

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

(d) When a machine has been so approved, no improvement or change that does not impair its accuracy, efficiency or

capacity, shall render necessary a reexamination or reapproval of the machine, or of its kind.

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

(f) Each examiner appointed hereunder shall receive a compensation of one hundred and fifty dollars (\$150) for each different type of voting machine examined by him.

Section 1107. Requirements of Voting Machines.--No voting machine shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall, at the time, satisfy the following requirements:

(a) It shall provide facilities for voting for such candidates as may be nominated, and upon such questions as may be submitted.

(b) It shall permit each voter, at other than primary elections, to vote a straight political party ticket in one operation, and, in one operation, to vote for all the candidates of one political party for presidential electors, and, in one operation, to vote for all the candidates of one political party for every office to be voted for, except those offices as to which he votes for individual candidates.

(c) It shall permit each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties, from the nominees of any and all political bodies, and from persons not in nomination.

(d) It shall permit each voter to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon a ballot label as a candidate for nomination or election, and to vote for as many persons for an office as he is entitled to vote for, and to vote for or against any question upon which he is entitled to vote.

(e) It shall preclude each voter from voting for any candidate, or upon any question, for whom or upon which he is not entitled to vote, and from voting for more persons for any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once, except in districts and for offices where cumulative voting is authorized by law.

(f) It shall be capable of adjustment by election officers, so as to permit each voter at a primary election to vote only for the candidates for nonpartisan nomination, if any, and for the candidates seeking nomination by the political party in which he is registered and enrolled, if he is enrolled as a member of a political party, and so as to preclude him from voting for the candidates seeking nomination by any political party in which he is not enrolled.

(g) It shall permit each voter to deposit, write in, or affix upon receptacles or devices provided for the purpose, ballots containing the names of persons for whom he desires to vote, whose names do not appear upon the machine.

(h) It shall permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot labels, up to the time he begins the final operation to register his vote, or indicates or expresses his intention to register his vote.

(i) It shall permit and require voting in absolute secrecy, and shall be so constructed that no person can see or know for

whom any other elector has voted or is voting, save a voter whom he has assisted or is assisting in voting, as prescribed by law.

(j) It shall have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns, so that, at any primary election, one or more adjacent rows or columns may be assigned to the candidates of a party, and shall have parallel office columns or rows transverse thereto.

(k) It shall have a counter, or other device, the register of which is visible from the outside of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting.

(l) It shall have a protective counter, or other device, the register of which cannot be reset, which shall record the cumulative total number of movements of the operating mechanism.

(m) It shall be provided with a lock or locks, by the use of which, immediately after the polls are closed, or the operation of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented.

(n) It shall be provided with a screen, hood or curtain, which shall conceal the actions of the voter while voting.

(o) It shall be constructed of material of good quality, in a neat and workmanlike manner.

(p) It shall, when properly operated, register or record correctly and accurately every vote cast.

(q) It shall be so constructed that a voter may readily learn the method of operating it.

(r) It shall be safely transportable.

(s) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes registered for any candidate, and from tampering with any of the registering mechanism.

(t) If it is of a type equipped with mechanism for printing paper proof sheets, and not requiring the counters to be made visible in order to canvass the votes recorded on the machine, the door, or other device, concealing such counters, or keeping the same concealed, may be equipped with a lock or locks, requiring the simultaneous use of three separate and substantially different keys to open or operate the same.

Section 1108. Payment for Machines.--The county commissioners, or such other authority as levies the taxes for county purposes of any county which adopts voting machines, or of any county in which a city, borough or township is located which adopts voting machines, shall, upon the purchase thereof, provide for payment therefor by the county: Provided, however, That bonds or other evidences of indebtedness, payable not later than thirty years from their dates of issuance, may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties, to meet all or any part of the cost of the voting machines.

(1108 amended Dec. 27, 1965, P.L.1226, No.500)

Section 1109. Demonstration of Voting Machines.--Whenever a referendum is about to be held upon the adoption of voting machines in any county, city, borough or township, the county election board shall purchase, lease or borrow a reasonable number of voting machines for demonstration purposes in such county, city, borough or township, prior to such referendum.

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

(a) The papers, cards or strips, enclosed within the ballot frame or frames of any voting machine, and containing the names

of a candidate or candidates, or political party, or the statement of a question to be voted upon, hereinafter referred to as ballot labels, shall be printed in black ink, upon clear white material, of such size as will fit the ballot frame, and in plain clear type so as to be easily readable by persons with normal vision.

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

(c) The ballot label for each candidate or group of candidates, nominated or seeking nomination by a political party, shall contain the name or designation of the political party.

(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.) ((d) amended Dec. 2, 1976, P.L.1221, No.269)

(e) The names of all candidates, nominated or seeking nomination by a political party, shall appear in adjacent rows or columns containing generally the names of candidates nominated or seeking nomination by such party, provided that the names of individual candidates for presidential elector shall not appear upon the ballot labels, but, in lieu thereof, the names of the candidates of said party for President and Vice-President shall be printed on a single ballot label, together with the name of said party.

(f) When the same person has been nominated for the same office by more than one political party, his name shall appear in the rows or columns containing generally, the names of candidates nominated by each such party, his position in such rows or columns to be determined by the number of votes he received at the primary in the party entitled to priority on the ballot as determined by the votes obtained in the State at the last gubernatorial election by the candidate for Governor.

(g) The form and arrangement of ballot labels shall be prepared by the county election board. ((g) amended Sept. 29, 1951, P.L.1571, No.404)

(h) The names of all candidates of a political party shall appear in the same row or column, and except in cases of names of presidential commitments of nominees for delegate or alternate delegate to political party National conventions no other names shall appear in the same row or column, to the left or top of which shall be a straight party lever, by means of which an elector may, in one operation, vote for all the candidates of that political party for every office to be voted for. Where the names of the delegate or alternate delegate and the presidential candidate he is supporting shall both appear, the print size of the name of the delegate or alternate delegate shall be equal to the size of the name of the particular presidential candidate to whom he is committed, or in the case

where he is uncommitted, the word "uncommitted" shall appear in the same size print. The names of such candidates shall be arranged under or opposite the title of the office for which they are candidates, and shall appear in the order of the votes obtained by the candidate for Governor of the party nominated 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 or body name. The names of all candidates of a political body shall appear in the same row or column, and, if the number of parties and bodies permits, each political body shall be entitled exclusively to a separate row or column, with a straight party lever. If, however, the number of political parties and political bodies renders it impossible or impracticable to so arrange the political bodies, in such case said bodies shall not be entitled to a separate row or column and a straight party lever, but shall be listed by political appellations on the first left hand or top row, with the designating letter and number of the ballot label where their candidates may be found, together with the political appellations of other political bodies, whose candidates may be interspersed on the same row or column. Subject to the aforesaid limitations, the form and arrangement of ballot labels, as to the placing thereon of political bodies, shall be within the discretion of the county board. ((h) amended Dec. 22, 1971, P.L.613, No.165)

(i) In primary elections, the ballot labels, containing the names of candidates seeking nomination by a political party, shall be segregated on the face of the machine in adjacent rows or columns by parties, the priority of such political parties on the ballot labels to be determined in the same manner as provided for determining priority on paper ballots in section 1003 (f) herein.

(j) In primary elections, if it shall be impossible or impracticable to place on the ballot labels of one machine the names of all candidates seeking nomination in all political parties, the county election board may arrange for each election district the names of the candidates on separate voting machines: Provided, however, That the names of all the candidates seeking nomination in any one political party shall appear on one machine.

(k) Except as hereinafter provided in primary elections where there are a sufficient number of ballot frames on one row or column to accommodate all the candidates of a political party, the names of all the candidates shall appear on that row or column in the order that was established under the provisions of sections 915 and 916 of this act. Where there are four or more candidates for a particular office, the names of the candidates may be divided between the rows or columns as equally as possible so long as the order as provided in sections 915 and 916 is maintained. ((k) added Aug. 8, 1963, P.L.614, No.322)

(l) At the written request of a State committee, filed with the party rules and on the deadline prescribed by section 808.1 of this act, a party may have a "no preference" column added to the list of candidates for the office of President of the United States at the primary election. The ballot position for "no preference" shall be drawn in the same manner as the other candidates for that office: Provided, however, That this position shall be drawn by the Secretary of the Commonwealth

or his or her designee. ((1) added July 21, 1979, P.L.189, No.63)

(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. ((m) added Dec. 17, 1990, P.L.681, No.169)

(1110 amended Apr. 24, 1947, P.L.68, No.33)

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

(a) The county election board of each county shall cause the proper ballot labels to be placed on each voting machine which is to be used in any election district within such county; and shall cause each machine to be placed in proper order for voting; shall examine each machine before it is sent out to a polling place; shall see that each registering counter, except the protective counter, on each machine is set at zero (000); shall lock each machine so that the counting machinery cannot be operated, and shall seal each machine with a numbered seal. The county election board or their duly authorized agent shall adjust each machine to be used at a primary election, so that the election officers may lock it on primary election day, in such a way that each voter can vote only for the candidates for nonpartisan nomination, if any, and for the candidates seeking nomination by the political party in which he is enrolled, if he is enrolled as a member of a political party, and so that no voter can vote for the candidates seeking nomination by any political party in which he is not enrolled.

(b) The county election board shall appoint one custodian of voting machines, and such deputy custodians as may be necessary, whose duty it shall be to prepare the machines to be used in the county at the elections to be held therein. Each custodian and deputy custodian shall receive from the county, for each day he is actually employed under the provisions of this act, such compensation as shall be fixed by the county election board, but not less than five dollars (\$5.00) per day. Such custodian shall, under the direction of the county election board, have charge of and represent the county election board during the preparation of the voting machines as required by this act, and he and the deputy custodians whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the county election board. Each custodian shall take the constitutional oath of office, which shall be filed with the county election board.

(c) On or before the fortieth day preceding an election, the county election board shall mail to the chairman of the county committee of each political party, which shall be entitled under existing laws to participate in primary elections within the county, and to the chairman or presiding officer of any organization of citizens within the county having as its purpose or among its purposes the investigation or prosecution of election frauds, which has registered its name and address, and the names of its principal officers with the county election board at least fifty (50) days before such election, a written notice stating the times when and the place or places where preparation of the machines for use in the several election districts in the county will be started. One representative of each of such political parties, certified by the respective chairmen of the county committees of such parties, and one representative of each such organization of citizens, certified by the respective chairmen or presiding officers of such organizations, shall be entitled to be present, during the



preparation of the machines, and to see that the machines are properly prepared and are placed in proper condition and order for use: Provided, however, That such representatives shall not interfere with preparation of the machines, and the county board may make such reasonable rules and regulations governing the conduct of such representatives.

(d) The custodian and deputy custodians of voting machines shall make a certificate, in writing, which each shall sign, and request each representative of a party or a citizens organization as aforesaid, present at the preparation of the machine to attest, and which shall be filed with the county election board, stating--(1) the identifying number or other designation of the voting machine; (2) that each registering counter of the machine was set at zero (000); (3) the number registered on the protective counter or other device of the machine; and (4) the number on the seal with which the machine is sealed.

(e) No member of the county election board, nor custodian, nor other employe of the county election board, shall, in any way, prevent free access to and examination of all voting machines, which are to be used at the election, by any of the duly appointed representatives aforesaid; and the county election board and their employes shall afford to each such representative every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.

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

Section 1112. Delivery of Voting Machines and Supplies by County Election Boards to Election Officers.--

(a) The county election board shall deliver the proper voting machine or voting machines, properly furnished with ballot labels, to the polling places of the respective election districts, at least one hour before the time set for opening the polls at each election, and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this act.

(b) The county election board shall provide ample protection against molestation of and injury to the voting machine, and, for that purpose, shall and may call upon any police or elected peace officer of this Commonwealth to furnish such assistance as may be necessary, and it shall be the duty of police and elected peace officers to furnish such assistance when so requested by the county election board.

(c) The county election board shall furnish, at the expense of the county, and deliver with each voting machine:

1. A lantern, or a proper substitute for one, which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot labels, and suitable for the use of election officers in examining the counters. The lantern, or proper substitute therefor, shall be prepared and in good order for use before the opening of the polls.

2. Two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by directions for voting on the machine. Such diagrams shall be posted prominently outside the enclosed space within the polling place.

3. A mechanically operated model of a portion of the face of a voting machine, for the instruction of electors. Such model shall be placed in the polling place and at or outside of the guard-rail or barrier.

4. A seal, for sealing the machine after the polls are closed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary, or as may be required by law.

Section 1113. Election Officers; Polling Places.--

(a) The election board in each election district in which a voting machine is used shall consist of a judge of election, two inspectors of election, and one clerk of election chosen by the minority inspector, as is provided by this act.

(b) Where more than one machine is to be used in an election district, the county election board shall, prior to each election, appoint, for each additional voting machine to be used in such district, one elector of the county, qualified to serve as an election officer, to serve as machine inspector in such district at such election, who shall receive the same compensation as an inspector of election, and whose duty it shall be to have charge of the operation of one of the voting machines under the supervision of the judge of election. Each machine inspector shall be sworn to the faithful discharge of his duties.

(c) In election districts in which voting machines are used, the county election board may, in its discretion, procure and provide portable or movable polling places of adequate size and facilities for any or all of such districts.

Section 1114. Delivery of Voting Machine Keys to Judge of Election.--

(a) The county election board shall deliver the keys, which unlock the operating mechanism and the registering counters or counter compartment of the voting machine, to the judge of election, not earlier than the Saturday preceding an election, nor later than three-quarters of an hour before the time set for the opening of the polls, and shall take his receipt therefor. The keys shall be enclosed in a sealed envelope, on which shall be written or printed: (1) the number of the voting machine; (2) the name or designation of the election district; (3) the number of the seal; (4) the number registered on the protective counter or device as reported by the custodian: Provided, however, That if the type of voting machine used requires the simultaneous use of three keys to unlock the registering counters or counter compartment, only two of said keys shall be enclosed in said sealed envelope, the third key being retained by the custodian, the county election board, or such other person as they shall have authorized.

(b) No election officer shall open an envelope so delivered, until the minority inspector shall be present in the polling place, and shall have examined the envelope to see that it has not been opened.

(1114 amended Apr. 21, 1949, P.L.693, No.165)

Section 1115. Instruction of Voters Before an Election.--

(a) During the thirty days next preceding an election, the county election board shall place on public exhibition, in such public places, and at such times as it may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, the names and arrangements of parties, and, so far as practicable, the names and arrangements of the candidates to be voted for. Such machine

or machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine, which is to be assigned for use in an election, shall be used for such public exhibition and instruction, after having been prepared and sealed for the election.

(b) During such public exhibition and instruction, the counting mechanism of the voting machine shall be concealed from view, and the doors, or cover concealing the same, shall be opened, if at all, only temporarily, and only upon written authorization from the county election board.

(c) Prior to any election, the county board may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or in reduced size, and to be posted, published, advertised or distributed among the electors in such manner as they may deem desirable.

Section 1116. Voting by Ballot.--If a method of election for any candidates or offices is prescribed by law, in which the use of voting machines is not possible or practicable, or in case, at any election, the number of candidates nominated or seeking nomination for any office renders the use of voting machines for such office at such election impracticable, or if, for any other reason, at any election the use of voting machines is not possible or practicable, the county election board may arrange to have the voting for such or all offices conducted by paper ballots. In such cases, ballots shall be printed for such or all offices, and the election conducted by the election officers herein provided for, and the ballots counted and return thereof made in the manner required by law for such offices, in so far as paper ballots are used.

Section 1117. Unofficial Ballot Labels; Repair of Machine, or Use of Paper Ballots.--

(a) If ballot labels for an election district, at which a voting machine is to be used, shall not be delivered to the election officers as required by section 1209 (b) (2) of this act, the judge of election of such district shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable, and the election officers shall cause the labels, so substituted, to be used at the election, in the same manner, as near as may be, as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any voting machine being used in any election shall become out of order during such election, it shall, if possible, be repaired or another machine substituted by the custodian or county election board as promptly as possible, for which purpose the county board may purchase as many extra voting machines as they may deem necessary, but in case such repair or substitution cannot be made, paper ballots, printed or written, and of any suitable form, may be used for the taking of votes.

Section 1118. Custody of Voting Machines and Keys.--

(a) The county election board shall designate a person or persons who shall have the custody of the voting machines of the county, city, borough or township, and the keys therefor, when the machines are not in use at an election, and shall provide for his compensation and for the safe storage and care of the machines and keys.

(b) All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places.

Section 1101-A. Definitions.--As used in this article:

"Automatic tabulating equipment" means any apparatus which automatically examines and computes votes registered on paper ballots, ballot cards or district totals cards or votes registered electronically and which tabulates such votes.

"Ballot" means ballot cards or paper ballots upon which a voter registers or records his vote or the apparatus by which the voter registers his vote electronically and shall include any ballot envelope, paper or other material on which a vote is recorded for persons whose names do not appear on the ballot labels.

"Ballot card" means a card which is compatible with automatic tabulating equipment and on which votes may be registered.

"Ballot label" means the cards, papers, booklets, pages or other materials which contain the names of offices and candidates and the statements of questions to be voted on and which are used in conjunction with the voting device.

"Counting center" means one or more locations selected by the county board of elections for the automatic tabulation of votes.

"Custodian" shall mean the person charged with the duty of testing and preparing voting devices and automatic tabulating equipment for elections and instructing election officials in the use of such voting devices and equipment.

"District totals cards" means a card or other data storage device which is compatible with automatic tabulating equipment and may be used in any voting system which provides for the initial computation and tabulation of votes at the district level to record the total number of votes cast for each candidate whose name appears on the ballot, the total number of write-in votes properly cast for each office on the ballot and the total number of votes cast for or against any question appearing on the ballot.

"Election" and "elections" shall mean all general, municipal, primary and special elections.

"Electronic voting system" means a system in which one or more voting devices are used to permit the registering or recording of votes and in which such votes are computed and tabulated by automatic tabulating equipment. The system shall provide for a permanent physical record of each vote cast.

"Municipality" means a city, borough, incorporated town and township.

"Official ballot" means the list of offices and candidates and the statement of questions reflected on the voting device.

"Paper ballot" means a printed paper ballot which conforms in layout and format to the voting device in use.

"Public counter" shall mean a counter or other element which shall at all times publicly indicate how many ballots have been cast during the course of the election.

"Question" shall mean the statement of a constitutional amendment or other proposition which is submitted to a popular vote at any election.

"Voting booth" shall mean the enclosure occupied by the voter when voting.

"Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so

registered may be computed and tabulated by means of automatic tabulating equipment.

(1101-A added July 11, 1980, P.L.600, No.128)

Section 1102-A. Authorization of Electronic Voting Systems for Use at Polling Places.--Any county or municipality may, by a majority vote of its qualified registered electors voting thereon cast at any primary or election, authorize and direct the use of an electronic voting system for registering or recording and computing the vote at all elections and primaries held at polling places in such county or municipality.

(1102-A added July 11, 1980, P.L.600, No.128)

Section 1103-A. Placing the Question on the Ballot; Election Thereon.--(a) The county election board may, upon their own motion, submit to the qualified registered electors of the county or municipality, at any primary or election, the question "Shall an electronic voting system be used at polling places in the (county or municipality) of ....."?"

(b) The county election board, upon receipt of a request from the governing body of a municipality, said request being evidenced by the filing of a copy of a resolution certified by the secretary or clerk of the municipality, or upon the filing of a petition with them signed by qualified registered electors of the county or municipality, equal in number to at least ten (10) per centum of the total number of electors who voted in said county or municipality, at the preceding general or municipal election, but in no case less than fifty, shall, at the next primary or election, occurring at least sixty days thereafter, submit to the qualified registered electors of such county or municipality, the question "Shall an electronic voting system be used at polling places in the (county or municipality) of ....."?"

(c) The county board shall cause the said question to be submitted at the primary or election, in accordance with the provisions of this act relating to elections.

(d) The election on said question shall be held at the places, during the hours, and under the regulations, provided by law for holding primaries and elections, and shall be conducted by the election officers provided by law to conduct such elections. The election officers shall count the votes cast at the elections on said question, and shall make return thereof to the county election board of the county, as required by law. Said returns shall be computed by the county election board, or other return board, and, when so computed, a certificate of the total number of electors voting "Yes" and of the total number of electors voting "No" on such question shall be filed in the office of the county election board, and copies thereof, certified by the county election board, shall forthwith be furnished to the Secretary of the Commonwealth, and to the county commissioners or other appropriating authority of the county or municipality.

(e) If a majority of the electors of any county or municipality, voting on such question, shall vote against the adoption of an electronic voting system the question may again be submitted to the voters of such county or municipality. ((e) amended Dec. 9, 2002, P.L.1246, No.150)

(f) Whenever, under the provisions of this act, the question of the adoption of an electronic voting system is to be submitted to the electors of any county, the county board of elections shall purchase, lease or otherwise procure those parts of the system used by the voter in a quantity sufficient for reasonable demonstration of the system or systems in such county prior to the general or municipal election in question.

(1103-A added July 11, 1980, P.L.600, No.128)

Section 1104-A. Installation of Electronic Voting Systems.--(a) If a majority of the qualified registered electors voting on the question in any county or municipality vote in favor of the adoption of an electronic voting system, the county board of elections of that county shall purchase, lease, or otherwise procure for each election district of such county or municipality, the components of an electronic voting system of a kind approved, as hereinafter provided, by the Secretary of the Commonwealth, and the board shall thereafter notify the Secretary of the Commonwealth, in writing, that they have done so.

(b) The installation throughout the county or municipality of the electronic voting system adopted by the county board of elections may be accomplished either simultaneously in all election districts or in stages at the discretion of the county board, and the manner of implementation as among election districts shall also be at the discretion of the county board: Provided, however, That the electronic voting system adopted by the county board shall be fully implemented throughout the county or municipality within one hundred and three weeks after the approval of the adoption of an electronic voting system by the electors of the county or municipality. Upon the installation of an electronic voting system in any election district, the use therein of paper ballots and of voting machines shall be discontinued, except as otherwise provided herein.

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

(d) If, upon the expiration of said thirty days, the county board of elections still shall not have made and executed a contract or contracts providing for the purchase, lease or other procurement of an electronic voting system as aforesaid, the Secretary of the Commonwealth, on behalf of the said county and upon the approval of the Attorney General as to form, shall thereupon award, make and execute a contract or contracts for the purchase, lease or other procurement of an electronic voting system, approved as required by this act, for each election district within such county or municipality, and the cost of such system, including the preparation and printing of specifications and all other necessary expenses incidental thereto, shall be the debt of the said county, and upon the certificate of the Secretary of the Commonwealth, it shall be the duty of the controller, if any, to allow, and of the treasurer of the county to pay, the sum out of any appropriation available therefore or out of the first unappropriated moneys that come into the treasury of the county. If the Secretary of

the Commonwealth shall find it impracticable to procure an electronic voting system for installation in each election district of the county or municipality for use at the election then next ensuing, he shall provide for the installation of such a system in as many election districts of the county or municipality as shall be practicable and, as soon thereafter as practicable, shall provide for the installation of such system in the remainder of the election districts of the county or municipality.

(e) Any county or municipality may, by a majority vote of its qualified registered electors cast at any general or municipal election held not earlier than one hundred and three weeks after they have voted to adopt an electronic voting system, direct the discontinuance of the use of such a system at all elections held in such county or municipality. Upon the receipt by the county board of elections of a petition signed by qualified registered electors of the county or municipality equal in number to at least ten (10) per centum of the total number of electors who voted in said county or municipality at the last preceding general or municipal election, the question for the discontinuance of the use of such an electronic voting system shall be submitted to the qualified registered electors of that county or municipality, subject to the same requirements as to the conduct of the election as is required for the submission of the question on the authorization of the use of an electronic voting system. The question as to the discontinuance of the use of an electronic voting system shall be submitted in the following form: "Shall the use of an electronic voting system be continued in the (county or municipality) of ....."?"

(1104-A added July 11, 1980, P.L.600, No.128)

Section 1105-A. Examination and Approval of Electronic Voting Systems by the Secretary of the Commonwealth.--(a) Any person or corporation owning, manufacturing or selling, or being interested in the manufacture or sale of, any electronic voting system, may request the Secretary of the Commonwealth to examine such system if the voting system has been examined and approved by a federally recognized independent testing authority and if it meets any voting system performance and test standards established by the Federal Government. The costs of the examination shall be paid by the person requesting the examination in an amount set by the Secretary of the Commonwealth. Any ten or more persons, being qualified registered electors of this Commonwealth, may, at any time, request the Secretary of the Commonwealth to reexamine any electronic voting system theretofore examined and approved by him. Before any reexamination, the person, persons, or corporation, requesting such reexamination, shall pay to the Treasurer of the Commonwealth a reexamination fee of four hundred fifty dollars (\$450). The Secretary of the Commonwealth may, at any time, in his discretion, reexamine any such system therefore examined and approved by him. The Secretary of the Commonwealth may issue directives or instructions for implementation of electronic voting procedures and for the operation of electronic voting systems. ((a) amended Dec. 9, 2002, P.L.1246, No.150)

(b) Upon receipt of a request for examination or reexamination of an electronic voting system as herein provided for or in the event he determines to reexamine any such system, the Secretary of the Commonwealth shall examine the electronic voting system and shall make and file in his office his report, attested by his signature and the seal of his office, stating

whether, in his opinion, the system so examined can be safely used by voters at elections as provided in this act and meets all of the requirements hereinafter set forth. If his report states that the system can be so used and meets all such requirements, such system shall be deemed approved and may be adopted for use at elections, as herein provided. With respect to any electronic voting system approved for use in this Commonwealth by the secretary, the report of the secretary shall specify the capacity of the components of that system, the number of voters who may reasonably be accommodated by the voting devices and automatic tabulating equipment which comprise such system and the number of clerks and machine inspectors, if any, required based on the number of registered electors in any election district in which the voting system is to be used, such specifications being based upon the secretary's examination of the system. Any county which thereafter may adopt any such approved system shall provide the components of such system in a number no less than that sufficient to accommodate the voters of that county or municipality in accordance with the minimum capacity standards so prescribed by the secretary. The county board shall comply with the requirements for the use of the electronic voting system as set forth in the report by the Secretary of the Commonwealth. ((b) amended Dec. 9, 2002, P.L.1246, No.150)

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

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

(e) Neither the Secretary of the Commonwealth nor any member of a county board of elections shall have any pecuniary interest in any electronic voting system or in any of the components thereof, or in the design, manufacture or sale thereof. ((e) amended Dec. 9, 2002, P.L.1246, No.150)

(f) ((f) deleted by amendment Dec. 9, 2002, P.L.1246, No.150)

(1105-A added July 11, 1980, P.L.600, No.128)

Section 1106-A. Experimental Use of Electronic Voting Systems.--(a) The county board of elections of any county may provide for experimental use at any primary or election in one or more election districts of said county, of an electronic voting system, and the use of such system shall be as valid for all purposes as if the electronic voting system had been adopted in accordance with the provisions of this act.

(b) The Secretary of the Commonwealth may approve the use of an experimental electronic voting system by the county board of elections of any county which complies with section 1306(a) for absentee voters as provided for in the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) if the system allows the elector to mark his electronic ballot in secrecy as provided for paper absentee ballots pursuant to section 1306(a). The system shall be exempt



from the requirements of sections 1107-A, 1302, 1303, 1304, 1305 and 1306.

(1106-A amended Dec. 9, 2002, P.L.1246, No.150)

Section 1107-A. Requirements of Electronic Voting Systems.--No electronic voting system shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall be established that such system, at the time of such examination or reexamination:

(1) Provides for voting in absolute secrecy and prevents any person from seeing or knowing for whom any voter, except one who has received or is receiving assistance as prescribed by law, has voted or is voting.

(2) Provides facilities for voting for such candidates as may be nominated and upon such questions as may be submitted.

(3) Permits each voter, at other than primary elections, to vote a straight political party ticket by one mark or act and, by one mark or act, to vote for all the candidates of one political party for presidential electors and, by one mark or act, to vote for all the candidates of one political party for every office to be voted for, and every such mark or act shall be equivalent to and shall be counted as a vote for every candidate of the political party so marked including its candidates for presidential electors, except with respect to those offices as to which the voter has registered a vote for individual candidates of the same or another political party or political body, in which case the automatic tabulating equipment shall credit the vote for that office only for the candidate individually so selected, notwithstanding the fact that the voter may not have individually voted for the full number of candidates for that office for which he was entitled to vote.

(4) Permits each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties, from the nominees of any and all political bodies, and from any persons whose names are not in nomination and do not appear upon the official ballot.

(5) Permits each voter to vote for any person and any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon the ballot as a candidate for nomination or election.

(6) Permits each voter to vote for as many persons for any office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote and precludes each voter from voting or from having his vote tabulated for any candidate, or upon any question, for whom or upon which he is not entitled to vote.

(7) If it is of a type that registers the vote electronically, the voting system shall preclude each voter from voting for more persons for any office than he is entitled to vote for or upon any question more than once.

(8) Precludes each voter from voting or from having his vote tabulated more than once for any candidate for the same office or upon any question, except in districts and for offices where cumulative voting is authorized by law.

(9) Permits each voter at a primary election to vote only for the candidates seeking nomination by a political party in which such voter is registered and enrolled, and for any candidate for nonpartisan nomination, and for any question upon which he is entitled to vote.

(10) If it is of a type that registers the vote electronically, the voting system shall permit each voter to

change his vote for any candidate or upon any question appearing on the official ballot up to the time that he takes the final step to register his vote and to have his vote computed. If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such votes, the system shall provide that a voter who spoils his ballot may obtain another ballot; any ballot thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope marked "spoiled" which shall be sealed and returned to the county board.

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

(12) Provides acceptable ballot security procedures and impoundment of ballots to prevent tampering with or substitution of any ballots or ballot cards.

(13) When properly operated, records correctly and computes and tabulates accurately every valid vote registered.

(14) Is safely transportable.

(15) Is so constructed that a voter may readily learn the method of operating it.

(16) If the voting system is of a type which provides for the computation and tabulation of votes at the district level, the district component of the automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) A public counter, the register of which is visible from the outside of the automatic tabulating equipment component into which the ballots are entered, which shall show during any period of operation the total number of ballots entered for computation and tabulation.

(ii) A lock, or locks, by the use of which all operation of the tabulation element of the automatic tabulating equipment is absolutely prevented immediately after the polls are closed or where the tabulation of votes is completed.

(iii) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes theretofore registered for any candidate or question; and it shall preclude every person from tampering with the tabulating element.

(iv) If the number of choices recorded for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question, provided, that if used during the period of voting it may also have the capacity to indicate to a voter that he has improperly voted for more candidates for any office than he is entitled to vote for, and in such case it shall have the capacity to permit the voter to mark a new ballot or to forego his opportunity to make such correction.

(v) It shall be equipped with an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set to zero and with an element which generates a printed record at the finish of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number

of votes cast for, or against, any question appearing on the ballot.

(17) If the voting system is of a type which provides for the computation and tabulation of all votes at a central counting center or if it provides for the tabulation of district totals at such a central counting center, the central automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) It shall be constructed so that every person is precluded from tampering with the tabulating element during the course of its operation.

(ii) If the number of choices for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question.

(iii) It shall have a means by which to verify that the counters for each candidate position and for each question are all set to zero and shall be able to generate a printed record of each election district showing the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot. It may also be capable of generating cumulative election reports.

(1107-A added July 11, 1980, P.L.600, No.128)

Section 1108-A. Payment for Machines.--The county commissioners or such other authority as levies the taxes for county purposes of any county which adopts an electronic voting system shall, upon the purchase, lease or other procurement thereof, provide for payment therefor by the county. Bonds or other evidences of indebtedness may be issued in accordance with the provisions of the act of July 12, 1972 (P.L.781, No.185) known as the "Local Government Unit Debt Act," to meet all or any appropriate part of the cost of any such system.

(1108-A added July 11, 1980, P.L.600, No.128)

Section 1109-A. Forms.--(a) (1) Ballot labels used in conjunction with ballot cards shall, as far as practicable, be in the same order or arrangement as provided for paper ballots or voting machine ballots, except that such information may be printed in vertical columns or in a number of separate pages which are placed on the voting device.

(2) The pages placed on the voting device shall be of sufficient number to include, following the listing of particular candidates, the names of candidates for any nonpartisan offices and any measures for which a voter may be qualified to vote on a given election day, provided further that for municipal, general or special elections, the first ballot page shall list in the order that such political parties are entitled to priority on the ballot, the names of such political parties with designating arrows so as to indicate the voting square or position on the ballot card where the voter may insert by one mark or punch the straight party ticket of his choice.

(3) In a primary election the pages placed on the voting device may be arranged with the entire ballot label consisting of several groups of pages, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list any nonpartisan offices or measures. Groups of pages may be identified by color or other suitable means, and voters shall be instructed to vote only for candidates of the party of their

choice and thereafter to vote for any nonpartisan candidates or measures.

(b) Ballot labels shall be printed in plain clear type in black ink, of such size and arrangement as to fit the construction of the voting device; and they shall be printed on clear white material or on material of different colors to identify different ballots or parts of the ballot and in primary elections to identify each political party.

(c) On all ballot labels the titles of offices and the names of candidates shall in all elections be arranged in columns or rows in a series of separate pages and, in primary elections, the names of candidates for an office shall appear in the order that was established under the provisions of sections 915 and 916. The office titles shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In partisan elections the party designation of each candidate shall be printed to the right or below the candidate's name. All candidates for one office shall be grouped on one page where practical; in case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label shall clearly indicate that the list of candidates is continued on the following column or page, and so far as possible, the same number of names shall be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and for or against every question presented.

(d) In partisan elections the ballot cards shall include a voting square or position whereby the voter may by one punch or mark record a straight party ticket vote for all the candidates of one party or may vote a split ticket for the candidates of his choice.

(e) In primary elections, the Secretary of the Commonwealth shall choose a color for each party eligible to have candidates on the ballot and a separate color for independent voters. The ballot cards or paper ballots and ballot pages shall be printed on card or paper stock of the color of the party of the voter and the appropriate party affiliation or independent status shall be printed on the ballot card or at the top of the paper ballot and on the ballot pages.

(f) Ballot cards, or the portion thereof on which the voter registers his vote, shall be of a size, design and stock suitable for processing by the automatic tabulating equipment used in the voting system. Each ballot card shall have an attached serially numbered perforated stub, which shall be removed by an election officer before the ballot card is deposited in the district automatic tabulating equipment or in a secure ballot box. The name of the county, and a facsimile of the signature of the members of the county board shall be printed on the ballot card stub.

(g) Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided and posted in each polling place on election day as required by law. Sample ballots may be printed on a single page or on a number of pages stapled together.

(1109-A added July 11, 1980, P.L.600, No.128)

Section 1110-A. Supplies; Preparation of the Voting System and of Polling Places.--(a) Prior to any election in which an electronic voting system is to be used, the county board of elections shall furnish to each election district, at the expense of the county, the elements of such voting system, including voting devices, automatic tabulating equipment, ballot

boxes, ballot labels, ballots, ballot envelopes, forms of certificates, returns and other records and supplies, as are necessary for the proper operation of the voting system at the election district level or as are required under the provisions of this act, all of which shall be in the form and according to the specifications prescribed from time to time by the Secretary of the Commonwealth.

(b) Unless the voting device itself enables the voter to register his vote in secret, the county board of elections shall provide voting booths for each election district, which shall be of a size and design which shall enable the voter to register his vote in secret. The county board shall determine the number of voting devices and voting booths to be provided in each such district in order to satisfy the minimum capacity standards prescribed by the Secretary of the Commonwealth.

(c) The county board of elections shall appoint a custodian of the electronic voting system and such deputy custodians as may be necessary, and it shall be the duty of such custodians to prepare the voting system and all of its components for use in any election in which such system is employed. Each custodian and deputy custodian shall receive from the county, for each day he is actually employed under the provisions of this act, such compensation as shall be fixed by the county board of elections. Such custodian shall, under the direction of the county board of elections, have charge of and represent the county election board during the preparation of the electronic voting system as required by this act, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the county board of elections. Each custodian shall take the constitutional oath of office, which shall be filed with the county board of elections.

(d) On or before the fortieth day preceding any election, the county board of elections shall mail to the chairman of the county committee of each political party which shall be entitled under existing laws to participate in primary elections within the county, and to the chairman or presiding officer of any organization of citizens within the county which has as its purpose or among its purposes the investigation or prosecution of election frauds and which has registered its name and address and the names of its principal officers with the county board of elections at least fifty days before the election, a written notice stating the times when and the place or places where preparation of the system and its components for use in the several election districts in the county or municipality will be started. One representative of each such political party, certified by the respective chairman of the county committee of such party, and one representative of each such organization of citizens, certified by the respective chairman or presiding officer of such organization shall be entitled to be present during the preparation of the voting system and its components and to see that they are properly prepared and are in proper condition and order for use. Such representatives shall not interfere with the preparation of the system and its components, and the county board may make reasonable rules and regulations governing the conduct of such representatives.

(e) Prior to the delivery of any automatic tabulating equipment to any election district the county board of elections shall examine or cause to have examined such equipment and shall make a certificate stating:

(1) the identifying number and election district designation of the equipment;

(2) that the equipment is suitable for use in the particular election district designated;

(3) that the equipment has been tested to ascertain that it will accurately compute the votes cast for all offices and all questions;

(4) that the offices and questions on the official ballot correspond in all respects with the ballot labels assigned to such particular election district;

(5) that the public counter and the counters for each candidate position and each question are all set at zero and that element that generates a printed record of the results of the election is functioning correctly; and

(6) the number on the seal with which the equipment is sealed.

(f) At least one hour before the time set for the opening of the polls at each election, the county board of elections shall deliver to each election district any district components of the electronic voting system and any supplies necessary to prepare the automatic tabulating equipment for operation in the district, and they shall position such automatic tabulating equipment for proper use in voting. Any tabulating equipment so placed shall remain locked and sealed until its examination and preparation immediately preceding its use as prescribed by this act.

(g) The members of the district election board shall arrive at the polling place at least one-half hour before the opening of the polls. Prior to the commencement of the election, the district election board shall inspect the district components of the electronic voting system to see that they are in proper working order, and they shall check all ballots, supplies, records and forms and shall post the sample ballots, the cards of instruction and the notices of penalties. If the voting system provides for the initial computation and tabulation of votes at the district level during voting hours, the district election board shall also break the seal on the automatic tabulating equipment and insure that the equipment is properly prepared for the particular election district designated, and the district board shall then determine that the counters for each candidate position and for each question and the public counter are all set to zero. If the system provides for tabulation of ballots after the polls are closed, such test shall be conducted immediately prior to its actual use. If any such counter is not set to zero, the district election board shall immediately notify the county board of elections which shall forthwith cause one of its representatives to ascertain and correct any error. Thereupon, a zero print-out sheet or an appropriate certificate by the district election board reflecting its examination shall be posted on the wall of the polling place by the district election board and such sheet or certificate shall remain posted until the polls are closed. At the close of the polls, the district election board shall deliver such sheet or certificate together with the election returns to the county board of elections.

(1110-A added July 11, 1980, P.L.600, No.128)

Section 1111-A. Instruction of Voters.--(a) During the thirty days next preceding an election at which any electronic voting system is to be used, the county board of elections shall place on public exhibition, in such public places and in such quantity and at such times as it shall deem most suitable for the instruction and information of the voters of the county, those components of the electronic voting system which are used by the voter, containing a sample ballot designed for

instructional use. Such components shall be under the charge and care of a person competent as custodian and instructor. No voting system component which is assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election.

(b) At the polling place on the day of the election, each voter who desires shall be instructed, by means of appropriate diagrams and a model, in the operation of the voting device before he enters the voting booth. If any voter shall ask for further instructions concerning the manner of voting after entering the voting booth, any election officer may give him audible instructions without entering such booth, but no such election officer shall when giving such instructions in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket or for any particular candidate or other person or for or against any particular question.

(1111-A added July 11, 1980, P.L.600, No.128)

Section 1112-A. Election Day Procedures and the Process of Voting.--(a) In an election district which uses an electronic voting system in which votes are registered electronically, the following procedures will be applicable for the conduct of the election at the election district:

(1) At primary elections, the election officer in charge shall adjust the voting system before the voter records any vote so that the voter will only be able to register a vote for candidates on the ballot of the party in which he is registered and enrolled or for persons whose names are not on the official ballot, for candidates for nonpartisan nominations, if any, and for any questions upon which he is entitled to vote.

(2) At primary elections, the voter shall be able to vote for each candidate individually by the means provided. At all other elections, he may vote for each candidate individually, or he may vote a straight political party ticket in one operation by operating the straight political party mechanism of the political party or political body of his choice. He may also, after having operated the straight party mechanism and before recording his vote, cancel the vote for any candidate of such political party or political body and may thereupon vote for a candidate of another party, or political body for the same office. The voter may also vote individually for or against a question submitted to the vote of the electors.

(3) A voter may, at any primary or other election, vote for any person or persons for any office for which his name does not appear upon the ballot label as a candidate, by writing the identification of the office and the name of such person in or upon the appropriate receptacle or device provided for that purpose. No write-in vote shall be cast on a voting device for any person for any office, whose name appears on the ballot label as a candidate for that office, and any ballot so cast shall be void and not counted.

(4) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the Office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If any elector desires to vote a ticket

for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the voting device for that purpose, or he may list their names on the write-in ballot or envelope provided for that purpose. The voting device shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as hereinabove provided.

(5) As soon as the elector has adjusted the voting device so that it will record his choices for the various candidates to be voted for, and his answers to the various questions submitted, he shall operate the recording mechanism of the voting device and forthwith leave the voting booth.

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

(1) The voter, after receiving his ballot from the district election officials, shall retire to one of the voting booths in which the voting devices are located.

(2) At primary elections, the voter shall vote for the candidates of his choice for nomination, according to the number of persons to be voted for by him, for each office by making a cross (X) or check ( ) mark or by making a punch or mark sense mark in the square opposite the name of the candidate, or he may so mark the write-in position provided on the ballot for the particular office and, in the space provided therefor on the ballot and/or ballot envelope, write the identification of the office in question and the name of any person not already printed on the ballot for that office, and such mark and written insertion shall count as a vote for that person for such office.

(3) At all other elections, the voter shall 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 or by making a punch or mark sense mark in the square opposite the name of the candidate, or he may so mark the write-in position provided on the ballot for the particular office and, in the space provided therefor on the ballot and/or ballot envelope, write the identification of the office in question and the name of any person not already printed on the ballot for that office, and such mark and written insertion shall count as a vote for that person for such office.

(4) If the voter 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 ( ) or punch or mark sense mark in the square opposite the name of the 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 ( ) or punch or mark sense 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 ( ) or punch or mark sense mark in the appropriate space opposite 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 on the write-in ballot 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 ( ) or punch or mark sense mark in the appropriate square opposite the answer which he desires to give.

(5) Any voter who spoils his ballot may return it and secure another. The word "spoiled" shall be written across the face of the ballot, and it shall be placed in the envelope marked "Spoiled Ballots".

(6) Following the completion of his vote, the voter shall leave the voting booth and return the ballot to the election officer by a means designed to insure its secrecy; upon removal of the stub of the ballot by the election officer, the voter shall insert the ballot into the district automatic tabulating equipment or, in the event district tabulation is not provided for by the voting system or such district tabulation equipment is inoperative for any reason, into a secure ballot box. No ballot card from which the stub has been detached shall be accepted by the election officer in charge of such equipment or ballot box, but it shall be marked "spoiled" and shall be placed in the envelope marked "Spoiled Ballots."

(1112-A added July 11, 1980, P.L.600, No.128)

Section 1113-A. Post Election Procedures.--(a) As soon as the polls have been closed and the last elector has voted in districts having an electronic voting system which employs paper ballots or ballot cards, and district tabulation is provided for, the number of such ballots issued to electors (at primary elections, the number issued to the electors of each party), as shown by the stubs, and the number of ballots (at primaries the number of ballots of each party), if any, spoiled and returned by voters and cancelled, shall be announced to all present in the polling place and entered on the general returns of votes cast at such primary or election. The district election officers shall then compare the number of names marked as voting in the district register, "Voting Check List" and numbered lists of voters, shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the "Voter's Check List." Any differences which exist shall be reconciled where possible, and where reconciliation is not possible such differences shall be noted on the general returns.

The district register, the "Voting Check List," the numbered lists of voters and the stubs of all ballots used, together with all unused ballots, and all spoiled and cancelled ballots, and all rejected voters certificates shall then be placed in separate packages, containers or envelopes and sealed before the tabulation of any ballots.

(b) If ballots are computed and tabulated in the election district, all write-in votes which have been properly cast and recorded on the voting device shall be counted and recorded on a standard form provided for this purpose. District totals cards or other appropriate data storage device may also be prepared by the district board of election reflecting the results of the voting in that district. Such cards and reporting forms of write-in vote tabulation shall be delivered to the county board of elections. In cases where central counting is utilized, write-in ballots may be recorded either at the election district or at the counting center.

(c) In any case in which the write-in ballot is a separate entity from the ballot or ballot card, and the write-in ballot has been used, both sections shall be given a unique identifying number prior to their separation for tabulation.

(d) In returning any votes cast for any person whose name is not printed on the official ballot, the election officers shall record any such names exactly as they were written, stamped or applied to the ballot by sticker.

(e) If, as a result of an otherwise properly cast write-in vote, the voter has registered more votes for an office than he is entitled to vote for that office, the entire vote cast for that office shall be void and shall not be counted; and such write-in ballots shall be fastened to the write-in vote tabulation form and shall be delivered to the county board of elections.

(f) In the event district tabulation of votes is provided for by the voting system, the district election officers shall, immediately upon the close of the polls, cause the automatic tabulating equipment to tabulate the ballots cast during the election and shall prepare duplicate records of the total number of voters whose ballots have been tabulated; the total number of votes cast for each candidate whose name appears on the ballot; the total number of write-in votes properly cast for each office on the ballot; and the total number of votes cast for or against any question appearing on the ballot. One such record shall be publicly posted at the district polling place. All votes so cast and tabulated in the district may also be recorded on a district totals card and all properly cast write-in votes may also be recorded on the district totals card, and the delivery of such district totals cards and reporting forms to the county board of elections shall be the responsibility of the judge of election. The minority inspector shall keep duplicate copies of all such reports and returns. At the close of the election and after the tabulation of all ballots, the automatic tabulating equipment or other component of the voting system which contains ballots shall be locked and sealed so that no further ballots may be deposited in or removed from any such equipment or component, and all components of the voting system, suitably packaged and secured for storage, shall be held for delivery to the county election board.

(g) In the event district tabulation of votes is not provided for by the voting system, the judge of election shall prepare a report of the number of voters who have voted, as indicated by the "Voting Check List" and numbered lists of voters poll list. He shall also prepare a report of the number

of spoiled ballots and the number of unused ballots. He shall deliver the original copy of this report to the county board of elections under seal. The minority inspector shall keep a duplicate copy of this report. The judge of election and minority inspector shall forthwith deliver the sealed transport carrier containing all voted ballot cards to the county board of elections or to such places as the county board may designate. The county board of elections may provide that the ballot container and reports may upon proper certification and signature instead be picked up at the polling places by two authorized election deputies of opposite parties.

(h) All reports and returns shall be signed by all district election officers.

(i) In the event that district tabulation of votes is not provided for by the voting system, it shall be the responsibility of the county board of elections to make available to the public at the central tabulating center, the election results for each election district. It shall be the further duty of the county board of elections to post such results in each election district no later than 5:00 p.m. of the second day following the election.

(j) By two o'clock A. M. on the day following the election, all of the following shall be returned to the county board:

- (1) Envelopes.
- (2) Supplies, including all uncast provisional ballots.
- (3) Returns, including all provisional ballots and absentee ballots cast in the election district.

((j) added Oct. 8, 2004, P.L.807, No.97)

(1113-A added July 11, 1980, P.L.600, No.128)

Section 1114-A. Returns.--(a) By the fourth day prior to each election, the county board of elections shall have the central automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and all questions. Public notice of the time and place of the test shall be given at least forty-eight hours prior to the test by newspaper publication in the county in accordance with section 106, such notice to be published once. The test shall be conducted by processing a preaudited group of district totals cards or ballots on which are recorded votes for each candidate and on each question. In such test a different number of valid votes shall be assigned to each candidate for an office and for and against each question. If any error is detected, the cause of it shall be ascertained and corrected and an errorless count shall be made and certified to by the county board of elections prior to election day. All test and program materials shall then be sealed by the county board of elections until their use on election day. The central automatic tabulating equipment shall pass the same test at the conclusion of the actual election count before the election returns are approved as official. On completion of the count, the programs, test materials, and district totals cards or ballots shall be sealed and retained according to the provisions contained in this act for the retention of paper ballots.

(b) (1) All proceedings at the central tabulation center shall be under the direction of the county board of elections or of such persons as it may designate and shall be conducted under the observation of the public insofar as is practical, but no persons except those authorized for the purpose shall touch any ballot or district totals card. All persons who are engaged in processing and counting the ballots and district totals cards shall be deputized and take an oath that they will faithfully perform their assigned duties.

(2) Each political party or political body represented on the official ballot may have one technically qualified person, authorized by the county chairman and deputized by the county board of elections, present during the testing of the central automatic tabulating equipment and the actual counting of the ballot or district totals cards. Such persons shall be allowed to make independent tests of the equipment prior to, during, and following the vote count: Provided, however, That such testing shall in no way interfere with the official tabulation of the ballots and district totals cards. In addition, each political party or political body shall be entitled to have observers at the central tabulation center, in a number, as determined by the county board of elections, sufficient to permit accurate observation of the receipt, handling, duplication, and processing of all ballots and district totals cards.

(3) If any ballots or district totals cards are damaged or defective so that they cannot properly be counted by the central automatic tabulating equipment, a true duplicate copy shall be made and substituted for any such damaged ballot or card. All such duplicate ballots or cards shall also be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot or card.

(c) The return printed by the central automatic tabulating equipment, to which have been added write-in votes as recorded on the district reporting form and absentee votes, shall, when certified by the county board of elections, constitute the official return of each election district. Upon completion of the count, the official returns shall be open to the public.

(d) If for any reason it becomes impracticable to count all or a part of the ballots or district totals cards with automatic tabulating equipment, the county board of elections may direct that such ballots or cards be counted manually, following as far as practicable the provisions of this act governing the counting of paper ballots.

(e) During the course of central tabulation of ballots or district totals cards, the county board of elections may unofficially report the progress of the count for each candidate and on any question.

(1114-A added July 11, 1980, P.L.600, No.128)

Section 1115-A. Absentee Ballots.--Absentee votes may be cast on paper ballots or on ballot cards.

(1115-A added July 11, 1980, P.L.600, No.128)

Section 1116-A. Ballots and Ballot Labels; Disposition.--(a) Upon completion of the count, all ballots, absentee ballots and district totals cards shall be securely packaged, suitably labeled and sealed, and delivered to the county board of elections. The board shall likewise package and seal a true copy of the ballot label used in each election district. Thereafter these packages are to be retained and disposed of in the same manner as paper ballots and related materials are disposed of under the provisions of this act.

(b) The county board of elections shall likewise package and retain all tabulating cards and other materials used in the preparation of the automatic tabulating equipment but may have access to these tabulating cards and other materials. It shall not alter or make changes to these materials but may make copies of them and make changes to the copies, and all such materials shall be preserved and maintained by the board in accordance with the terms of section 309.

(1116-A added July 11, 1980, P.L.600, No.128)

Section 1117-A. Statistical Sample.--The county board of elections, as part of the computation and canvass of returns, shall conduct a statistical recount of a random sample of ballots after each election using manual, mechanical or electronic devices of a type different than those used for the specific election. The sample shall include at least two (2) per centum of the votes cast or two thousand (2,000) votes whichever is the lesser.

(1117-A added July 11, 1980, P.L.600, No.128)

Section 1118-A. Recounts.--In an election district using an electronic voting system, should a recount of votes be ordered as provided by law, the ballots shall be recounted in accordance with section 1404(e). If the recount is conducted under Article XVII:

(1) If the election district uses an electronic voting system utilizing paper ballots, section 1701 shall apply.

(2) If the election district uses any other type of electronic voting system, section 1702 shall apply.

(1118-A amended Oct. 8, 2004, P.L.807, No.97)

Section 1119-A. Voting by Ballot.--If in any case the number of candidates nominated or seeking nomination for any office, or if a method of election for any candidate or office which is prescribed by law, renders the use of an electronic voting system impracticable, or if, for any other reason the use of an electronic voting system is not possible or practicable at a particular election, the county board of elections may arrange to have the voting at any such election and for any such offices conducted by paper ballots. In such cases, the ballots shall be printed for any such election or office and the election shall be conducted by the election officers herein provided for, and the ballots counted and the return thereof made in the manner required by law for such offices insofar as paper ballots are used.

(1119-A added July 11, 1980, P.L.600, No.128)

Section 1120-A. Unofficial Ballot Labels; Repair and Alternate Use of Paper Ballots.--(a) If ballot labels for an election district at which an electronic voting system is to be used, shall not be delivered to the election officers of that district as required by section 1110-A, the judge of election of such district shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable, and the election officers shall cause the labels so substituted, to be used at the election insofar as is possible in the same manner as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any electronic voting system or any component thereof being used in any election shall become inoperable during such election, it shall, if possible, be repaired or another machine substituted by the custodian or county board of elections as promptly as possible, for which purpose the county board may purchase as many extra systems or system components as it may deem necessary, but in case such repair or substitution cannot be made, paper ballots, either printed or written and of any suitable form, may be used for registering votes.

(1120-A added July 11, 1980, P.L.600, No.128)

Section 1121-A. Custody of Electronic Voting Systems and Keys.--(a) The county board of elections shall designate a person or persons who shall have the custody of the county's electronic voting system and its components and of the keys therefor when the system is not in use at an election, and the board shall provide for his compensation and for the safe

storage and care of the system and placement of its keys in a security vault.

(b) All electronic voting systems and their components, when not in use, shall be properly boxed or covered and stored in a suitable place or places.

(1121-A added July 11, 1980, P.L.600, No.128)

Section 1122-A. Construction.--The provisions of this article shall constitute an additional method of voting and all provisions of this act shall be construed to be in full force and effect unless inconsistent with the provisions of this article.

(1122-A added July 11, 1980, P.L.600, No.128)

## ARTICLE XII

### Preparation For and Conduct of Primaries and Elections

Section 1201. Notice of November Elections.--The county board of each county shall, not earlier than ten days nor later than three days before each November election, give notice of the same by newspaper publication in the county in accordance with the provisions of section 106 of this act, said notice to be published twice in counties of the first class and once in all other counties. Such notice shall set forth--(a) the officers to be elected in the State at large, or in said county, or in any district of which said county or part thereof forms a part, or in any city, borough, township, school district, poor district, ward or other district which is contained in such county; (b) the names of the candidates for election to Federal, State, county and city offices, whose names will appear upon the ballots or ballot labels; (c) the text of all constitutional amendments and other questions to be submitted at such election; (d) the places at which the election is to be held in the various election districts of the county; and (e) the date of the election and the hours during which the polls will be open. Such notice may include a portion of the form of ballot or diagram of the face of the voting machine in reduced size.

(1201 amended July 14, 1961, P.L.647, No.333)

Section 1201.1. Primary Election Notices in Second Class Counties.--(1201.1 deleted by amendment Dec. 17, 1990, P.L.681, No.169)

Section 1201.2. Publishing Constitutional Amendments.--In accordance with the requirements of section 1 of Article XI of the Constitution of Pennsylvania, the Secretary of the Commonwealth shall cause to have published in the manner prescribed all proposed amendments to the Constitution of Pennsylvania. As much of the money, from time to time, in the General Fund as shall be deemed necessary by the Governor is hereby appropriated to the Department of State to pay the costs of such publications.

(1201.2 added May 5, 1982, P.L.374, No.108)

Section 1202. Cards of Instructions and Supplies.--Prior to each primary and election each county board of election shall prepare full instructions for the guidance of electors in districts in which ballots are used, and also similar instructions for the guidance of electors in districts in which voting machines are used, and they shall cause the same, together with such portions of this act as deemed advisable, to be printed in large clear type on separate cards to be called cards of instruction. They shall also prepare blank forms of

oaths of election officers, records of assisted voters, affidavits of challenged electors and others, general and duplicate return sheets, tally papers, statements, blank forms for numbered lists of voters, with sufficient space for noting their party enrollment at primaries, notice of penalties for the information of electors and election officers, and other forms and supplies required by this act for use in each election district of the county. Said forms, blank books, and other supplies shall have printed thereon appropriate instructions. In districts in which voting machines are used the general and duplicate return sheets and statement shall be printed to conform to the type of voting machine used in such districts and the designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name.

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

Voter's Certificate

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

I hereby certify that I am qualified to vote at this  
 (primary) (election)  
 Signature .....  
 Address .....  
 .....Pa.  
 Approved.....

Number of stub of ballot issued or number of admission to voting machines (and party, at primary).....

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

Section 1204. Delivery of Ballots and Supplies to Judges of Election.--The cards of instruction, return sheets, tally papers, statements, oaths of election officers, affidavits, voter's certificates, and other forms and supplies required for use in each election district, and also the district register of such district, and in districts in which ballots are used, the official and specimen ballots prepared for use therein, shall be packed by the county board of elections in separate sealed packages for each election district, marked on the outside so as to clearly designate the districts for which they are intended, and, in the case of districts in which ballots are used, the number of ballots of each kind enclosed. They shall then be delivered by the county board, together with the ballot box which shall bear the name and number of the election district, to the judges of election in the several election districts, not later than the day prior to the day of the primary or election: Provided, however, That if, for any reason, it is impossible to deliver such packages to the judge of election in any district, such packages may be delivered to one of the inspectors therein. The respective judges of election or inspectors shall, on delivery to them of such packages, return receipts therefor to the county board, which shall keep

a record of the time when and the manner in which the several packages are delivered. The county board may, in its discretion, require the respective judges of election to call at its office to obtain the said packages.

Section 1205. Time for Opening and Closing Polls.--At all primaries and elections the polls shall be opened at 7 A. M., Eastern Standard Time, and shall remain open continuously until 8 P. M., Eastern Standard Time, at which time they shall be closed.

Section 1206. Duties of Common Pleas Court on Days of Primaries and Elections.--The court of common pleas of each county of the Commonwealth or a judge or judges thereof, shall be in continuous session at the courthouse of said county, or, in judicial districts composed of more than one county, at the courthouse of the county in which such judge or judges reside, on the day of each primary and election from 7 o'clock A. M. until 10 o'clock P. M. and so long thereafter as it may appear that the process of said court will be necessary to secure a free, fair and correct computation and canvass of the votes cast at said election. In judicial districts having but one judge of the court of common pleas, such judge shall not be required to be in session, as aforesaid, between the hours of 12 o'clock noon and 2 o'clock P. M., nor between the hours of 5:30 o'clock P. M. and 7 o'clock P. M. During such period said court shall act as a committing magistrate for any violation of the election laws; shall settle summarily controversies that may arise with respect to the conduct of the election; shall issue process, if necessary, to enforce and secure compliance with the election laws; and shall decide such other matters pertaining to the election as may be necessary to carry out the intent of this act. When an individual is seeking a judicial order to vote, the court shall, pursuant to the provisions of the Help America Vote Act of 2002 (Public Law 107-252, 42 U.S.C. § 15301 et seq.), inform the individual of the provisional ballot process set forth in section 1210(a.4) and shall direct the individual to follow the procedure in section 1210(a.4). In counties of the third class the court shall have power to appoint additional clerks at the polling places where needed and requested by the election board: Provided, That for each clerk appointed from the majority political party, a clerk from the minority political party must also be appointed.

(1206 amended Dec. 9, 2002, P.L.1246, No.150)

Section 1206.1. The counsel for the county board of elections shall be in constant attendance at the office of the board on the day of each primary and election from 7 o'clock A. M. until 12 o'clock noon, and from 2 o'clock P. M. until 5:30 o'clock P. M., and from 7 o'clock P. M. until 10 o'clock P. M., and shall, upon request, instruct election officers, overseers, watchers, and electors as to their rights and duties in election matters.

(1206.1 added June 19, 1939, P.L.449, No.255)

Section 1206.2. Title III Complaints.--The Department of State shall establish within the Bureau of Commissions, Elections and Legislation a procedure for the review of complaints regarding the administration of Title III of the Help America Vote Act of 2002 (Public Law 107-252, 42 U.S.C. § 15301 et seq.). The Department of State shall provide a complaint form which shall require the signature of the complainant, an affidavit and notarization and the attachment of any supporting documentation.

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



(1) The Department of State shall provide the county board of elections with a copy of the complaint within three business days of receipt.

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

(3) The Department of State shall provide the complainant with a copy of the response and an opportunity for an informal hearing.

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

(5) The Department of State shall issue a final determination and remedial plan if necessary no later than ninety days after the filing of the complaint. If the Department of State fails to issue the determination within ninety days, it shall provide alternative dispute resolution for the disposition of the complaint. The alternative process shall be completed within sixty days of its commencement.

(c) Where a complaint pertains to the Department of State the following procedure shall apply:

(1) The Department of State shall forward the complaint to the Office of General Counsel within three business days of receipt.

(2) The Department of State shall have twenty days to either reach an agreement with the complainant or file a written response to the complaint.

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

(4) Where an informal hearing is requested, the Department of State shall be given notice and an opportunity to participate.

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

(d) Proceedings under this section shall not be considered an administrative adjudication under 2 Pa.C.S Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action), known as the Administrative Agency Law.

(e) A determination made pursuant to subsection (b) shall not be an agency determination subject to appellate review pursuant to 42 Pa.C.S. § 763 (relating to direct appeals from government agencies). Either party may initiate a de novo appeal from the department's final order in the court of common pleas of the county where the election board is located.

(f) A determination made pursuant to subsection (c) shall be an agency determination subject to appellate review pursuant to 42 Pa.C.s. § 763.

(1206.2 added Dec. 9, 2002, P.L.1246, No.150)

Section 1207. Peace Officers; No Police Officer to Be Within One Hundred Feet of Polling Place; Exceptions; Presence of Soldiers Prohibited.--(First two sentences repealed Oct. 9, 2009, P.L.494, No.49) The election officers, or any three qualified electors of any election district, may call upon any mayor, chief burgess, sheriff, deputy sheriff, constable, deputy constable, or police officer, to clear an avenue to the door

of any polling place which is obstructed in such a way as to prevent electors from approaching, or to maintain order and quell any disturbance, if such arises. No police officer in commission, whether in uniform or in citizen's clothes, shall be within one hundred feet of a polling place during the conduct of any primary or election, unless in the exercise of his privilege of voting, or for the purpose of serving warrants, or unless called upon to preserve the peace, as provided by this act: Provided, however, That such prohibition shall not apply to such police officers assigned to a police station or headquarters located in a building or on the premises where the polling place is located and such police officers must be within one hundred (100) feet of the polling place to enter and exit such police station or headquarters: And provided further, That in no event may any police officer unlawfully use or practice any intimidation, threats, force or violence nor, in any manner, unduly influence or overawe any elector or prevent him from voting or restrain his freedom of choice, nor may any such police officer electioneer or directly or indirectly attempt to influence the election or electors while within one hundred (100) feet of a polling place as herein set forth: And provided further, That where polling places are located in buildings or on premises where a police station or headquarters are located, the polling place shall be located in a separate room. No body of troops in the Army of the United States or of this Commonwealth shall be present, either armed or unarmed, at any place of election within this Commonwealth during the time of any primary or election: Provided, however, That no officer or soldier shall be prevented from exercising the right of suffrage in the election district in which he resides, if otherwise qualified.

(1207 amended July 1, 1976, P.L.523, No.124)

Section 1208. Meeting of Election Officers on Day of Election; Duties of Election Officers.--(a) The judges, inspectors, clerks of election and machine inspectors, together with the overseers, if any, shall meet in the respective places appointed for holding the election in each election district at least thirty minutes before the hour for opening the polls on the day of each primary and election. They shall thereupon, in the presence of each other, take and subscribe in duplicate to the oaths required by this act.

(b) If any judge of election shall not appear at the polling place by seven (7) o'clock A. M., on the day of any primary or election, the majority inspector shall appoint a judge of election, who is qualified under the provisions of this act. If any majority inspector of election shall not appear at said hour, the judge of election shall appoint a majority inspector, who is qualified under the provisions of this act. If any minority inspector of election shall not appear at said hour, the person who received the second highest vote for judge at the preceding election shall serve as minority inspector, if available, and if qualified under the provisions of this act. If such person is not available or not qualified, the qualified electors of the district, present at said time, shall, under the supervision of the judge of election, elect one of their number who is duly qualified, to fill said vacancy. If, for any reason, any vacancy in an election board shall not have been filled, as aforesaid, by 7:30 A. M., the qualified electors of the district, present at said time, shall elect a qualified person or persons to fill such vacancies. If any clerk shall not appear by 7 o'clock A. M., the inspector who appointed said clerk shall fill said vacancy, appointing a qualified elector

therefor. If any machine inspector shall not appear at said time, it shall be the duty of the judge of election to promptly notify the county board, who shall immediately appoint a qualified machine inspector to fill said vacancy. Any persons thus appointed or elected to fill vacancies shall take and subscribe in duplicate to the oaths required by this act, and shall hold office only for said election.

(c) After the election board has been organized, the judge of election shall designate one of the inspectors of election to have custody of the district register and to make the entries therein, required by this act. In districts in which ballots are used, the other inspector shall have charge of the receipt and deposit of ballots in the ballot box, the judge or one of the clerks shall issue the ballots to electors after they are found entitled to vote, and the other clerk shall have custody of the "Voting Check List," and shall place the voter's certificates therein as they are received and approved. In districts in which voting machines are used, the other inspector or clerk shall have custody of the "Voting Check List," and shall place the voter's certificates therein as they are received and approved, and the judge shall have special charge of the operation of the voting machine: Provided, however, That the judge of election may make other arrangements for the division of the duties imposed by this act, so long as each election officer and clerk is assigned some specific duty to perform. If more than one voting machine is used, the judge shall be assisted by the machine inspectors, each machine inspector being assigned by him to have charge of the operation of a particular machine. In all election districts, the judge shall assign two (2) members of the election board or clerks to keep two (2) numbered lists of voters during the progress of the voting.

(d) Any election officer, clerk or machine inspector may be assigned by the judge of election to assist another officer, clerk or machine inspector in the performance of his duties, or to perform them for him during his temporary absence or disability.

Section 1209. Opening of Polls; Posting Cards of Instruction and Notices of Penalties and Voters' Rights; Examination of Voting Machines.--(Hdg. amended May 12, 2006, P.L.178, No.45)

(a) In districts in which ballots are used, the election officers shall, after taking the oath, open the ballot boxes which have been furnished to them, and burn and totally destroy all the ballots and other papers which they may find therein, before the opening of the polls.

Whenever during any emergency, it becomes necessary to save waste paper on account of a shortage thereof, the Governor of the Commonwealth may, by proclamation, suspend the foregoing provisions relating to the destruction of ballots and papers, and in that case, the election board shall set the ballots and other papers aside and they shall be collected and disposed of by such means and in such manner as may be determined by the county election board. When the polling place is opened, the ballot box shall be securely locked, and shall not be opened until the close of the polls, as provided in section 1221. At the opening of the polls the seals of the packages furnished by the county board shall be publicly broken, and the said packages shall be opened by the judge of election. The cards of instruction and notices of penalties shall be immediately posted in each voting compartment, and not less than three such cards and notices of penalties and voters' rights, and not less than five specimen ballots (at primaries five of each party),

shall be immediately posted in or about the voting room outside the enclosed space, and such cards of instruction, notices of penalties and specimen ballots shall be given to any elector at his request, so long as there are any on hand.

((a) amended May 12, 2006, P.L.178, No.45)

(a.1) The notice pertaining to voters' rights shall contain the following in boldface type:

An elector shall have the right to cast his or her vote:  
without the use or threat of force, violence or restraint;  
without the infliction or threat of infliction of injury;  
without any intimidation or coercion upon or against his or her person; or  
without any other action intended to deny any individual's right to vote.

((a.1) added May 12, 2006, P.L.178, No.45)

(b) (1) In districts in which voting machines are used, at the opening of the polls, the seals of the package furnished by the county board shall be publicly broken, and the said package shall be opened by the judge of election. Not less than three cards of instruction and notices of penalties, and not less than two diagrams of the face of the machine shall be immediately posted in or about the voting room outside the enclosed space, and such cards and notices of penalties shall be given to any elector at his request, so long as there are any on hand. Thereupon the election officers, before opening the envelope containing the keys which unlock the operating mechanism and registering counters or counter compartment of the voting machine, shall examine the number of the seal on the machine and the number registered on the protective counter or device, and shall see whether they are the same as the numbers written on the envelope containing the keys. If either number shall be found not to agree, the envelope shall remain unopened until the election officers shall have notified the proper custodian of voting machines, or the county board, and until the custodian or some other person authorized by the county board shall have presented himself at the polling place for the purpose of reexamining the machine, and shall have certified that it is properly arranged. But if the numbers on the seal and the protective counter or device shall both be found to agree with the numbers on the envelope, the envelope shall be opened, and where the voting machine provided is not equipped with mechanism for printing paper proof sheets, the election officers shall examine the registering counters, and, for that purpose, shall open the doors concealing such counters, if the construction of the voting machine shall so require, and, before the polls are opened, the judge and each inspector shall carefully examine every counter, and shall see that it registers zero (000), and shall allow the overseers and watchers to examine the counters. When the voting machine provided is equipped with mechanism for printing paper proof sheets, and requires the simultaneous use of three keys to unlock the registering counters or counter compartment, the judge of election shall deliver one of the two keys, aforesaid, to the minority inspector to be retained by him as hereinafter provided, and shall then print at least two proof sheets, one of which the judge and each inspector shall carefully examine to ascertain whether every counter registers zero (000), and shall then preserve said proof sheets to be signed by them and returned to the county election board, with the duplicate return sheet, and shall sign and post the other proof sheet upon the wall of the polling place, where it shall remain until the polls are closed. The key delivered by the judge of election to the

minority inspector as aforesaid, shall be retained by the minority inspector until the polls have been closed, and the voting and counting mechanism of the machine shall have been locked and sealed against voting, and shall then be returned to the judge of election, for return by him to the county election board, as hereinafter provided.

(2) If the ballot labels containing the names of offices, parties, political bodies, candidates, and questions, shall not be in their proper places on the voting machine, the election officers, forthwith, shall notify the proper custodian of voting machines, or the county board, and the machine shall not be used until the custodian, or some other person authorized by the county board, shall have supplied ballot labels, as herein prescribed. If the ballot labels for a voting machine shall not be delivered at the time required, or if after delivery, they shall be lost, destroyed, or stolen, the county board or custodian shall cause other ballot labels to be prepared, printed or written, as nearly in the form of the official ballot labels as practicable, and shall cause such ballot labels to be used in the same manner, as nearly as may be, as the official ballot labels would have been used.

(3) The judge, each inspector of election, each clerk of election and the overseers, if any, shall sign a certificate showing--(1) the identifying number or other designation of the voting machine; (2) the delivery of the keys in a sealed envelope; (3) the number on the seal upon the machine; (4) the number registered on the protective counter or device; (5) that all of the counters were set at zero (000); and (6) that the ballot labels are properly placed in the machine, which certificate shall be returned by the judge of election to the county board with the other certificates, as hereinafter provided.

(4) The machine shall remain locked against voting until the polls are opened, and shall not be operated except by electors in voting. If any counter is found not to register zero (000), the election officer shall immediately notify the custodian, or the county board, who shall, if practicable, adjust or cause the counters to be adjusted at zero (000), but, if it shall be found impracticable for the custodian or other person authorized by the county board to arrive in time so to adjust such counters before the time set for opening the polls, the election officer shall immediately make a written record of the designation or designating letter or number of such counter, together with the number registered thereon, herein below called the initial number, and shall sign and post the same upon the wall of the polling place, where it shall remain until the polls are closed: Provided, however, That if the voting machine used is equipped with mechanism for printing paper proof sheets, in any case where any counter is shown by such proof sheet not to register zero (000), if it shall be found impracticable to have such counter adjusted before the time set for opening the polls, the election officer shall sign such printed proof sheet and post the same upon the wall of the polling place where it shall remain until the polls are closed; and, in filling out the returns of the election, if the final number of such counter is greater than the initial number, the election officer shall subtract the initial number from the final number, and enter the difference on the returns as the vote for the candidate or on the question represented by such counter; if the final number of such counter is less than the initial number, the election officers shall add one thousand to the final number and shall subtract the initial number from

the sum so ascertained, and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final number plus one thousand less the initial number.

(5) The exterior of the voting machine, and every part of the polling place, shall be in plain view of the election officers, overseers and watchers. The voting machine shall be located in the polling place, at least six feet back of the guard-rail or barrier, in such a position that, unless its construction shall require otherwise, the ballot labels on the face of the machine can be seen plainly by the election officers, overseers and watchers when the machine is not occupied by a voter.

(6) The election officers shall not themselves be, nor allow any other person to be, in any position that will permit any one to see or ascertain how an elector votes, or how he has voted. The election officers, or one of them, shall inspect the face of the machine at frequent intervals, to see that the ballot labels are in their proper places, and that the machine has not been injured or tampered with.

(7) During a primary or election, the door, or other covering of the compartment containing the counters of the machine shall not be unlocked or opened, or the counters exposed, except by action of the proper custodian of voting machines, for good and sufficient reason, a statement of which shall be made in writing and signed by him and attested by the signatures of the election officers and overseers, or except upon the written order of the county board, for good and sufficient reason, which shall be stated in the order.

Section 1210. Manner of Applying to Vote; Persons Entitled to Vote; Voter's Certificates; Entries to Be Made in District Register; Numbered Lists of Voters; Challenges.--(a) At every primary and election each elector who appears to vote and who desires to vote shall first present to an election officer proof of identification.

The election officer shall examine the proof of identification presented by the elector and sign an affidavit stating that this has been done.

((a) amended Mar. 14, 2012, P.L.195, No.18)

(a.1) ((a.1) deleted by amendment Mar. 14, 2012, P.L.195, No.18)

(a.2) If any of the following apply, the elector shall be permitted to cast a provisional ballot in accordance with subsection (a.4):

(1) The elector is unable to produce proof of identification:

(i) on the grounds that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or

(ii) on any other grounds.

(2) The elector's proof of identification is challenged by the judge of elections.

((a.2) amended Mar. 14, 2012, P.L.195, No.18)

(a.3) (1) All electors, including any elector that shows proof of identification pursuant to subsection (a), shall subsequently sign a voter's certificate in blue, black or blue-black ink with a fountain pen or ball point pen, and, unless he is a State or Federal employe who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register.

(2) Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section.

(3) When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks.

(4) As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.

(5) As each voter votes, his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose, with the addition of a note of each voter's party enrollment after his name at primaries.

((a.3) amended Mar. 14, 2012, P.L.195, No.18)

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who appear to vote shall be required to produce proof of identification pursuant to subsection (a) and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot. ((1) amended Mar. 14, 2012, P.L.195, No.18)

(2) Prior to voting the provisional ballot, the elector shall be required to sign an affidavit stating the following:

I do solemnly swear or affirm that my name is \_\_\_\_\_, that my date of birth is \_\_\_\_\_, and at the time that I registered I resided at \_\_\_\_\_ in the municipality of \_\_\_\_\_ in \_\_\_\_\_ County of

the Commonwealth of Pennsylvania and that this is the only ballot that I cast in this election.

Signature of Voter/Elector

Current Address

Check the Reason for Casting the Provisional Ballot.

Signed by Judge of Elections and minority inspector

(3) After the provisional ballot has been cast, the individual shall place it in a secrecy envelope. The individual shall place the secrecy envelope in the provisional ballot envelope and shall place his signature on the front of the provisional ballot envelope. All provisional ballots shall remain sealed in their provisional ballot envelopes for return to the county board of elections.

(4) Within seven calendar days of the election, the county board of elections shall examine each provisional ballot envelope that is received to determine if the individual voting that ballot was entitled to vote at the election district in the election. One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the determination is being made. Representatives shall be permitted to keep a list of those persons who cast a provisional ballot and shall be entitled to challenge any determination of the county board of elections with respect to the counting or partial counting of the ballot under this section. Upon challenge of any provisional ballot under this clause, the ballot envelope shall be marked "challenged" together with the reason for the challenge, and the provisional ballot shall be set aside pending final determination of the challenge according to the following procedure:

(i) Provisional ballots marked "challenged" shall be placed unopened in a secure, safe and sealed container in the custody of the county board of elections until it shall fix a time and place for a formal hearing of all such challenges, and notice shall be given where possible to all provisional electors thus challenged and to every attorney, watcher or candidate who made the challenge.

(ii) The time for the hearing shall not be later than seven days after the date of the challenge.

(iii) On the day fixed for the hearing, the county board shall proceed without delay to hear the challenges and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence.

(iv) The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(v) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any petitioner aggrieved by the decision of the county board. The appeal shall be taken, within two days after the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(vi) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged provisional ballots irrespective of whether or not an appeal was taken from the county board's decision.

(vii) Upon completion of the computation of the returns of the county, the votes cast upon the challenged official provisional ballots shall be added to the other votes cast within the county.

(5) (i) Except as provided in subclause (ii), if it is determined that the individual was registered and entitled to vote at the election district where the ballot was cast, the county board of elections shall compare the signature on the provisional ballot envelope with the signature on the elector's



registration form and, if the signatures are determined to be genuine, shall count the ballot if the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election.

(ii) A provisional ballot shall not be counted if:

(A) either the provisional ballot envelope under clause (3) or the affidavit under clause (2) is not signed by the individual;

(B) the signature required under clause (3) and the signature required under clause (2) are either not genuine or are not executed by the same individual;

(C) a provisional ballot envelope does not contain a secrecy envelope;

(D) in the case of a provisional ballot that was cast under subsection (a.2)(1)(i), within six calendar days following the election the elector fails to appear before the county board of elections to execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or

(E) in the case of a provisional ballot that was cast under subsection (a.2)(1)(ii), within six calendar days following the election, the elector fails to appear before the county board of elections to present proof of identification and execute an affirmation or the county board of elections does not receive an electronic, facsimile or paper copy of the proof of identification and an affirmation affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot.

(iii) One authorized representative of each candidate in an election and one representative from each party shall be permitted to remain in the room in which deliberation or determination of subclause (ii) is being made.

((5) amended Mar. 14, 2012, P.L.195, No.18)

(6) If it is determined that the individual voting the provisional ballot was not registered, the provisional ballot shall not be counted and the ballot shall remain in the provisional ballot envelope and shall be marked "Rejected as Ineligible."

(7) The following shall apply:

(i) Except as provided in subclause (ii), if it is determined that the individual voting the provisional ballot was eligible to vote in the county in which the ballot was cast but not at the election district where the ballot was cast, the county board of elections shall open the envelope and only count that portion of the ballot that the individual would have been eligible to vote in his proper election district and at the election district where the vote was cast if:

(A) the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election; and

(B) the individual casting the provisional ballot is a resident of the county in which the provisional ballot was cast.

(ii) In the event that the individual casting the provisional ballot is not found to be a resident of the county in which the provisional ballot was cast, the ballot shall not be counted.

(iii) In the event that the board of elections determines, based on an evidentiary record, that the individual intentionally and wilfully cast a provisional ballot in an election district in which the individual was not eligible to vote, the ballot shall not be counted.

(8) On election night, immediately upon completion of the count and tabulation of the votes cast, the judge of election shall prepare and certify under oath a tally displaying the number of provisional ballots received from the election board and the number of provisional ballots cast and transmitted to the county board of elections. The judge of election shall record on the tabulation the name of the individual into whose possession the provisional ballots were passed for transmission to the county board of elections.

(9) All provisional ballots and the tally of provisional ballots tabulated under clause (8) in the possession of an election board official shall be promptly returned by the judge of election to the custody of the proper county election board in accordance with sections 1113-A(j), 1225(b) and 1228(a).

(10) One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room where provisional ballots are received by the county board of elections.

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

(12) For purposes of this subsection, "provisional ballot" means a ballot issued to an individual who claims to be a registered elector by the judge of elections on election day when the individual's name does not appear on the general register and the individual's registration cannot be verified.

(b) If any elector was unable to sign his name at the time of registration, or, if having been able to sign his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name, or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote, he shall establish his identity to the satisfaction of the election officers, and in such case he shall not be required to sign a voter's certificate, but a certificate shall be prepared for him by one of the election officers, upon which the facts as to such disability shall be noted and attested by the signature of such election officer.

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate.

(d) No person, except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth, and who votes under the provisions of Article XIII of this act, shall be entitled or permitted to vote at any primary or election at any polling place outside the election district in which he resides, nor shall he be permitted to vote in the election district in which he resides, unless he has been personally registered as an elector and his registration card appears in the district register of such election district, except by order of the court of common pleas as provided in this act, and any person, although personally registered as an elector, may be challenged by any qualified elector, election

officer, overseer, or watcher at any primary or election as to his identity, as to his continued residence in the election district or as to any alleged violation of the provisions of section 1210 of this act, and if challenged as to identity or residence, he shall produce at least one qualified elector of the election district as a witness, who shall make affidavit of his identity or continued residence in the election district: Provided, however, That no person shall be entitled to vote as a member of a party at any primary, unless he is registered and enrolled as a member of such party upon the district register, which enrollment shall be conclusive as to his party membership and shall not be subject to challenge on the day of the primary.

(e) A person who wilfully commits fraud or who conspires to wilfully commit fraud in relation to any of the provisions of this section commits a felony of the third degree and, upon conviction, shall be sentenced to pay a fine not exceeding fifteen thousand dollars (\$15,000) or to undergo a term of imprisonment of not more than seven years, or both. An individual convicted under this subsection shall be barred for life from serving as a judge, inspector or clerk of election, machine inspector translator, county election board official, poll watcher or in any other official capacity relating to the sanctity, observation or conduct of Pennsylvania elections.

(f) As used in this section, "care facility" means any of the following:

(1) A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act."

(2) An assisted living residence or a personal care home as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

((f) added Mar. 14, 2012, P.L.195, No.18)

(1210 amended Oct. 8, 2004, P.L.807, No.97)

**Compiler's Note:** Section 13.1 of Act 97 of 2004, which amended section 1210, provided that the amendment shall apply to all elections occurring on or after December 31, 2004.

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

Section 1211. Bribery at Elections; Challenges; Rejection of Votes.--(a) The election officers shall reject the vote of any person at any primary or election who shall give or promise or offer to give to an elector, any money, reward or other valuable consideration for his vote at such primary or election or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, or who shall receive or agree to receive for himself or for another any money, reward or other valuable consideration for his vote at such primary or election, or for withholding the same.

(b) The vote of any elector shall be rejected by the election officers if they or any one of them shall of their own knowledge know him to be guilty of a violation of any of the provisions of this section, or if upon challenge of such elector by any qualified elector, election officer, overseer or watcher, it shall be proved to their satisfaction that such elector has violated the provisions of this section, and in no case shall any elector so challenged be permitted to vote, unless he shall make written affidavit that the matter of the challenge is untrue.

Section 1212. Voting Check List.--After each elector has been admitted to vote, his voter's certificate shall be inserted in the file or binder provided therefor by the county board, and known as the "Voting Check List," and the said voter's certificate so bound shall constitute the official list of electors voting at such primary or election. All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officer shall be carefully preserved and returned to the county board with the other papers.

Section 1213. Qualifications of Electors to Be Decided by Inspectors; Duty of Judge.--The inspectors of election shall investigate and pass upon the qualifications of all persons claiming the right to vote at any primary or election, and if the inspectors shall disagree upon the right of any person to vote, the judge of election shall decide the question. If the judge is unable to decide, then the overseers of election, if they be agreed, shall decide the question.

Section 1214. Admission of Electors Within Enclosed Space.--

(a) No elector shall be allowed to enter the enclosed space until he shall be found entitled to vote.

(b) As soon as an elector has been admitted within the enclosed space, the election officer having charge of the ballots in districts in which ballots are used, shall detach a ballot from the stub and give it to the elector, first folding it so that the words and figures printed on the back shall be the only words and figures visible, and no ballots shall be deposited in the ballot box unless folded in the same manner. Not more than one ballot shall be detached from its stub in any book of ballots at any one time. Not more than one ballot shall be given to an elector, but if an elector inadvertently spoils a ballot, he may obtain another upon returning the spoiled one. The ballots thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope, sealed and returned to the county board.

(c) In districts in which voting machines are used, an elector, after being found to be qualified and admitted within the enclosed space, shall be admitted to the voting machine booth as soon as it is vacant, and shall be permitted to vote.

(d) Not more than twice as many electors waiting to vote as there are voting compartments or voting machines in use in the district shall be admitted within the enclosed space at any one time.

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.

(1215 amended Jan. 8, 1960, 1959 P.L.2142, No.790)

Section 1216. Instructions of Voters and Manner of Voting in Districts in Which Voting Machines are Used.--

(a) In districts in which voting machines are used, the election officers shall, with the aid of the diagrams authorized by this act and the mechanically operated model, instruct each

elector before he enters the voting machine booth regarding the operation of the machine, and shall give the elector opportunity personally to operate the model. In election districts using full-scale models listing the actual ballot labels for the primary or election as the case may be, any elector who desires a demonstration on such full-size scale model shall have the right to select any registered elector who is legally entitled to be inside the polling place under the provisions of this act to give such elector a demonstration. ((a) amended Nov. 21, 1969, P.L.309, No.132)

(b) If any voter, after entering the voting machine booth and before the closing of such booth, shall ask for further instructions concerning the manner of voting, any one of the election officers may give him such instructions, but no person giving a voter such instructions shall in any manner request, suggest or seek to persuade or induce any such elector to vote any particular ticket or for any particular candidate or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the elector shall forthwith vote.

(c) At primaries, before a voter is admitted to the voting machine, it shall be adjusted by the election officer in charge thereof, so that such voter will only be able to vote for the candidates of the party in which he is registered and enrolled and for candidates for nonpartisan nomination, if any.

(d) At primaries, he shall vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate is placed. At elections, he may vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the names of candidates of his choice are placed, or he may vote a straight political party ticket in one operation by operating the straight political party lever of the political party or political body of his choice, if such machine has thereon a separate lever for all the candidates of the political body. He may also, after having operated the straight party lever, and before recording his vote, cancel the vote for any candidate of such political party or political body by replacing the individual key, handle, pointer or knob of such candidate, and may thereupon vote for a candidate of another party, or political body for the same office by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate appears. In the case of a question submitted to the vote of the electors, the elector shall operate the key, handle, pointer or knob corresponding to the answer which he desires to give.

(e) A voter may, at any primary or election, vote for any person for any office, for which office his name does not appear upon the voting machine as a candidate, by an irregular ballot containing the name of such person deposited, written or affixed in or upon the appropriate receptacle or device provided in or on the machine for that purpose, and in no other manner. Where two or more persons are to be elected to the same office, and the name of each candidate is placed upon or adjacent to a separate key, handle, pointer or knob, and the voting machine requires that all irregular ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, an elector may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine, with or without the names of one or more persons whose names do so appear. With these exceptions no irregular

ballot shall be cast on a voting machine for any person for any office, whose name appears on the machine as a candidate for that office, and any ballot so cast shall be void and not counted.

(f) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, or wholly of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the machine for the purpose. The machine shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as hereinabove provided.

(g) As soon as the elector has adjusted the voting machine so that it will record his choice for the various candidates to be voted for, and his answers to the various questions submitted, he shall operate the recording mechanism, and forthwith leave the voting machine booth.

Section 1217. Time Allowed Elector in Voting Booth or Voting Machine Compartment.--No elector shall remain in a voting compartment or voting machine booth an unreasonable length of time, and, in no event, for more than three minutes, and if he shall refuse to leave after said period, he shall be removed by the election officers: Provided, however, That they may grant him a longer time if other electors are not waiting to vote.

Section 1218. Assistance in Voting.--

(a) No voter shall be permitted to receive any assistance in voting at any primary or election, unless there is recorded upon his registration card his declaration that, by reason of blindness, disability, or inability to read or write, he is unable to read the names on the ballot or on the voting machine labels, or that he has a physical disability which renders him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth without assistance, the exact nature of such condition being recorded on such registration card, and unless the election officers are satisfied that he still suffers from the same condition.

(b) Any elector who is entitled to receive assistance in voting under the provisions of this section shall be permitted

by the judge of election to select a person of the elector's choice to enter the voting compartment or voting machine booth with him to assist him in voting, such assistance to be rendered inside the voting compartment or voting machine booth except that the judge of election, the elector's employer or an agent of the employer or an officer or agent of the elector's union shall not be eligible to assist the elector.

(c) In every case of assistance under the provisions of this section, the judge of election shall forthwith enter in writing in a book to be furnished by the county board of elections, to be known as the record of assisted voters--(1) the voter's name; (2) a statement of the facts which entitle him to receive assistance; and (3) the name of the person furnishing the assistance. The record of assisted voters shall be returned by the judge of election to the county board of elections with the other papers, as hereinafter provided, and said county board shall permit the same to be examined only upon the written order of a judge of the court of common pleas: Provided, however, That such record shall be subject to subpoena to the same extent to which other election records may be subpoenaed: And provided further, That the county election board shall permit any registration commission to examine any records of assisted voters without a court order, in order that the registration commission may ascertain whether electors, who have declared, at the time of registration, their need for assistance, actually did receive assistance when voting at any election.

(1218 amended Dec. 9, 2002, P.L.1246, No.150)

Section 1219. Ballots to Be Issued by Election Officers Only; Ballots Not to Be Removed; Official Ballots Only to Be Deposited or Counted.--No official ballot shall be taken or detached from its stub in any book of ballots, except by an election officer or clerk when a person desiring to vote has been found to be a qualified elector entitled to vote. Not more than one ballot shall be removed at any one time or given to an elector, except in the case of a spoiled ballot as provided by this act. No person other than the election officers shall take or remove any ballot from the polling place. No ballot without the official endorsement shall, except as herein otherwise provided, be deposited in the ballot box, and no other ballots shall be counted. If any ballot appears to have been obtained otherwise than from the county board as provided by this act, the same shall not be counted, and the judge of election shall transmit such ballot to the district attorney without delay, together with whatever information he may have regarding the same.

Section 1220. Regulations in Force at Polling Places.--(a) Until the polls are closed, no person shall be allowed in the polling place outside of the enclosed space at any primary or election, except the watchers, voters not exceeding ten at any one time who are awaiting their turn to vote, and peace officers, when necessary for the preservation of the peace. No elector shall be allowed to occupy a voting compartment or voting machine booth already occupied by another, except when giving assistance as permitted by this act.

(b) No elector, except an election officer, clerk, machine inspector or overseer, shall be allowed to re-enter the enclosed space after he has once left it, except to give assistance as provided by this act.

(c) No person, when within the polling place, shall electioneer or solicit votes for any political party, political



body or candidate, nor shall any written or printed matter be posted up within the said room, except as required by this act.

(d) All persons, except election officers, clerks, machine inspectors, overseers, watchers, persons in the course of voting, persons lawfully giving assistance to voters, and peace and police officers, when permitted by the provisions of this act, must remain at least ten (10) feet distant from the polling place during the progress of the voting.

(e) When the hour for closing the polls shall arrive, all qualified electors who have already qualified, and are inside the enclosed space, shall be permitted to vote; and, in addition thereto, all those qualified electors who are in the polling place outside the enclosed space waiting to vote and all those voters who are in line either inside or outside of the polling place waiting to vote, shall be permitted to do so, if found qualified. ((e) amended Aug. 31, 1971, P.L.397, No.95)

(f) It shall be the duty of the judge of election to secure the observance of the provision of this section, to keep order in the voting room, and to see that no more persons are admitted within the enclosed space than are permitted by this act. The judge of election may call upon any constable, deputy constable, police officer or other peace officer to aid him in the performance of his duties under this section.

Section 1221. Duties of Election Officers After the Close of the Polls in Districts in Which Ballots are Used.--After the polls are closed and the last elector has voted in districts in which ballots are used, the election officers, clerks and overseers, if any, shall remain within the enclosed space. Before the ballot box is opened, the number of ballots issued to electors (at primaries the number issued to the electors of each party), as shown by the stubs, and the number of ballots (at primaries the number of ballots of each party), if any, spoiled and returned by voters and cancelled, shall be announced to all present in the voting room, and entered on the general returns of votes cast at such primary or election. The election officers shall then compare the number of electors voting as shown by the stubs with the number of names marked as voting in the district register, "Voting Check List," and numbered lists of voters, shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the "Voter's Check List." If any differences exist, they shall be reconciled, if possible, otherwise they shall be noted on the general returns. The district register, the "Voting Check List," the numbered lists of voters and the stubs of all ballots used, together with all unused ballots, and all spoiled and cancelled ballots, and all rejected voter's certificates shall then be placed in separate packages, containers or envelopes, and sealed, before the ballot box is opened.

Section 1222. Count and Return of Votes in Districts in Which Ballots are Used.--

(a) As soon as all the ballots have been properly accounted for, and those outside the ballot box, as well as the "Voting Check List," numbered lists of voters and district register sealed, the election officers shall forthwith open the ballot box, and take therefrom all ballots therein, and at primaries, separate the same according to the party to which they belong. The ballots shall then be counted one by one, and a record made of the total number, and at primaries of the total number cast for each party. Then the judge, under the scrutiny of the minority inspector, or the minority inspector, under the scrutiny of the judge, in the presence of the other officers, clerks, and of the overseers, if any, and within the hearing

and sight of the watchers outside the enclosed space, shall read aloud the names of the candidates marked or inserted upon each ballot (at primaries the ballots of each party being read in sequence), together with the office for which the person named is a candidate, and the answers contained on the ballots to the questions submitted, if any, and the majority inspector and clerks shall carefully enter each vote as read, and keep account of the same in ink in triplicate tally papers (triplicate tally papers for each party at primaries) to be provided by the county board of elections for that purpose, all three of which shall be made at the same time: Provided, That at all general, municipal and special elections, in entering each vote received by candidates at such election, it shall not be necessary to enter separate tally marks for each vote received by such candidates upon the ballots containing the same votes for the same names, commonly known, and in this act designated as "Straight Party Tickets" for such purpose straight party ticket votes shall be entered carefully as each straight party ticket vote is read on the triplicate tally sheets under the heading "Number of votes received upon the ..... straight party tickets." Upon completing the number of votes received by each straight party ticket, the number so tallied for each party shall be entered numerically on the extreme right hand margin of each such tally paper. All ballots, after being removed from the box, shall be kept within the unobstructed view of all persons in the voting room until replaced in the box. No person while handling the ballots shall have in his hand any pencil, pen, stamp or other means of marking or spoiling any ballot. The election officers shall forthwith proceed to canvass and compute the votes cast, and shall not adjourn or postpone the canvass or computation until it shall have been fully completed.

(b) When the vote cast for the different persons named upon the ballots and upon the questions, if any, appearing thereon, shall have been fully recorded in the tally papers and counted, the election officers shall duly certify to the number of votes cast for each person (upon the respective party tickets at primaries), and shall prepare in ink two (2) general returns, showing, in addition to the entries made thereon as aforesaid, the total number of ballots received from the county board (the total of each party at primaries), the number of ballots cast (the number of each party at primaries), the number of ballots (of each party at primaries) declared void, and the number of ballots spoiled and cancelled, and any blank ballots cast, as well as the votes cast for each candidate. At elections, the number of votes cast for each candidate by each political party or political body of which such candidate is a nominee shall be separately stated: Provided, That the number of votes received by each set of candidates upon "straight party tickets" shall be entered opposite the names of the respective candidates in a column immediately adjoining upon the left which column shall be of convenient width and shall be headed "number of votes received upon straight party tickets." In an immediate column to the left thereto, the number of votes received by each candidate upon all ballots other than "straight party tickets" including all ballots known as "split tickets" shall be entered, such column to be of convenient width and shall be headed "number of votes received other than upon straight party tickets." The number of votes received by each candidate as shown in the column headed "number of votes received upon straight party tickets" shall then be added, together with the number of votes received by each candidate as shown in the

column headed "number of votes received other than upon straight party tickets" and thereupon, the total number of votes received by each candidate shall be entered in a column on the extreme right-hand side of the return sheets, which column shall be of convenient width and shall be headed "total number of votes."

Nothing in this section contained shall be construed to authorize or permit the canvassing, counting or tallying ballots with any less degree of strictness than otherwise required by law, the intention of this section being to dispense with the individual tally marks only so far as the so-called "straight party tickets" are concerned, and all other operations of tallying, counting, canvassing and announcing the votes shall proceed as near as may be in accordance with the other provisions of this act.

(c) In returning any votes cast for any person whose name is not printed on the ballot, the election officers shall record any such names exactly as they were written, stamped or applied to the ballot by sticker.

(1222 amended July 14, 1961, P.L.644, No.332)

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, in fountain pen or ball point pen, or black lead pencil or indelible pencil, shall be valid and counted: Provided, That all markings on the ballot are made by the same pen or pencil. 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. ((a) amended Aug. 13, 1963, P.L.707, No.379)

(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.

(1223 amended Jan. 8, 1960, 1959 P.L.2142, No.790)

Section 1224. Ballot Decisions to Be Made by Inspectors; Duty of Judge.--Decisions concerning questionable marks on ballots or defacing or mutilation of ballots, and the count to be recorded thereon, shall be made in the same manner as decisions concerning the qualifications of voters, as provided in section 1213 herein.

Section 1225. Signing and Disposition of Returns, District Register and Voting Check List; Posting; Return of Ballot Boxes.--(a) Immediately after the vote has been counted in districts in which paper ballots are used, all of the general returns shall be signed by the election officers and clerks, and certified by the overseers, if any. If any election officer, clerk or overseer shall refuse to sign or certify the general returns, he shall write his reasons therefor upon the general return sheets. One of said returns shall be immediately posted for the information of the public outside the polling place, and one shall be entrusted to the judge for delivery to the county board with the package of unused ballots, etc., in an envelope provided for that purpose. The election officers shall then replace all the ballots cast, so counted and canvassed, in the ballot boxes, including those declared void, spoiled, and cancelled, together with one set of tally papers, one numbered list of voters, sealed as aforesaid, and one oath of each election officer, and lock and seal each ballot box so that nothing can be inserted therein until it be opened again; and the judge and minority inspector shall immediately deliver the ballot boxes to the custody of the county board, and the county board shall not compute any returns from any election district until the ballot boxes therefor, as well as the package of unused ballots, etc., aforesaid therefrom, are delivered, as aforesaid. The election officers shall record the number of votes cast for each person on an official specimen ballot, shall sign the same and immediately post it outside the polling place for the information of the public.

(b) The minority inspector shall retain one complete set of tally papers, one numbered list of voters, sealed as aforesaid, and one set of oaths of election officers and carefully preserve the same for a period of at least one year. The remaining tally papers, affidavits of voters and others, including oaths of election officers, and one general return sheet shall be placed in separate envelopes, to be provided for that purpose, and sealed as soon as the count is finally completed. All of such envelopes and one numbered list of voters, previously sealed as aforesaid, shall be entrusted to the judge of election to be immediately delivered to the county board. The judge of elections shall return to the county board by two o'clock A. M. on the day following the election envelopes; supplies, including all uncast provisional ballots; and returns, including all provisional ballots and absentee ballots cast in the election district.

(c) Immediately upon completion of the count and tabulation of the votes cast, the district register and the voting check list shall be locked and sealed, and returned forthwith by the

judge of election to the custody of the proper registration commission.

(1225 amended Oct. 8, 2004, P.L.807, No.97)

Section 1226. Duties of Election Officers After the Close of the Polls in Districts in Which Voting Machines are Used.--(a) When the hour for closing the polls shall arrive, all qualified electors who have already qualified and are inside the enclosed space shall be permitted to vote; and in addition thereto, all those qualified electors who are in the polling place outside the enclosed space waiting to vote and all those who are in line either inside or outside of the polling place waiting to vote, shall be permitted by the election officers to do so. As soon as the polls are closed, and the last voter has voted, the election officers shall immediately lock and seal the operating lever or mechanism of the machine, so that the voting and counting mechanism will be prevented from operation, and, they the clerk and the overseers, if any, shall then sign a certificate stating--(1) that the machine has been locked against voting and sealed; (2) the number, as shown on the public counter; (3) the number on the seal which they have placed upon the machine; (4) the number registered on the protective counter or device; and (5) the number or other designation of the voting machine, which certificate shall be returned by the judge of election to the county board with the other certificates, as herein provided. The election officers shall then compare the number, as shown by the public counter of the machine, with the number of names written in the numbered lists of voters, the district register and voting check list, which shall then be placed in separate packages, containers or envelopes and sealed.

(1226 amended May 5, 1986, P.L.150, No.47)

Section 1227. Canvass and Return of Votes in Districts in Which Voting Machines are Used.--(a) If the type of voting machine provided shall require the counters to be seen in order to enable the election officers to canvass the vote, the election officers, in the presence of the watchers and all other persons who may be lawfully within the polling place, shall then make visible the registering counters, and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. If the voting machine is equipped with mechanism for printing paper proof sheets, the election officers shall forthwith print not less than four proof sheets, and as many more as may be necessary to supply one to each member of the election board, overseer, candidate, watcher, representative of a newspaper, and other persons who may be lawfully present within the polling place, requesting the same. The judge of election and the minority inspector shall then, under the scrutiny of the majority inspector of election, the clerk appointed by the minority inspector, the overseers, if any, and the watchers, and in the order of the offices as their titles are arranged on the machine, read from the counters or from one of the proof sheets, as the case may be, and announce, in distinct tones, the designation or designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, the votes recorded for each office for persons other than nominated candidates, and the designation or designating numbers and letters on each counter, and the results as shown by the counter numbers for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along

the office columns or rows, completing the canvass for each office or question before proceeding to the next.

(b) The vote as registered shall be entered by the election officers, in ink, on duplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the election officers, the clerk, and certified by the overseers, if any. If any election officer, clerk or overseer shall refuse to sign or certify the general or duplicate return sheets or statement, he shall write his reasons therefor upon said sheets. The vote for presidential electors shall be computed and returned as provided hereinbefore in section 1215 of this act. If more than one voting machine is used in any election district, the vote registered on each machine shall be ascertained in like manner, and separately entered in appropriate spaces on the general and duplicate return sheets and statement. The total vote cast for each candidate, and for and against each question, shall then be computed and entered on the general and duplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted and in primaries, the number of voters who voted in each party, as shown by the numbered lists of voters, district register, and voting check list, and the number on each machine, as shown by the public counters, and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, duplicate return sheets shall be prepared as for other elections. The registering counters of the voting machine or the paper proof sheets, as the case may be, shall remain exposed to view until the said returns, and all other reports have been fully completed and checked by the inspectors, clerk and overseers, if any. During such time, any candidate, or duly accredited watcher, who may desire to be present shall be admitted to the polling place. ((b) amended Feb. 2, 1966, 1965 P.L.1859, No.585)

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by the judge of election, who shall read the name of each candidate, the designation or designating numbers and letters of his counters, and the vote registered on each counter, also the vote cast for and against each question submitted. During such proclamation, ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine or with the paper proof sheets, as the case may be, and any necessary corrections shall then and there be made by the election officers, after which the doors or other cover of the voting machine shall be closed and locked. Any ballots written, deposited, or affixed, in or upon the voting machine, shall be inclosed in properly sealed packages, and properly indorsed, and shall be delivered by the judge of election as hereinafter provided. The judge of election shall promptly deliver to the county board, or their duly authorized representative, the keys of the voting machine, inclosed in a sealed envelope, if the construction of the voting machine shall permit their separate return. Said envelope shall have indorsed thereon a certificate of the election officers, stating the number of the machine, the election district where it has been used, the number on the seal, and the number on the protective counter or device at the close of the polls.

(d) The election officers, on the foregoing returns, shall record any votes which have been cast for a person whose name is not printed on the ballot labels, by means of an irregular ballot, as defined herein. In returning any such votes which have been written, deposited or affixed upon receptacles or devices provided for the purpose, the election officers shall record any such names exactly as they were written, deposited or affixed.

Section 1228. Disposition of Returns; Posting; Return of District Register and Voting Check List.--(a) The general return sheet, duplicate return sheets, and statement, shall be printed to conform to the type of voting machine used, and in form approved by the Secretary of the Commonwealth. The designating number and letter, if any, on the counter for each candidate, shall be printed thereon opposite the candidate's name: Provided, however, That it shall not be necessary to print the name or designating counter number or letter of any candidate for any borough, township, ward, or election district office. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling place. The minority inspector shall retain one of said duplicate return sheets, one numbered list of voters, sealed as aforesaid, and one set of oaths of election officers and carefully preserve the same for a period of at least one year. The other duplicate return sheet, numbered list of voters, oaths of election officers, and affidavits of voters and others, shall be sealed up and given to the judge of election, who shall deliver them, together with the general return sheet and the package of ballots deposited, written or affixed in or upon the voting machine, to the county board. If the type of voting machine is equipped with mechanism for printing paper proof sheets, one of said proof sheets shall be posted on the door of the polling place with the statement aforesaid; one shall be retained by the minority inspector; one shall be placed in the envelope and delivered with the general return sheet; and one shall be sealed in the envelope with the duplicate return sheets and delivered by the judge of election to the county board. The printed proof sheet returned with the general return sheet, and the printed proof sheet returned with the duplicate return sheet, shall each be part of the return of the election. The judge of elections shall return to the county board by two o'clock A. M. on the day following the election envelopes; supplies, including all uncast provisional ballots; and returns, including all provisional ballots and absentee ballots cast in the election district.

(b) Immediately upon completion of the count and tabulation of the vote cast, the district register and the voting check list shall be locked and sealed, and returned forthwith by the judge of election to the custody of the proper registration commission. In cities of the first class, the registration commission shall designate police stations at which it will accept such custody.

(1228 amended Oct. 8, 2004, P.L.807, No.97)

Section 1229. Conduct of Special Elections; Returns.--Every special election on a proposed constitutional amendment or other question, to be voted on by the electors of the State at large, or by the electors of any political district, shall be held and conducted in all respects in accordance with the provisions of this act relating to November elections, and the provisions of this act relating to November elections shall apply thereto, in so far as applicable, and not inconsistent with any other provisions of this act. All such special elections shall be

conducted by the election officers and clerks, by the use of the same equipment and facilities, so far as practicable, as are used for such November elections. The returns of special elections, unless otherwise provided by law, shall be prepared and returned in like manner as returns from November elections, and shall be canvassed and computed as herein provided.

Section 1230. Removal and Storage of Voting Machines.--As soon as possible after the completion of the count in districts in which voting machines are used, the county board shall have the voting machines properly boxed, and removed to the place of storage provided for in this act. The voting machines shall remain locked against voting for the period of twenty days next following each primary and election, and as much longer as may be necessary or advisable because of any existing or threatened contest over the result of the primary or election, with due regard for the date of the next following election or primary, except that they may be opened and all the data and figures therein examined under the provisions of this act, by order of any court of competent jurisdiction, or judge thereof, or by direction of any legislative committee to investigate and report upon contested primaries or elections affected by the use of such machines, and such data and such figures shall be examined by such committee in the presence of the officer having the custody of such machines.

#### ARTICLE XIII

#### Voting By Qualified Absentee Electors

(Hdg. amended Aug. 13, 1963, P.L.707, No.379)

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:

(a) Any qualified elector who is or who may be in the military service of the United States regardless of whether at the time of voting he is present in the election district of his residence or is within or without this Commonwealth and regardless of whether he is registered or enrolled; or

(b) Any qualified elector who is a spouse or dependent residing with or accompanying a person in the military service of the United States if at the time of voting such spouse or dependent is absent from the municipality 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

(c) Any qualified elector who is or who may be in the service of the Merchant Marine of the United States if at the time of voting he is absent from the municipality 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

(d) Any qualified elector who is a spouse or dependent residing with or accompanying a person who is in the service of the Merchant Marine of the United States if at the time of voting such spouse or dependent is absent from the municipality



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

(e) Any qualified elector who is or who may be in a religious or welfare group officially attached to and serving with the armed forces if at the time of voting he is absent from the municipality 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

(f) Any qualified elector who is a spouse or dependent residing with or accompanying a person in a religious or welfare group officially attached to and serving with the armed forces if at the time of voting such spouse or dependent is absent from the municipality 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

(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 municipality 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 municipality 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

(i) Any qualified war veteran elector who is bedridden or hospitalized due to illness or physical disability if he is absent from the municipality of his residence and unable to attend his polling place because of such illness or physical disability regardless of whether he is registered and enrolled;  
or

(j) Any qualified registered and enrolled elector who expects to be or is absent from the municipality of his residence 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

(k) Any qualified registered and enrolled elector who because of illness or physical disability is unable to attend his polling place or operate a voting machine and secure assistance by distinct and audible statement as required in section 1218 of this act;

(l) Any qualified registered and enrolled elector who is a spouse or dependent accompanying a person employed in the service of this Commonwealth or in the service of the Federal Government within the territorial limits of the several States of the United States and the District of Columbia in the event the duties, profession or occupation of such person require him to be absent from the municipality of his residence; or

(m) Any qualified elector who is a county employe who cannot vote due to duties on election day relating to the conduct of the election; or

(n) Any qualified elector who will not attend a polling place because of the observance of a religious holiday:

Provided, however, That the words "qualified absentee elector" shall in nowise be construed to include persons confined in a penal institution or a mental institution nor shall it in anywise be construed to include a person not otherwise qualified as a qualified elector in accordance with the definition set forth in section 102(t) of this act.

(1301 amended Feb. 13, 1998, P.L.72, No.18)

Section 1302. Applications for Official Absentee Ballots.--(a) Any qualified elector defined in preceding section 1301, subsections (a) to (h), inclusive, may apply at any time before any primary or election for any official absentee ballot in person, on any form supplied by the Federal Government, or on any official county board of election form addressed to the Secretary of the Commonwealth of Pennsylvania or the county board of election of the county in which his voting residence is located.

(b) The application shall contain the following information: Home residence at the time of entrance into actual military service or Federal employment, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident of voting district, voting district if known, party choice in case of primary, name and, for a military elector, his stateside military address, FPO or APO number and serial number. Any elector other than a military elector shall in addition specify the nature of his employment, the address to which ballot is to be sent, relationship where necessary, and such other information as may be determined and prescribed by the Secretary of the Commonwealth. When such application is received by the Secretary of the Commonwealth it shall be forwarded to the proper county board of election.

(c) The application of any qualified elector, as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h), for

an official absentee ballot in any primary or election may not be made over the signature of any person, other than the qualified elector or an adult member of his immediate family, as required in the preceding subsection. A qualified absentee military or overseas elector, as defined by the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924), may submit his application for an official absentee ballot by facsimile method if the original application is received prior to the election by the county election office. The absentee ballot of the qualified military or overseas elector shall not be counted unless the elector's original application is received prior to the election by the county election office. The facsimile method shall not be acceptable for the official absentee ballot. ((c) amended Dec. 9, 2002, P.L.1246, No.150)

(d) The application of any qualified elector, as defined in preceding section 1301, subsections (b) to (h), inclusive, for an official absentee ballot in any primary or election shall be signed by the applicant.

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

The application shall contain the following information: Residence at the time of becoming bedridden or hospitalized, length of time a citizen, length of residence in Pennsylvania, date of birth, length of time a resident in voting district, voting district if known, party choice in case of primary, name and address of present residence or hospital at which hospitalized. When such application is received by the Secretary of the Commonwealth, it shall be forwarded to the proper county board of elections.

The application for an official absentee ballot for any primary or election shall be made on information supplied over the signature of the bedridden or hospitalized veteran as required in the preceding subsection. Any qualified registered elector, including a spouse or dependent referred to in subsection (1) of section 1301, who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election and any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and any qualified registered bedridden or hospitalized veteran in the county of residence, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, may apply to the county board of elections of the county in which his voting residence is located for an Official Absentee Ballot. Such application shall be made upon an official application form supplied by the county board of elections. Such official application form shall be determined and prescribed by the Secretary of the Commonwealth of Pennsylvania.

(1) The application of any qualified registered elector, including spouse or dependent referred to in subsection (1) of

section 1301, who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any primary or election, or in the case of a county employe who cannot vote due to duties on election day relating to the conduct of the election, or in the case of a person who will not attend a polling place because of the observance of a religious holiday, shall be signed by the applicant and shall include the surname and given name or names of the applicant, proof of identification, his occupation, date of birth, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, the reason for his absence, and such other information as shall make clear to the county board of elections the applicant's right to an official absentee ballot.

(2) The application of any qualified registered elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability and the application of any qualified registered bedridden or hospitalized veteran in the county of residence shall be signed by the applicant and shall include surname and given name or names of the applicant, proof of identification, his occupation, date of birth, residence at the time of becoming bedridden or hospitalized, length of time a resident in voting district, voting district if known, place of residence, post office address to which ballot is to be mailed, and such other information as shall make clear to the county board of elections the applicant's right to an official ballot. In addition, the application of such electors shall include a declaration stating the nature of their disability or illness, and the name, office address and office telephone number of their attending physician: Provided, however, That in the event any elector entitled to an absentee ballot under this subsection be unable to sign his application because of illness or physical disability, he shall be excused from signing upon making a statement which shall be witnessed by one adult person in substantially the following form: I hereby state that I am unable to sign my application for an absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or have received assistance in making my mark in lieu of my signature.

..... (Mark)  
..... (Date)

..... (Complete Address of Witness) ..... (Signature of Witness)

((e) amended Mar. 14, 2012, P.L.195, No.18)

(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 submit a written statement asserting continuing disability every four 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.

(e.2) Notwithstanding the other provisions of this act any qualified elector who expects to be or is absent from the municipality of his residence because his duties, occupation or business require him to be elsewhere on the day of any election or a county employe who cannot vote due to duties on election day relating to the conduct of the election or a person who will not attend a polling place because of the observance of a religious holiday 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, place of residence and proof of identification. ((e.2) amended Mar. 14, 2012, P.L.195, No.18)

(f) The county chairman of each political party or the head of each political body shall designate one representative from his respective political party or body for each public institution. The representatives so appointed shall, at the same time on a date fixed by the county board of election visit every public institution situate in the county for the purpose of obtaining the names and addresses of public institution residents who desire to receive applications for absentee ballots and to act as an election board as provided in subsection (g) of this section. The list of names and addresses thus obtained shall then be submitted by said representatives to the board which shall furnish applications individually to those appearing in the written request. If the chairman or head of a political party or body fails to appoint a representative within fifteen days from written notice from the county board of election, the county board of election shall appoint a representative from the political party or body.

(g) The county board of election shall appoint teams of three members for each public institution that shall go to the public institutions and hold the election on the first Friday prior to election day. Each member of the board shall appoint one member on every team. After the votes are cast, the teams shall collect the ballots and return them to the county board of election where they shall be placed unopened in a secure, safe and sealed container in the custody of the board until they shall be distributed to the respective absentee voters' election district as provided in section 1308 of this act where they shall be counted with the other absentee ballots, if any.

(h) The county board of election shall number, in chronological order, the applications for an official absentee ballot, which number shall likewise appear on the official absentee ballot for the qualified elector. The numbers shall appear legibly and in a conspicuous place but before the ballots are distributed the number on the ballot shall be torn off by the county board of election. This number information shall be appropriately inserted and become a part of the Registered Absentee Voters File and the Military, Veterans and Emergency Civilian Absentee Voters File provided in section 1302.3 of this act.

(i) Application for official absentee ballots shall be on forms prescribed by the Secretary of the Commonwealth. The application shall state that a voter who receives an absentee ballot pursuant to section 1301 and who, on election day, is

capable of voting at the appropriate polling place must void the absentee ballot and vote in the normal manner at the appropriate voting place. Such forms shall be made freely available to the public at county board of elections, municipal buildings and at such other locations designated by the secretary. No written application or personal request shall be necessary to receive the application forms. Copies of all completed applications for official absentee ballots shall be retained by the county board of elections.

(j) Notwithstanding the provisions of this section requiring proof of identification, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678). ((j) added Mar. 14, 2012, P.L.195, No.18)

(1302 amended Feb. 13, 1998, P.L.72, No.18)

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

Section 1302.1. Date of Application for Absentee Ballot.--(a) Except as provided in subsections (a.1) and (a.2), applications for absentee ballots shall be received in the office of the county board of elections not earlier than fifty (50) days before the primary or election and not later than five o'clock P.M. of the first Tuesday prior to the day of any primary or election.

(a.1) Except as provided in subsection (a.2), in the event any elector otherwise qualified who is so physically disabled or ill on or before the first Tuesday prior to any primary or election that he is unable to file his application or who becomes physically disabled or ill after the first Tuesday prior to any primary or election and is unable to appear at his polling place or any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the primary or election, which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to any primary or election, the elector shall be entitled to an absentee ballot at any time prior to five o'clock P.M. on the first Friday preceding any primary or election upon execution of an Emergency Application in such form prescribed by the Secretary of the Commonwealth.

(a.2) In the event any elector otherwise qualified who becomes so physically disabled or ill between five o'clock P.M. on the first Friday preceding any primary or election and eight o'clock P.M. on the day of any primary or election that he is unable to appear at his polling place or any elector otherwise qualified who because of the conduct of his business, duties or occupation will necessarily be absent from the municipality of his residence on the day of the primary or election, which fact was not and could not reasonably be known to said elector prior to five o'clock P.M. on the first Friday preceding any primary or election, the elector shall be entitled to an absentee ballot if the elector completes and files with the court of common pleas in the county in which the elector is qualified to vote an Emergency Application or a letter or other signed document, which includes the same information as is provided on the Emergency Application. Upon a determination

that the elector is a qualified absentee elector under section 1301, the judge shall issue an absentee ballot to the elector. If the elector is unable to appear in court to receive the ballot, the judge shall give the elector's absentee ballot to an authorized representative of the elector who is designated in writing by the elector. The authorized representative shall deliver the absentee ballot to the elector and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections, who shall distribute the ballot, unopened, to the absentee voter's election district. If the elector is unable to appear in court or unable to obtain assistance from an authorized representative, the judge shall direct a deputy sheriff of the county to deliver the absentee ballot to the elector if the elector is at a physical location within the county and return the completed absentee ballot, sealed in the official absentee ballot envelopes, to the county board of elections, who shall distribute the ballots, unopened, to the absentee voter's respective election district. If there is no authorized representative and a deputy sheriff is unavailable to deliver an absentee ballot under this section, the judge may direct a constable to make such delivery in accordance with the provisions of this section. In the case of an elector who requires assistance in marking the elector's ballot, the elector shall designate in writing the person who will assist in marking the ballot. Such person shall be otherwise eligible to provide assistance to electors eligible for assistance, and such person shall declare in writing that assistance was rendered. Any person other than the designee who shall render assistance in marking a ballot or any person rendering assistance who shall fail to execute a declaration shall be guilty of a violation of this act. No absentee ballot under this subsection shall be counted which is received in the office of the county board of elections later than eight o'clock P.M. on the day of the primary or election.

(b) In the case of an elector whose application for an absentee ballot is received by the office of the county board of elections earlier than fifty (50) days before the primary or election, the application shall be held and processed upon commencement of the fifty-day period.

(c) In the case of an elector who is physically disabled or ill on or before the first Tuesday prior to a primary or election or becomes physically disabled or ill after the first Tuesday prior to a primary or election, such Emergency Application, letter or other signed document shall contain a supporting affidavit from his attending physician stating that due to physical disability or illness said elector was unable to apply for an absentee ballot on or before the first Tuesday prior to the primary or election or became physically disabled or ill after that period.

(d) In the case of an elector who is necessarily absent because of the conduct of his business, duties or occupation under the unforeseen circumstances specified in subsections (a.1) and (a.2), such Emergency Application, letter or other signed document shall contain a supporting affidavit from such elector stating that because of the conduct of his business, duties or occupation said elector will necessarily be absent from the municipality of his residence on the day of the primary or election which fact was not and could not reasonably be known to said elector on or before the first Tuesday prior to the primary or election.

(1302.1 amended Nov. 9, 2006, P.L.1330, No.137)

**Compiler's Note:** Section 5 of Act 137 of 2006, which amended section 1302.1, provided that the amendment shall apply to elections held on or after January 1, 2007.

Section 1302.2. Approval of Application for Absentee Ballot.--

(a) The county board of elections, upon receipt of any application filed by a qualified elector not required to be registered under preceding section 1301, shall ascertain from the information on such application, district register or from any other source that such applicant possesses all the qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked approved such approval decision shall be final and binding except that challenges may be made only on the ground that the applicant did not possess qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to 5:00 o'clock P. M. on the first Friday prior to the election. When so approved, the county board of elections shall cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilians Absentee Voters File as provided in section 1302.3, subsection (b): Providing, however, That no application of any qualified elector in military service shall be rejected for failure to include on his application any information if such information may be ascertained within a reasonable time by the county board of elections.

(b) The county board of elections, upon receipt of any application filed by a qualified elector who is entitled, under the 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 as provided under preceding section 1301, shall ascertain from the information on such application or from any other source that such applicant possesses all the qualifications of a qualified elector. If the board is satisfied that the applicant is entitled, under the 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 and that the applicant is qualified to receive an official absentee ballot, the application shall be marked "approved." Such approval decision shall be final and binding except that challenges may be made only on the ground that the applicant did not possess the qualifications of an absentee elector prior to or concurrently with the time of voting. Such challenges must be made to the county board of elections prior to 5:00 o'clock P. M. on the first Friday prior to the election. When so approved, the county board of elections shall cause the applicant's name and residence (and at a primary, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3 subsection (b).

(c) The county board of elections, upon receipt of any application of a qualified elector required to be registered under the provisions of preceding section 1301, shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's permanent registration card. If the board is satisfied that the applicant is qualified to receive an official absentee ballot,



the application shall be marked "approved." Such approval decision shall be final and binding, except that challenges may be made only on the ground that the applicant did not possess the qualifications of an absentee elector. Such challenges must be made to the county board of elections prior to 5:00 o'clock P. M. on the first Friday prior to the election. When so approved, the registration commission shall cause an absentee voter's temporary registration card to be inserted in the district register on top of and along with the permanent registration card. The absentee voter's temporary registration card shall be in the color and form prescribed in subsection (e) of this section:

Provided, however, That the duties of the county boards of elections and the registration commissions with respect to the insertion of the absentee voter's temporary registration card of any elector from the district register as set forth in section 1302.2 shall include only such applications and emergency applications as are received on or before the first Tuesday prior to the primary or election. In all cases where applications are received after the first Tuesday prior to the primary or election and before five o'clock P. M. on the first Friday prior to the primary or election, the county board of elections shall determine the qualifications of such applicant by verifying the proof of identification and comparing the information set forth on such application with the information contained on the applicant's duplicate registration card on file in the General Register (also referred to as the Master File) in the office of the Registration Commission and shall cause the name and residence (and at primaries, the party enrollment) to be inserted in the Military, Veterans and Emergency Civilian Absentee Voters File as provided in section 1302.3, subsection (b). In addition, the local district boards of elections shall, upon canvassing the official absentee ballots under section 1308, examine the voting check list of the election district of said elector's residence and satisfy itself that such elector did not cast any ballot other than the one properly issued to him under his absentee ballot application. In all cases where the examination of the local district board of elections discloses that an elector did vote a ballot other than the one properly issued to him under the absentee ballot application, the local district board of elections shall thereupon cancel said absentee ballot and said elector shall be subject to the penalties as hereinafter set forth.

((c) amended Mar. 14, 2012, P.L.195, No.18)

(d) In the event that any application for an official absentee ballot is not approved by the county board of elections, the elector shall be notified immediately to that effect with a statement by the county board of the reasons for the disapproval. For those applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send notice to the elector with the absentee ballot requiring the elector to provide proof of identification with the absentee ballot or the ballot will not be counted. ((d) amended Mar. 14, 2012, P.L.195, No.18)

(e) The absentee voter's temporary registration card shall be in duplicate and the same size as the permanent registration card, in a different and contrasting color to the permanent registration card and shall contain the absentee voter's name and address and shall conspicuously contain the words "Absentee

Voter." Such card shall also contain the affidavit required by subsection (b) of section 1306.

(f) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678). ((f) added Mar. 14, 2012, P.L.195, No.18)

(1302.2 amended Dec. 11, 1968, P.L.1183, No.375)

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

Section 1302.3. Absentee Electors Files and Lists.--(a) The county board of elections shall maintain at its office a file containing the duplicate absentee voter's temporary registration cards of every registered elector to whom an absentee ballot has been sent. Such duplicate absentee voter's temporary registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed. The registration cards so filed shall constitute the Registered Absentee Voters File for the Primary or Election of (date of primary or election) and shall be kept on file for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations.

(b) The county board of elections shall post in a conspicuous public place at its office a master list arranged in alphabetical order by election districts setting forth the name and residence, and at primaries, the party enrollment, of (1) every military elector to whom an absentee ballot is being sent, each such name to be prefixed with an "M"; (2) every bedridden or hospitalized veteran outside the county of his residence who is not registered and to whom an absentee ballot is being sent, each such name to be prefixed with a "V"; and (3) every registered elector who has filed his application for an absentee ballot too late for the extraction of his original registration card and to whom a ballot is being sent and every qualified elector who has filed his application for an absentee ballot and 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, each such name to be prefixed with a "C." This list shall be known as the Military, Veterans and Emergency Civilians Absentee Voters File for the Primary or Election of (date of primary or election) and shall be posted for a period commencing the Tuesday prior to the day of the primary or election until the day following the primary or election or the day on which the county board of elections certifies the returns of the primary or election, whichever date is later. Such file shall be open to public inspection at all times subject to reasonable safeguards, rules and regulations. This posted list shall not contain any military address or references to any military organization. Upon written request, the county board shall furnish a copy of such list to any candidate or party county chairman.

(c) Not less than five days preceding the election, the chief clerk shall prepare a list for each election district showing the names and post office addresses of all voting residents thereof to whom official absentee ballots shall have been issued. Each such list shall be prepared in duplicate, shall be headed "Persons in (give identity of election district) to whom absentee ballots have been issued for the election of (date of election)," and shall be signed by him not less than four days preceding the election. He shall post the original of each such list in a conspicuous place in the office of the county election board and see that it is kept so posted until the close of the polls on election day. He shall cause the duplicate of each such list to be delivered to the judge of election in the election district in the same manner and at the same time as are provided in this act for the delivery of other election supplies, and it shall be the duty of such judge of election to post such duplicate list in a conspicuous place within the polling place of his district and see that it is kept so posted throughout the time that the polls are open. Upon written request, he shall furnish a copy of such list to any candidate or party county chairman.

(1302.3 amended Dec. 11, 1968, P.L.1183, No.375)

Section 1303. Official Absentee Voters Ballots.--(a) In districts in which ballots are used, the ballots for use by such absentee electors under the provisions of this act shall be the official ballots printed in accordance with sections 1002 and 1003: Provided, however, That the county board of elections when detaching the official ballots for absentee electors shall be required to indicate on the stub of each ballot so detached the name of the applicant to which that precise ballot is being sent. The county board of elections shall also be required to remove the numbered stub from each such ballot and shall thereupon print, stamp or endorse in red color upon such official ballots the words, Official Absentee Ballot. Such ballots shall be distributed by such boards as hereinafter provided.

(b) In districts in which voting machines are used and in those districts in which paper ballots are used and the county board of elections therein do not print official absentee ballots in accordance with sections 1002 and 1003, the ballots for use by such absentee electors under the provisions of this act shall be prepared sufficiently in advance by the county board of elections and shall be distributed by such boards as hereinafter provided. Such ballots shall be marked Official Absentee Ballot but shall not be numbered and shall otherwise be in substantially the form for ballots required by article ten of this act, which form shall be determined and prescribed by the Secretary of the Commonwealth.

(c) In districts in which electronic voting systems are utilized, the absentee ballot may be in the form of a ballot card which shall be clearly stamped on its face "Absentee Ballot."

(d) In cases where there is not time to print on said ballots the names of the various candidates, 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 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. ((d) amended Dec. 17, 1990, P.L.681, No.169)

(e) The official absentee voter ballot shall state that a voter who receives an absentee ballot pursuant to section 1301 and who, on election day, is capable of voting at the appropriate polling place must void the absentee ballot and vote in the normal manner at the appropriate voting place. ((e) amended May 5, 1986, P.L.150, No.47)

(1303 amended July 11, 1980, P.L.600, No.128)

Section 1304. Envelopes for Official Absentee Ballots.--

The county boards of election shall provide two additional envelopes for each official absentee ballot of such size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed the words "Official Absentee Ballot," and nothing else. On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector, and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the absentee voter. Said form of declaration and envelope shall be as prescribed by the Secretary of the Commonwealth and shall contain among other things a statement of the electors qualifications, together with a statement that such elector has not already voted in such primary or election. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, lists of candidates, when authorized by section 1303 subsection (b) of this act, the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else: Provided, however, That envelopes for electors qualified under preceding section 1301, subsections (a) to (h), inclusive, shall have printed across the face of each transmittal or return envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed, in the upper right corner of each such envelope in a box, the words "Free of U. S. Postage, Including Air Mail;" that all printing on the face of each such envelope be in red, and that there be printed in red, in the upper left corner of each such envelope, the name and address of the county board of elections of the proper county or blank lines for return address of the sender:

Provided further, That the aforesaid envelope addressed to the elector may contain absentee registration forms where required, and shall contain detailed instructions on the procedures to be observed in casting an absentee ballot as prescribed by the Secretary of the Commonwealth, together with return envelope upon which is printed the name and address of the registration commission of the proper county, which envelope shall have printed across the face two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches

from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed in the upper right corner of each such envelope in a box the words "Free of U. S. Postage, Including Air Mail," and, in the upper left corner of each such envelope, blank lines for return address of the sender; that all printing on the face of each such envelope be in red.

(1304 amended Dec. 11, 1968, P.L.1183, No.375)

Section 1305. Delivering or Mailing Ballots.--

(a) The county 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 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 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.

(b) The county board of elections upon receipt and approval of an application filed by any elector qualified in accordance with the provisions of section 1301, subsections (i) to (l), inclusive, shall commence to deliver or mail official absentee ballots on the second Tuesday prior to the primary or election. For those applicants whose proof of identification was not provided with the application or could not be verified by the board, the board shall send the notice required under section 1302.2(d) with the absentee ballot. As additional applications are received and approved, the board shall deliver or mail official absentee ballots to such additional electors within forty-eight hours.

(c) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).

(1305 amended Mar. 14, 2012, P.L.195, No.18)

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

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.

(1305.1 added Dec. 17, 1990, P.L.681, No.169)

Section 1306. Voting by Absentee Electors.--(a) Except as provided in paragraphs (1), (2) and (3), at any time after receiving an official absentee ballot, but on or before five o'clock P.M. on the Friday prior to the primary or election, the elector shall, in secret, proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, enclose and securely seal the same in the envelope on which is printed, stamped or endorsed "Official Absentee Ballot."

(1) Any elector who submits an Emergency Application and receives an absentee ballot in accordance with section 1302.1(a.2) or (c) shall mark the ballot on or before eight o'clock P.M. on the day of the primary or election. This envelope shall then be placed in the second one, on which is printed the form of declaration of the elector, and the address of the elector's county board of election and the local election district of the elector. The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.

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

(3) Any elector who has filed his application in accordance with section 1302 subsection (e)(2), and is unable to sign his declaration because of illness or physical disability, shall be excused from signing upon making a declaration which shall be witnessed by one adult person in substantially the following form: I hereby declare that I am unable to sign my declaration for voting my absentee ballot without assistance because I am unable to write by reason of my illness or physical disability. I have made or received assistance in making my mark in lieu of my signature.

..... (Mark)

.....  
(Date)

.....  
(Signature of Witness)

.....  
(Complete Address of Witness)

(a) amended Nov. 9, 2006, P.L.1330, No.137)

(b) In the event that any such elector, excepting an elector in military service or any elector unable to go to his polling place because of illness or physical disability, entitled to vote an official absentee ballot shall be in the municipality of his residence on the day for holding the primary or election for which the ballot was issued, or in the event any such elector shall have recovered from his illness or physical disability sufficiently to permit him to present himself at the proper polling place for the purpose of casting his ballot, such absentee ballot cast by such elector shall, be declared void.

Any such elector referred to in this subsection, who is within the municipality of his residence, must present himself at his polling place and shall be permitted to vote upon presenting himself at his regular polling place in the same manner as he could have voted had he not received an absentee ballot: Provided, That such elector has first presented himself to the judge of elections in his local election district and shall have signed the affidavit on the absentee voter's temporary registration card, which affidavit shall be in substantially the following form:

I hereby swear that I am a qualified registered elector who has obtained an absentee ballot, however, I am present in the municipality of my residence and physically able to present myself at my polling place and therefore request that my absentee ballot be voided.

(Date)

.....  
(Signature of Elector)

.....  
(Local Judge of Elections)

An elector who has received an absentee ballot under the emergency application provisions of section 1302.1, and for whom, therefore, no temporary absentee voter's registration card is in the district register, shall sign the aforementioned affidavit in any case, which the local judge of elections shall then cause to be inserted in the district register with the elector's permanent registration card.

(1306 amended Feb. 13, 1998, P.L.72, No.18)

**Compiler's Note:** Section 5 of Act 137 of 2006, which amended subsection (a), provided that the amendment shall apply to elections held on or after January 1, 2007.

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

Any elector qualified to vote an official absentee ballot in accordance with the provisions of section 1301, subsection (k), may receive assistance in voting (1) if there is recorded on his registration card his declaration that he has a physical disability which renders him unable to see or mark the official absentee ballot, the exact nature of such disability being recorded on such registration card; (2) if such elector requiring assistance submits with his application for an official absentee ballot, a statement setting forth the precise nature of the disability which renders him unable to see or mark the official absentee ballot and that to the best of his knowledge and belief he will still suffer from the said physical disability at the time of voting his official absentee ballot. He shall acknowledge the same before an officer qualified to take acknowledgement of deeds. Such statement shall be in substantially the following form:

Statement of Absentee Elector Requiring Assistance  
I, ....., hereby state

(Name of voter requiring assistance)  
that I require assistance in marking the official absentee  
ballot for the primary or election held .....,  
(Date)

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

.....  
(Insert nature of disability)

.....  
(Signature or mark of elector)

.....  
(Date of signature or mark)

Commonwealth of Pennsylvania:

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, 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)

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

.....  
(Signature of Person Rendering Assistance)

.....  
(Address)

(1306.1 amended Dec. 9, 2002, P.L.1246, No.150)

Section 1307. Certain Electors Voting in Districts of  
Residence.--

(a) Whenever any qualified elector in actual military  
service is present in his voting district of residence on any  
primary, special, municipal or general election day and has not  
already voted in such election, he may apply in person at the  
office of the county board of election of the county of his  
residence and he shall then and there execute his application  
for an official absentee ballot.

(b) Each such application shall be in the form and shall  
contain the information required by this act together with a



statement by the applicant that he has not already voted in the election.

The county board of elections shall ascertain from the information on such application or from any other source that such applicant possesses all the qualifications of a qualified elector other than being registered or enrolled. If the board is satisfied that the applicant is qualified to receive an official absentee ballot, the application shall be marked "Approved," subject to the limitations set out in section 1302.2 of this act. When so approved, the county board of elections shall cause the applicant's name and residence (and at primaries, the party enrollment) to be inserted in the "Military, Veterans and Emergency Civilian Absentee Voters File" as provided in section 1302.3 subsection (b). ((b) amended Dec. 11, 1968, P.L.1183, No.375)

(c) Upon receiving an official absentee ballot and envelopes therefor, he shall, in secret, in the office of the county board of elections vote the ballot and execute the declaration as prescribed by this act. The elector shall then securely seal the second envelope and hand it to the chief clerk of the county board of election who shall securely keep same in accordance with the provisions of section 1308.

(1307 amended Aug. 13, 1963, P.L.707, No.379)

Section 1308. Canvassing of Official Absentee Ballots.--(a) The county boards of election, upon receipt of official absentee ballots in such envelopes, shall safely keep the same in sealed or locked containers until they distribute same to the appropriate local election districts in a manner prescribed by the Secretary of the Commonwealth.

Except as provided in section 1302.1(a.2), the county board of elections shall then distribute the absentee ballots, unopened, to the absentee voter's respective election district concurrently with the distribution of the other election supplies. Absentee ballots shall be canvassed immediately and continuously without interruption until completed after the close of the polls on the day of the election in each election district. The results of the canvass of the absentee ballots shall then be included in and returned to the county board with the returns of that district. Except as provided in section 1302.1(a.2) and subsection (g), no absentee ballot shall be counted which is received in the office of the county board of election later than five o'clock P.M. on the Friday immediately preceding the primary or November election.

((a) amended Nov. 9, 2006, P.L.1330, No.137)

(b) Watchers shall be permitted to be present when the envelopes containing official absentee ballots are opened and when such ballots are counted and recorded.

(b.1) In all election districts in which electronic voting systems are used, absentee ballots shall be opened at the election district, checked for write-in votes in accordance with section 1113-A and then either hand-counted or counted by means of the automatic tabulation equipment, whatever the case may be. ((b.1) amended Dec. 9, 2002, P.L.1246, No.150)

(c) ((c) Deleted by amendment Dec. 11, 1968, P.L.1183, No.375)

(d) Whenever it shall appear by due proof that any absentee elector who has returned his ballot in accordance with the provisions of this act has died prior to the opening of the polls on the day of the primary or election, the ballot of such deceased elector shall be rejected by the canvassers but the counting of the ballot of an elector thus deceased shall not of itself invalidate any nomination or election.

(e) At such time the local election board shall then further examine the declaration on each envelope not so set aside and shall compare the information thereon with that contained in the "Registered Absentee Voters File," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File." If the local election board is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee Voters File," the absentee voters' list and the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the local election board shall announce the name of the elector and shall give any watcher present an opportunity to challenge any absentee elector upon the ground or grounds (1) that the absentee elector is not a qualified elector; or (2) that the absentee elector was within the municipality of his residence on the day of the primary or election during the period the polls were open, except where he was in military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (3) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein the local election board shall mark "challenged" on the envelope together with the reason or reasons therefor, and the same shall be set aside for return to the county board unopened pending decision by the county board and shall not be counted. All absentee ballots not challenged for any of the reasons provided herein shall be counted and included with the general return of paper ballots or voting machines, as the case may be as follows. Thereupon, the local election board shall open the envelope of every unchallenged absentee elector in such manner as not to destroy the declaration executed thereon. All of such envelopes on which are printed, stamped or endorsed the words "Official Absentee Ballot" shall be placed in one or more depositories at one time and said depository or depositories well shaken and the envelopes mixed before any envelope is taken therefrom. If any of these envelopes shall contain any extraneous marks or identifying symbols other than the words "Official Absentee Ballot," the envelopes and the ballots contained therein shall be set aside and declared void. The local election board shall then break the seals of such envelopes, remove the ballots and record the votes in the same manner as district election officers are required to record votes. With respect to the challenged ballots, they shall be returned to the county board with the returns of the local election district where they shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges and notice shall be given where possible to all absentee electors thus challenged and to every attorney, watcher or candidate who made such challenge. The time for the hearing shall not be later than seven (7) days after the date of said challenge. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges and, in hearing the testimony, the county board shall not be bound by technical rules of evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing. The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common

pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. Such appeal shall be taken, within two (2) days after such decision shall have been made, whether reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing same. Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots irrespective of whether or not appeal was taken from the county board's decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots shall be added to the other votes cast within the county. ((e) amended Feb. 13, 1998, P.L.72, No.18)

(f) Any person challenging an application for an absentee ballot or an absentee ballot for any of the reasons provided in this act shall deposit the sum of ten dollars (\$10.00) in cash with the local election board, in cases of challenges made to the local election board and with the county board in cases of challenges made to the county board for which he shall be issued a receipt for each challenge made, which sum shall only be refunded if the challenge is sustained or if the challenge is withdrawn within five (5) days after the primary or election. If the challenge is dismissed by any lawful order then the deposit shall be forfeited. All deposit money received by the local election board shall be turned over to the county board simultaneously with the return of the challenged ballots. The county board shall deposit all deposit money in the general fund of the county.

Notice of the requirements of subsection (b) of section 1306 shall be printed on the envelope for the absentee ballot.

(g) (1) An absentee ballot cast by any absentee elector as defined in section 1301(a), (b), (c), (d), (e), (f), (g) and (h) which is received in the office of the county board of elections after five o'clock P.M. on the Friday immediately preceding the election and no later than five o'clock P.M. on the seventh day following an election shall be canvassed in accordance with this subsection if the absentee ballot is postmarked no later than the day immediately preceding the election.

(2) The county board of elections shall meet on the eighth day following the election to canvass the absentee ballots received under this subsection and subsection (h)(2). One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots are canvassed. Representatives shall be permitted to challenge any absentee elector in accordance with the provisions of paragraph (3). ((2) amended Mar. 12, 2012, P.L.195, No.18)

(3) When the county board meets to canvass absentee ballots under paragraph (2), the board shall examine the declaration on the envelope of each ballot not set aside under subsection (d) and shall compare the information thereon with that contained in the "Registered Absentee Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File," whichever is applicable. If the county board has verified the proof of identification as required under this act and is satisfied that the declaration is sufficient and the information contained in the "Registered Absentee Voters File," the absentee voters' list and/or the "Military Veterans and Emergency Civilians Absentee Voters File" verifies his right to vote, the county board shall announce the

name of the elector and shall give any candidate representative or party representative present an opportunity to challenge any absentee elector upon the ground or grounds: (i) that the absentee elector is not a qualified elector; or (ii) that the absentee elector was within the municipality of his residence on the day of the primary or election during the period the polls were open, except where he was in the military service or except in the case where his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability; or (iii) that the absentee elector was able to appear personally at the polling place on the day of the primary or election during the period the polls were open in the case his ballot was obtained for the reason that he was unable to appear personally at the polling place because of illness or physical disability. Upon challenge of any absentee elector, as set forth herein, the board shall mark "challenged" on the envelope together with the reasons therefor, and the same shall be set aside unopened pending final determination of the challenge according to the procedure described in paragraph (5). ((3) amended Mar. 14, 2012, P.L.195, No.18)

(4) All absentee ballots not challenged for any of the reasons provided in paragraph (3) shall be counted and included with the returns of the applicable election district as follows. The county board shall open the envelope of every unchallenged absentee elector in such manner as not to destroy the declaration executed thereon. If any of the envelopes on which are printed, stamped or endorsed the words "Official Absentee Ballot" contain any extraneous marks or identifying symbols, the envelopes and the ballots contained therein shall be set aside and declared void. The county board shall then break the seals of such envelopes, remove the ballots and record the votes.

(5) With respect to the challenged ballots, they shall be placed unopened in a secure, safe and sealed container in the custody of the county board until it shall fix a time and place for a formal hearing of all such challenges, and notice shall be given where possible to all absentee electors thus challenged and to every individual who made a challenge. The time for the hearing shall not be later than five (5) days after the date of the challenge. On the day fixed for said hearing, the county board shall proceed without delay to hear said challenges, and, in hearing the testimony, the county board shall not be bound by the Pennsylvania Rules of Evidence. The testimony presented shall be stenographically recorded and made part of the record of the hearing.

(6) The decision of the county board in upholding or dismissing any challenge may be reviewed by the court of common pleas of the county upon a petition filed by any person aggrieved by the decision of the county board. The appeal shall be taken, within two (2) days after the decision was made, whether the decision was reduced to writing or not, to the court of common pleas setting forth the objections to the county board's decision and praying for an order reversing the decision.

(7) Pending the final determination of all appeals, the county board shall suspend any action in canvassing and computing all challenged ballots received under this subsection irrespective of whether or not appeal was taken from the county board's decision. Upon completion of the computation of the returns of the county, the votes cast upon the challenged official absentee ballots that have been finally determined to

be valid shall be added to the other votes cast within the county.

((g) added May 12, 2006, P.L.178, No.45)

(h) For those absentee ballots for which proof of identification has not been received or could not be verified:

(1) If the proof of identification is received and verified by the county board of elections prior to the distribution of the absentee ballots to the local election districts, then the county shall distribute the absentee ballots for which proof of identification is received and verified, along with the other absentee ballots, to the absentee voter's respective election district. If the county board of elections does not receive or is not able to verify the proof of identification for an elector prior to the absentee ballots' being sent to the appropriate local election districts, the county board shall keep the absentee ballot and follow the procedures set forth in paragraph (2) or (3), whichever is applicable.

(2) If the proof of identification is received and verified after the absentee ballots have been distributed to the appropriate local election districts, but prior to the sixth calendar day following the election, then the county board of elections shall canvass the absentee ballots under this subsection in accordance with subsection (g)(2), unless the elector appeared to vote at the proper polling place for the purpose of casting a ballot, then the absentee ballot cast by that elector shall be declared void.

(3) If an elector fails to provide proof of identification that can be verified by the county board of elections by the sixth calendar day following the election, then the absentee ballot shall not be counted.

((h) added Mar. 14, 2012, P.L.195, No.12)

(i) Notwithstanding the provisions of this section, a qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410, 100 Stat. 924) or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act (Public Law 98-435, 98 Stat. 1678).

((i) added Mar. 14, 2012, P.L.195, No.12)

(1308 amended Dec. 11, 1968, P.L.1183, No.375)

**Compiler's Note:** Section 5 of Act 137 of 2006, which amended subsection (a), provided that the amendment shall apply to elections held on or after January 1, 2007.

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

Section 1309. Public Records.--All official absentee ballots, files, applications for such ballots and envelopes on which the executed declarations appear, and all information and lists are hereby designated and declared to be public records and shall be safely kept for a period of two years, except that no proof of identification shall be made public, nor shall information concerning a military elector be made public which is expressly forbidden by the Department of Defense because of military security.

(1309 amended Mar. 14, 2012, P.L.195, No.18)

**Compiler's Note:** See sections 10 and 11 of Act 18 of 2012 in the appendix to this act for special provisions relating to application of law.

Section 1310. Counting of Votes.--(1310 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1311. Manner of Counting Ballots.--(1311 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1312. Rejection of Ballots.--(1312 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1313. Tally Lists.--(1313 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1314. Enumeration of Votes.--(1314 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1315. Form of Poll-Book and Returns.--(1315 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1316. Disposition of Poll-Books and Returns.--(1316 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1317. Duties of County Boards.--(1317 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1318. Returns of Federal and State Offices.--(1318 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1319. Contested Elections.--(1319 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1320. Duties of Secretary of the Commonwealth.--(1320 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1321. Appointment of Commissioners; Oath.--(1321 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1322. Duties of the Commissioners.--(1322 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1323. Compensation of Commissioners.--(1323 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1324. Informalities Not to Invalidate Elections.--(1324 repealed Mar. 6, 1951, P.L.3 No.1)  
Section 1325. Powers of Election Officers.--(1325 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1326. No Compensation for Election Officers.--(1326 repealed Mar. 6, 1951, P.L.3 No.1)  
Section 1327. Rights of Detached Electors.--(1327 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1328. Ballots and Envelopes for Detached Electors.--(1328 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1329. Voting by Detached Electors.--(1329 repealed Mar. 6, 1951, P.L.3, No.1)  
Section 1330. Receipt and Counting of Detached Soldiers' Ballots.--(1330 repealed Mar. 6, 1951, No.3, No.1)  
Section 1331. Violation of Provisions Relating to Absentee Voting.--(a) Except as provided in subsection (b), any person who shall violate any of the provisions of this act relating to absentee voting shall, unless otherwise provided, be subject to the penalties provided for in section 1850 of this act.  
(b) Any person who knowingly assists another person who is not a qualified absentee elector in filling out an absentee ballot application or absentee ballot commits a misdemeanor of the third degree.  
(1331 amended May 12, 2006, P.L.178, No.45)

#### ARTICLE XIII-A

Voting By Bedridden Or Hospitalized Veterans  
(XIII-A repealed Aug. 13, 1963, P.L.707, No.379)

Section 1301-A. Qualified Electors who are Bedridden or Hospitalized Veterans.--(1301-A repealed Aug. 13, 1963, P.L.707, No.379)

Section 1302-A. Applications for Veterans' Official Ballots.--(1302-A repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1303-A. Veterans' Official Ballots.--(1303-A repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1304-A. Envelopes for Veterans' Official Ballots.--(1304-A repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1305-A. Duties of County Boards.--(1305-A repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1306-A. Voting by Bedridden or Hospitalized Veterans.--(1306-A repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1308-A. Canvassing of Veterans' Official Ballots.--(1308-A repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1309-A. Public Records.--(1309-A repealed Aug. 13, 1963, P.L.707, No.379)

#### ARTICLE XIII-B

##### Absentee Voting

(XIII-B repealed Aug. 13, 1963, P.L.707, No.379)

Section 1301-B. Absentee Electors.--(1301-B repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1302-B. Form of Application, Certificate and Declaration.--(1302-B repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1303-B. Manner and Time of Applying for Absentee Ballot.--(1303-B repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1304-B. Issuance of Official Absentee Ballots, Envelopes and Certificates.--(1304-B repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1305-B. Balloting and Mailing.--(1305-B repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1306-B. Absentee Voter's Lists.--(1306-B repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1307-B. Canvassing of Ballot.--(1307-B repealed Aug. 13, 1963, P.L.707, No.379)  
Section 1308-B. Ballots to be Public Records.--(1308-B repealed Aug. 13, 1963, P.L.707, No.379)

#### ARTICLE XIII-C

Statewide Uniform Registry of Electors Advisory Board  
(Art. added May 16, 2002, P.L.310, No.44)

Section 1301-C. Definitions.

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

"Department." The Department of State of the Commonwealth.

"Secretary." The Secretary of the Commonwealth.

"Statewide Uniform Registry of Electors" or "SURE system."

The integrated voter registration system of all registered electors in this Commonwealth established in 25 Pa.C.S. Ch. 12 Subch. B (relating to Statewide Uniform Registry of Electors (SURE)).

(1301-C added May 16, 2002, P.L.310, No.44)

Section 1302-C. SURE System Advisory Board.

(a) Establishment.--The secretary shall form an advisory board to confer with the department regarding the SURE system.

(b) Composition.--The advisory board shall be comprised of six directors of elections who have been appointed as follows:

(1) Two directors by the Senate, one appointed by the Minority Leader and one appointed by the President pro tempore of the Senate.

(2) Two directors by the House of Representatives, one appointed by the Minority Leader and one appointed by the Speaker of the House of Representatives.

(3) Two directors appointed by the secretary.

(c) Terms.--The term of office of each member of the advisory board shall be coterminous with the term of the authority appointing that member.

(1302-C added May 16, 2002, P.L.310, No.44)

#### ARTICLE XIV Returns of Primaries and Elections

Section 1401. Offices of County Boards to Remain Open During Primaries and Elections and Until Completion of Count; Reports and Returns to Be Made Public.--Each county board of elections shall cause its office to remain open, in charge of one or more members of the board, during the entire duration of each primary and election, and after the close of the polls, until all the ballot boxes and returns have been received in the office of the county elections board, or received in such other place as has been designated by the board.

Section 1402. Returns to Be Open to Public Inspection; Exceptions.--(a) The general returns from the various districts which have been returned unsealed shall be open to public inspection at the office of the county board as soon as they are received from the judges of election. None of the envelopes sealed by election officers and entrusted to the judge of election for delivery to the county board shall be opened by any person, except by the order of the return board, or of the court of common pleas.

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

(1402 amended Oct. 8, 2004, P.L.807, No.97)

Section 1403. Place of Meeting for Computation of Votes; Notice; Papers to Be Prepared; Assistants to Be Sworn.--

(a) The county board of elections shall arrange for the computation and canvassing of the returns of votes cast at each primary and election at its office or at some other convenient public place at the county seat with adequate accommodations for the watchers and attorneys authorized by this act to be present, who shall be permitted to keep or check their own computation of the votes cast in the several election districts as the returns from the same are read, as hereinafter directed. The county board shall give at least one week's previous notice by newspaper publication, as provided by section 106 of this act, of the time and place when and where the board will commence and hold its sessions for the computation and canvassing of the returns, and keep copies of such advertisement posted in its office during said period. The county board shall also prepare a sufficient number of blank forms of returns made out in proper manner, and headed as the nature of the primary or election may require, for making out full and fair statements of all votes which shall have been cast within the county or any political district therein, according to the returns from the several election districts thereof, for any person voted for therein, or upon any question voted upon therein. All the



clerks of the county board and other persons designated to assist in the computation and canvassing of the votes shall be first sworn to perform their duties impartially and not read, write, count or certify any return or vote falsely or fraudulently.

(b) If any member of the county board of any county shall be a candidate for any nomination or election to public office, he shall not act as a member of said board for the computation and canvassing of returns, but the other members, if qualified, and if both such remaining members are not of the same political party affiliation, shall act; and in case in any county there are not at least a majority of the members of said board so qualified, two (2) or more judges of the court of common pleas shall be designated by said court to act as a return board, provided that neither of them is a candidate for any nomination or election to public office; and if there shall be only one judge of such court in such county or if less than two (2) judges are qualified and able to act in such county, any judge who is qualified may act alone, and if there be none qualified, the following county officers, in order named, not being candidates for any nomination or election to any public office, shall act as the return board: the prothonotary, sheriff, county treasurer, clerk of the orphans' court, clerk of oyer and terminer and quarter sessions court, register of wills and the recorder of deeds. If none of the above officers can qualify, the president judge of the court of common pleas in such county shall make a written request to the Chief Justice of the Supreme Court for the assignment of a judge from another judicial district, who shall act as the return board. The county solicitor shall serve as counsel for the return board in the several counties of the Commonwealth and shall receive no additional compensation therefor in addition to his compensation as county solicitor. ((b) amended Nov. 30, 1959, P.L.1614, No.588)

**Compilers Note:** Section 11 of Act 269 of 1976 provided that section 1403(b) is repealed insofar as it is inconsistent with Act 169.

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

(a) The county board shall, at nine o'clock A. M. on the third day following the primary or election, at its office or at some other convenient public place at the county seat, of which due notice shall have been given as provided by section 1403, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed, in the manner hereinafter provided. For this purpose any county board may organize itself into sections, each of which may simultaneously proceed with the computation and canvassing of the returns from various districts of the county in the manner provided by this section. Upon the completion of such computation and canvassing, the board shall tabulate the figures for the entire county and sign, announce and attest the same, as required by this section. ((a) carried without amendment Oct 8, 2004, P.L.807, No.97)

(b) It shall be the duty of each board of registration commissioners in each county, before the time fixed for the county board to convene for purpose of computing and canvassing returns of any primary or election, to certify to said county board the total registration of each election district within its jurisdiction, and the enrollment of each district by political parties at primaries. The county board, before

computing the votes cast in any election district, shall compare said registration and enrollment figures with the certificates returned by the election officers showing the number of persons who voted in each district or the number of ballots cast. If, upon consideration by said return board of the returns before it from any election district and the certificates aforesaid, it shall appear that the total vote returned for any candidate or candidates for the same office or nomination or on any question exceeds the number of registered or enrolled electors in said election district or exceeds the total number of persons who voted in said election district or the total number of ballots cast therein, or, if it shall appear that the total number of partisan votes returned for any candidate or candidates for the same office or nomination at any primary exceeds the number of electors registered or enrolled in said district as members of that political party, or exceeds the total number of persons belonging to that party who voted in said district or the total number of ballots of that party cast therein, in any such case, such excess shall be deemed a discrepancy and palpable error, and shall be investigated by the return board, and no votes shall be recorded from such district until such investigation shall be had, and such excess shall authorize--(a) the summoning of the election officers, overseers, machine inspectors, and clerks to appear forthwith with any election papers in their possession; (b) the production of the ballot box before the return board, and the examination and scrutiny of all of its contents, and all of the registration and election documents whatever, relating to said district, in the presence of representatives of each party and candidate interested who are attending the canvass of such votes; and the recount of the ballots contained in said ballot box, either generally or respecting the particular office, nomination, or question as to which the excess exists, in the discretion of the return board; (c) the correction of the returns in accordance with the result of said recount; (d) in the discretion of the return board, the exclusion of the poll of that district, either as to all offices, candidates, questions, and parties, or as to any particular offices, candidates, questions, or parties as to which said excess exists, if the ballot box be found to contain more ballots than there are electors registered or enrolled in said election district, or more ballots of one party than there are electors registered or enrolled in said district as members of that party, or more ballots than the number of voters who voted at said election, or more ballots of one party than the number of voters of that party who voted at said election; (e) a report of the facts of the case to the district attorney where such action appears to be warranted.

(c) The county board shall first publicly account for all extra official ballots printed under the provisions of section 1007 of this act. The general returns made by the election officers from the various election districts shall then be read one after another in the usual order, slowly and audibly, by one of the clerks who shall, in each case of a return from a district in which ballots were used, read therefrom the number of ballots (in the case of primaries the number of ballots of each party) issued, spoiled and cancelled, and cast, respectively, whereupon the clerk having charge of the records of the county board showing the number of ballots furnished for each election district, including the number of extra official ballots as provided by section 1007 of this act as so furnished, and the number of stubs and unused ballots and spoiled and

cancelled ballots returned, shall publicly announce the number of the same respectively, and unless it appears by said number or calculations therefrom that said records, and the said general return correspond, no further returns shall be read from the latter until all discrepancies are explained to the satisfaction of the county board. In the case of districts in which voting machines are used, there shall be read from the general return the identifying number or other designation of each voting machine used, the numbers registered on the protective counter or device on each machine prior to the opening of the polls and immediately after close of the same, whereupon the clerk having charge of the records of the county board showing the number registered on the protective counter or device of each voting machine prior to delivery at the polling place, shall publicly announce the numbers so registered, and unless it appears that the said records, and the said general return correspond, no further returns shall be read from the latter until any and all discrepancies are explained to the satisfaction of the county board.

(d) (1) In districts in which paper ballots have been used, when the records agree with said returns regarding the number of ballots and the number of votes recorded for each candidate (on each party ticket at primaries), said votes for each candidate shall be read by the clerk slowly, audibly, and in an orderly manner from the general return which has been returned unsealed, and the figures announced shall be compared by other clerks with the general return which has been returned sealed. The figures announced for all districts shall be compared by one of the clerks with the tally papers from the respective districts. If any discrepancies are discovered, the county board shall thereupon examine all of the return sheets, tally papers and other papers in its possession relating to the same election district. If the tally papers and sealed general return sheet agree, the unsealed general return shall be forthwith corrected to conform thereto. But in every other case the county board shall forthwith cause the ballot box of the district to be opened and the vote therein to be recounted in the presence of attorneys, watchers, and candidates interested, and if the recount shall not be sufficient to correct the error, the county board may summon the election officers and overseers, if any, to appear forthwith with all election papers in their possession.

(2) In districts in which voting machines have been used, when the records agree with the returns regarding the number registered on the voting machine, the votes recorded for each candidate shall be read by the clerk slowly, audibly, and in an orderly manner from the general return sheet which has been returned unsealed, and the figures announced shall be compared by other clerks with the duplicate return sheet which has been returned sealed, and if the voting machine is of the type equipped with mechanism for printing paper proof sheets, said general and duplicate return sheets shall also be compared with said proof sheets, which have been returned as aforesaid. If any discrepancies are discovered, the county board shall thereupon examine all of the return sheets, proof sheets and other papers in its possession relating to the same election district. The said proof sheets shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate, and if the proper proof sheets properly identified, shall be mutually consistent, and if the general and duplicate returns, or either of them, from said district shall not correspond with said proof sheets, they shall be

corrected so as to correspond with same, in the absence of allegation of specific fraud or error, proved to the satisfaction of the county board.

(3) If any error or fraud is discovered, the county board shall compute and certify the votes justly regardless of any fraudulent or erroneous returns presented to it, and shall report the facts to the district attorney of the proper county for action.

(4) In districts where electronically tabulated ballots are used in conjunction with central ballot tabulation, the return board shall compare the number of persons voting as indicated on the computer return sheets, with the number voting as indicated on the sealed general return from the election district. In the case of a discrepancy, the procedures specified for paper ballots in subsection (d)(1) shall be followed. ((4) added July 11, 1980, P.L.600, No.128)

(5) In districts where ballots are tabulated at the election district, the procedures specified for paper ballots in subsection (d)(1) shall be followed. ((5) added July 11, 1980, P.L.600, No.128)

(e) Provision for Recount or Recanvass of Vote.--Whenever it shall appear that there is a discrepancy in the returns of any election district, or, upon petition of three voters of any district, verified by affidavit, that an error, although not apparent on the face of the returns, has been committed therein, or of its own motion or under subsection (g), the county board shall at any time prior to the completion of the computation of all of the returns for the county, summon the election officers of the district, and said officers, in the presence of said board, shall conduct a recount or recanvass of all ballots cast. Before making such recount or recanvass, the said board shall give notice in writing to the proper custodian of voting machines, and to each candidate, and to the county chairman of each party or political body, affected by the recount or recanvass; and each such candidate may be present in person, or by attorney, and each of such parties, or bodies, may send two representatives to be present at such recount or recanvass.

(1) In a county in which an election district uses voting machines, all of the following apply:

(i) The county board shall:

(A) make a record of the number of the seal upon the voting machine and the number on the protective counter or other device;

(B) make visible the registering counters of such machine; and

(C) without unlocking the machine against voting, recanvass the vote cast on the machine.

(ii) If, upon such recanvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the said board, with the assistance of the custodian, in the presence of the election officers and the authorized candidates and representatives, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in returns from such machine. Each counter shall be reset at zero (000) before it is tested, after which it shall be operated at least one hundred times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and

test, and such statement shall be witnessed by the persons present, and shall be filed with the said board.

(iii) If, upon such recanvass, it shall appear that the original canvass of the returns by the election officers was incorrect, the said returns and all papers being prepared by the said board shall be corrected accordingly: Provided, however, That in the case of returns from any election district wherein the election was held by the use of a voting machine equipped with mechanism for printing paper proof sheets, said proof sheets, if mutually consistent, shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate, and there shall not be considered to be any discrepancy or error in the returns from any such district, such as to require a recanvass of the vote, if all available proof sheets, from the voting machine used therein, identified to the satisfaction of the return board and shown to its satisfaction to have been produced from proper custody, shall be mutually consistent, and, if the general and duplicate returns, or either of them, from said district shall not correspond with said proof sheets, they, and all other papers being prepared by said return board, shall be corrected so as to correspond with the same, in the absence of allegation of specific fraud or error, proved to the satisfaction of the return board by the weight of the evidence, and only in such case shall the vote of said election district be recanvassed under the provisions of this section.

(2) In a county in which an election district uses paper ballots other than those used in conjunction with an electronic voting system, all of the following apply:

(i) The county board shall, in the presence of the election officers and the authorized candidates and representatives, cause:

(A) the ballot box of each district to be opened and the vote in the ballot box to be recounted; and

(B) the entire vote of the election district to be counted correctly.

(ii) The county board may summon the election officers and overseers to appear with all election papers in their possession to assist in determining an accurate count or addressing errors and omissions.

(3) In a county in which an election district uses an electronic voting system utilizing paper ballots, all of the following apply:

(i) The county board shall recount all ballots using manual, mechanical or electronic devices of a different type used for the specific election.

(ii) All ballots containing overvotes shall be counted manually.

(4) In a county in which an election district uses any other type of electronic voting systems, the county board shall conduct the recanvass similar to the procedure specified in clause (1) for voting machines.

((e) amended Oct. 8, 2004, P.L.807, No.97)

(f) As the returns from each election district are read, computed and found to be correct or corrected as aforesaid, they shall be recorded on the blanks prepared for the purpose until all the returns from the various election districts which are entitled to be counted shall have been duly recorded, when they shall be added together, announced and attested by the clerks who made and computed the entries respectively and signed by the members of the county board. Returns under this subsection shall be considered unofficial for five (5) days.

The county board shall submit the unofficial returns to the Secretary of the Commonwealth by five o'clock P. M. on the Tuesday following the election. The submission shall be as directed by the secretary for public office which appears on the ballot in every election district in this Commonwealth or for a ballot question which appears on the ballot in every election district in this Commonwealth. At the expiration of five (5) days after the completion of the computation of votes, in case no petition for a recount or recanvass has been filed in accordance with the provisions of this act, or upon the completion of the recount or recanvass if a petition therefor has been filed within five (5) days after the completion of the computation of votes, the county board shall certify the returns so computed in said county in the manner required by this act, unless upon appeals taken from any decision, the court of common pleas shall have directed any returns to be revised, or unless in case of a recount, errors in the said returns shall have been found, in which case said returns shall be revised, corrected and certified accordingly. The county board shall thereupon, in the case of elections, issue certificates of election to the successful candidates for all county, city, borough, township, ward, school district, poor district and election offices, and local party offices to be filled by the votes of the electors of said county, or of any part thereof. ((f) amended Oct. 8, 2004, P.L.807, No.97)

(g) This subsection relates to recounts and recanvasses ordered by the secretary.

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

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

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

(2) The secretary shall issue an order under clause (1) by five o'clock P. M. of the second Thursday following the day of the election.

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

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

(5) The recount and recanvass shall:

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

(ii) be scheduled to be held by the third Wednesday following the day of the election; and

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

(6) The results of the recount and recanvass shall be submitted to the secretary by 12 o'clock noon on the day following completion of the recount and recanvass.

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

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

((g) added Oct. 8, 2004, P.L.807, No.97)

(h) A recount and recanvass shall not be ordered under subsection (g)(1)(i) if the defeated candidate requests in writing that a recount and recanvass not be made. A request under this subsection must be made by 12 o'clock noon on the second Wednesday following the election. ((h) added Oct 8, 2004, P.L.807, No.97)

Section 1405. Manner of Computing Irregular Ballots.--The county board, in computing the votes cast at any primary or election, shall compute and certify votes cast on irregular ballots exactly as such names were written, stamped, affixed to the ballot by sticker, or deposited or affixed in or on receptacles for that purpose, and as they have been so returned by the election officers. In the primary the Secretary of the Commonwealth shall not certify the votes cast on irregular ballots for any person for a National office including that of the President of the United States, United States Senator and Representative in Congress; or for any State office including that of Governor and Lieutenant Governor, Auditor General, State Treasurer, Senator and Representative in the General Assembly, justices and judges of courts of record or for any party office including that of delegate or alternate delegate to National conventions and member of State committee unless the total number of votes cast for said person is equal to or greater than the number of signatures required on a nomination petition for the particular office. In the primary the county board shall not certify the votes cast on irregular ballots for any person for a justice of the peace, constable, National, State, county, city, borough, town, township, ward, school district, election or local party office unless the total number of votes cast for said person is equal to or greater than the number of signatures required on a nomination petition for the particular office.

(1405 amended Dec. 22, 1971, P.L.613, No.165)

Section 1406. Petition to Establish Identity by Candidate Nominated under Different Names; Cumulation Prohibited.--Any person who has been nominated at a primary election by more than one party for the same office under different names may, at any time not later than five (5) days after the certification by the county board of the votes cast at a primary election, present a petition to the court of common pleas of the proper county, praying for an order declaring such petitioner by his true name to be the person who was thus nominated by more than one party under different names. If the court shall determine that the different names so appearing on the returns of the primary represent one and the same person, the court shall enter an order finding said fact and directing the county board to revise its return accordingly. No such order shall be entered by any court, unless notice of the filing of said petition shall first have been given to the county board, and to all the other candidates who appear to have been nominated for the same office, in such manner as the court may, by its order, direct, which notice shall specify the time and place of the hearing on said petition. Upon the filing of any such petition, said court shall proceed to hear said matter without delay, having

due regard to the proximity of the ensuing election. Immediately upon the entry of any order as aforesaid, a certified copy thereof shall be served on the county board, which shall correct and revise its returns accordingly. No candidate for public office at any November election whose name, for any reason, is printed more than once for the same office on any ballot at any general, municipal or special election, shall be entitled to have cumulated, either by the election officers, by the county board, or by any court, the votes cast after such different names. (1406 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1407. Appeals to Court from Decisions of the County Board.--

(a) Any person aggrieved by any order or decision of any county board regarding the computation or canvassing of the returns of any primary or election, or regarding any recount or recanvass thereof under sections 1701, 1702 and 1703 of this act, may appeal therefrom within two days after such order or decision shall have been made, whether then reduced to writing or not, to the court specified in this subsection, setting forth why he feels that an injustice has been done, and praying for such order as will give him relief. If a recount or recanvass is made under section 1404(g), the appeal must be made to Commonwealth Court. Unless a recount or recanvass is made under section 1404(g), the appeal must be made to the court of common pleas of the proper county. Upon the payment to the prothonotary of a fee for filing such appeal, a judge of the court shall fix a time and place for hearing the matter in dispute within three days thereafter, of which due notice shall be served, with a copy of such appeal, by the appellant upon a member of the county board whose action is complained of and upon every attorney, watcher or candidate who opposed the contention of the appellant before the county board, and upon any other person that the judge shall direct, at least two days before the matter shall be reviewed by the court. Proof of such notice or the waiver thereof must be filed therein before any appeal is sustained.

(b) The court on an appeal shall have full power and authority to hear and determine all matters pertaining to any fraud or error committed in any election district to which such appeal relates, and to make such decree as right and justice may require. Pending such appeal, the county board shall suspend any official certification of the votes cast in such election district. None of the orders or decisions of either the county board or the court of common pleas on appeal shall be deemed a final adjudication regarding the results of any primary or election, so as to preclude any contest thereof. No appeal shall be allowed or granted from any order or decree of the court of common pleas made in pursuance of this section. The court of common pleas, upon any appeal under this section, may compel the appellant or any opposing party, other than the county board, to pay all the witness fees, if any, or other legal costs of the hearing, which costs may be taxed by the prothonotary in the usual manner.

(1407 amended Oct. 8, 2004, P.L.807, No.97)

Section 1408. Copy of Certified Returns to Be Filed; Copy to Be Forwarded to the Secretary of the Commonwealth; Duplicate Copies.--After the certification of the returns of any primary or election, as provided by section 1404 of this act, the county board shall retain in its office one copy of the returns so certified. In the case of elections of presidential electors, United States Senators, Representatives in Congress, Governor, Lieutenant Governor, Auditor General, State Treasurer and



Secretary of Internal Affairs, Judges of the Supreme Court, Judges of the Superior Court and judges of other courts of record, including associate judges, senators and representatives in the General Assembly, a separate certificate, showing totals of the returns cast for each of such offices respectively, shall also be forwarded by the county board to the Secretary of the Commonwealth on forms furnished by the Secretary of the Commonwealth.

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

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

(a) In the case of any city, borough, township, ward, school district, or poor district office, or of the submission of any question to the electors, voted for or upon by the electors of two or more counties or parts of counties, the county election board, in each of the counties in which such municipality is located, shall certify to the county board of the county in which reside the majority of registered electors of such city, borough, township, ward, school district or poor district, the return of the vote cast for such officers or upon such questions. After completing the tabulation of such returns, the return board of said county shall issue certificates of election to the successful candidates. In case of any county, borough, city or township officer who is by law required to be commissioned by the Governor, the said return board shall also transmit a certified copy of such return to the Secretary of the Commonwealth, who shall forthwith lay the results of such election before the Governor.

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

(c) Whenever it shall appear by the decision of the proper tribunal having jurisdiction of a contested election, that the person to whom said commission shall have been issued has not been legally elected to the office for which he has been commissioned, then a commission shall issue to the person who shall appear to be legally elected to said office, the issuing of which commission shall nullify and make void the commission already issued, and all power and authority under said commission first issued shall thereupon cease and determine.

Section 1411. Secretary of the Commonwealth to Certify Votes of National Delegates and Members of State Committee.--Following his tabulation of the returns received from each Spring primary,

the Secretary of the Commonwealth shall issue certificates of election to the persons in each political party who have been duly elected delegates or alternate delegates to the National convention of each party, and to the persons in each party who have been duly elected members of the National Committee or the State committee of each party. In the case of delegates or alternate delegates to a National party convention, the certificates of election shall show the number of votes received in the State or in the political district, as the case may be, by each candidate of such delegate's or alternate delegate's political party for nomination as President of the United States. The Secretary of the Commonwealth shall also certify to the State chairman of each party the votes cast for each candidate for the office of member of State committee of each party.

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

Section 1413. United States Senators, Representatives in Congress; Certificates of Election; Returns.--Upon completing the tabulation of any election for United States Senator or Representative in Congress, the Secretary of the Commonwealth shall lay the same before the Governor, who shall immediately issue certificates of election under the seal of the Commonwealth, duly signed by himself, and attested by the Secretary of the Commonwealth, and deliver the same to the candidates receiving the highest number of votes for the respective offices. The Governor shall also transmit the returns of such election to the President of the United States Senate, in the case of the election of a United States Senator, and to the Speaker of the House of Representatives of the United States, in the case of the election of representatives in Congress.

(1413 amended May 18, 1945, P.L.694, No.298)

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

Section 1415. Governor and Other State Officers; Judges; Certificates of Election; Commissions.--The Secretary of the Commonwealth, at the first meeting of the General Assembly following the election of a Governor, Lieutenant Governor, Secretary of Internal Affairs, Auditor General or State Treasurer, shall deliver to the President of the Senate the returns of elections for all such offices, who shall open and

publish them in the presence of members of both houses of the General Assembly. The person receiving the highest number of votes for the respective offices shall be declared elected thereto, and certificates of such elections shall be made and filed with the Secretary of the Commonwealth. The Secretary of the Commonwealth shall immediately lay before the Governor such certificates of election, except the certificate of election of Governor, whereupon the Governor shall issue a commission to each person so elected. The Secretary of the Commonwealth shall immediately after tabulating and computing the returns of each election of Judge of every court, certify the result thereof to the Governor, who shall immediately issue a commission to such person.

(1415 amended May 18, 1945, P.L.694, No.298 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1416. Presidential Electors; Certificates of Persons Elected.--The Secretary of the Commonwealth, on receiving and computing the returns of the election of presidential electors, shall lay them before the Governor, who shall enumerate and ascertain the number of votes given for each person so voted for, and shall cause a certificate of election to be delivered to each person so chosen.

(1416 amended May 18, 1945, P.L.694, No.298)

Section 1417. Persons Receiving Highest Number of Votes to Be Declared Elected.--Except as otherwise provided by law, the persons receiving the highest number of votes for any office at any election shall be declared elected to such office, up to the number required by law to be elected thereto.

Section 1418. Tie Votes.--In the case of a tie vote not otherwise provided for by law, the candidates receiving the tie vote shall cast lots before the county board or the Secretary of the Commonwealth, as the case may be, at 12 o'clock noon on the third Friday after the election, and the one to whom the lot shall fall shall be declared elected. In any case where the fact of a tie vote is not authoritatively determined until after the third Wednesday after the election, the time for casting lots shall be 12 o'clock noon of the second day after the fact of such tie vote is authoritatively determined. If any candidate or candidates receiving a tie vote, fail to appear before twelve o'clock noon of said day, the county board or the Secretary of the Commonwealth, as the case may be, shall cast lots for him or them. For the purpose of casting lots any candidate may appear in person, or by proxy duly appointed in writing.

## ARTICLE XV Electoral College

Section 1501. Election of Presidential Electors.--At the general election to be held in the year 1940, and every fourth year thereafter, there shall be elected by the qualified electors of the Commonwealth, persons to be known as electors of President and Vice-President of the United States, and referred to in this act as presidential electors, equal in number to the whole number of senators and representatives to which this State may be entitled in the Congress of the United States.

Section 1502. Meeting of Electors; Duties.--The electors chosen, as aforesaid, shall assemble at the seat of government of this Commonwealth, at 12 o'clock noon of the day which is, or may be, directed by the Congress of the United States, and

shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States.

Section 1503. Filling of Vacancies Existing in Presidential Electors.--If any such presidential elector shall die, or for any cause fail to attend at the seat of government at the time appointed by law, the electors present shall proceed to choose viva voce a person of the same political party as such deceased or absent elector, to fill the vacancy occasioned thereby, and immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall forthwith cause notice in writing to be given to such person of his election; and the person so elected (and not the person in whose place he shall have been chosen) shall be an elector and shall, with the other electors, perform the duties enjoined on them.

Section 1504. Compensation of Presidential Electors; Expenses of Electoral College.--Each presidential elector aforesaid, shall receive from the State Treasury the sum of three dollars for every day spent in traveling to, remaining at, and returning from, the place of meeting aforesaid, and shall be entitled to mileage at the rate of three cents per mile to and from his home, to be computed by the ordinary mail route between their homes and the place of meeting aforesaid. And the contingent expenses of the electoral college, not exceeding one hundred dollars in amount, shall likewise be paid by the State Treasurer, in both cases upon warrants drawn by the presiding officer of the college.

#### ARTICLE XVI Primary and Election Expenses

Section 1601. Definitions.--(1601 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1602. Political Committees; Treasurer.--(1602 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1602.1. Single Campaign Treasurer.--(1602.1 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1603. Authorization of Political Committees to Act for Candidates for Nomination and Election.--(1603 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1604. Contributions by Agent; Vouchers; Payment of Petty Expenses.--(1604 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1605. Contributions for Election Expenses to Be Made to Candidates or Treasurers; Contributions by Corporations and Unincorporated Associations Prohibited.--(1605 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1605.1. Report of Contributions; Duty of Secretary of Commonwealth.--(1605.1 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1606. Lawful Primary and Election Expenses.--(1606 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1607. Expense Accounts to Be Filed.--(1607 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1608. Place of Filing Expense Accounts.--(1608 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1609. Oath of Office; Taking Office; Receiving Salary.--(1609 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1610. Inspection and Preservation of Accounts and Affidavits.--(1610 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1610.1. Copies of Accounts for Public.--(1610.1 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1611. Audit of Expense Accounts.--(1611 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1612. Quo Warranto Proceedings.--(1612 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1613. Secretary of the Commonwealth to Supply Forms of Expense Account.--(1613 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1614. Notice of Advertisements Prior to Elections.--(1614 repealed Oct. 4, 1978, P.L.893, No.171)

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

(a) The word "candidate" shall mean any individual who seeks nomination or election to public office, other than a judge of elections or inspector of elections, whether or not such individual is nominated or elected. For the purpose of this article, an individual shall be deemed to be seeking nomination or election to such office if he has:

(1) Received a contribution or made an expenditure or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the individual has made known the specific office for which he or she will seek nomination or election at the time the contribution is received or the expenditure is made; or

(2) Taken the action necessary under the laws of the Commonwealth to qualify himself for nomination or election to such office.

((a) amended July 21, 1979, P.L.189, No.63)

(b) The word "contribution" shall mean any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing, to a candidate or political committee made for the purpose of influencing any election in this Commonwealth or for paying debts incurred by or for a candidate or committee before or after any election. "Contribution" shall also include the purchase of tickets for events such as dinners, luncheons, rallies and all other fund-raising events; the granting of discounts or rebates not available to the general public; or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments provided for the benefit of any candidate, including any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or a person whose expenditures the candidate or committee must report under this act. The word "contribution" includes any receipt or use of anything of value received by a political committee from another political committee and also includes any return on investments by a political committee.

(c) The word "election" shall mean any retention, primary, special, municipal or general election at which candidates appear on the ballot for nomination or election or at which questions are to be voted on by the electors of this Commonwealth.

(d) The word "expenditure" shall mean:

(1) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election;

(2) The payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees;

(3) The providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office to be voted for in this Commonwealth; or

(4) The payment or providing of money or other valuable thing by any person other than a candidate or political committee, to compensate any person for services rendered to a candidate or political committee.

(e) The words "independent expenditure" shall mean an expenditure by a person made for the purpose of influencing an election without cooperation or consultation with any candidate or any political committee authorized by that candidate and which is not made in concert with or at the request or suggestion of any candidate or political committee or agent thereof.

(f) The word "lobbyist" shall mean any person who is registered pursuant to the provisions of the act of September 30, 1961 (P.L.1778, No.712), known as the "Lobbying Registration and Regulation Act."

(g) The word "pledge" shall mean any written contract, promise or agreement to contribute personally money or anything of value.

(h) The words "political committee" shall mean any committee, club, association or other group of persons which receives contributions or makes expenditures.

(i) The words "prosecutorial officer" shall mean the Attorney General of this Commonwealth or the district attorneys of the respective counties.

(j) The word "supervisor" shall mean the Secretary of the Commonwealth or the respective county boards of elections.

(k) The words "valuable thing" shall mean all securities, goods, facilities, equipment, supplies, personnel, advertising, services, membership lists commonly offered or used commercially or other in-kind contributions provided without compensation, or at compensation which is below the usual and normal compensation for the items. The dollar value of a contribution of a valuable thing is the difference between the usual and normal charge for goods or services at the time of the contribution and the amount charged the candidate or political committee.

Any of the categories hereinafter excluded from the definition of "valuable thing" shall not be deemed a contribution or expenditure for purposes of reporting or record keeping. The words "valuable thing" shall not include such de minimus items as the following:

(1) Voluntary personal services provided by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee.

(2) The operation of a motor vehicle owned or leased by a candidate or a member of his immediate family or for consumption of food or beverages by a candidate or his immediate family.

(3) The use of real or personal property, including a community room or a church used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food and beverages voluntarily provided by an individual to any candidate in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate related activities, to the extent that the cumulative value of such invitations, food and beverages provided by such individual on behalf of any single candidate does not exceed two hundred fifty dollars (\$250), with respect to any single election.

(4) The sale of any food or beverage by a vendor other than a corporation or unincorporated association for use in any candidate's campaign at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor to the extent that the cumulative value of such reduced charge by such vendor on behalf of any single candidate does not exceed two hundred fifty dollars (\$250) with respect to any single election.

(5) Any unreimbursed payment for travel expenses made by any individual on behalf of any candidate to the extent that the cumulative value of such travel activity by such individual on behalf of any single candidate does not exceed two hundred fifty dollars (\$250) with respect to any single election.

(6) The use of the personal residence or the business or office space of the candidate other than a corporation or unincorporated association and the use of personal property owned or leased by the candidate: Provided, however, That the cumulative value of the use of such personal property does not exceed one thousand dollars (\$1,000) with respect to any single election.

(7) The use of the personal residence or the business or office space of any volunteer, other than a corporation or unincorporated association, and the use of personal property owned or leased by a volunteer: Provided, however, That the cumulative value of the use of such personal property does not exceed two hundred fifty dollars (\$250) with respect to any single election. Nothing in this section shall be construed to permit any matter prohibited in sections 1633 and 1843.

((k) amended July 11, 1980, P.L.591, No.127)

(l) The words "Political Action Committee" shall mean any political committee as defined in subsection (h) which receives contributions and makes expenditures to, or on behalf of, any candidate other than a candidate's own authorized political committees or the political committees of any State, county, city, borough, township, ward or other regularly constituted party committee of any political party or political body. ((l) added July 21, 1979, P.L.189, No.63)

(m) The words "Candidate's Political Committee" shall mean any political committee formed on behalf of a specified candidate and authorized by said candidate. ((m) added July 21, 1979, P.L.189, No.63)

(1621 added Oct. 4, 1978, P.L.893, No.171)

Section 1622. Organization of Political Committees; Treasurer and Assistant Treasurer; Records of Candidate and Committees.--

(a) Every political committee shall have a treasurer and a chairman. No contribution shall be received nor shall any expenditure be made when there is a vacancy in either one of these offices. All money received and disbursed by a political committee must be done through the treasurer of the committee.

(b) Every candidate who authorizes a committee or committees, to receive and disburse funds on behalf of this candidacy, shall name a sole treasurer, irrespective of the number of committees so authorized, to receive and disburse all funds for said committees. Nothing herein shall be construed to prohibit a candidate from receiving or expending moneys on his behalf or a treasurer of a political party committee or a committee authorized to receive and distribute funds on behalf of more than one (1) candidate from receiving or expending moneys on behalf of said candidates, notwithstanding the appointment of a sole treasurer. A sole treasurer may delegate authority, in writing, to any number of assistant treasurers

to receive and disburse moneys collected on behalf of a candidate for election. Nothing in this section shall prohibit authorized individuals from selling tickets or soliciting funds when funds are deposited in the campaign account of the candidate.

(c) Each candidate and committee shall keep records of the names and addresses of each person from whom a contribution of over ten dollars (\$10) has been received and a record of all other information required to be reported pursuant to this act. All such records shall be retained by the candidate or treasurer for a period of three (3) years after such information is reported as required by this act. ((c) amended July 11, 1980, P.L.591, No.127)

(d) Any person receiving any contribution on behalf of a political committee or candidate shall turn such contributions over to the treasurer of that committee or the candidate within ten (10) days of its receipt.

(1622 added Oct. 4, 1978, P.L.893, No.171)

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

(1623 added Oct. 4, 1978, P.L.893, No.171)

Section 1624. Registration.--

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

(b) Each registration statement shall contain the following information:

(1) The name, addresses and phone numbers of the political committee.

(2) The name, address and phone number of the committee's treasurer.

(3) The name, address and phone number of the committee's chairman.

(4) The names, addresses and relationships of other affiliated or connected organizations.

(5) The candidates, if any, and their names and addresses.

(6) The ballot question, if any, which the committee intends to support or oppose.

(7) The banks, safety deposit boxes or other repositories and their addresses used by the committee.

(8) The proposed period of operation of the committee.

(c) The committee shall inform the appropriate supervisor of any changes in the information contained in subsection (b) within thirty (30) days of that change.

(d) No political committee which receives an aggregate amount of contributions of two hundred fifty dollars (\$250) or



more may make a contribution to any candidate or political committee unless it has registered with the appropriate supervisor.

(1624 added Oct. 4, 1978, P.L.893, No.171)

Section 1625. Statements by Lobbyists.--

(a) Any lobbyist who has given a contribution or pledge regardless of amount, to any candidate, shall be subject to the same registration and reporting provisions as are political committees.

(b) The registration statement required by section 1624 shall be filed by a lobbyist who has given a contribution or pledge regardless of amount, to any candidate.

(1625 added Oct. 4, 1978, P.L.893, No.171)

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

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

(b) Each report shall include the following information:

(1) The full name, mailing address, occupation and name of employer, if any, or the principal place of business, if self-employed, of each person who has made one or more contributions to or for such committee or candidate within the reporting period in an aggregate amount or value in excess of two hundred fifty dollars (\$250), together with the amount and date of such contributions. The accuracy of the information furnished to the candidate or committee shall be the responsibility of the contributor.

(2) The full name and mailing address of each person who has made one or more contributions to or for such committee or candidate within the reporting period in an aggregate amount or value in excess of fifty dollars (\$50), together with the amount and date of such contributions. The accuracy of the information furnished by the contributor shall be the responsibility of the contributor.

(3) The total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under clauses (1) and (2).

(4) Each and every expenditure, the date made, the full name and address of the person to whom made and the purpose for which such expenditure was made.

(5) Any unpaid debts and liabilities, with the nature and amount of each, the date incurred and the full name and address of the person owed.

(6) The account shall include any unexpended balance of contributions or other receipts appearing from the last account filed.

(c) Vouchers or copies of vouchers for all sums expended amounting to more than twenty-five dollars (\$25) shall be retained by the candidate or the committee treasurer and shall be available for public inspection and copying as herein provided. Any person may inspect or copy such vouchers or copies thereof by filing a written request with the appropriate supervisory office which shall notify the candidate or political committee of such request. The candidate or political committee

shall have the option of either forwarding such vouchers or copy of the same to the supervisor for such purpose or making the vouchers or copy of the same available to the requesting person. If a candidate or a treasurer of a political committee shall fail to make said vouchers or copies thereof available for inspection and copying when requested by the appropriate supervisory officer, such officer shall direct the candidate or political committee to promptly deliver the vouchers or copies thereof to the supervisory office for purposes of inspection and copying. Costs of copying and costs of delivery by the candidate or treasurer of the requested vouchers or copies thereof shall be borne by the person requesting same. ((c) amended July 11, 1980, P.L.591, No.127)

(d) Pre-election reports by candidates for offices to be voted for by the electors of the State at large and all political committees, which have expended money for the purpose of influencing the election of such candidate, shall be filed not later than the sixth Tuesday before and the second Friday before an election, provided that the initial pre-election report shall be complete as of fifty (50) days prior to the election and the subsequent pre-election report shall be complete as of fifteen (15) days prior to the election. Pre-election reports by all other candidates and political committees which have received contributions or made expenditures for the purpose of influencing an election shall be filed not later than the second Friday before an election, provided that such report be complete as of fifteen (15) days prior to the election. ((d) amended July 11, 1980, P.L.600, No.128)

(e) All candidates or political committees, required to file under this section, shall also file a post-election report not later than thirty (30) days after an election which shall be complete as of twenty (20) days after the election. In the case of a special election the post-election report shall be complete as of ten (10) days after such special election. ((e) amended July 10, 1981, P.L.256, No.84)

(f) Each report shall also contain a summary, on a separate page, of the information required by subsection (b).

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

(h) All reports required to be filed pursuant to this section shall be filed pursuant to section 1630. All reports and statements required by this section shall cover the campaign activity of a candidate only from the last prior report or statement. ((h) amended July 11, 1980, P.L.591, No.127)

(i) An expenditure from a candidate's political committee to another political committee shall be reported as a contribution by the political committee receiving the contribution but need not be reported by the contributing candidate's political committee until the time required by law

for that candidate's political committee to report: Provided, however, That if the amount of the contribution exceeds two hundred fifty dollars (\$250) to a single political committee or one thousand dollars (\$1,000) in aggregate contributions to more than one political committee for any primary, general or special election, then receipts and expenditures shall be reported by the contributing committee at the same time as required by law for the committee receiving same. ((i) added July 21, 1979, P.L.189, No.63)

(j) All "Political Action Committees" shall report to the Secretary of the Commonwealth all expenditures to or made on behalf of, any State-wide candidate, candidate for the Pennsylvania House of Representatives, or candidate for the State Senate, in the same manner as indicated in this section as a candidate's political committee. This provision shall be in addition to any other filing and reporting provisions of this act which apply to such committees, their treasurers and chairmen. ((j) added July 21, 1979, P.L.189, No.63)

(1626 added Oct. 4, 1978, P.L.893, No.171)

Section 1626.1. Waiver of Reporting by Local Candidates Upon Filing of Additional Affidavits.--

(a) In lieu of filing the reports or statements required by sections 1626 and 1627, a candidate for local office (which shall include county, township, city, school district, magisterial district, town and borough offices), who does not form a political committee, shall file an additional affidavit on the form required in section 910 or 951 attesting to the following:

(1) that the candidate for local office does not intend to receive contributions or make expenditures in excess of two hundred fifty dollars (\$250) during any reporting period;

(2) that the candidate for local office will keep records of contributions and expenditures, as required by this act;

(3) that the candidate for local office will file reports in accord with sections 1626 and 1627 for any reporting period during which he receives contributions or makes expenditures in excess of two hundred fifty dollars (\$250).

(b) Any candidate for local office filing an affidavit pursuant to this section, who exceeds the two hundred fifty dollar (\$250) limit herein specified, during a reporting period shall file the report required by section 1626 which shall be cumulative from the beginning of the reporting period. No further report shall be required for any subsequent period unless a candidate for local office receives contributions or makes expenditures in excess of two hundred fifty dollars (\$250) during said reporting period.

(1626.1 added July 11, 1980, P.L.591, No.127)

Section 1627. Annual Reports.--

(a) All political committees and candidates, including those committees and candidates filing reports under section 1626 (d) and (e), shall file a report on January 31 of each year which shall be complete as of December 31 of the prior year. Such reports shall be filed annually at this time until there is no balance or debt in the report of the candidate or political committee. Such reports shall be cumulative. However, if there has been no change in the account, then the candidate or political committee shall file a statement to that effect with the appropriate supervisor. Each form designated by the Secretary of the Commonwealth for filing a report or statement required by section 1626(e) shall contain a block which may be marked by the candidate or political committee designating it a termination report or statement. If such report or statement

is so designated, or if an authorized candidate elects to file no report or statement pursuant to section 1626.1, no annual report need be filed under this section unless contributions were received or expenditures made subsequent to the time period for filing of such termination report. However, no candidate or political committee may terminate by way of a statement where the unpaid balance indicated in the previous report was greater than two hundred fifty dollars (\$250). In the case of annual reports said report shall cover the campaign activity of a candidate or political committee from the last prior report or statement.

(b) Any political committee required to be registered under this act and not reporting under section 1626 shall file an annual report under this section. However, if a political committee makes aggregate expenditures as defined in section 1621 in an amount less than two hundred fifty dollars (\$250) or incurs aggregate debt in an amount less than two hundred fifty dollars (\$250) during the calendar year to influence an election, it need not file an annual report; provided that this exception shall not be applicable to a candidate's political committee or to a State or county committee of a political party or political body or to a political action committee of a corporation or unincorporated association. ((b) amended July 11, 1980, P.L.625, No.129)

(1627 amended July 11, 1980, P.L.591, No.127)

Section 1628. Late Contributions and Independent Expenditures.--Any candidate or political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, which receives any contribution or pledge of five hundred dollars (\$500) or more, and any person making an independent expenditure, as defined by this act, of five hundred dollars (\$500) or more after the final pre-election report has been deemed completed shall report such contribution, pledge or expenditure to the appropriate supervisor. Such report shall be sent by the candidate, chairman or treasurer of the political committee within twenty-four (24) hours of receipt of the contribution. It shall be the duty of the supervisor to confirm the substance of such report. The report shall be made by telegram, mailgram, overnight mail or facsimile transmission. Any candidate in his own behalf, or chairman, treasurer or candidate in behalf of the political committee may also comply with this section by appearing personally before such supervisor and reporting such late contributions or pledges.

(1628 amended Feb. 13, 1998, P.L.72, No.18)

Section 1629. Oath of Compliance; Perjury; Disqualification from Office; Commercial Use.--

(a) Each report shall be subscribed and sworn to by the individual submitting the report. In addition, any report filed by a political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, must be accompanied by an affidavit from that candidate which provides that, to the best of the candidate's knowledge, the political committee has not violated any provision of this act.

(b) Any wilfully false, fraudulent or misleading statement or entry made by any candidate or treasurer in any statement or report under oath as required by this article, shall constitute the crime of perjury, and be punishable as such according to the laws of this Commonwealth.

(c) Any person hereafter convicted of such an act shall be disqualified from holding public office in this Commonwealth.

Conviction, as used in this subsection, shall include a finding or verdict of guilt, an admission of guilt, or a plea of nolo contendere.

(d) It shall be unlawful for any person to use the contents of any statement or report filed under this article for any commercial purpose whatsoever.

(1629 added Oct. 4, 1978, P.L.893, No.171)

Section 1630. Residual Funds.--

In the event that a candidate or political committee terminates its financial activity as such, then the disbursement of any residual funds remaining in such an account shall be made in the following manner:

(1) any such funds may be used for any expenditure as defined by this article; and

(2) may be returned, pro rata, to the contributors by the candidate or treasurer of the political committee. A final report must be made by the next January 31 in accordance with section 1627.

(1630 added Oct. 4, 1978, P.L.893, No.171)

Section 1631. Place of Filing.--

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

(1) (i) Any candidate, individual, or committee required to file a report concerning any candidate shall file that statement or report in the office of the supervisor with whom the candidate filed a nomination paper, nomination certificate, nomination petitions or with the supervisor with whom the candidate would have filed such if he had sought nomination in that manner.

(ii) All candidates and political committees, authorized by candidates and created solely for the purpose of influencing the election of such candidates, who must file reports with the Secretary of the Commonwealth, shall also file copies of their reports in the county in which the candidate resides.

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

(ii) Any statement or report concerning any other issue to be voted on by the electors of this Commonwealth shall be filed in the county wherein the electors reside.

(3) However, if any report of any political committee concerns both candidates who file for nomination with the Secretary of the Commonwealth and candidates who file with a county board of elections, then such report shall be filed with the Secretary of the Commonwealth.

(1631 added Oct. 4, 1978, P.L.893, No.171)

Section 1632. Late Filing Fee; Certificate of Filing.--

(a) A late filing fee for each report or statement of expenditures and contributions which is not filed within the prescribed period shall be imposed as follows. Such fee shall be ten dollars (\$10) for each day or part of a day excluding Saturdays, Sundays and holidays that a report is overdue. An additional fee of ten dollars (\$10) is due for each of the first six (6) days that a report is overdue. The maximum fee payable with respect to a single report is two hundred fifty dollars (\$250). A supervisor shall receive an overdue report or statement even if any late filing fee due has not been paid but the report or statement shall not be considered filed until all fees have been paid upon the receipt by the supervisor of an overdue report. No further late filing fees shall be incurred notwithstanding the fact that the report or statement is not considered filed. The late filing fee is the personal liability

of the candidate or treasurer of a political committee and cannot be paid from contributions to the candidate or committee, nor may such fee be considered an expenditure. A report or statement of expenditures and contributions shall be deemed to have been filed within the prescribed time if the letter transmitting the report or statement which is received by the supervisor is transmitted by first class mail and is postmarked by the United States Postal Service on the day prior to the final day on which the report or statement is to be received: Provided, That this sentence shall not be applicable to the reporting requirements contained in section 1628. ((a) amended July 11, 1980, P.L.591, No.127)

(b) No person shall be deemed elected to a public office under the laws of this Commonwealth or enter upon the duties thereof, or receive any salary or emoluments therefrom until all of the reports and statements of contributions and expenditures required to be filed by any candidate and treasurers of committees authorized by such candidate and due before the person may take office, have been filed. No candidate may be sworn in until the appropriate supervisor certifies that all required reports have been filed, and no official of the Commonwealth or any of its political subdivisions may issue a commission or administer an oath of office until that official has received this certification. No certification shall be issued until the supervisor has received post election reports of any candidate and treasurer of committees authorized by such candidate.

(c) No late filing fees shall be imposed under this section for pre-election filings due any primary, special, or municipal election held through November 6, 1979. Late filing fees paid for any primary, special, or municipal election held through November 6, 1979 shall be refunded after any candidate or committee in violation has filed the required pre-primary, pre-special, pre-municipal, post-primary, post-special, or post-municipal election report. No late filing fee shall be imposed under this section, for the required post-primary election report for the primary election held May 15, 1979 where such post-primary election report is filed on or before July 16, 1979. No late filing fee shall be imposed under this section for the required pre-election or post-election report for the municipal election held November 6, 1979 where such report is filed on or before February 15, 1980: Provided, however, That no one shall be issued a commission or take the oath of office until all reports required on account of his or her candidacy shall be filed. Any pre-election or post-election late filing fees, collected for primary, special, or municipal elections held on or before November 6, 1979, shall be refunded within thirty (30) days. ((c) added Dec. 13, 1979, P.L.551, No.124)

(1632 added Oct. 4, 1978, P.L.893, No.171)

**Compiler's Note:** See sections 9 and 10 of Act 63 of 1979 in the appendix to this act for special provisions relating to refund of late filing fees and retroactivity.

Section 1633. Contributions or Expenditures by National Banks, Corporations or Unincorporated Associations.--(a) It is unlawful for any National or State bank, or any corporation, incorporated under the laws of this or any other state or any foreign country or any unincorporated association, except those corporations formed primarily for political purposes or as a political committee, to make a contribution or expenditure in connection with the election of any candidate or for any political purpose whatever except in connection with any

question to be voted on by the electors of this Commonwealth. Furthermore, it shall be unlawful for any candidate, political committee, or other person to knowingly accept or receive any contribution prohibited by this section, or for any officer or any director of any corporation, bank, or any unincorporated association to consent to any contribution or expenditure by the corporation, bank or unincorporated association, as the case may be, prohibited by this section.

(b) No provision of the laws of this Commonwealth shall be deemed to prohibit a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations in the ordinary course of business; however, any such loans shall be included in the reports filed by the candidates and political committees. No provision of the laws of this Commonwealth shall be deemed to prohibit the receipt of interest or dividends on investments where the interest or dividends are received in accordance with the applicable banking laws and in the ordinary course of business. Any such interest and dividends shall be included in the financial records maintained by the candidate and political committees and reported where appropriate under the filing requirements of this act. ((b) amended July 11, 1980, P.L.591, No.127)

(c) No provision of the laws of this Commonwealth shall be deemed to prohibit direct private communications by a corporation to its stockholders and their families or by an unincorporated association to its members and their families on any subject; nonpartisan registration and get-out-vote campaigns by a corporation aimed at its stockholders and their families or by an unincorporated association aimed at its members and their families; and the establishment, and administration by a corporation or an unincorporated association of a separate segregated fund which fund is to be created by voluntary individual contributions, including those solicited by the corporation or unincorporated association and to be utilized for political purposes, provided that any such separate segregated fund shall be deemed to be a political committee for purposes of this article.

(d) No contribution from a partnership, limited partnership or limited liability company may be made from funds of any partner, limited partner or member that is a corporation. A limited liability company that makes a contribution shall affirm to the recipient candidate or committee that the limited liability company is treated as a partnership for Federal tax purposes and that the contribution from the limited liability company does not contain corporate funds. ((d) added Nov. 9, 2006, P.L.1330, No.137)

(1633 amended Nov. 26, 1978, P.L.1313, No.318)

Section 1634. Contributions by Agents; Anonymous Contributions; Cash Contributions.--(Hdg. amended Nov. 26, 1978, P.L.1313, No.318)

(a) It shall be unlawful for any person to make any contribution with funds designated or given to him for the purpose by any other person, firm or corporation. Each person making a contribution shall do so only in his own name. ((a) amended Nov. 26, 1978, P.L.1313, No.318)

(b) It shall be unlawful for any candidate or political committee to disburse money received from an anonymous source. All such money shall be handed over to the State Treasurer within twenty (20) days of its receipt.

(c) It shall be unlawful for any person to make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which

in the aggregate, exceed one hundred dollars (\$100), with respect to any candidate for election.

(1634 added Oct. 4, 1978, P.L.893, No.171)

Section 1634.1. Lawful Election Expenses.--No candidate, chairman or treasurer of any political committee shall make or agree to make any expenditure or incur any liability, except as provided in section 1621(d).

(1634.1 amended July 11, 1980, P.L.591, No.127)

Section 1635. Independent Audit.--

(a) Every two (2) years, the Secretary of the Commonwealth shall contract for the services of a certified public accountant or certified public accounting firm. Such contract shall be awarded on a bid basis and no certified public accountant or certified public accounting firm shall be eligible to obtain such a contract for two (2) successive contract periods.

(b) The Secretary of the Commonwealth shall select by lottery, at a public drawing, forty (40) days after each primary, general and municipal election three (3) per cent of all public offices for which candidates must file nominating petitions or papers with the Secretary of the Commonwealth. For the purpose of this subsection, a legislative or senatorial district shall be considered a public office. Any public office filled at a special election occurring other than at a primary, general or municipal election shall be placed in the lottery of public offices for audit at the next succeeding primary, general or municipal election whichever occurs first. Any public office filled at a special election held at the same time as any other election shall be included in the lottery for that election. ((b) amended July 11, 1980, P.L.591, No.127)

(c) The certified public accountant shall audit the reports of all candidates for each public office selected in accordance with subsection (b) and those committees, authorized and created solely for the purposes of influencing an election on behalf of those candidates. ((c) amended July 11, 1980, P.L.591, No.127)

(d) The accountants shall conduct their audit in accord with sound accounting principles and shall make findings of any possible violations of this act with respect to campaign contributions or expenses. All audited candidates and their committees shall furnish any records to the accountants which the accountants deem necessary for the completion of their work.

(e) The accountant shall report his or her findings to the Secretary of the Commonwealth who shall make public the report of the accountants. The results of the primary election audit shall not be released to the public until after the general or municipal election. Nothing in this subsection shall be construed to prohibit the initiation of prosecution for criminal violations by the appropriate agencies. ((e) amended July 11, 1980, P.L.591, No.127)

(f) The accountants shall also furnish a report of their findings to the Attorney General for the institution of such criminal proceedings as he or she shall deem necessary.

(1635 added Oct. 4, 1978, P.L.893, No.171)

Section 1636. Audit of Expense Accounts.--

(a) Within ninety (90) days after the last day for filing any report and affidavit required by this act, any five (5) electors of the Commonwealth or of the political subdivision may present a petition to the court of common pleas of the county in which is situated the office where such original report has been filed or with the Commonwealth Court in the case of original report filed with the Secretary of the Commonwealth for an audit of such report. Thereupon the court



shall direct the officer or board with whom such report has been filed to certify the same to the court for audit and may, in its discretion, require security to be entered for costs. The court may, in its discretion, appoint an auditor to audit such report, but the fees of such auditor shall be a reasonable sum per day for each day actually engaged. The court or auditor shall fix a day as early as may be convenient for the audit, at which time the person by whom such report has been filed shall be required to be present in person to vouch his report and to answer on oath or affirmation all such relevant questions concerning the same, as may be put to him by the petitioners or their counsel. The auditor shall issue subpoenas to all parties whom the petitioners or the filer of the report may require, to give evidence concerning such report, and he shall determine, subject to exception, all questions as to the admissibility of evidence, and shall file a copy of the evidence with his findings. If upon the audit, the court shall decide that the report was false in any substantial manner, or that any expenses have been incurred in contravention of this act, the costs of said audit shall be paid by the filer of the report, otherwise the court shall make such order as to payment of costs as shall be just in the circumstances.

(b) If the court shall decide upon the audit that any person, whether a candidate or not, has accepted contributions or incurred expense or has expended or disbursed money in contravention of this act, or has otherwise violated any of the provisions of this act, it shall certify its decision to the appropriate prosecutorial officer and it shall thereupon be the duty of such officer to institute criminal proceedings as he or she shall deem necessary.

(c) No person shall be excused from answering any question in any proceeding under this section on the ground that such answer would tend to incriminate him, but no such answer shall be used as evidence against such person in any criminal action or prosecution whatever, except in an action for perjury in giving such testimony.

(1636 added Oct. 4, 1978, P.L.893, No.171)

Section 1637. Proceedings Against Candidates Violating Provisions Relating to Contributions and Expenditures.--If any candidate, who has been nominated or elected, is found by any court of this Commonwealth in criminal proceedings to have wilfully accepted any contributions or made any expenditures in contravention of this act, either directly or through the treasurer of any committee authorized by section 1623 or through any other person with his knowledge or consent, whether expressly or not, that fact shall be certified by the court to the Attorney General. In the case of a candidate for nomination the Attorney General shall make a motion to the proper court to remove the candidate's name from the ballot. In the case of an elected candidate the Attorney General shall file in the proper court a suggestion for a writ of quo warranto against such candidate. If upon the hearing of such motion or writ, it shall be determined that such candidate has wilfully accepted any contribution, or made any expenditure in contravention of this act, either directly or through the treasurer of any committee authorized by section 1623 to pay or incur primary or election expenses in furtherance of his candidacy or through any other person with his knowledge and consent, whether expressly authorized or not, judgment of ouster from nomination, in the case of a candidate for nomination where the judgment is entered prior to the subsequent election, or judgment of ouster from office in the case of a candidate for election or

in the case of a candidate for nomination who has been subsequently elected to the office for which he was nominated, shall be entered against him. However, in the case of a candidate elected to the office of Senator or Representative in the General Assembly, the decision of the court shall be certified to the President of the Senate or to the Speaker of the House of Representatives, as the case may be.

(1637 added Oct. 4, 1978, P.L.893, No.171)

Section 1638. Advertising.--

(a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a candidate, or ballot questions, through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication:

(1) If authorized by the candidate, his authorized political committee or their agents, shall clearly and conspicuously state that the communication has been authorized.

(2) If not authorized by a candidate, his authorized political committee, or their agents, shall clearly and conspicuously state the name of the person who made or financed the expenditure for the communication, including, in the case of a political committee the name of any affiliated or connected organization.

(b) (1) No candidate for public office, or political committee or party acting on his behalf, shall place any advertisement referring to an opposing candidate for the same office which is to be broadcast or published during the one hundred and twenty (120) hours immediately prior to an election or published in a weekly newspaper or periodical during the eight (8) days immediately prior to an election, with a television or radio broadcasting station, newspaper or periodical, unless he has first given a copy of the material to appear or be used in the advertisement and reasonable notice to the opposing candidate and the county board of elections of the county where the advertisement is to be placed in sufficient time for a reply advertisement to be published or broadcast at the same approximate time or in the same issue of the publication or on the same radio or television broadcast as the original advertisement and prior to the election in question.

(2) The reasonable notice referred to in clause (1) shall be given in writing by registered mail, return receipt requested, addressee signature only, with a true copy of the material enclosed to appear or be used in the advertisement so as to afford the recipient sufficient time to place a reply advertisement to be published or broadcast at the same approximate time or in the same issue of the publication or on the same radio or television broadcast as the original advertisement and prior to the election in question.

(3) Any person, firm or corporation, political committee or party or member thereof, violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

(1638 added Oct. 4, 1978, P.L.893, No.171)

Section 1639. Powers and Duties of the Supervisor.--It shall be the duty of the supervisor to:

(1) Furnish to the persons, subject to the provisions of this act, a bookkeeping and reporting manual and the prescribed

forms for the making of the reports and statements required to be filed under this article.

(2) Develop a filing system consistent with the purposes of this article.

(3) Make the reports and statements filed with him or her available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to provide copies of any such report or parts thereof, as requested by any person, at the expense of such person, at the rate not to exceed the actual cost of reproduction.

(4) Preserve such reports and statements for a period of five (5) years from the date of filing.

(5) Compile and maintain a current list of all statements pertaining to each candidate and political committee.

(6) Make from time to time inquiries and field investigations with respect to reports and statements filed under the provisions of this article and with respect to alleged failures to file any report or statement required under provisions of this article.

(7) Report apparent violations of this article to the appropriate law enforcement authorities.

(8) Collect any fines relating to the filing of late reports and transmit all such fines collected to the appropriate fiscal officer of the receiving supervisor.

(9) Inform each candidate or committee which has failed to file of that fact.

(10) Publish a list of all those candidates and their committees who have failed to file reports as required by this act within six (6) days of their failure to comply.

(1639 added Oct. 4, 1978, P.L.893, No.171)

Section 1640. Additional Powers and Duties of the Secretary of the Commonwealth.--The Secretary of the Commonwealth shall have the following additional powers and duties:

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

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

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

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

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

(1640 added Oct. 4, 1978, P.L.893, No.171)

Section 1641. Reports by Business Entities; Publication by Secretary of the Commonwealth.--

(a) Any business entity including but not limited to a corporation, company, association, partnership or sole proprietorship, which has been awarded non-bid contracts from the Commonwealth or its political subdivisions during the preceding calendar year, shall report by February 15 of each year to the Secretary of the Commonwealth an itemized list of all political contributions known to the business entity by virtue of the knowledge possessed by every officer, director,

associate, partner, limited partner or individual owner that has been made by:

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

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

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

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

(1641 amended July 12, 1980, P.L.649, No.134)

Section 1642. Enforcement.--

(a) The Attorney General shall have prosecutorial jurisdiction over all violations committed under this act.

(b) ((b) Deleted by amendment)

(c) The district attorney of any county in which a violation occurred has concurrent powers and responsibilities with the Attorney General over such violations.

(1642 amended Dec. 9, 2002, P.L.1246, No.150)

## ARTICLE XVII Recounts and Contests

### (a) Recounts

Section 1701. Opening Ballot Boxes upon Petition of Electors Alleging Fraud or Error; Deposit or Bond.--(a) Except as set forth in subsection (a.1), the court of common pleas, or a judge thereof, of the county in which any election district is located in which ballots were used, shall open the ballot box of such election district used at any general, municipal, special or primary election held therein, and cause the entire vote thereof to be correctly counted by persons designated by such court or judge, if three qualified electors of the election district shall file, as hereinafter provided, a petition duly verified by them, alleging that upon information which they consider reliable they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the computation of the votes cast for all offices or for any particular office or offices in such election district, or in the marking of the ballots, or otherwise in connection with such ballots. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

(a.1) In cases resulting from a recount or recanvass order by the Secretary of the Commonwealth under section 1404(g), all of the following apply:

(1) Upon petition under clause (2), Commonwealth Court shall:

(i) open the ballot box of each election district in which ballots were used at a general, municipal, special or primary election; and

(ii) cause the entire vote of the election district to be correctly counted by persons designated by the court.

(2) To obtain relief under clause (1):

(i) Three (3) qualified electors of a county must file a verified petition alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes, was committed:

(A) in the computation of votes cast;

(B) in the marking of the ballots; or

(C) otherwise in connection with the ballots.

(ii) It is not necessary for the petitioners to specify in their petition the particular act of fraud or error which they believe to have been committed nor to offer evidence to substantiate the allegations of their petition.

(b) Every petition for the opening of a ballot box under the provisions of this section shall be filed in the office of the prothonotary of the proper county, accompanied by a deposit of cash in the amount of fifty (\$50.00) dollars, or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court, in the amount of one hundred (\$100.00) dollars, conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty (\$50.00) dollars, in the event that, upon the opening of the ballot box, it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots.

(c) Before any ballot box is opened under the provisions of this section, the court shall direct that notice of time and place of proposed recount be given, either personally or by registered mail, to each candidate for the office or offices which are to be recounted by the order of the court, and each such candidate may be present at such recount, either in person or by his attorney or by his duly authorized representative, under such regulations as the court may prescribe.

(d) If, upon opening any such ballot box, it shall appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, it shall be the duty of the court to certify such fact to the prothonotary and thereupon the prothonotary shall return to the petitioners the said sum of fifty (\$50.00) dollars, or if the petitioners shall have filed a bond in lieu of cash, to mark said bond cancelled and notify the petitioners that he has done so.

(e) If, upon opening any ballot box under the provisions of this section, it shall not appear that fraud or substantial error was committed in the computation of the votes cast on the ballots contained therein, or fraud in the marking of the ballots contained therein, or otherwise in connection with such ballots, the persons upon whose petition such ballot box shall have been opened shall forfeit to the county the sum of fifty (\$50.00) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition, the prothonotary, upon certification of the court that fraud or substantial error was not discovered, shall pay said sum deposited with him to the county treasurer; and if the petitioners shall have filed with their petition a bond in the sum of one hundred (\$100.00) dollars, it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond, the sum of fifty (\$50.00) dollars, and costs of suit, and for this purpose, he is hereby authorized

to institute any necessary legal proceedings. When so collected, the said sum of fifty (\$50.00) dollars shall be paid over to the county treasurer.

(f) Ballot boxes may be opened under the provisions of this section at any time within four months after the date of the general, municipal, special or primary election at which the ballots therein shall have been cast.

(1701 amended Oct. 8, 2004, P.L.807, No.97)

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

(1) Except as set forth in clause (2), the court of common pleas, or a judge thereof, of the county in which any election district is located, shall make visible the registering counters of the voting machine or machines used in such election district at any primary or election, and without unlocking the machine against voting, shall recanvass the vote cast therein, if three qualified electors of the election district shall file a petition, duly verified by them, alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the canvassing of the votes cast on such machine or machines. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

(2) In cases resulting from a recount or recanvass ordered by the Secretary of the Commonwealth under section 1404(g), all of the following apply:

(i) Upon petition under subclause (ii), Commonwealth Court shall:

(A) make visible the registering counter of the voting machine used;

(B) without unlocking the machine against voting, recanvass the vote cast in the machine.

(ii) To obtain relief under subclause (i):

(A) Three qualified electors of the county must file a verified petition alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes, was committed in the canvassing of the votes cast on the machine.

(B) It is not necessary for the petitioners to specify in their petition the particular act of fraud or error they believe to have been committed nor to offer evidence to substantiate the allegations of the petition.

(a.1) Every petition for the recanvassing of votes cast in the voting machine, or voting machines of an election district, under the provisions of this section, shall be filed in the office of the prothonotary of the proper county accompanied by a deposit of cash in the amount of fifty (\$50) dollars, or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court in the amount of one hundred (\$100) dollars, conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty (\$50) dollars, in the event that upon the recanvassing of the votes cast in a voting machine or voting machines, it does not appear that fraud or substantial error was committed in the canvassing of the votes cast on such machine or otherwise in connection with such voting machines.

(b) Before the votes cast on any voting machine are recanvassed under the provisions of this section, the court shall direct that notice of the time and place of the proposed

re canvass be given, either personally or by registered mail, to each candidate whose name appears on the ballot labels, and each such candidate may be present at such re canvass, either in person or by his attorney, or by his duly authorized representative, under such regulations as the court may prescribe.

(b.1) If, upon the re canvassing of the votes in any voting machine, it shall appear that fraud or substantial error was committed in the computation of the votes cast on the voting machine or otherwise in connection with such voting machine, it shall be the duty of the court to certify such fact to the prothonotary, and thereupon the prothonotary shall return to the petitioners the said sum of fifty (\$50) dollars, or if the petitioners shall have filed a bond, in lieu of cash, to mark said bond cancelled and notify the petitioners that he has done so.

(b.2) If, upon the re canvassing of the votes in any voting machine under the provisions of this section, it shall not appear that fraud or substantial error was committed in the computation of the votes cast in the voting machine or otherwise in connection with such voting machine, the persons upon whose petition such voting machine was re canvassed shall forfeit to the county the sum of fifty (\$50) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition, the prothonotary, upon certification of the court that fraud or substantial error or otherwise in connection with such machine was not discovered, shall pay said sum deposited with him to the county treasurer, and if the petitioners shall have filed with their petition a bond in the sum of one hundred (\$100) dollars, it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond the sum of fifty (\$50) dollars and costs of suit, and for this purpose he is hereby authorized to institute any necessary legal proceedings. When so collected, the said sum of fifty (\$50) dollars shall be paid over to the county treasurer.

(c) Voting machines may be re canvassed under the provisions of this section at any time within twenty days after the date of the primary or election at which they were used.

(1702 amended Oct. 8, 2004, P.L.807, No.97)

Section 1703. Correction of Returns; Decision Not to Be Final; Evidence for Prosecution.--

(a) (1) Any petition to open a ballot box or to re canvass the votes on a voting machine or an electronic voting system pursuant to sections 1701 and 1702 shall be filed no later than five (5) days after the completion of the computational canvassing of all returns of the county by the county board. If any error or fraud is found the court shall grant the interested parties an additional five (5) days to file petitions requesting additional ballot boxes to be opened or voting machines or electronic voting systems to be re canvassed.

(i) Except as set forth in subclause (ii):

(A) a recount or re canvass shall include all election districts in which ballots were cast for the office in question; and

(B) petitions, accompanied by the appropriate money or bond, must be filed in each election district in accordance with this act.

(ii) Subclause (i) shall not apply if a petitioner under section 1701 or 1702 pleads that a particular act of fraud or error occurred and offers prima facie evidence supporting the allegation.

(2) If any petition to open a ballot box or to recanvass the votes on a voting machine or an electronic voting system shall have been presented, under the provisions of sections 1701 and 1702 of this act and the court shall discover therein any fraud or error, the court shall correct, compute and certify to the county board the votes justly, regardless of any fraudulent or erroneous entries made by the election officers thereof, and the county board shall correct accordingly any entries previously made in the returns of the county being prepared by it, or which have been prepared and not yet certified.

(b) No order or decision of the court under the provisions of sections 1701 and 1702 of this act, shall be deemed a final adjudication regarding the results of any primary or election, so as to preclude any contest thereof under the provisions of this article, and no such order or decision shall affect the official returns of any election district, unless a petition to open the ballot boxes or to recanvass the votes on a voting machine or an electronic voting system shall have been presented before the certification of the returns of the county by the county board, or unless a contest shall have been instituted in the manner provided by this article.

(c) If upon the opening of any ballot box or recanvass of any voting machine or electronic voting system under the provisions of this article, it shall be found that fraud was committed in the computation of the votes cast on the ballots or voting machine, or in the marking of the ballots contained therein or otherwise in connection with such ballots, the county board shall take such steps as shall be appropriate to enable the ballot box and contents thereof or voting machine or electronic voting system to be available as evidence in any prosecution which may be begun against any person or persons alleged to be guilty of such fraud.

(1703 amended Oct. 8, 2004, P.L.807, No.97)

(b) Classes of Nomination and Election  
Contests

Section 1711. Classes of Nomination and Election Contests.--The several classes of nominations at primaries and elections of public officers which may be contested in this Commonwealth are hereby distinguished and designated as follows, to wit:

Class I. Nominations and elections of the Governor and Lieutenant Governor of the Commonwealth.

Class II. Nominations and elections of electors of President and Vice-President of the United States and all officers of this Commonwealth, including Judges of the Courts (except Governor and Lieutenant Governor), who now are or hereafter shall be required to be nominated or elected by the electors of the State at large, and nominations of United States Senators. (II repealed in part Apr. 28, 1978, P.L.202, No.53)

Class III. Nominations and elections of judges of the several courts. (III repealed in part Apr. 28, 1978, P.L.202, No.53)

Class IV. Nominations and elections of Senators and Representatives in the General Assembly, and nominations of Representatives in Congress.

Class V. All other officers, whether nominated or elected by the qualified voters of counties, cities, boroughs, townships, wards, school districts, poor districts or any other division of the State.

(c) Contested Nominations and Elections of the



## First Class

Section 1712. Committee of General Assembly to Try.--Contested nominations and elections of Governor and Lieutenant Governor shall be tried and determined by a committee to be selected from both houses of the General Assembly, and formed and regulated in the following manner.

Section 1713. Contest Petitions; When and to Whom Presented.--Upon the petition in writing of at least one hundred registered electors of the Commonwealth, accompanied by the affidavit, taken and subscribed by at least twenty of the petitioners, before some person having authority to administer oaths, that the facts set forth are true to the best of their knowledge and belief, and a certificate from the registration commission of the county or counties where the petitioners reside, setting forth that they are all registered electors, being presented to the presiding officer of the Senate within ten days from the organization of the General Assembly next succeeding the election complained of, he shall immediately give information thereof to both houses. Such petition after being read in each house, shall be laid on the table without any question taken thereon, until the two houses shall proceed thereon in the following manner.

Section 1714. Personnel of Contest Committee; Senate Members.--The Senate and House of Representatives shall, on a day and hour to be agreed on between them, which day shall be within five days of the reception of the petition as aforesaid, convene in the hall of the House of Representatives, where the petition shall be read by the secretary of the Senate; the names of the members of each house shall then be called over by the respective clerks, and a quorum of each house being present, a joint committee shall be formed as follows:

(a) The names of all senators present, except the President pro tempore, shall be written on distinct pieces of paper as nearly alike as may be, each of which shall be rolled up and put into a box by the clerk of the House of Representatives, and placed on the Speaker's table.

(b) The secretary of the Senate, having shaken and intermixed the said papers, shall draw them out one by one, and put them alternately into three boxes, also placed on the Speaker's table.

(c) When the whole number shall be thus distributed, the clerk of the House of Representatives shall shake and intermix the papers in each box, and shall draw alternately from each box the papers so rolled up, until twelve papers have been so drawn, and shall deliver them singly, as drawn, to the Speaker of the House of Representatives.

(d) The Speaker of the House of Representatives shall open the said papers singly and read aloud the names on each, and then deliver the papers singly to the President of the Senate, who shall place them openly on the table.

(e) A member of each House, to be designated by the respective presiding officers, shall take down in writing the names so called, and shall each of them repeat aloud the name so written.

Section 1715. Personnel of Contest Committee; House Members.--The like proceedings shall then be had for drawing twenty-five members of the House of Representatives for the purpose: Provided, however, That--

(a) The duties in the preceding section enjoined upon the clerk of the House of Representatives shall be performed by the secretary of the Senate.

(b) The duties therein enjoined upon the secretary of the Senate shall be performed by the clerk of the House of Representatives.

(c) The duties therein enjoined upon the Speaker of the House of Representatives shall be performed by the presiding officer of the Senate.

(d) The duties therein enjoined upon the President of the Senate shall be performed by the Speaker of the House of Representatives, whose name shall not be placed in the box.

Section 1716. Challenges.--If any objection be made by either of the parties to any member so drawn by lot, such member shall be discharged, and another name be drawn to supply the place, and so on until the whole number of twelve senators and twenty-five members of the House of Representatives shall be completed; and in all cases, the members drawn in place of those objected to, shall be in like manner liable to be set aside, and others shall be drawn in their places; but if so many be set aside by reason of objections, as aforesaid, that there shall not remain more than the number aforesaid, then no further objection shall be admitted.

Section 1717. Selection of Committee.--When the number aforesaid shall be completed, the clerk of the House of Representatives shall draw out, one by one, the names of the remaining members of the Senate, and deliver them singly to the Speaker of the House of Representatives, who shall unfold and read them aloud; and the secretary of the Senate shall in like manner draw out the names of the remaining members of the House of Representatives, and deliver them singly to the presiding officer of the Senate, who shall unfold them and read them aloud; and if any unfairness or mistakes shall then be discovered therein, the whole proceedings shall be set aside, and the same shall be renewed in manner and form hereinbefore directed; but after the committee is sworn, no objection for such cause shall be received.

Section 1718. Final Selection of Committee.--When the proceedings aforesaid shall be concluded, a list of the twelve members of the Senate and a separate list of the twenty-five members of the House of Representatives so drawn shall be given to each of the parties, who shall immediately withdraw to some adjoining room, with a clerk or members appointed by the joint vote of members present, where they shall proceed to strike off alternately the names upon such list, until the number shall be reduced to four members of the Senate and nine of the House of Representatives, which shall constitute a select committee.

Section 1719. Members to Remain Until Final Selection.--On the parties withdrawing to form such select committee, the members of both houses shall continue convened and the members whose names shall have been drawn out of the boxes shall not leave the conference room without permission, until the time and place for the meeting of the select committee shall be fixed as hereinafter provided.

Section 1720. Final Qualification of Committee.--Within one hour from the time of withdrawing as aforesaid, the parties shall deliver to the presiding officer of the Senate the names of the said four members of the Senate and nine of the House of Representatives remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the presiding officer of the Senate, to try the matter of the petition and to give a true judgment thereon according to the evidence, unless the committee shall be dissolved.

Section 1721. Time and Place of Meeting.--The time and place for the meeting of the select committee so appointed shall then

be directed by the joint vote of the members of both houses, which time shall be within forty-eight hours of the appointment.

Section 1722. Absence from Committee.--If any person appointed a member of such select committee shall, at the time of such appointment, swear or affirm that he cannot without great inconvenience serve on such committee, he shall be excused, and in such case another shall be substituted.

Section 1723. Meetings of Committee; Quorums; Adjournment.--The select committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the Legislature, but unless nine of their number be present, the committee shall adjourn to the next day, and if the number of the committee shall unavoidably be reduced to less than nine members, and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved, and there shall be another chosen in manner aforesaid. When the two houses shall stand adjourned for more than three days, the committee may adjourn to the same time.

Section 1724. Presiding Officer of Committee.--Immediately after the appointment of the select committee aforesaid, the President of the Senate shall notify the Chief Justice of the Supreme Court, and he shall immediately attend the meetings of the committee as the presiding officer thereof. The Chief Justice of the Supreme Court shall decide questions regarding the admissibility of evidence, and he shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the contest, but he shall not have a vote on the final determination of the case.

Section 1725. Powers of Committee.--The select committee shall have power to subpoena persons and require the production of papers and records, and to compel the attendance of and examine all witnesses who may come before them, upon oath or affirmation, which the Chief Justice of the Supreme Court or clerk of the committee may administer in their presence and to decide not only on the validity of such contested election, but also which of the candidates had the greatest number of legal votes.

Section 1726. Proceeding Before Committee; Unqualified Voters; Testimony; Immunity.--When it is proven to the satisfaction of said committee that any person, not a legally qualified voter, voted at any such contested election, it shall be lawful for said committee to compel said voter to disclose, under oath, for which of the respective candidates he voted; but when the committee examines the witness on oath as to the person or persons for whom he voted, and said witness on such examination discloses the names of the persons for whom he voted at such election, he shall not afterwards be prosecuted for having illegally voted at such election.

Section 1727. Conduct of Committee.--The doors of the room in which the select committee shall meet shall remain open during the examination of witnesses, but may be closed at any other time. All determinations required to be made by such committee shall be by a majority of the whole number appointed. As soon as the committee shall have agreed upon the same, two reports thereof shall be made in writing, one of which shall be delivered to the presiding officer of the Senate, and the other to the Speaker of the House of Representatives, which reports shall be entered on the journals of the respective houses, and shall be final and conclusive.

Section 1728. Report of Committee to Be Final.--If the committee, or a majority thereof as aforesaid, shall report that either of the candidates had the greatest number of legal

votes, and ought to receive the nomination or to be admitted to the office, as the case may be, such candidate shall thereupon be entitled to such office or nomination.

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

Section 1730. Pay of Witnesses.--Every witness subpoenaed attending the trial of any contested election of the first class, shall be allowed six cents for every mile of the distance necessarily traveled by him in coming to and returning from the place of trial, and shall also be allowed the sum of two dollars and fifty cents for every day he may be detained at the place of such trial, which mileage and expense, as well as the expense of summoning such witnesses, shall be taxed by the select committee and certified by their chairman to the Speaker of the House of Representatives or the presiding officer of the Senate, or both, as the case may require. The amount thereof, after having been first approved by the house or houses to which such certificate may be made, shall be paid by the treasurer of the county or counties in which the facts complained of took place, if such facts be substantiated, or by the treasurer of the county or counties in which the petitioners shall reside, if the statements in the petition shall not be substantiated, on orders drawn by the Speaker of the House of Representatives or the presiding officer of the Senate, or both, as the case may require.

**Compiler's Note:** Section 2 of Act 53 of 1978 provided that section 1730 is repealed except as to the method of certification and source of funds.

(d) Contested Nominations and Elections of the  
Second Class

Section 1731. Court of Common Pleas of Dauphin County with Two Nearest President Judges to Have Jurisdiction.--Cases of the second class shall be tried and determined by the court, upon petition of at least one hundred electors as hereinafter provided.

(1731 repealed in part Apr. 28. 1978, P.L.202, No.53)

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

(e) Contested Nominations and Elections of the  
Third Class

Section 1736. Common Pleas Court of County of Residence of Candidate Returned as Elected to Have Jurisdiction.--Contested nominations and elections of judges of courts of any judicial district of this Commonwealth, shall be tried and determined before the court of common pleas of the county where the person returned as nominated or elected shall reside, in the following manner.

(1736 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1737. Procedure to Contest; Petition; Personnel of Court.--Upon the petition in writing, as hereinafter provided, of at least fifty (50) registered electors of the district for which the person whose nomination or election is contested was returned as nominated or elected, presented to the Governor of the Commonwealth, complaining of an illegal primary or election or false return of any judge of a court of any judicial district of the Commonwealth, the Governor shall without delay, direct the three president judges residing nearest to the courthouse of the county composing the district, or, if more than one county composes the judicial district, then those nearest the courthouse of the most populous county of the district, to convene without delay the court of common pleas of such county, and proceed to hear and determine the complaint of the said petition.

(1737 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1738. Jurisdiction Where There is More Than One Court of Common Pleas in the District.--(1738 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1739. Certification and Effect of Decision.--After such hearing the said judges shall, without delay, decide which of the candidates voted for received the greatest number of legal votes, and is entitled to the nomination or office, which decision shall be entered of record to the case in said court, and a certified copy thereof shall, within five (5) days from the rendering of such decision, be transmitted to the Secretary of the Commonwealth; whereupon the person who, by the said decision, shall appear to have received the largest number of votes, shall be entitled to the nomination, or to the office, and commissioned accordingly.

(f) Contested Nominations and Elections of the  
Fourth Class

Section 1741. Jurisdiction to Try.--Contested nominations and elections of senators and representatives in the General Assembly of this Commonwealth and contested nominations of representatives in Congress shall be tried and determined by the court of common pleas of the county where the person returned as such shall reside, in the following manner.

Section 1742. Method of Contest; Petition; Notice.--Upon petition in writing, as hereinafter provided, of at least twenty registered electors of the senatorial district in case of a senator and of the legislative district in case of a representative in the General Assembly, complaining of an illegal primary or election or false return of any senator or representative, or upon petition in writing as hereinafter provided of at least twenty registered electors of the congressional district in case of a representative in Congress, complaining of an illegal primary or false return of any representative in Congress, the court, shall immediately appoint a suitable time for the hearing in open court of such complaint; notice of which shall be given to the person returned, at least ten days before such hearing.

(1742 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1743. Complainants and Candidate Returned Shall Be Parties.--On the trial of contested nominations or elections of senators and representatives in the General Assembly and of contested nominations of representatives in Congress, the petitioners complaining of nomination or the election, and the person returned as nominated or elected, shall be the parties thereto.

Section 1744. Powers and Duties of the Court.--The court of common pleas to which a petition shall be presented as aforesaid, contesting the right of a candidate for senator or representative in the General Assembly to the nomination or to the seat for which he may have been returned as elected, or contesting the right of a candidate for representative in Congress to the nomination, shall have authority to subpoena and to compel the attendance of any officer of the primary or election complained of, and of any person capable of testifying concerning the same, and also to compel the production of all books, papers, tally lists, ballots, ballot boxes, voting machines and all documents which may be required at such hearing, in like manner, and to the same extent as in other cases litigated before such court; to take testimony and to proceed without delay, postponing for the purpose, if necessary, all other business, to the hearing and determination of such contest.

Section 1745. Decision of Court.--After the hearing as aforesaid, the court shall, without delay, decide which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or election.

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

Section 1747. Appeal to Proper House; Requirements.--Any claimant to a seat in either branch of the General Assembly, who shall feel aggrieved by the decision of the court in his case, may present his petition to the proper house within ten days after the meeting of the General Assembly, or within ten days after the decision shall have been made in his case, if the General Assembly shall then be in session, setting forth his claim, which petition shall have appended thereto the affidavit of the petitioner, setting forth that he believes that he was duly elected to the seat, and that the statements set forth in his petition are just and true, to the best of his knowledge and belief.

Section 1748. Action on Appeal Petition.--Such petition, when presented, shall be referred to a standing committee on election, which committee shall proceed to hear the claims of the contestant and respondent, and report the facts and a resolution expressing the decision of the committee, for the consideration of the house; and the vote of the proper house on the claims of the contestant and respondent shall be final.

Section 1749. Vote on Petition.--No resolution deciding such question shall be adopted, unless it shall receive the votes of a majority of all the members elected to the house considering the same.

(g) Contested Nominations and Elections of the  
Fifth Class

Section 1751. Jurisdiction.--Cases of the fifth class shall be tried and determined upon petition of twenty registered electors, as hereinafter provided, by the court of common pleas of the county in which such contested election was held.

(h) General Provisions Relating to Contested Nominations and Elections

Section 1756. Petition; Time of Filing; Amendment.--The commencement of proceedings in the case of contests of the second, third, fourth and fifth classes shall be by petition, which shall be made and filed, as herein required, within twenty days after the day of the primary or election, as the case may be. The petition shall concisely set forth the cause of complaint, showing wherein it is claimed that the primary or election is illegal, and after filing may be amended with leave of court, so as to include additional specifications of complaint. After any such amendment, a reasonable time shall be given to the other party to answer.

Section 1757. Petitioners and Affidavits; Requirements.--In each of the aforesaid second, third, fourth and fifth classes, the petitioners shall be registered electors who voted at the primary or election so contested. In cases of the third class, each petition shall be verified by the affidavits of at least ten of the petitioners; in the second, fourth and fifth classes, by the affidavit of at least five of the petitioners. Such affidavits shall be taken and subscribed before some person authorized by law to administer oaths, and shall set forth that they believe the facts stated therein are true, that according to the best of their knowledge and belief, the primary or election was illegal and the return thereof not correct, and that the petition to contest the same is made in good faith.

Section 1758. Presentation of Petition.--The petition shall be presented to the court having jurisdiction, except where otherwise provided in this article, and if it shall set out a prima facie case, it shall be filed of record in the proper court, and thereupon a time shall be fixed for hearing.

(1758 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1759. Bond by Petitioners.--Whenever a petition to contest nomination or contest election of any class, shall be presented to the General Assembly or to the court, it shall be the duty of said petitioners, within five days thereafter, to file a bond, signed by at least five of the said petitioners in such sum as the presiding officer of the Senate or said court, shall designate, with two or more individual sureties or a corporate surety to be approved by the said officer or court or judge, conditioned for the payment of all costs which may accrue in said contested nomination or election proceeding, in case the said petitioners by decree shall be adjudged liable to pay said costs, and if the said bond shall not be filed, as herein provided, the said petition to contest the nomination or election shall be dismissed.

(1759 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 1760. Notice of Hearing.--Notice of the filing of the petition, with a copy thereof, shall be served upon the person whose nomination or right of office shall be contested, together with a rule to answer at the time fixed for hearing, which notice, copy and rule shall be served such length of time before the day fixed for hearing as the said court or judge shall require, not exceeding seven days in cases of contested nominations at primaries preceding municipal elections, and not exceeding thirty days in all other cases.

Section 1761. Disqualification of Judge.--No judge shall sit on the trial of a case in which he shall be a party.

Section 1762. Substitute Judges.--In any case where, by reason of incompetency or any disability to act, there shall be no law judge of the judicial district in which any contest shall arise, present and able, as well as qualified to act, the judge, learned in the law, residing nearest the courthouse of the county in which, by the provisions of this article, the trial in any such case is required to be had, except in cases otherwise provided in this article, shall preside on the contest, and shall have and exercise all the powers and authority and discharge all the duties granted to or imposed upon the regular judges of the said courts in cases wherein they are qualified and required to act by the provisions of this article.

Section 1763. Certain Associate Judges Not Essential.--(1763 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1764. Powers of Court.--All of the said courts and judges hereby required to try any contested election case shall have plenary power to make, issue and enforce all necessary orders, rules, process and decrees, for a full and proper understanding and final determination and enforcement of the decision of every such case, according to the course of practice in similar cases under the laws of this Commonwealth, or which may be necessary and proper to carry out the provisions of this article.

Section 1765. Power of Court; Witnesses; Records.--The proper court or judge shall have power to compel the attendance of any election officer or other person as a witness, and may also compel the production of all ballots, boxes, voting machines, books, papers, tally lists, returns of election, other documentary or record evidence, at discretion, for use at the trial, and may issue subpoenas and attachments for these purposes as in other proceedings in the courts of this Commonwealth, and all such books, papers, documents, ballots, boxes, voting machines and records, shall be returned to the proper custody.

Section 1766. Conduct of Hearings; Certified Records; Examiners.--Certified copies of all election papers, registers of voters, and records, duly authenticated by the person having custody thereof, shall be competent evidence and prima facie proof of their contents; but the party against whom the same shall be produced shall have the right to compel the attendance of the person who certified them for cross-examination. Examiners to take and report evidence may be appointed, and reasonable notice of the time and place of taking the same shall be prescribed by the court or judge and served upon the opposite party.

Section 1767. Witnesses; Duty to Testify.--In trials of contested nominations and elections, and in all proceedings for the investigation of primaries and elections, no person shall be permitted to withhold his testimony upon the ground that he may incriminate himself, or subject himself to public infamy, but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony.

Section 1768. Witnesses and Officers; Fees.--Witnesses and officers shall be paid the same fees as are now or hereafter shall be fixed by law for similar services in the county in which the trial shall be held.

Section 1769. Costs of Contest if Without Probable Cause.--



(a) In contested nominations or elections of all classes, if the committee or court or judge shall decide that the complaint is without probable cause, the petitioners, and every one of them, shall be jointly and severally liable for all the costs, and the same may be collected as debts of like amount are by law collectible.

Section 1770. Costs of Contest if For Probable Cause.--

(a) In contested nominations or elections of electors of President and Vice-President, and State officers whose jurisdiction extends over the State, and Senators and Representatives of the United States and of this Commonwealth, in which the committee, or court or judge shall decide that the complaint is not without probable cause, the Commonwealth shall be liable for all costs. The said committee or court shall certify to the Auditor General a bill of such costs, which shall be adjusted and settled in the usual manner, and paid out of moneys appropriated for that purpose.

(b) Whenever, in contested nominations or elections of judges of courts of record, and of county, city, borough, township, ward, school district or poor district officers, the contestant or contestants establish his or their right to the nomination or office, or, if they fail to establish their rights, but the court or judge shall decide that the complaint was not without probable cause, the court or judge shall apportion all the costs among the proper districts, counties, cities, boroughs, townships, wards, school districts or poor districts, of the whole district in which contest is had, in such way as said court or judge shall think just, and shall compel by order, the payment of such amounts so apportioned to each, by the properly constituted authorities of each of the proper districts, counties, cities, boroughs, townships, wards, school districts or poor districts, as the payment of debts by the same can now be enforced.

Section 1771. Court or Committee May Limit Time for Taking Testimony.--In all contested nomination and election cases, the committee or court may, in its discretion, limit the time to be consumed in taking testimony, dividing said time equitably among all parties concerned, with a view therein to the circumstances of the matter and the proximity of the next succeeding election.

Section 1772. Nominations or Elections Declared Invalid; Filling of Vacancies.--Whenever in any contested nomination or election, the tribunal trying the case shall decide that the ballots or ballot labels used in one or more election districts, by reason of the omission, addition, misplacing, misspelling or misstatement of one or more titles of office, or names of candidates, or parties or bodies represented by them, were so defective as to the office in contest as to be calculated to mislead the voters in regard to any of the candidates nominated or seeking nomination for said office, and that the defective condition of the said ballots or ballot labels may have affected the result of the entire primary or election for said office, the said tribunal shall declare the primary or election to be invalid as regards the said office, and in the case of elections shall report their decision, in cases where vacancies in such offices are filled by appointment, to the proper officer or officers who are by law authorized to fill vacancies occurring in such office, who, upon receipt of such notice, shall, without delay, proceed to appoint a suitable person or persons to fill the vacancies thus created, and the person or persons so appointed shall continue in office until the next election succeeding his appointment at which such office is by law

required to be filled. All other vacancies so created shall be filled in such manner as now or hereafter may be provided by law, and all vacancies in nominations so created shall be filled in the manner provided by section 979 of this act.

Section 1773. Specific Findings by Trial Court.--It is hereby made the duty of the judges in the court of common pleas trying an election contest to, first, find separately and explicitly the facts deemed by them material to the decision, and also such other facts as any party to the contest may request them in writing to ascertain; and second, to answer such points of law as may be submitted to them.

Section 1774. Certified Copy of Order of Court to Be Forwarded to Secretary of the Commonwealth and County Boards.--Immediately upon the entry of any order or decree of court deciding any contested nomination or election, it shall be the duty of the prothonotary of said court to transmit immediately to the Secretary of the Commonwealth and to the proper county board a certified copy of said order or decree.

Section 1775. Appeal in Judicial Contests When Constitutional Questions Involved.--(1775 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1776. When and by Whom Appeal Taken; Filing; Time and Place of Hearing.--(1776 repealed Apr. 28, 1978, P.L.202, No.53)

Section 1777. Decision of Supreme Court to Be Certified to Secretary of the Commonwealth.--(1777 repealed Apr. 28, 1978, P.L.202, No.53)

**Compiler's Note:** Section 2 of Act 53 of 1978 provided that when an appellate court has decided the questions involved in a nomination or election contest for the office of judge of a court, the appellate court shall thereupon proceed to decide and declare which of the candidates voted for received the greatest number of legal votes and is entitled to the nomination or office, and shall cause its decision to be certified to the Secretary of the Commonwealth, whereupon, the person who, by the decision of the appellate court, shall appear to have received the largest number of legal votes, shall be declared nominated or shall be declared entitled to the office, and be commissioned accordingly.

#### ARTICLE XVIII Penalties

Section 1801. Disobeying Lawful Instructions.--Any person who wilfully disobeys any lawful instruction or order of any county board of elections, or who refuses to obey their subpoena duly issued and served under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Section 1802. Perjury.--Any wilful false statement made under oath or affirmation or in writing, stating that it is so made, although such oath or affirmation may not have actually been made, by any person regarding any material matter or thing relating to any subject being investigated, heard, determined or acted upon by any county board of elections, or member thereof, or by any court or judge thereof, judge of election, inspector of election, or overseer, in accordance with the terms

of this act, shall be perjury, a misdemeanor of the first degree, and any person, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand (\$10,000) dollars, or to undergo an imprisonment of not more than five (5) years, or both, in the discretion of the court.

(1802 amended Feb. 13, 1998, P.L.72, No.18)

Section 1802.1. False Affidavits of Candidates.--Any candidate for State, county, city, borough, incorporated town, township or school district office or for the office of United States Senator or Representative in Congress or any other elective public office who knowingly makes a false statement regarding his eligibility or qualifications for such office in his candidate's affidavit shall, in litigation which results in the removal of the candidate from the ballot, be liable for court costs, including filing fees, attorney fees, investigation fees and similar costs, in an amount up to ten thousand (\$10,000) dollars.

(1802.1 added Dec. 22, 1987, P.L.423, No.91)

Section 1803. Refusal to Permit Inspection of Papers; Destruction or Removal; Secretary of the Commonwealth.--Any Secretary of the Commonwealth, deputy, or employe of his office, who shall refuse to permit the public inspection or copying as authorized, except when in use in his office, by this act, of any return, nomination petition, certificate or paper, other petition, account, contract, report or any other document or record in his custody which, under the provisions of this act, is required to be open to public inspection; or who shall destroy or alter, or permit to be destroyed or altered, any such document or record during the period for which the same is required to be kept in his office; or who shall remove any such document or record from his office during said period, or permit the same to be removed, except pursuant to the direction of any competent court or any committee required to determine any contested primary or election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1804. Refusal to Permit Inspection of Papers; Destruction or Removal; County Boards of Elections.--Any member, chief clerk or other employe of any county board of elections, who shall refuse to permit the public inspection or copying, as authorized by this act, of any general or duplicate return sheet, tally paper, affidavit, nomination petition, certificate or paper, other petition, witness list, account, contract, report or any other document or record in the custody of such county board which, under the provisions of this act, is required to be open to public inspection; or who shall destroy or alter, or permit to be destroyed or altered, any such document or record during the period for which the same is required to be kept in the office of such county board; or who shall remove any such document or record from the office of such county board during said period, or permit the same to be removed, except pursuant to the direction of any competent court or any committee required to determine any contested primary or election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1805. Insertion and Alteration of Entries in Documents; Removal; Refusal to Deliver.--Any member, chief clerk or employe of any county board of elections or judge, inspector or clerk of election, machine inspector, overseer, or other person, who knowingly inserts or knowingly permits to be inserted any fictitious name, false figure or other fraudulent entry on or in any registration card, district register, voter's certificate, list of voters, affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath, voucher, account, ballot or other record or document authorized or required to be made, used, signed, returned or preserved for any public purpose in connection with any primary or election; or who materially alters or intentionally destroys any entry which has been lawfully made therein, except by order of the county board of elections or court of competent jurisdiction, or who takes or removes any such book, affidavit, return, account, ballot or other document or record from the custody of any person having lawful charge thereof, in order to prevent the same from being used or inspected or copied as required or permitted by this act, or who neglects or refuses, within the time and in the manner required by this act, to deliver the same into the custody of the officers who are required by this act to use or keep the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month or more than two (2) years, or both, in the discretion of the court.

Section 1806. Refusal to Permit Overseers, Watchers, Attorneys or Candidates to Act.--Any member of a county board of elections, judge of election or inspector of election who shall refuse to permit any overseer or watcher, attorney or candidate to be present, as authorized by this act, at any session of a county board, computation and canvassing of returns of any primary or election, recount of ballots or recanvass of voting machines, as authorized by this act, or at any polling place during the time the polls are open at any primary or election, and after the close of the polls during the time the ballots are counted or voting machine canvassed and until the returns of such primary or election have been made up and signed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

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

Section 1808. Refusal to Permit Election Officers, Clerks and Machine Inspectors to Act; Driving away Said Persons.--Any person, including any election officer, who shall refuse to permit any election officer, clerk or machine inspector, duly elected or appointed and authorized to act, to perform the

duties imposed on him or to act as permitted by this act; or who shall by violence or intimidation threaten or drive away, any such election officer, clerk or machine inspector or who shall, in any manner, prevent any such election officer, clerk or machine inspector from performing his rights and duties under this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month or more than two (2) years, or both, in the discretion of the court.

Section 1809. Refusal to Administer Oath; Acting Without Being Sworn.--If any judge of election or minority inspector of election refuses or fails to administer the oath to the officers of election, in the manner required by this act, or if any judge of election, inspector of election, clerk of election, or machine inspector, shall act without being first duly sworn, or if any such person shall sign the written form of oath without being duly sworn, or if any judge of election or minority inspector of election or any other person authorized to administer oaths shall certify that any such person was sworn when he was not, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred (\$100) dollars, or to undergo an imprisonment not exceeding six (6) months, or both, in the discretion of the court.

Section 1810. Violation of Oath of Office by Election Officers.--Any judge of election, inspector of election, clerk of election, or machine inspector who shall wilfully violate any of the provisions of his oath of office, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Section 1811. Peace Officers; Failure to Render Assistance; Hindering or Delaying County Board Members and Others.--Any sheriff, deputy sheriff, constable, deputy constable, police or other peace officer, who shall fail upon demand of any member of a county board of elections, judge or inspector of election, or overseer to render such aid and assistance to him as he shall request in the maintenance of peace and in the making of arrests, as herein provided, or who shall wilfully hinder or delay or attempt to hinder or delay any member of a county board, judge or inspector of election, or overseer in the performance of any duty under this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, in the discretion of the court.

Section 1812. Nomination Petitions and Papers; Offenses by Signers.--If any person shall knowingly and wilfully sign any nomination petition or nomination paper, without having the qualifications prescribed by this act, or if any person shall set opposite a signature on a nomination petition or paper, a date other than the actual date such signature was affixed thereto, or if any person shall set opposite the signature on a nomination petition or nomination paper, a false statement of the signer's place of residence or occupation, or if any person shall sign more nomination petitions or nomination papers than permitted by the provisions of this act, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred (\$100)

dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, at the discretion of the court.

Section 1813. False Signatures and Statements in Nomination Petitions and Papers.--If any person shall knowingly make a false statement in any affidavit required by the provisions of this act, to be appended to or to accompany a nomination petition or a nomination paper, or if any person shall fraudulently sign any name not his own to any nomination petition or nomination paper, or if any person shall fraudulently alter any nomination petition or nomination paper without the consent of the signers, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1814. Nomination Petitions; Certificates and Papers; Destruction; Fraudulent Filing; Suppression.--Any person who shall falsely make any nomination certificate or who shall wilfully deface or destroy any nomination petition, nomination certificate or nomination paper, or any part thereof, or any letter of withdrawal, or who shall file any nomination petition, nomination certificate or nomination paper or letter of withdrawal knowing the same, or any part thereof, to be falsely made, or who shall suppress any nomination petition, nomination certificate or nomination paper, or any part thereof, which has been duly filed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1815. Offenses by Printers of Ballots.--Any printer employed by any county board of elections to print any official ballots, or any person engaged in printing the same who shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots by any other person than such county board of election or their duly authorized agent, or who shall wilfully print or cause to be printed any official ballot in any form other than that prescribed by such county board or with any other names or printing, or with the names spelled otherwise than as directed by them or the names or printing thereon arranged in any other way than that authorized and directed by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than six (6) months nor more than five (5) years, or both, in the discretion of the court.

Section 1816. Unlawful Possession of Ballots; Counterfeiting Ballots.--Any person other than an officer charged by law with the care of ballots, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the polling place any official ballot, or any person who shall make or have in his possession any counterfeit of an official ballot, shall be guilty of a misdemeanor of the second degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

(1816 amended Feb. 13, 1998, P.L.72, No.18)

Section 1817. Forging and Destroying Ballots.--Any person who shall forge or falsely make the official endorsement on any

ballot or wilfully destroy or deface any ballot or wilfully delay the delivery of any ballots shall be guilty of a misdemeanor of the second degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

(1817 amended Feb. 13, 1998, P.L.72, No.18)

Section 1818. Tampering with Voting Machines.--Any election officer or other person who shall unlawfully open or who shall tamper with or injure or attempt to injure any voting machine to be used or being used at any primary or election, or who shall prevent or attempt to prevent the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in any primary or election, shall be guilty of a misdemeanor of the second degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

(1818 amended Feb. 13, 1998, P.L.72, No.18)

Section 1819. Destroying, Defacing or Removing Notices, Et Cetera.--Any person who shall, prior to any primary or election, wilfully deface, remove or destroy any notice or list of candidates posted in accordance with the provisions of this act, or who, during any primary or election, shall wilfully deface, tear down, remove or destroy any card of instructions, notice of penalties, specimen ballot or diagram printed or posted for the instruction of electors, or who shall, during any primary or election, wilfully remove or destroy any of the supplies or conveniences furnished by the county board of elections to any polling place in order to enable electors to vote, or the election officers to perform their duties, or who shall wilfully hinder the voting of others, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred (\$100) dollars, or to undergo an imprisonment of not more than three (3) months, or both, in the discretion of the court.

Section 1820. Police Officers at Polling Places.--Any police officer in commission, whether in uniform or in citizen's clothes, who shall be within one hundred (100) feet of a polling place during the conduct of any primary or election, except in the exercise of his privilege of voting or for the purpose of serving warrants, or in accordance with the provisions of the exception set forth in section 1207 of this act where the police station or headquarters is located in the same building or on the premises where the polling place is located or unless called upon to preserve the peace, as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

(1820 amended July 1, 1976, P.L.523, No.124)

Section 1821. Peace Officer; Failure to Quell Disturbances at Polls; Hindering or Delaying Election Officers and Others.--Any mayor, chief burgess, sheriff, deputy sheriff, constable, deputy constable, police officer or other peace officer who shall neglect or refuse to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching, or who shall neglect or refuse to maintain order and quell any disturbance if such arises at any polling place upon the day of any primary or election, when called upon so to do by any election officer or

any three qualified electors of the election district, or who shall wilfully hinder or delay, or attempt to hinder or delay, any judge, inspector or clerk of election, machine inspector or overseer in the performance of any duty under this act, shall be guilty of a misdemeanor in office, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1822. Constables; Failure to Perform Duties.--(1822 repealed Oct. 9, 2009, P.L.494, No.49)

Section 1823. Election Officers Permitting Unregistered Electors to Vote; Challenges; Refusing to Permit Qualified Electors to Vote.--Any judge or inspector of election who permits any person to vote at any primary or election who is not registered in accordance with law, except a person in actual military service or a person as to whom a court of competent jurisdiction has ordered that he shall be permitted to vote, or who permits any registered elector to vote knowing that such registered elector is not qualified to vote, whether or not such person has been challenged, or who permits any person who has been lawfully challenged to vote at any primary or election without requiring the proof of the right of such person to vote which is required by law, or who refuses to permit any duly registered and qualified elector to vote at any primary or election, with the knowledge that such elector is entitled to vote, shall be guilty of a felony of the third degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifteen thousand (\$15,000) dollars, and to undergo an imprisonment of not more than seven (7) years, or both.

(1823 amended Feb. 13, 1998, P.L.72, No.18)

Section 1824. Election Officers Refusing to Permit Elector to Vote in Proper Party at Primaries.--Any judge, inspector or clerk of election who refuses to permit an elector at any primary at which ballots are used to receive the ballot of the party with which he is enrolled, or who gives to any such elector the ballot of any party in which he is not enrolled, or any judge, or inspector of election, or machine inspector who, at any primary at which voting machines are used, adjusts any voting machine about to be used by an elector so as not to permit him to vote for the candidates of the party in which he is enrolled, or so as to permit him to vote for the candidates of any party in which he is not enrolled, shall be guilty of a misdemeanor of the first degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand (\$10,000) dollars, or to undergo an imprisonment of not more than five (5) years, or both, in the discretion of the court.

(1824 amended Feb. 13, 1998, P.L.72, No.18)

Section 1825. Frauds by Election Officers.--Any judge, inspector or clerk of election or machine inspector who shall be guilty of any wilful fraud in the conduct of his duties at a primary or election, and any person who shall make a false return of the votes cast at any primary or election, or who shall deposit fraudulent ballots in the ballot box or certify as correct a return of ballots in the ballot box which he knows to be fraudulent, or who shall register fraudulent votes upon any voting machine or certify as correct a return of votes cast upon any voting machine which he knows to be fraudulently registered thereon, or who shall make any false entries in the district register, or who shall fail to insert in the voting check list the voter's certificate of any elector actually voting at any primary or election, or who shall fail to record voting information as required herein, or who shall fail to



insert in the numbered lists of voters the name of any person actually voting, or who shall wilfully destroy or alter any ballot, voter's certificate, or registration card contained in any district register, or who shall wilfully tamper with any voting machine, or who shall prepare or insert in the voting check list any false voter's certificates not prepared by or for an elector actually voting at such primary or election, for the purpose of concealing the destruction or removal of any voter's certificate, or for the purpose of concealing the deposit of fraudulent ballots in the ballot box, or the registering of fraudulent votes upon any voting machine or of aiding in the perpetration of any such fraud, or who shall fail to return to the county board of election following any primary or election any keys of a voting machine, ballot box, general or duplicate return sheet, tally paper, oaths of election officers, affidavits of electors and others, record of assisted voters, numbered list of voters, district register, voting check list, unused, spoiled and cancelled ballots, ballots deposited, written or affixed in or upon a voting machine, or any certificate, or any other paper or record required to be returned under the provisions of this act; or who shall conspire with others to commit any of the offenses herein mentioned, or in any manner to prevent a free and fair primary or election, shall be guilty of a felony of the third degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifteen thousand (\$15,000) dollars, or to undergo an imprisonment of not more than seven (7) years, or both, in the discretion of the court.

(1825 amended Feb. 13, 1998, P.L.72, No.18)

Section 1826. Prying into Ballots.--Any judge, inspector or clerk of election, or other person, who, before any ballot is deposited in the ballot box as provided by this act, shall unfold, open or pry into any such ballot, with the intent to discover the manner in which the same has been marked, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1827. Interference with Primaries and Elections; Frauds; Conspiracy.--If any person shall prevent or attempt to prevent any election officers from holding any primary or election, under the provisions of this act, or shall use or threaten any violence to any such officer; or shall interrupt or improperly interfere with him in the execution of his duty; or shall block up or attempt to block up the avenue to the door of any polling place; or shall use or practice any intimidation, threats, force or violence with design to influence unduly or overawe any elector, or to prevent him from voting or restrain his freedom of choice; or shall prepare or present to any election officer a fraudulent voter's certificate not signed in the polling place by the elector whose certificate it purports to be; or shall deposit fraudulent ballots in the ballot box; or shall register fraudulent votes upon any voting machine; or shall tamper with any district register, voting check list, numbered lists of voters, ballot box or voting machine; or shall conspire with others to commit any of the offenses herein mentioned, or in any manner to prevent a free and fair primary or election, he shall be guilty of a felony of the third degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifteen thousand (\$15,000) dollars, or to undergo an imprisonment of not more than seven (7) years, or both, in the discretion of the court.

(1827 amended Feb. 13, 1998, P.L.72, No.18)

Section 1828. Persons Interfering in Other Districts.--Any person who shall on the day of any primary or election visit any polling place at which he is not entitled to vote and at which he is not entitled to be present under any provision of this act, and shall use any intimidation or violence for the purpose of preventing any election officer from performing the duties required of him by this act, or for the purpose of preventing any qualified elector from exercising his right to vote or from exercising his right to challenge any person offering to vote, or for the purpose of influencing the vote of any elector, he shall be guilty of a felony of the third degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifteen thousand (\$15,000) dollars, or to undergo an imprisonment of not more than seven (7) years, or both, in the discretion of the court.

(1828 amended Feb. 13, 1998, P.L.72, No.18)

Section 1829. Assault and Battery at Polls.--Any person who shall unlawfully strike, wound or commit an assault and battery upon the person of any elector at or near the polling place during the time of any primary or election shall be guilty of a misdemeanor of the first degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand (\$10,000) dollars, or to undergo an imprisonment of not more than five (5) years, or both, in the discretion of the court.

(1829 amended Feb. 13, 1998, P.L.72, No.18)

Section 1830. Unlawful Assistance in Voting.--Any elector at any primary or election who shall allow his ballot or the face of the voting machine voted by him to be seen by any person with the apparent intention of letting it be known how he is about to vote; or in districts in which ballots are used, shall cast or attempt to cast any other than the official ballot which has been given to him by the proper election officer; or who, without having made the declaration under oath or affirmation required by section 1218 of this act, or when the disability which he declared before any registration commission no longer exists, shall permit another to accompany him into the voting compartment or voting machine booth, or to mark his ballot or prepare the voting machine for voting by him; or who shall mark his ballot or prepare the voting machine for voting while another is unlawfully present in the voting machine compartment or voting machine booth with him; or who shall state falsely to any election officer that because of illiteracy he is unable to read the names on the ballot or ballot labels or that by reason of physical disability he cannot see or mark the ballot or enter the voting compartment without assistance or that he cannot see or operate the voting machine or enter the voting machine booth without assistance; or who shall state, as his reason for requiring assistance, a disability from which he does not suffer; or any person who shall go into the voting compartment or voting machine booth with another while voting or be present therein while another is voting, or mark the ballot of another or prepare the voting machine for voting with another, except in strict accordance with the provisions of this act; or any person who shall interfere with any elector when inside the enclosed space or when marking his ballot, or preparing the voting machine for voting, or who shall endeavor to induce any elector before depositing his ballot to show how he marks or has marked his ballot; or any person giving assistance who shall attempt to influence the vote of the elector whom he is assisting or who shall mark a ballot or prepare a voting machine for voting in any other way than that

requested by the voter whom he is assisting, or who shall disclose to anyone the contents of any ballot which has been marked or any voting machine which has been prepared for voting with his assistance, except when required to do so in any legal proceeding, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1831. Election Officers Permitting Unlawful Assistance.--Any election officer who shall permit a voter to be accompanied by another into the voting compartment or voting machine booth when the registration card of such person contains no declaration that such person requires assistance, or when such person has not made, under oath or affirmation, the statement required by section 1218 of this act, or when such election officer knows that the disability which the elector declared before any registration commission no longer exists, or who shall permit any person to accompany an elector into the voting compartment or voting machine booth, except as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

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.

(1831.1 added Dec. 17, 1990, P.L.681, No.169)

Section 1832. Failure to Keep and Return Record of Assisted Voters.--Any judge of election who shall fail to record, as required by section 1218 (c) of this act, the name of each elector who received assistance or who is accompanied by another into the voting compartment or voting machine booth; or who shall insert in the record of assisted voters the name of any elector who does not receive assistance or is not accompanied by another into the voting compartment or voting machine booth; or who shall fail to record the exact disability of any assisted elector which makes the assistance necessary, or shall record in respect of any assisted elector a disability, other than that stated by the elector; or who shall fail to record the name of each person rendering assistance to an elector as prescribed by this act; or who shall knowingly record as the name of such person giving assistance a name which is not the name of such person; or who shall fail or neglect to return the record of assisted voters to the county board of elections as required by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than two (2) months nor more than two (2) years, or both, in the discretion of the court.

Section 1833. Unlawful Voting.--Any person who votes or attempts to vote at any primary or election, knowing that he does not possess all the qualifications of an elector at such primary or election, as set forth in this act, shall be guilty of a misdemeanor of the first degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand (\$10,000) dollars, or to undergo an imprisonment of

not more than five (5) years, or both, in the discretion of the court.

(1833 amended Feb. 13, 1998, P.L.72, No.18)

Section 1834. Elector Voting Ballot of Wrong Party at Primary.--Any elector who shall wilfully vote at any primary the ballot of a party in which he is not enrolled, in violation of the provisions of this act, shall be guilty of a misdemeanor of the second degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

(1834 amended Feb. 13, 1998, P.L.72, No.18)

Section 1835. Repeat Voting at Elections.--If any person shall vote in more than one election district, or otherwise fraudulently vote more than once at the same primary or election, or shall vote a ballot other than the ballot issued to him by the election officers, or shall advise or procure another so to do, he shall be guilty of a felony of the third degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifteen thousand (\$15,000) dollars, or to undergo an imprisonment of not more than seven (7) years, or both, in the discretion of the court.

(1835 amended Feb. 13, 1998, P.L.72, No.18)

Section 1836. Removing Ballots.--Any person removing any ballot from any book of official ballots, except in the manner provided by this act, shall be guilty of a misdemeanor of the second degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

(1836 amended Feb. 13, 1998, P.L.72, No.18)

Section 1837. Commissioners to Take Soldiers' Votes.--Any commissioner appointed by or under the provisions of Article XIII of this act who shall knowingly violate his duty or knowingly omit or fail to do his duty thereunder or violate any part of his oath, shall be guilty of perjury, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1838. Fraudulent Voting by Soldiers.--Any person who shall vote or attempt to vote at any election by electors in military service under the provisions of Article XIII of this act, not being qualified to vote at such election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1839. Bribery at Elections.--Any person who shall, directly or indirectly, give or promise or offer to give any gift or reward in money, goods or other valuable thing to any person, with intent to induce him to vote or refrain from voting for any particular candidate or candidates or for or against any constitutional amendment or other question at any primary or election; or who shall, directly or indirectly, procure for or offer or promise to procure for such person any such gift or reward with the intent aforesaid; or, who with the intent to influence or intimidate such person to give his vote or to refrain from giving his vote for any particular candidate or candidates or for or against any constitutional amendment or other question at any primary or election, shall give to or obtain for or assist in obtaining for or offer or promise to

give to or obtain for or assist in obtaining for such person any office, place, appointment or employment, public or private, or threaten such person with dismissal or discharge from any office, place, appointment or employment, public or private, then held by him, shall be guilty of a felony of the third degree, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifteen thousand (\$15,000) dollars, or to undergo an imprisonment of not more than seven (7) years, or both, in the discretion of the court.

(1839 amended Feb. 13, 1998, P.L.72, No.18)

Section 1840. Receipts and Disbursements of Primary and Election Expenses by Persons Other Than Candidates and Treasurers.--Any member of a political committee who shall receive or disburse any money or incur any liability for primary or election expenses, except through the treasurer of such political committee, and any person not a candidate or member of a political committee who shall receive or disburse any money or incur any liability for primary or election expenses, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

Section 1841. Receipts of Primary and Election Expenses by Unauthorized Persons.--Any person or any political committee who receives money on behalf of any candidate without being authorized to do so under the provisions of section 1623, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand dollars (\$5,000), or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

(1841 amended Oct. 4, 1978, P.L.893, No.171)

Section 1842. Contributions and Disbursements Made in Unauthorized Manner.--(1842 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1843. Contributions by Corporations or Unincorporated Associations.--Any corporation or unincorporated association, which shall pay, give or lend or agree to pay, give or lend any money belonging to such corporation or unincorporated association or in its custody or control, in violation of the provisions of section 1633, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000). Any director, officer, agent or employe of any corporation or unincorporated association who shall on behalf of such corporation or unincorporated association pay, give or lend or authorize to be paid, given or lent any money belonging to such corporation or unincorporated association or in its custody or control in violation of the provisions of section 1633, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000), or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

(1843 amended Oct. 4, 1978, P.L.893, No.171 and Nov. 26, 1978, P.L.1313, No.318)

Section 1844. Unlawful Primary and Election Expenses.--(1844 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1845. Failure to File Expense Account.--Any candidate or treasurer of a political committee or person acting

as such treasurer who shall fail to file an account of primary or election expenses, as required by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand dollars (\$5,000), or to undergo an imprisonment of not less than one (1) month nor more than two (2) years, or both, in the discretion of the court.

(1845 amended Oct. 4, 1978, P.L.893, No.171)

Section 1846. Anonymous Publication; Libel.--(1846 repealed Oct. 4, 1978, P.L.893, No.171)

Section 1847. Prohibiting Duress and Intimidation of Voters and Interference with the Free Exercise of the Elective Franchise.--Any person or corporation who, directly or indirectly--(a) uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation or coercion upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for or against any particular person, or for or against any question submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a register of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons or for or against any question submitted to voters at such election, or having registered or refrained from registering as a voter; or (b) by abduction, duress or coercion, or any forcible or fraudulent device or contrivance, whatever, impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces, or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or (c) being an employer, pays his employes the salary or wages due in "pay envelopes" upon which or in which there is written or printed any political motto, device, statement or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of any election or primary puts or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employes, shall be guilty of a misdemeanor of the second degree. Any person or corporation, convicted of a violation of any of the provisions of this section, shall be sentenced to pay a fine not exceeding five thousand (\$5,000) dollars, or such person or the officers, directors or agents of such corporation responsible for the violation of this section, shall be sentenced to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

(1847 amended Feb. 13, 1998, P.L.72, No.18)

Section 1848. Failure to Perform Duty.--Any Secretary of the Commonwealth, member of a county board of elections, chief clerk, employe, overseer, judge of election, inspector of election, clerk of election, machine inspector or custodian or deputy custodian of voting machines on whom a duty is laid by

this act who shall wilfully neglect or refuse to perform his duty, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than two (2) years, or both, in the discretion of the court.

Section 1849. Hindering or Delaying Performance of Duty.--Any person who intentionally interferes with, hinders or delays or attempts to interfere with, hinder or delay any other person in the performance of any act or duty authorized or imposed by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1850. Violation of Any Provision of Act.--Any person who shall violate any of the provisions of this act, for which a penalty is not herein specifically provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 1851. Candidate Violating Act Disqualified from Holding Office.--Any person who shall, while a candidate for office, be guilty of bribery, fraud or willful violation of any provision of this act, shall be forever disqualified from holding said office or any other office of trust or profit in this Commonwealth.

Section 1852. Persons Convicted of Violating Act to Be Disfranchised for Four Years.--Any person convicted of the willful violation of any provision of this act shall, in addition to any of the penalties herein provided for, be deprived of the right of suffrage absolutely for a term of four years from the date of his conviction, and it shall be the duty of the proper registration commission to cause one of its members at the request of the trial judge to produce in court at the time of sentence the district register containing the registration card of such convicted person, which registration card shall thereupon be forthwith cancelled in open court in the presence of the convicted person by a member of the registration commission, who shall promptly also cancel the registration card of such convicted person in the general register.

Section 1853. Violations of Provisions Relating to Absentee Electors Ballots.--If any person shall sign an application for absentee ballot or declaration of elector on the forms prescribed knowing any matter declared therein to be false, or shall vote any ballot other than one properly issued to him, or vote or attempt to vote more than once in any election for which an absentee ballot shall have been issued to him, or shall violate any other provisions of Article XIII of this act, he shall be guilty of a misdemeanor of the first degree, and, upon conviction, shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000), or be imprisoned for a term not exceeding five (5) years, or both, at the discretion of the court.

If any chief clerk or member of a board of elections, member of a return board or member of a board of registration commissioners, shall neglect or refuse to perform any of the duties prescribed by Article XIII of this act, or shall reveal or divulge any of the details of any ballot cast in accordance with the provisions of Article XIII of this act, or shall count

an absentee ballot knowing the same to be contrary to Article XIII, or shall reject an absentee ballot without reason to believe that the same is contrary to Article XIII, 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 felony of the third degree, and, upon conviction, shall be punished by a fine not exceeding fifteen thousand dollars (\$15,000), or be imprisoned for a term not exceeding seven (7) years, or both, at the discretion of the court.

(1853 amended Feb. 13, 1998, P.L.72, No.18)

Section 1854. Enforcement.--(a) The Attorney General shall have prosecutorial jurisdiction over all violations committed under this act.

(b) The district attorney of any county in which a violation has occurred shall have concurrent powers and responsibilities with the Attorney General over violations committed under this act.

(1854 added Mar. 14, 2012, P.L.195, No.18)

#### ARTICLE XVIII-A Congressional Districts

(Art. XVIII-A repealed Feb. 13, 1998, P.L.72, No.18)

Section 1801-A. Districts.--(1801-A repealed Feb. 13, 1998, P.L.72, No.18)

**Constitutionality.** Section 1801-A was declared unconstitutional on March 10, 1992, by the Supreme Court of Pennsylvania in *Mellow v. Mitchell*, No. 7 M.D. Misc. Docket. See the appendix to this act for additional information relating to reapportionment of Congressional districts.

Section 1802-A. Elections; Vacancies.--(1802-A repealed Feb. 13, 1998, P.L.72, No.18)

Section 1803-A. Omissions.--(1803-A repealed Feb. 13, 1998, P.L.72, No.18)

#### ARTICLE XIX Repeals

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

The act approved the twenty-fourth day of August, one thousand seven hundred and seventeen (Volume III. Statutes at Large, page one hundred thirty-eight), entitled "An act for the better regulating of elections of sheriffs, coroners and assessors," absolutely.

The act approved the eleventh day of March, one thousand seven hundred and fifty-two (Volume V. Statutes at Large, page one hundred fifty-nine), entitled "An act for preventing bribery and corruption in the election of sheriffs and coroners within this province," absolutely.

The act approved the fourth day of October, one thousand seven hundred and eighty-eight (Volume XIII. Statutes at Large, page one hundred forty), entitled "An act directing the time, places and manner of holding elections for representatives of this State in the Congress of the United States and for appointing electors on the part of this State for choosing a President and Vice-President of the United States," absolutely.



The act approved the twenty-ninth day of September, one thousand seven hundred and ninety-one (3 Smith's Laws, forty-five), entitled "An act to regulate the trials of contested elections," absolutely.

The act approved the sixth day of March, one thousand seven hundred and ninety-three (3 Smith's Laws, ninety-one), entitled "A supplement to the act, entitled 'An act to regulate the trials of contested elections,'" absolutely.

The act approved the second day of April, one thousand eight hundred and two (Pamphlet Laws, one hundred forty-five), entitled "An act to provide for the election of Representatives of the People of this State in the Congress of the United States," absolutely.

The act approved the twenty-first day of March, one thousand eight hundred and eight (Pamphlet Laws, eighty-six), entitled "An act to fix the number of Senators from the State into districts, and determine the portion to be allotted to each, also to fix the number of Representatives for the city and the several counties of the Commonwealth, in pursuance of the provisions of the constitution," absolutely.

The act approved the twentieth day of March, one thousand eight hundred and twelve (Pamphlet Laws, one hundred twenty-seven), entitled "An act to provide for the election of representatives of the people of this state, in the congress of the United States," absolutely.

The act approved the eighth day of March, one thousand eight hundred and fifteen (Pamphlet Laws, ninety-three), entitled "An act to fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the twenty-fourth day of March, one thousand eight hundred and seventeen (Pamphlet Laws, two hundred four), entitled "An act to prevent the practice of wagering or betting on elections," absolutely.

The act approved the twenty-third day of March, one thousand eight hundred and eighteen (Pamphlet Laws, two hundred fifty-eight), entitled "A further supplement to an act, entitled 'An act to regulate the trials of contested elections' passed the twenty-ninth day of September, one thousand seven hundred and ninety-one," absolutely.

The act approved the twenty-fifth day of March, one thousand eight hundred and twenty-two (Pamphlet Laws, seventy-four), entitled "An act to fix the number of Senators and Representatives and form the State into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the twelfth day of January, one thousand eight hundred and twenty-four (Pamphlet Laws, five), entitled "A supplement to the act, entitled 'An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public moneys, and for other purposes,'" absolutely.

The act approved the nineteenth day of March, one thousand eight hundred and twenty-four (Pamphlet Laws, fifty-three), entitled "A supplement to the act, entitled 'An act to regulate the trial of contested elections,'" absolutely.

The act approved the tenth day of April, one thousand eight hundred and twenty-six (Pamphlet Laws, three hundred ninety-eight), entitled "An act regulating election districts," absolutely.

The act approved the twentieth day of April, one thousand eight hundred and twenty-nine (Pamphlet Laws, two hundred twelve), entitled "An act to fix the number of Senators and

Representatives and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the sixteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, seven hundred ninety-four), entitled "An act to fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the thirteenth day of December, one thousand eight hundred and thirty-six (Pamphlet Laws, one--1836-37), entitled "A supplement to an act, entitled 'An act to prescribe the times, places, and manner of choosing Senators to represent this state in the Senate of the United States,'" absolutely.

Section two of the act, approved the twenty-first day of June, one thousand eight hundred and thirty-nine (Pamphlet Laws, three hundred seventy-six), entitled "An act providing for the election of Aldermen and Justices of the Peace," absolutely.

The act approved the second day of July, one thousand eight hundred and thirty-nine (Pamphlet Laws, five hundred nineteen), entitled "An act relating to the elections of this Commonwealth," absolutely.

Sections two, three, four, five and seven of the act, approved the second day of July, one thousand eight hundred and thirty-nine (Pamphlet Laws, five hundred fifty-nine), entitled "An act to provide for the election of Prothonotaries, Clerks, Recorders, and Registers," absolutely.

Sections one, twenty-seven, twenty-eight and twenty-nine of the act, approved the seventh day of March, one thousand eight hundred and forty (Pamphlet Laws, seventy-two), entitled "An act relative to the election of Borough and Township officers, and for other purposes," absolutely.

Section four of the act, approved the sixteenth day of April, one thousand eight hundred and forty (Pamphlet Laws, four hundred ten), entitled "An act relating to Executions, and for other purposes," absolutely.

Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fourteen and fifteen of the act, approved the sixteenth day of April, one thousand eight hundred and forty (Pamphlet Laws, six hundred eighty-three), entitled "A supplement to an act, entitled 'An act relating to the elections of this Commonwealth, passed the second day of July, Anno Domini one thousand eight hundred and thirty-nine, and for other purposes,'" absolutely.

Sections three and four of the act, approved the thirteenth day of June, one thousand eight hundred and forty (Pamphlet Laws, six hundred eighty-nine), entitled "A further supplement to an act, entitled 'An act providing for the election of Aldermen and Justices of the Peace' passed twenty-first day of June, one thousand eight hundred and thirty-nine, and for other purposes," absolutely.

Section eighty-four of the act, approved the fourth day of March, one thousand eight hundred and forty-two (Pamphlet Laws, forty-three), entitled "An act regulating Election Districts and for other purposes," absolutely.

The act approved the twenty-fifth day of March, one thousand eight hundred and forty-three (Pamphlet Laws, one hundred fifteen), entitled "An act to divide the State into Congressional districts, for the election of Representatives in the Congress of the United States," absolutely.

The act approved the fourteenth day of April, one thousand eight hundred and forty-three (Pamphlet Laws, two hundred forty-seven), entitled "An act to fix the number of Senators

and Representatives, and form the State into districts, in pursuance of the provisions of the Constitution," absolutely.

Sections two, three and four of the act, approved the eleventh day of April, one thousand eight hundred and forty-eight (Pamphlet Laws, five hundred twelve), entitled "A further supplement to an act, entitled 'An act relating to the elections in this Commonwealth,'" absolutely.

The act approved the fifteenth day of May, one thousand eight hundred and fifty (Pamphlet Laws, seven hundred seventy-seven), entitled "An act to fix the number of Senators and Representatives, and form the state into districts, in pursuance of the provisions of the constitution," absolutely.

Section nine of the act, approved the fifteenth day of April, one thousand eight hundred and fifty-one (Pamphlet Laws, six hundred forty-eight), entitled "An act to provide for the election of judges of the several courts of this Commonwealth, and to regulate certain judicial districts," absolutely.

Sections 3, 30, 31, 32, 34, 35 and 36 of the act, approved the second day of February, one thousand eight hundred and fifty-four (Pamphlet Laws, twenty-one), entitled "A further supplement to an act, entitled 'An act to incorporate the City of Philadelphia,'" absolutely.

The act approved the first day of May, one thousand eight hundred and fifty-two (Pamphlet Laws, four hundred ninety-two), entitled "An act to divide the State into Congressional districts for the election of Representatives in the Congress of the United States," absolutely.

The act approved the thirty-first day of March, one thousand eight hundred and fifty-four (Pamphlet Laws, two hundred fifty), entitled "An act relative to the payment of Constables for attending the General and Township Elections," absolutely.

The act approved the twentieth day of April, one thousand eight hundred and fifty-four (Pamphlet Laws, four hundred nineteen), entitled "An act in relation to establishing and changing the places for holding general elections throughout the Commonwealth," absolutely.

The act approved the sixteenth day of January, one thousand eight hundred and fifty-five (Pamphlet Laws, one), entitled "A supplement to an act, entitled 'An act relating to the Elections of this Commonwealth passed the second day of July, Anno Domini one thousand eight hundred and thirty-nine,'" absolutely.

The act approved the thirty-first day of January, one thousand eight hundred and fifty-five (Pamphlet Laws, five), entitled "A supplement to an act in relation to establishing and changing the places for holding General Elections throughout the Commonwealth, passed April twentieth, one thousand eight hundred and fifty-four," absolutely.

The act approved the twentieth day of May, one thousand eight hundred and fifty-seven (Pamphlet Laws, six hundred nineteen), entitled "An act to fix the number of Senators and Representatives, and to form the State into districts, in pursuance of the provisions of the Constitution," absolutely.

The act approved the eleventh day of April, one thousand eight hundred and fifty-nine (Pamphlet Laws, four hundred ninety-five), entitled "An act to provide for taking Testimony in cases of Contested Elections of Members of the General Assembly," absolutely.

Sections fifty and fifty-one of the act, approved the thirty-first day of March, one thousand eight hundred sixty (Pamphlet Laws, three hundred eighty-two), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth," absolutely.

The act approved the second day of April, one thousand eight hundred and sixty (Pamphlet Laws, six hundred nine), entitled "An act relating to Township Elections," absolutely.

The act approved the first day of May, one thousand eight hundred and sixty-one (Pamphlet Laws, four hundred seventy-one), entitled "An act to divide the state into Congressional Districts for the Election of Representatives in the Congress of the United States," absolutely.

The act approved the tenth day of April, one thousand eight hundred and sixty-two (Pamphlet Laws, four hundred five), entitled "An act to re-organize the Congressional Districts of Pennsylvania, in accordance with the act of Congress, approved March fourth, one thousand eight hundred and sixty-two," absolutely.

The act approved the sixteenth day of March, one thousand eight hundred and sixty-four (Pamphlet Laws, ten), entitled "An act providing for the election of a State Treasurer," absolutely.

The act approved the fifth day of May, one thousand eight hundred and sixty-four (Pamphlet Laws, two hundred fifty-eight), entitled "An act to fix the number of Senators, and Representatives, and to form the State into districts, in pursuance of the provisions of the Constitution," absolutely.

The act approved the twenty-fifth day of August, one thousand eight hundred and sixty-four (Pamphlet Laws, nine hundred ninety), entitled "An act to regulate elections by soldiers in actual military service," absolutely.

The act approved the twenty-fourth day of August, one thousand eight hundred and sixty-four (Pamphlet Laws, ten hundred fourteen), entitled "A supplement to an act to fix the number of Senators and Representatives, and to form the State into districts, in pursuance of the provisions of the constitution, approved May fifth, one thousand eight hundred and sixty-four," absolutely.

The act approved the thirtieth day of March, one thousand eight hundred and sixty-six (Pamphlet Laws, ninety-two), entitled "An act regulating the mode of voting at all elections, in the several counties of this Commonwealth," absolutely.

The act approved the seventeenth day of April, one thousand eight hundred and sixty-six (Pamphlet Laws, one hundred seven), entitled "A supplement to an act, entitled 'An act regulating boroughs' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, to authorize courts to fix and change the places for holding general elections," absolutely.

The act approved the fourth day of June, one thousand eight hundred and sixty-six (Pamphlet Laws, eleven hundred seven), entitled "A further supplement to the election laws of this Commonwealth," absolutely.

The act approved the eleventh day of January, one thousand eight hundred and sixty-seven (Pamphlet Laws, eighteen), entitled "An act to define the time and regulate the manner of electing Senators, to represent this state in the Senate of the United States," absolutely.

The act approved the fifteenth day of April, one thousand eight hundred and sixty-seven (Pamphlet Laws, eighty-six), entitled "A supplement to an act, approved the seventeenth day of April, one thousand eight hundred and sixty-six, authorizing the courts to fix and change the places for holding general elections, in certain cases," absolutely.

Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,

seventeen, eighteen, nineteen and thirty-eight of the act, approved the seventeenth day of April, one thousand eight hundred and sixty-nine (Pamphlet Laws, forty-nine), entitled "An act further supplemental to the act relative to the elections of this Commonwealth," absolutely.

Sections 1, 2, 3, 5, 6, 7, 8, 9, 10 of the act, approved the sixth day of April, one thousand eight hundred and seventy (Pamphlet Laws, fifty-three), entitled "A further supplement to the act relating to elections in this Commonwealth," absolutely.

The act approved the sixth day of May, one thousand eight hundred and seventy-one (Pamphlet Laws, two hundred fifty-two), entitled "An act to fix the number of senators and representatives and to form the state into districts, in pursuance of the provisions of the constitution," absolutely.

The act approved the eleventh day of May, one thousand eight hundred and seventy-one (Pamphlet Laws, two hundred fifty-nine), entitled "A supplement to an act, entitled 'An act to fix the number of senators and representatives and to form the state into districts, in pursuance of the Constitution,' which became a law on the sixth day of May, Anno Domini one thousand eight hundred and seventy-one," absolutely.

The act approved the twenty-first day of February, one thousand eight hundred and seventy-two (Pamphlet Laws, seventeen), entitled "An act entitled 'A further supplement to an act relating to the elections of this Commonwealth' approved July second, Anno Domini one thousand eight hundred and thirty-nine," absolutely.

The act approved the thirteenth day of March, one thousand eight hundred and seventy-two (Pamphlet Laws, twenty-four), entitled "An act to prevent the sale of intoxicating drinks on election day," absolutely.

The act approved the nineteenth day of March, one thousand eight hundred and seventy-two (Pamphlet Laws, thirty-two), entitled "An act supplementary to an act relative to the election of auditor general, surveyor general and county surveyors by the people, approved the ninth day of April, Anno Domini one thousand eight hundred and fifty," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and seventy-three (Pamphlet Laws, seventy-nine), entitled "An act to re-organize the Congressional districts of Pennsylvania," absolutely.

The act approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled "A further supplement to the act regulating elections in this Commonwealth," absolutely.

The act approved the thirteenth day of February, one thousand eight hundred and seventy-four (Pamphlet Laws, forty-four), entitled "An act declaratory of and amending the act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the ninth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, fifty-four), entitled "An act designating the judicial districts of the Commonwealth, and providing for the appointment and election of judges therein, for issuing to additional judges learned in the law commissions as president judges, and manner of fixing the terms of courts therein," absolutely.

The act approved the eighteenth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-four), entitled, "An act to define the necessary and proper expenses

incident to the nomination and election of senators, representatives, state, judicial, municipal and county officers, and to authorize the payment thereof," absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred eight), entitled "An act designating the several classes of contested elections in this Commonwealth, and providing for the trial thereof," absolutely.

The act approved the eighteenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws, twenty-nine), entitled "An act in relation to the payment of the costs and expenses of the division of election districts," absolutely.

The act approved the eighth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred thirty-six), entitled "An act authorizing the commissioners of the several counties of this Commonwealth to fix the compensation for light, rent and fuel for election districts in their respective counties," absolutely.

The act approved the eighth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred forty-eight), entitled "A supplement to an act, entitled 'An act designating the several classes of contested elections in this Commonwealth and providing for the trial thereof' approved the nineteenth day of May, Anno Domini one thousand eight hundred and seventy-four, providing for the payment of the costs in contested elections of president or additional law judges, senators and members of the house of representatives and of county, borough, township or municipal officers when the court decides the complaint is not without probable cause," absolutely.

The act approved the eighteenth day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred seventy-eight), entitled "An act to prescribe the manner by which the courts of quarter sessions may change the boundaries of election districts and townships," absolutely.

Section three of the act, approved the tenth day of May, one thousand eight hundred and seventy-eight (Pamphlet Laws, fifty-one), entitled "A supplement to an act, entitled 'An act to prescribe the manner in which the courts may divide boroughs into wards,' approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the twelfth day of June, one thousand eight hundred and seventy-eight (Pamphlet Laws, two hundred four), entitled "An act to provide for an appeal to the Supreme Court in contested elections of judges of courts of records, wherein constitutional questions are involved," absolutely.

The act approved the ninth day of May, one thousand eight hundred and seventy-nine (Pamphlet Laws, fifty-one), entitled "An act to provide for the receiving, opening and publishing of the returns of the election for state treasurer and of auditor general when elected at the same election," absolutely.

The act approved the eighth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, seventy), entitled "An act to prevent bribery and fraud at nominating elections, nominating conventions, returning boards, county or executive committees, and at election of delegates to nominating conventions, in the several counties in this Commonwealth," absolutely.

The act approved the twenty-ninth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, one hundred twenty-eight), entitled "An act to regulate the holding of, and to prevent frauds in, the primary elections of the several

political parties in the Commonwealth of Pennsylvania," absolutely.

The act approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, ninety-two), entitled "An act for the better protection of the electors of this Commonwealth," absolutely.

The act approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, ninety-six), entitled "An act to prohibit political parties, committees, or members thereof from assessing upon or demanding from public officials contributions for political purposes, in the several counties of this Commonwealth," absolutely.

The act approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, one hundred twenty-four), entitled "An act to empower any judge of any court of common pleas, of any county in this Commonwealth, to fix the place of election in certain cases," absolutely.

The act approved the twenty-third day of June, one thousand eight hundred and eighty-five (Pamphlet Laws, one hundred forty-four), entitled "An act for the regulation of advertising of general elections," absolutely.

The act approved the twenty-fourth day of June, one thousand eight hundred and eighty-five (Pamphlet Laws, one hundred forty-nine), entitled "An act amendatory of an act, entitled 'An act to prescribe the manner by which the courts of quarter sessions may change the boundaries of election districts and townships,'" absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred twenty-six), entitled "An act to preserve the purity of elections by declaring drunkenness on the part of election officers and assessors of poll taxes to be a misdemeanor, and by requiring elections to be held in rooms in which liquor is not sold, so far as possible," absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred thirty-six), entitled "An act to organize and define the congressional districts of Pennsylvania," absolutely.

Section one of the act, approved the twenty-sixth day of April, one thousand eight hundred and eighty-nine (Pamphlet Laws, sixty), entitled "An act providing for the issuing of commissions in cases of contested election," absolutely.

The act approved the ninth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, one hundred sixty-two), entitled "An act to punish bribery at certain elections," absolutely.

The act approved the twenty-ninth day of May, one thousand eight hundred and ninety-one (Pamphlet Laws, one hundred thirty-four), entitled "An act to amend sections one, two and three of an act, entitled 'A further supplement of the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, changing the time and manner of making the registry of voters and the duties of registry assessors," absolutely.

The act approved the eleventh day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, two hundred ninety-six), entitled "An act to enable any township within this Commonwealth which surrounds or immediately adjoins any borough or city, within this Commonwealth, to hold all elections authorized by law within the corporate limits of such borough or city," absolutely.

The act approved the nineteenth day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, three hundred forty-nine), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties and certain other expenses to be paid by the Commonwealth, and punishing certain offenses in regard to such elections," absolutely.

The act approved the tenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, thirty-six), entitled "An act relating to the naturalization of aliens and prohibiting the payment of the expenses connected therewith by officers and members of political organizations and by candidates," absolutely.

The act approved the eighteenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred one), entitled "An act to amend section six of the act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, one thousand eight hundred and seventy-four, extending the power of the several courts of common pleas of the Commonwealth to appoint election officers in certain cases," absolutely.

The act approved the eighteenth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred six), entitled "An act to empower the court of quarter sessions of any county of this Commonwealth to fix the place of holding the general election," absolutely.

The act approved the eighteenth day of April, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred seven), entitled "An act providing that voters in this Commonwealth shall cast their ballots at polling places inside the election district in which they are domiciled and making it the duty of the courts of quarter sessions of the several counties to carry out the provisions of the same," absolutely.

The act approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred twenty-nine), entitled "An act to amend the thirty-second section of an act, entitled 'An act relating to elections in this Commonwealth' approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, providing for mileage for Presidential electors and increasing the contingent expenses of said electors," absolutely.

The act approved the sixth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, three hundred twenty-four), entitled "An act amending the eighty-fourth section of an act, entitled 'An act regulating election districts, and for other purposes' approved the fourth day of March, Anno Domini one thousand eight hundred and forty-two, providing for the appointment of judges and inspectors of elections in case of tie votes in elections for said judges and inspectors," absolutely.

The act approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections," absolutely.

The act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred thirty-seven), entitled "An act regulating the pay of election officers at all elections hereafter to be held within this Commonwealth," absolutely.



The act approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred ninety), entitled "An act to amend the tenth section of an act, entitled 'A supplement to an act, entitled "An act relating to the elections of this Commonwealth" passed the second day of July, Anno Domini one thousand eight hundred and thirty-nine, and for other purposes,' approved the thirteenth day of June, Anno Domini one thousand eight hundred and forty, providing for daily pay of judges for making returns of township elections," absolutely.

Sections two and three of the act, approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred ninety-six), entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub, and requiring a sheet setting forth name, amount of tax paid and number of receipt to be sent, twenty days before each election, to the county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act," absolutely.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred seventy-seven), entitled "An act to authorize the courts of quarter sessions to consolidate election districts in townships, boroughs and cities, and for the appointment of election officers, and the fixing of the place of elections therein," absolutely.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred eighty-nine), entitled "An act punishing the printing, posting and distributing of any libelous circular or poster or other written or printed paper," absolutely.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred ninety-two), entitled "An act to amend the tenth section of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,'" absolutely.

The act approved the fourteenth day of April, one thousand eight hundred and ninety-seven (Pamphlet Laws, twenty-three), entitled "An act to amend section twenty-nine of an act, approved the tenth day of June, one thousand eight hundred and ninety-three, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,' providing for the filling of vacancies in contested elections where the tribunal trying the case shall declare the election to be invalid," absolutely.

The act approved the fifth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws, thirty-eight), entitled "An act to amend section six of the act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, one thousand eight hundred and seventy-four, amended by the act, entitled 'An act to amend section six of the act, entitled "A further supplement to the act regulating elections in this Commonwealth" approved the thirtieth day of January, one thousand eight hundred and seventy-four, extending the power of the several courts of common pleas of the Commonwealth to appoint election officers

in certain cases' which amending act was approved the eighteenth day of May, one thousand eight hundred and ninety-three, providing for the filling of vacancies in the election boards heretofore or hereafter elected or appointed by the judges of the courts of common pleas of the proper county," absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws, seventy-eight), entitled "An act amending the eighty-fourth section of an act, entitled 'An act regulating election districts, and for other purposes' approved the fourth day of March, Anno Domini one thousand eight hundred and forty-two, as amended by an act approved the sixth day of June, Anno Domini one thousand eight hundred and ninety-three, entitled 'An act amending the eighty-fourth section of an act, entitled "An act regulating election districts, and for other purposes" approved the fourth day of March, Anno Domini one thousand eight hundred and forty-two, providing for the appointment of judges and inspectors of elections in case of tie votes in the election of said judges and inspectors' by providing for a tie vote for either of said officers," absolutely.

The act approved the fifteenth day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred sixty-five), entitled "An act authorizing, empowering and directing the county commissioners of the several counties of this Commonwealth to pay to the constables of their respective counties, for the services rendered by such constables in making returns to court of elections, attending special, borough, township or ward elections, and traveling expenses incidental thereto, since the first day of January, Anno Domini one thousand eight hundred and ninety-six, in all cases where the same remain unpaid," absolutely.

The act approved the twenty-second day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred seventy-nine), entitled "An act to amend section two of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved June ten, one thousand eight hundred and ninety-three, providing for certifying nominations in cases where there is no opposition to a candidate or candidates," absolutely.

The act approved the ninth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred twenty-three), entitled "An act to amend sections three, four, five, six, nine and fourteen of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three, by specifying how the names adopted by political bodies may be protected, fixing the time for filing certificates of nominations and nomination papers, limiting the number of times that names of candidates shall appear on the official ballot, and prescribing how the same shall be certified by the Secretary of the Commonwealth," absolutely.

The act approved the twelfth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred fifty-seven), entitled "An act to amend section one hundred and twenty of an act, entitled 'An act relating to elections of this Commonwealth' approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine, so as to increase

the penalty for fraudulent and illegal voting, and aiding and abetting the same," absolutely.

The act approved the fourteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred sixty-one), entitled "An act to amend section one hundred and nineteen of an act, entitled 'An act relating to the elections in this Commonwealth' approved the second day of July, one thousand eight hundred and thirty-nine, so as to increase the penalty for fraudulent and illegal voting, and aiding and abetting the same," absolutely.

The act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-five), entitled "An act to prohibit assessments of and demands for contributions from the officers and employes of this Commonwealth, and of any county or city therein, and providing penalties therefor," absolutely.

The act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-six), entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector, by any person other than the elector against whom such tax is assessed, except upon the written and signed order of such assessed elector, and prescribing penalties," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred three), entitled "A further supplement to an act designating the several classes of contested elections in this Commonwealth, and providing for the trial thereof, approved the nineteenth day of May, Anno Domini one thousand eight hundred and seventy-four, limiting the time within which testimony shall be taken in certain contested elections," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred eighteen), entitled "An act to amend the ninth section of an act, entitled 'An act designating the several classes of contested elections in this Commonwealth, and providing for the trial thereof' approved the nineteenth day of May, Anno Domini one thousand eight hundred and seventy-four, providing that the costs in certain cases shall be placed on the petitioners," absolutely.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred twenty-seven), entitled "An act to amend section thirteen of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, to provide for the computation of the returns of the election of any officer of a district composed of two or more counties, or parts of two or more counties, other than a Representative or Senator of the State Legislature, or a Representative in Congress, or a Judge of the Courts, by return judges to be appointed by the courts of the counties comprising such district," absolutely.

The act approved the sixth day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, two hundred fifty-four), entitled "An act to amend the tenth section of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the fourteenth day of April, one thousand nine hundred and three (Pamphlet Laws, one hundred

eighty-seven), entitled "An act relating to change of polling-places, and authorizing the county commissioners to change the same," absolutely.

The act approved the sixteenth day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred thirteen), entitled "An act amending section twenty-three of the act of June tenth, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred thirty), relating to watchers at elections, and providing that they must be residents of the district or division within which they act," absolutely.

An act approved the sixteenth day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred seventeen), entitled "An act amending section seventy-four of an act 'Relating to the elections of this Commonwealth' approved the second day of July, Anno Domini one thousand eight hundred and thirty-nine," absolutely.

An act approved the sixteenth day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred twenty), entitled "An act amending an act, entitled 'An act regulating the pay of election officers at all elections hereafter held within this Commonwealth' approved the twenty-fourth day of June, Anno Domini one thousand eight hundred and ninety-five, and fixing the pay of elections officers," absolutely.

The act approved the twenty-first day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred twenty-four), entitled "An act to amend section six of the act of July the ninth, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred twenty-three), by providing that, where objections to nomination certificate or paper are not sustained by any court, the petitioner shall be compelled to pay the costs," absolutely.

The act approved the twenty-ninth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred thirty-eight), entitled "An act to further amend the ninth and fourteenth sections of the act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved the tenth day of June, eighteen hundred and ninety-three, as amended by an act approved the ninth day of July, one thousand eight hundred and ninety-seven, also to amend the twenty-second, twenty-seventh, twenty-eighth, and thirtieth sections of said act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections, approved the tenth day of June, eighteen hundred and ninety-three, by repealing the limit upon the number of times the names of candidates shall appear on the official ballot; by specifying the form, contents, and manner of printing, and counting of official ballots, and of making return of all votes, and of announcing the total vote; by directing the manner in which voters may designate their choice of candidates, and their votes upon constitutional amendments or other questions submitted for their votes; by prescribing the duties of voters, elections officers, police officers, constables, deputy constables, and helpers; and prescribing forms of punishment for violations thereof," absolutely.

The act approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled "An act to regulate nominations and election expenses, and to require accounts of nomination and election expenses to be

filed, and providing penalties for the violation of this act," absolutely.

The act approved the sixth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred twenty-five), entitled "An act to amend section thirteen of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, as amended by the act of April twenty-eight, one thousand eight hundred and ninety-nine, so as to reduce from three to two the minimum number of judges to be designated in the counties of Philadelphia and Allegheny to receive, compute, and certify the election returns, required by said section to be presented by the prothonotary to the courts of common pleas, thus assimilating the practice of said counties to that in the other counties of the Commonwealth," absolutely.

The act approved the twenty-first day of April, one thousand nine hundred and eleven (Pamphlet Laws, eighty), entitled "An act to authorize any territory that may be annexed to a city under existing laws to be added to an adjacent ward or wards, or created into a new ward, and providing for the election of officers and places of holding elections in new wards thus created," absolutely.

The act approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred thirty-two), entitled "An act regulating pay of elections officers and clerks at certain elections hereafter held within this Commonwealth," absolutely.

The act approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred ninety-three), entitled "An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by Article eighteen, section one of the Constitution," absolutely.

The act approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled "An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment of the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules, and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation," absolutely.

The act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred ninety-five), entitled "An act to provide for the nomination and election of candidates for the office of United States Senator, and the filling of vacancies in said office," absolutely.

The act approved the fourteenth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred twenty-two), entitled "An act requiring and regulating the declaring and posting of the vote at election districts at a primary election," absolutely.

The act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred thirty-eight), entitled "An act providing for the payment by the several counties of the Commonwealth of the expenses of holding primary elections," absolutely.

The act approved the eighteenth day of June, one thousand nine hundred and fifteen (Pamphlet Laws, ten hundred twenty-five), entitled "An act to amend section five of an act, entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen," absolutely.

The act approved the eighteenth day of June, one thousand nine hundred and fifteen (Pamphlet Laws, ten hundred forty-four), entitled "An act amending section four of an act, approved the twelfth day of July, one thousand nine hundred and thirteen, entitled 'An act regulating certain political parties, providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,'" absolutely.

The act approved the eighteenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred forty-four), entitled "An act to amend the first, sixth, and seventh sections of an act, entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen; so as to change the time

for filing petitions of nomination, and the time for the organization of the State committees," absolutely.

The act approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred fifty-three), entitled "An act to amend section three of an act, approved the twelfth day of July, one thousand nine hundred thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,'" absolutely.

The act approved the twentieth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eleven hundred fifty-eight), entitled "An act to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth" in so far as it relates to fees to be charged and received by constables for attending elections.

The act approved the eighteenth day of April, one thousand nine hundred and nineteen (Pamphlet Laws, sixty-eight), entitled "An act amending section five of an act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act,'" absolutely.

An act approved the twelfth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred fifty-eight), entitled "An act fixing the time of meeting of the return judges in the several congressional, senatorial, representative, and judicial districts, composed of two or more counties or parts of two or more counties; prescribing the manner of making and certifying the consolidated returns; imposing certain duties on prothonotaries and county commissioners; and fixing the compensation of such return judges," absolutely.

The act approved the twenty-third day of May, one thousand nine hundred and nineteen (Pamphlet Laws, two hundred seventy-four), entitled "An act to amend part of section one of an act, approved the twentieth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand one hundred fifty-eight), entitled 'An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth,'" absolutely.

The act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred sixty-nine), entitled "An act to amend section one of an act, approved the fourteenth day of April, one thousand nine hundred and three, entitled 'An act relating to change of polling-places, and authorizing the commissioners to change the same,'" absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred five), entitled "An act to enable county commissioners to abolish

election districts in which less than ten qualified electors reside," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred twenty-nine), entitled "An act to further amend the twenty-second section of an act, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' approved the tenth day of June, eighteen hundred and ninety-three, as amended by an act, approved the twenty-ninth day of April, nineteen hundred and three, by providing a manner in which voters may designate their choice of candidates; and repealing acts or parts of acts inconsistent therewith," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-two), entitled "An act amending sections five, six, and seven of an act, approved the tenth day of June, one thousand eight hundred ninety-three, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' as the same was amended by an act, approved the ninth day of July, one thousand eight hundred and ninety-seven, and an act, approved the twenty-first day of April, one thousand nine hundred and three," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-six), entitled "An act to amend section three of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of president of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-nine), entitled "An act to amend sections seven, ten, thirteen, fourteen, and fifteen of an act, entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment of the several counties, and their reimbursement by the State, of the expenses of the same, authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent



legislation' approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), as amended, so as to provide fully how many official and specimen ballots shall be provided for each party at the primaries and to whom the same shall be delivered, what other election materials shall be furnished, and what printed instructions shall be given voters and elections officers, how the official ballots shall be given to qualified electors, how party membership shall be evidenced, and how and when it may be challenged, how the vote shall be counted, recorded, and returned by the election officers, what shall be done with the ballots voted, their stubs, and the unused, spoiled, and void ballots, tally papers, oaths of election officers, affidavits of voters, et cetera, lists of voters of each party, triplicate and other return sheets, and who shall have the custody of same; to require the return and public inspection of all the spoiled and unused ballots from each election district before the computation of any returns therefrom; to prescribe the method of computing and canvassing such returns publicly; to provide who shall constitute the return board for any county wherein one or more of the commissioners are candidates at any primary; to regulate the manner of correcting apparent errors in certain returns, and the opening of ballot boxes, and the recounting of votes, when any county commissioner, prothonotary, or judge of the court of common pleas deems it necessary in order to obtain a correct count or upon the petition of three electors averring fraud or error; to assure the right of any authorized representative of any party or candidate to hear, record, and check up the returns as read, as well as to inspect the same and any other public documents relating to any primary election; to allow any person aggrieved by any decision of the county commissioners or prothonotary to appeal therefrom to the court of common pleas of the proper county; to make certain violations of said act, as amended hereby, misdemeanors; and to provide penalties for the punishment of such offenses; to provide that nomination petitions of candidates for any municipal office to be filled by a vote of the electors of a senatorial district shall be signed by at least two hundred qualified electors of such district; and to repeal inconsistent legislation," absolutely.

The act approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred fifty-five), entitled "An act to amend section three of an act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' as amended," absolutely.

The act approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred sixty-six), entitled "An act providing for voting by soldiers, sailors, and marines, in service or discharged therefrom, returning to their homes, who have been unable to qualify themselves as electors in accordance with existing law," absolutely.

The act approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred twenty-three), entitled "An act providing for the nomination and election of judges of courts of record, and repealing certain acts," absolutely.

Section one of an act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred twenty-six), entitled "An act regulating nominations and elections for all elective offices of cities of the second class, and repealing certain acts," absolutely.

Sections 4, 5, 6, 7 and 8 of an act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred forty-nine), entitled "An act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators."

The act approved the sixteenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighteen), entitled "An act to amend section six of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended; authorizing the Court of quarter sessions to appoint election officers in cases of vacancy," absolutely.

The act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred sixty-nine), entitled "An act to further amend section fourteen of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,'" as amended, absolutely.

The act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty), entitled "An act to amend section five of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,'" absolutely.

The act approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred fifty-eight), entitled "An act to fix the time for filing

nomination certificates and nomination papers to fill vacancies caused by the withdrawal of candidates," absolutely.

The act approved the twenty-fourth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, ten hundred seventy-nine), entitled "An act to amend section sixteen of an act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of public officers; requiring certain expenses incident thereto to be paid by the several counties; and punishing certain offenses in regard to such elections,'" absolutely.

The act approved the twenty-fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eleven hundred twenty-five), entitled "An act to further amend section fifteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' by empowering the court of common pleas, instead of the return board, to open ballot boxes when fraud or error not manifest on the general return is alleged," absolutely.

The act approved the third day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, fifty-five), entitled "An act to amend section one of the act, approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred ninety-three), entitled 'An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by article eighteen, section one, of the Constitution,'" absolutely.

The act approved the eighteenth day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, sixty-seven), entitled "An act to amend section seven of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of Public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,' as amended," absolutely.

The act approved the seventh day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred forty-seven), entitled "An act to amend section seventy-four of an act, approved the second day of July, one thousand eight hundred thirty-nine (Pamphlet Laws, five hundred and nineteen), entitled 'An act relating to the elections of this Commonwealth,' as amended," absolutely.

The act approved the eighteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred fifty-six), entitled "An act to amend section three of an act,

approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the nineteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred sixty-seven), entitled "An act to amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended, by authorizing the members of the board for receiving, computing, and certifying election returns to act when a majority of the members thereof are not qualified," absolutely.

The act approved the twenty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred ninety-three), entitled "An act to amend the fourth paragraph of section fourteen of an act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidate for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the twenty-second day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred nine), entitled "An act providing a system whereby persons absent from their regular polling places may cast their votes, imposing certain powers and duties upon the county commissioners, prothonotaries, return boards of the various counties, and the board of registration commissioners in cities of the first and second class, in relation thereto; and providing penalties," absolutely.

The act approved the twenty-third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, three hundred forty), entitled "An act to amend section eleven of the act, approved the thirteenth day of June, one thousand eight hundred and forty (Pamphlet Laws, six hundred and eighty-three), entitled 'A supplement to an act, entitled "An act relating to the elections of this Commonwealth" passed the second day of

July, Anno Domini one thousand eight hundred and thirty nine and for other purposes' allowing constables mileage for advertising elections, and compensation for advertising elections where there is more than one polling place in a district, said mileage and compensation to be paid by counties," absolutely.

The act approved the twenty-fifth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred fifty-five), entitled "An act fixing the pay of election officers and clerks in cities of the first class," absolutely.

The act approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred twenty), entitled "An act to amend section fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' as amended," absolutely.

The act approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, ten hundred thirty-four), entitled "An act concerning the domicile of a married woman," absolutely.

The act approved the first day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred three), entitled "An act to further amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended; empowering associate judges to act as return boards where the resident president judge is a candidate,'" absolutely.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred five), entitled "An act fixing the pay of election officers and clerks in counties of the second class," absolutely.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred eleven), entitled "An act to amend section one of the act, approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred and ninety-three), entitled 'An act prescribing the manner and time of submitting to the qualified electors of the State proposed amendments to the Constitution in order to determine whether the same be approved by a majority of those voting thereon, as provided by article eighteen, section one, of the Constitution,' as amended," absolutely.

The act approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred sixty-one), entitled "An act to amend the first paragraph of the seventh section, and the nineteenth section of an act,

entitled 'An act regulating certain political parties; providing for the regulating and nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), as amended, so far as to change the time for filing petitions of nomination and for withdrawal of candidates," absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred sixty), entitled "An act providing for the opening of ballot boxes after general, municipal, special, or primary elections, upon petition to the court of common pleas, or a judge thereof, under certain circumstances, and imposing certain duties in connection therewith upon the court, the prothonotary, and the county treasurer," absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred sixty-three), entitled "An act to amend section twenty-six, and section thirty as amended, of the act, approved the tenth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred and nineteen), entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' by specifying the circumstances and conditions under which voters may have assistance in marking their ballots at general, municipal, special, and primary elections; prescribing certain duties to be performed by the Secretary of the Commonwealth and election officers; providing penalties; and repealing inconsistent legislation," absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred sixty-seven), entitled "An act to amend section four of the act of the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act,'" absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred seventy-two), entitled "An act to fix the time for filing petitions for nomination with the county commissioners," absolutely.

The act approved the fifth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, eight hundred nineteen), entitled "An act fixing the pay of election officers and clerks appointed by the inspectors, except in cities of the first class and counties of the second class," absolutely.

The act approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled "An act to permit the use of voting

machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," absolutely.

The act approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred thirty-six), entitled "An act providing for a separate ballot when constitutional amendments or other questions are submitted to the vote of the people," absolutely.

The act approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, sixteen hundred ninety-one), entitled, "An act relating to return boards computing general and municipal election returns," absolutely.

The act approved the third day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred thirty-one), entitled "An act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-five (Pamphlet Laws, three hundred five) entitled 'An act fixing the pay of election officers and clerks in counties of the second class,'" absolutely.

Sections 3, 4, 5, 6, 7 and 8 of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, one hundred sixty-seven), entitled 'An act to designate the several judicial districts of the Commonwealth as required by the Constitution, and to provide for the election and commissioning of judges, learned in the law, for the said districts.'

The act approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred thirty-eight), entitled "An act to amend section thirteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth,' as amended; by authorizing the members of the board for receiving, computing, and certifying election returns to provide for election returns in school districts which comprise the territory of or territory from two or more municipalities," absolutely.

The act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, eleven hundred eighty-five), entitled "An act to amend sections one, three, four, five, six, seven, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, and twenty-seven of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries in any county, city, borough or township of the Commonwealth, at the

option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred twenty-six), entitled "An act to amend section fourteen of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act,'" absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred twenty-seven), entitled "An act providing a method for preventing any elector from depositing in the ballot box, at primary, municipal, general, or other elections, any ballot other than that received from the election officers; and imposing penalties," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred twenty-eight), entitled "An act to further amend sections fourteen and twenty-two of an act, approved the tenth day of June, eighteen hundred ninety-three (Pamphlet Laws, four hundred nineteen), entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections' so as to provide that the names of candidates for Presidential electors shall no longer be printed on the ballot," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred thirty-four), entitled "An act supplementing the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National Party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' by providing a method for determining the period of time as provided therein," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred



thirty-five), entitled "An act to amend section thirteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States, and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, providing that electors in boroughs, towns, and townships may at primaries declare their party preference and vote on age," absolutely.

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred eighty-five), entitled "An act to amend paragraph (d) of section seven of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, changing the number of signers required on the nomination petitions of candidates for the office of magistrate in cities of the first class," absolutely.

The act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred three), entitled "An act to amend sections one and two of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-six), entitled 'An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector, by any person other than the elector against whom such tax is assessed, except upon the written and signed order of such assessed elector, and prescribing penalties' by providing certain exemptions," absolutely.

"Sections three, four, five, six and seven of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, fourteen hundred sixteen) entitled 'An act to apportion the State into congressional districts.'"

The act approved the twenty-seventh day of April, one thousand nine hundred and thirty-three (Pamphlet Laws, ninety-three), entitled "An act to amend section five of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, seventy-eight), entitled 'An act to

regulate nomination and election expenses, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act' as amended, by requiring the treasurers of political committees concerned in the nominations of candidates to file accounts of election expenses," absolutely.

The act approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred thirty-eight), entitled "An act to amend section one of the act, approved the twenty-sixth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, eight hundred thirty-six), entitled 'An act providing for a separate ballot when constitutional amendments or other questions are submitted to the vote of the people' by providing that such constitutional amendments or other questions may be printed upon a separate ballot," absolutely.

The act approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred forty-six), entitled "An act to further amend clause (a) of section four of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough, or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act' as amended, by providing that the courts of quarter sessions may order that one additional voting machine be provided in certain election districts," absolutely.

The act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, ten hundred twenty-five), entitled "An act to amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred five), entitled 'An act fixing the pay of election officers and clerks in counties of the second class' as amended; by fixing the compensation of judges of election for services, mileage and expenses of delivering the primary and election returns and ballot boxes into proper custody; providing compensation to minority inspectors in certain cases for services, mileage and expenses of delivering the minority inspector's primary and election returns, if any, and the ballot boxes into proper custody; and repealing inconsistent, general, local and special, legislation," absolutely.

The act approved the thirty-first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eleven hundred six), entitled "An act to amend section seven of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and

regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, by increasing the number of signers required for nomination petitions for magistrates in cities of the first class," absolutely.

The act approved the seventeenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred thirty-six, one thousand nine hundred thirty-three--thirty-four), entitled "An act to further amend sections one, two, three, ten, fifteen, eighteen and nineteen of the act, approved the thirtieth day of January, one thousand eight hundred and seventy-four (Pamphlet Laws, thirty-one), entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended, pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh, one thousand nine hundred thirty-three, eliminating the tax-paying qualification for voters," absolutely.

The act approved the twenty-fifth of April, one thousand nine hundred and thirty-five (Pamphlet Laws, seventy-four), entitled "An act to amend sections ten and fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, by substituting additional copies of the general return sheet for the triplicate party return sheets in the preparation for, conduct of, and returning, canvassing, and computing the vote cast at primary elections; regulating the form of the numbered lists of voters; regulating the duties of election officers in calling and tabulating the votes; and regulating return board procedure," absolutely.

The act approved the twenty-fifth day of April, one thousand nine hundred and thirty-five (Pamphlet Laws, eighty-three), entitled "An act to amend section six as amended, section eight and section ten as amended of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to

National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation,' providing that only registered and enrolled members of political parties shall be qualified to sign nomination petitions, and limiting the number of specimen ballots to be given candidates at primaries," absolutely.

The act approved the seventh day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, one hundred thirty-one), entitled "An act to amend sections one and seven as amended, clauses (a) and (d), and clause (g) as amended, of section fifteen, and clauses (b) and (c) as amended, of section twenty-three, and sections twenty-four and twenty-six of the act, approved the eighteenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred forty-nine), entitled 'An act to permit the use of voting machines for recording and computing the vote at all elections, including primaries, in any county, city, borough or township of the Commonwealth, at the option of the electors thereof; prescribing regulations with reference to the adoption, requirements, examination, purchase, installation, preparation, custody and demonstration of use of voting machines; providing rules and regulations for the conduct of elections held with voting machines; prescribing the qualifications, number and duties of election officers in election districts in which voting machines may be used; placing duties upon county commissioners and the Secretary of the Commonwealth; providing for redivision of wards of cities and boroughs into election districts, and the consolidation of election districts; providing for the payment of expenses incident to the purchase and use of voting machines by the counties in which they are used; and providing penalties for violation of the provisions of this act,' by making provisions for voting machines designed to be made secure by the use of two or more seals; changing the requirements as to the printing of return sheets and statements; providing the requirements of and rules and regulations for the conduct of elections held with voting machines equipped with mechanism for printing paper proof-sheets; providing for the printing and distribution of said proof-sheets; providing for their use in canvassing the vote; making them part of the election returns; defining their probative value and effect; and enlarging the powers of return boards," absolutely.

The act approved the twenty-ninth day of May, one thousand nine hundred and thirty-five (Pamphlet Laws, two hundred forty-six), entitled "An act requiring return courts, judges, and boards, sitting to record, compute, and certify the returns of any primary, general, municipal, or special election, to take cognizance of the number of registered or enrolled voters by parties of each election district, and the number of persons who voted at said election, and the number of ballots cast thereat, whether said election was conducted by the use of voting machines or paper ballots; providing that any excess of votes, returned over registered or enrolled voters, or over the number of voters or the number of ballots cast, shall be deemed a discrepancy and palpable error requiring investigation;

defining the scope and extent of such investigation, and providing for an appeal from the decision thereon; prescribing the effect of such excess; imposing duties on courts of common pleas and judges thereof, county commissioners, county controllers, county treasurers, prothonotaries, registration commissions, and other public officers; and repealing inconsistent legislation," absolutely.

The act approved the fifth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, two hundred seventy-seven), entitled "An act to amend section fourteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices, the election of delegates and alternate delegates to national party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' as amended, by providing for the delivery of the ballot box to the proper custodian immediately upon the completion, by the election officers, of the count and canvass of the vote, and the sealing of the ballot box," absolutely.

The act approved the fourteenth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, three hundred thirty-seven), entitled "An act to amend section six as amended and section eight of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), entitled 'An act regulating certain political parties; providing for and regulating the nomination of candidates of such political parties for certain public offices; the election of delegates and alternate delegates to National party conventions, and of certain party officers, including State committeemen; a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States; and the payment by the several counties, and their reimbursement by the State, of the expenses of the same; authorizing the State committee of a political party to make, and to alter, amend, and revoke, rules; and providing penalties for the violation of the provisions of this act, and for the punishment of certain offenses provided for herein; and repealing inconsistent legislation' prohibiting candidates for certain offices from being candidates for more than one party nomination, and requiring candidates affidavits from candidates for additional offices," absolutely.

All other acts of Assembly and parts of acts, general, special and local, in conflict or inconsistent with this act, or any part hereof, are hereby repealed, in so far as they are in conflict or inconsistent herewith.

The Secretary of the Commonwealth is authorized and empowered to prepare and print an index of this act. The index, if prepared, shall be attached to the advance sheets of the pamphlet laws, and shall also be printed in the pamphlet laws.

APPENDIX

-----  
Reapportionment of Congressional Districts  
-----

In **Mellow v. Mitchell**, No. 7 M.D. Misc. Docket (Pa., filed March 10, 1992), the Supreme Court issued an order providing, inter alia, as follows:

\* \* \*

3. Section 1801-A of the Election Code, Act of June 3, 1937, P.L. 1333, added March 3, 1982, P.L. 127, §2, 25 P.S. §3571, is hereby declared unconstitutional and its implementation for the purpose of conducting elections to the office of Representative in the United States Congress is hereby permanently enjoined.

4. Such elections, in the primary and general elections in the years 1992, 1994, 1996, 1998 and 2000 shall be conducted in accordance with the Congressional Election Districts described in Appendix A, attached to and hereby made a part of this Order, and hereby adopted as the apportionment of the Commonwealth into twenty-one (21) Congressional Districts until the same shall be lawfully changed.

\* \* \*

9. In the event any municipality or part thereof should be omitted in the description of congressional districts in Appendix A, the municipality or part thereof shall be included as a part of the congressional district which completely surrounds it. Should any omitted municipality or part thereof be not completely surrounded by one congressional district, it shall become a part of that congressional district to which it is contiguous, or if there are two or more such contiguous districts, it shall become a part of that congressional district contiguous thereto which has the least population.

\* \* \*

Appendix A

(As Edited by Legislative Reference Bureau)

DELAWARE AND PHILADELPHIA COUNTIES

(1) The First District is composed of part of Delaware County consisting of the City of Chester (Excluding Blocks 201, 207 and 208 of 1990 Census Tract 4046) and the Townships of Darby, Ridley (Blocks 903 and 919 of 1990 Census Tract 4041.03) and Tinicum and the Boroughs of Colwyn, Eddystone, Folcroft and Glenolden; and part of Philadelphia County consisting of the City of Philadelphia Wards 1, 2 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 26), 5 (Divisions 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 20, 22 and 23), 7, 10, 11, 12, 13, 14, 16, 17, 19, 20, 26, 30, 32, 36 (Divisions 29, 35 and 37), 37, 39, 40, 43, 47, 48 (Divisions 1, 8, 12, 13, 14, 15 and 17) and 49.

DELAWARE AND PHILADELPHIA COUNTIES

(2) The Second District is composed of part of Delaware County consisting of the Boroughs of Darby, Lansdowne and Yeadon; and part of Philadelphia County consisting of the City of Philadelphia Wards 3, 4, 6, 8, 9, 15, 21, 22, 24, 27, 28, 29, 34, 36 (Divisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 36, 38, 39, 40 and 41), 38, 44, 46, 48

(Divisions 2, 3, 4, 5, 6, 7, 9, 10, 11, 16, 18, 19, 20, 21, 22 and 23), 50, 51, 52, 59 and 60.

#### PHILADELPHIA COUNTY

(3) The Third District is composed of part of Philadelphia County consisting of the City of Philadelphia Wards 2 (Divisions 24, 25 and 27), 5 (Divisions 1, 4, 5, 16, 18, 19 and 21), 18, 23, 25, 31, 33, 35, 41, 42, 45, 53, 54, 55, 56, 57, 58, 61, 62, 63, 64, 65 and 66.

#### ALLEGHENY, BEAVER, BUTLER, LAWRENCE AND WESTMORELAND COUNTIES

(4) The Fourth District is composed of part of Allegheny County consisting of the Townships of East Deer, Fawn, Frazer, Harrison, Marshall, Pine, Richland and West Deer and the Boroughs of Brackenridge, Bradford Woods, Cheswick, Plum and Tarentum; all of Beaver County; part of Butler County consisting of the Townships of Adams, Buffalo, Clinton, Cranberry, Jackson and Middlesex and the Boroughs of Harmony, Mars, Saxonburg, Seven Fields, Valencia and Zelienople; all of Lawrence County; and part of Westmoreland County consisting of the Cities of Arnold, Jeannette, Lower Burrell and New Kensington and the Townships of Allegheny, North Huntingdon, Penn, Salem, Upper Burrell and Washington and the Boroughs of Delmont, East Vandergrift, Export, Hyde Park, Irwin, Manor, Murrysville, North Irwin, Penn, Trafford (Westmoreland County portion) and Vandergrift.

#### ARMSTRONG, CAMERON, CENTRE, CLARION, CLEARFIELD, CLINTON, CRAWFORD, ELK, FOREST, JEFFERSON, LYCOMING, MCKEAN, POTTER, TIOGA, UNION, VENANGO AND WARREN COUNTIES

(5) The Fifth District is composed of part of Armstrong County consisting of the Township of Madison; all of Cameron County; part of Centre County consisting of the Townships of Benner, Boggs, College, Curtin, Ferguson, Gregg, Haines, Harris, Howard, Huston, Liberty, Marion, Miles, Patton, Penn, Potter, Spring and Walker and the Boroughs of Bellefonte, Centre Hall, Howard, Milesburg, Millheim and State College; part of Clarion County consisting of the Townships of Ashland, Beaver, Brady, Clarion, Elk, Farmington, Highland, Knox, Licking, Limestone, Madison, Millcreek, Monroe, Paint, Perry, Piney, Porter, Red Bank, Richland, Salem, Toby and Washington and the Boroughs of Callensburg, Clarion, East Brady, Foxburg, Hawthorn, Knox, Rimersburg, Shippenville, Sligo, St. Petersburg and Strattanville; part of Clearfield County consisting of the Township of Falls Creek; all of Clinton County; part of Crawford County consisting of the City of Titusville and the Townships of Athens, Bloomfield, East Mead, Oil Creek, Randolph, Rome, Sparta, Steuben, Troy and Wayne and the Boroughs of Centerville, Cochranon, Hydetown, Spartansburg and Townville; all of Elk County; all of Forest County; all of Jefferson County; part of Lycoming County consisting of the Townships of Anthony, Bastress, Brown, Cogan House, Cummings, Limestone, McHenry, Mifflin, Nippenose, Piatt, Pine, Porter, Susquehanna, Washington and Watson and the Boroughs of Jersey Shore and Salladasburg; all of McKean County; all of Potter County; all of Tioga County; all of Union County; all of Venango County; and all of Warren County.

#### BERKS, MONTGOMERY, NORTHUMBERLAND AND SCHUYLKILL COUNTIES

(6) The Sixth District is composed of all of Berks County; part of Montgomery County consisting of the Townships of Upper Pottsgrove and West Pottsgrove and the Borough of Pottstown

Districts 1, 2, 3, 4, 5 and 7; part of Northumberland County consisting of the City of Sunbury and the Townships of Delaware, East Chillisquaque, Jackson, Jordan, Little Mahanoy, Lower Augusta, Lower Mahanoy, Point, Rockefeller, Turbot, Upper Augusta, Upper Mahanoy and West Chillisquaque and the Boroughs of Herndon, McEwensville, Milton, Northumberland, Riverside, Snyderstown and Watsontown; and all of Schuylkill County.

CHESTER, DELAWARE AND MONTGOMERY COUNTIES

(7) The Seventh District is composed of part of Chester County consisting of the Townships of Charlestown, East Pikeland, East Whiteland, Easttown, Schuylkill, Tredyffrin, West Pikeland, West Vincent and Willistown and the Boroughs of Malvern, Phoenixville and Spring City; part of Delaware County consisting of the City of Chester (Blocks 201, 207 and 208 of 1990 Census Tract 4046) and the Townships of Aston, Bethel, Birmingham, Chester, Concord, Edgemont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown, Radnor, Ridley (Excluding Blocks 903 and 919 of 1990 Census Tract 4041.03), Springfield, Thornbury, Upper Chichester, Upper Darby and Upper Providence and the Boroughs of Aldan, Brookhaven, Chester Heights, Clifton Heights, Collingdale, East Lansdowne, Marcus Hook, Media, Millbourne, Morton, Norwood, Parkside, Prospect Park, Ridley Park, Rose Valley, Rutledge, Sharon Hill, Swarthmore, Trainer and Upland; and part of Montgomery County consisting of the Township of Upper Merion (Excluding Block 213 of 1990 Census Tract 2059.04) and the Boroughs of Bridgeport and Royersford.

BUCKS AND MONTGOMERY COUNTIES

(8) The Eighth District is composed of all of Bucks County; and part of Montgomery County consisting of the Townships of Horsham and Lower Moreland District 4.

BEDFORD, BLAIR, CENTRE, CLEARFIELD, FRANKLIN, FULTON,  
HUNTINGDON, JUNIATA, MIFFLIN, PERRY AND SNYDER COUNTIES

(9) The Ninth District is composed of all of Bedford County; all of Blair County; part of Centre County consisting of the Townships of Burnside, Halfmoon, Rush, Snow Shoe, Taylor, Union and Worth and the Boroughs of Philipsburg, Port Matilda, Snow Shoe, South Philipsburg and Unionville; all of Clearfield County except the Township of Falls Creek; all of Franklin County; all of Fulton County; all of Huntingdon County; all of Juniata County; all of Mifflin County; part of Perry County consisting of the Townships of Centre, Jackson, North East Madison, Saville, South West Madison, Spring, Toboyne, Tuscarora and Tyrone and the Boroughs of Blain, Bloomfield and Landisburg; and all of Snyder County.

BRADFORD, LACKAWANNA, LYCOMING, MONROE, PIKE, SULLIVAN,  
SUSQUEHANNA, WAYNE AND WYOMING COUNTIES

(10) The Tenth District is composed of all of Bradford County; all of Lackawanna County; part of Lycoming County consisting of the City of Williamsport and the Townships of Armstrong, Brady, Cascade, Clinton, Eldred, Fairfield, Franklin, Gamble, Hepburn, Jackson, Jordan, Lewis, Loyalsock, Lycoming, McIntyre, McNett, Mill Creek, Moreland, Muncy, Muncy Creek, Old Lycoming, Penn, Plunketts Creek, Shrewsbury, Upper Fairfield, Wolf and Woodward and the Boroughs of Duboistown, Hughesville, Montgomery, Montoursville, Muncy, Picture Rocks and South Williamsport; part of Monroe County consisting of the Townships of Barrett, Coolbaugh, Jackson, Middle Smithfield, Paradise,



Pocono, Price and Smithfield and the Boroughs of Delaware Water Gap, East Stroudsburg Districts 2 and 3 and Mt. Pocono; all of Pike County; all of Sullivan County; all of Susquehanna County; all of Wayne County; and all of Wyoming County.

CARBON, COLUMBIA, LUZERNE, MONROE, MONTOUR AND  
NORTHUMBERLAND COUNTIES

(11) The Eleventh District is composed of all of Carbon County; all of Columbia County; all of Luzerne County; part of Monroe County consisting of the Townships of Chestnuthill, Eldred, Hamilton, Polk, Ross, Stroud, Tobyhanna and Tunkhannock and the Boroughs of East Stroudsburg Districts 1, 4, 5 and 6 and Stroudsburg; all of Montour County; and part of Northumberland County consisting of the City of Shamokin and the Townships of Coal, East Cameron, Lewis, Mt. Carmel, Ralpho, Rush, Shamokin, Washington, West Cameron and Zerbe and the Boroughs of Kulpmont, Marion Heights, Mt. Carmel and Turbotville.

ARMSTRONG, CAMBRIA, CLARION, FAYETTE, INDIANA, SOMERSET AND  
WESTMORELAND COUNTIES

(12) The Twelfth District is composed of part of Armstrong County consisting of the Townships of Bethel, Boggs, Bradys Bend, Burrell, Cadogan, Cowanshannock, East Franklin, Gilpin, Hovey, Kiskiminetas, Kittanning, Mahoning, Manor, North Buffalo, Parks, Perry, Pine, Plumcreek, Rayburn, Redbank, South Bend, South Buffalo, Sugarcreek, Valley, Washington, Wayne and West Franklin and the Boroughs of Apollo, Applewold, Atwood, Dayton, Elderton, Ford City, Ford Cliff, Freeport, Kittanning, Leechburg, Manorville, North Apollo, Parker City, Rural Valley, South Bethlehem, West Kittanning and Worthington; all of Cambria County; part of Clarion County consisting of the Borough of New Bethlehem; part of Fayette County consisting of the City of Connellsville and the Townships of Connellsville, Dunbar, Georges, Henry Clay, North Union, Springfield, Stewart and Wharton and the Boroughs of Dunbar, Fairchance, Markleysburg, Ohio, Smithfield, South Connellsville and Vanderbilt; all of Indiana County; all of Somerset County; and part of Westmoreland County consisting of the Townships of Bell, Cook, Derry, Donegal, East Huntingdon, Fairfield, Ligonier, Loyalhanna, Mt. Pleasant, St. Clair and Unity and the Boroughs of Avonmore, Bolivar, Derry, Donegal, Latrobe, Laurel Mountain, Ligonier, Mt. Pleasant, New Alexandria, New Florence, Oklahoma, Scottdale, Seward, West Leechburg and Youngstown.

MONTGOMERY COUNTY

(13) The Thirteenth District is composed of part of Montgomery County consisting of the Townships of Abington, Cheltenham, East Norriton, Franconia, Hatfield, Limerick, Lower Frederick, Lower Gwynedd, Lower Merion, Lower Moreland Districts 1, 2, 3, 5 and 6, Lower Pottsgrove, Lower Providence, Lower Salford, Marlborough, Montgomery, Perkiomen, Plymouth, Salford, Skippack, Springfield, Towamencin, Upper Dublin, Upper Gwynedd, Upper Merion (Block 213 of 1990 Census Tract 2059.04), Upper Moreland, Upper Providence, Upper Salford, West Norriton, Whitmarsh, Whitpain and Worcester and the Boroughs of Ambler, Bryn Athyn, Collegeville, Conshohocken, Hatboro, Hatfield, Jenkintown, Lansdale, Narberth, Norristown, North Wales, Pottstown District 6, Rockledge, Schwenksville, Souderton, Telford (Montgomery County portion), Trappe and West Conshohocken.

#### ALLEGHENY COUNTY

(14) The Fourteenth District is composed of part of Allegheny County consisting of the City of Pittsburgh and the Townships of Aleppo, Collier, Hampton, Kennedy, Kilbuck, Leet, McCandless, Neville, Ohio, Robinson, Ross and Stowe and the Boroughs of Avalon, Bell Acres, Bellevue, Ben Avon, Ben Avon Heights, Crafton, Edgewood, Emsworth, Franklin Park, Green Tree, Homestead, Ingram, Leetsdale, McKees Rocks, Mt. Oliver, Pennsbury Village, Rosslyn Farms, Sewickley Heights, Sewickley Hills, Thornburg and West View.

#### LEHIGH, MONTGOMERY AND NORTHAMPTON COUNTIES

(15) The Fifteenth District is composed of all of Lehigh County; part of Montgomery County consisting of the Townships of Douglass, New Hanover, Upper Frederick and Upper Hanover and the Boroughs of East Greenville, Green Lane, Pennsburg and Red Hill; and all of Northampton County.

#### CHESTER AND LANCASTER COUNTIES

(16) The Sixteenth District is composed of part of Chester County consisting of the City of Coatesville and the Townships of Birmingham, Caln, East Bradford, East Brandywine, East Caln, East Coventry, East Fallowfield, East Goshen, East Marlborough, East Nantmeal, East Nottingham, East Vincent, Elk, Franklin, Highland, Honeybrook, Kennett, London Britain, London Grove, Londonderry, Lower Oxford, New Garden, New London, Newlin, North Coventry, Penn, Pennsbury, Pocopson, Sadsbury, South Coventry, Thornbury, Upper Oxford, Upper Uwchlan, Uwchlan, Valley, Wallace, Warwick, West Bradford, West Brandywine, West Caln, West Fallowfield, West Goshen, West Marlborough, West Nantmeal, West Nottingham, West Sadsbury, West Whiteland and Westtown and the Boroughs of Atglen, Avondale, Downingtown, Elverson, Honey Brook, Kennett Square, Modena, Oxford, Parkesburg, South Coatesville, West Chester and West Grove; and part of Lancaster County consisting of the City of Lancaster and the Townships of Bart, Brecknock, Caernarvon, Colerain, Drumore, Earl, East Cocalico, East Drumore, East Earl, East Hempfield Districts Barrcrest (1990), Centerville (1990), Cherry Hill (1990), Chestnut Ridge (1990), Friendly (1990), Golden Acres (1990), Kings (1990), Landisville (1990), Petersburg (1990), Pleasant View (1990) and Rohrerstown (1990), East Lampeter, Eden, Fulton, Lancaster, Leacock, Little Britain, Manheim, Martic, Paradise, Pequea, Providence, Sadsbury, Salisbury, Strasburg, Upper Leacock, Warwick, West Cocalico, West Earl and West Lampeter and the Boroughs of Adamstown (Lancaster County portion), Christiana, Denver, East Petersburg, Lititz, Millersville, New Holland, Quarryville, Strasburg and Terre Hill.

#### CUMBERLAND, DAUPHIN, LANCASTER, LEBANON AND PERRY COUNTIES

(17) The Seventeenth District is composed of part of Cumberland County consisting of the Townships of East Pennsboro, Hampden Precincts 2a, 2b, 3, 4 and 5 and Silver Spring and the Boroughs of Mechanicsburg and Shiremanstown; all of Dauphin County; part of Lancaster County consisting of the Townships of Clay, Conestoga, Conoy, East Donegal, East Hempfield Districts Hempland (1990), Indian Springs (1990), Millcreek (1990) and Scotland (1990), Elizabeth, Ephrata, Manor, Mt. Joy, Penn, Rapho, West Donegal and West Hempfield and the Boroughs of Akron, Columbia, Elizabethtown, Ephrata, Manheim, Marietta, Mountville and Mt. Joy; all of Lebanon County; and part of Perry County consisting of the Townships of Buffalo, Carroll, Greenwood, Howe, Juniata, Liverpool, Miller, Oliver, Penn, Rye,

Watts and Wheatfield and the Boroughs of Duncannon, Liverpool, Marysville, Millerstown, New Buffalo and Newport.

#### ALLEGHENY COUNTY

(18) The Eighteenth District is composed of part of Allegheny County consisting of the Cities of Clairton, Duquesne and McKeesport and the Townships of Baldwin, Elizabeth, Forward, Harmar, Indiana, Mt. Lebanon, North Versailles, O'Hara, Penn Hills, Reserve, Scott, Shaler, South Park, South Versailles, Springdale and Wilkins and the Boroughs of Aspinwall, Baldwin, Blawnox, Braddock, Braddock Hills, Brentwood, Carnegie, Castle Shannon, Chalfant, Churchill, Dormont, Dravosburg, East McKeesport, East Pittsburgh, Elizabeth, Etna, Forest Hills, Fox Chapel, Glassport, Heidelberg, Jefferson, Liberty, Lincoln, Millvale, Monroeville, Munhall, North Braddock, Oakmont, Pitcairn, Pleasant Hills, Port Vue, Rankin, Sharpsburg, Springdale, Swissvale, Trafford (Allegheny County portion), Turtle Creek, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, Whitaker, White Oak, Whitehall, Wilkinsburg and Wilmerding.

#### ADAMS, CUMBERLAND AND YORK COUNTIES

(19) The Nineteenth District is composed of all of Adams County; part of Cumberland County consisting of the Townships of Cooke, Dickinson, Hampden Precincts 1 North and 1 South, Hopewell, Lower Allen, Lower Frankford, Lower Mifflin, Middlesex, Monroe, North Middleton, North Newton, Penn, Shippensburg, South Middleton, South Newton, Southampton, Upper Allen, Upper Frankford, Upper Mifflin and West Pennsboro and the Boroughs of Camp Hill, Carlisle, Lemoyne, Mt. Holly Springs, New Cumberland, Newburg, Newville, Shippensburg (Cumberland County portion), West Fairview and Wormleysburg; and all of York County.

#### ALLEGHENY, FAYETTE, GREEN, WASHINGTON AND WESTMORELAND COUNTIES

(20) The Twentieth District is composed of part of Allegheny County consisting of the Townships of Crescent, Findlay, Moon, North Fayette, South Fayette and Upper St. Clair and the Boroughs of Bethel Park, Bridgeville, Coraopolis, Edgeworth, Glenfield, Haysville, McDonald (Allegheny County portion), Oakdale, Osborne and Sewickley; part of Fayette County consisting of the City of Uniontown and the Townships of Brownsville, Bullskin, Franklin, German, Jefferson, Lower Tyrone, Luzerne, Menallen, Nicholson, Perry, Redstone, Saltlick, South Union, Springhill, Upper Tyrone and Washington and the Boroughs of Belle Vernon, Brownsville, Dawson, Everson, Fayette City, Masontown, Newell, Perryopolis and Point Marion; all of Greene County; all of Washington County; and part of Westmoreland County consisting of the Cities of Greensburg and Monessen and the Townships of Hempfield, Rostraver, Sewickley and South Huntingdon and the Boroughs of Adamsburg, Arona, Hunker, Madison, New Stanton, North Belle Vernon, Smithton, South Greensburg, Southwest Greensburg, Sutersville, West Newton and Youngwood.

#### BUTLER, CRAWFORD, ERIE AND MERCER COUNTIES

(21) The Twenty-first District is composed of part of Butler County consisting of the City of Butler and the Townships of Allegheny, Brady, Butler, Center, Cherry, Clay, Clearfield, Concord, Connoquenessing, Donegal, Fairview, Forward, Franklin, Jefferson, Lancaster, Marion, Mercer, Muddy creek, Oakland, Parker, Penn, Slippery Rock, Summit, Venango, Washington,

Winfield and Worth and the Boroughs of Bruin, Callery, Cherry Valley, Chicora, Connoquenessing, East Butler, Eau Claire, Evans City, Fairview, Harrisville, Karns City, Petrolia, Portersville, Prospect, Slippery Rock, West Liberty and West Sunbury; part of Crawford County consisting of the City of Meadville and the Townships of Beaver, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Summerhill, Summit, Union, Venango, Vernon, West Fallowfield, West Mead, West Shenango and Woodcock and the Boroughs of Blooming Valley, Cambridge Springs, Conneaut Lake, Conneautville, Linesville, Saegertown, Springboro, Venango and Woodcock; all of Erie County; and all of Mercer County.

1979, JULY 21, P.L.189, NO.63

Section 9. (a) No late filing fees shall be imposed under section 1632 for pre-election filings due for any primary or special election held through May 15, 1979. Late filing fees paid for any primary or special election held through May 15, 1979 shall be refunded after any candidate or committee in violation has filed the required post-primary or post-special election report. No late filing fee shall be imposed under section 1632, for the required post-primary election report for the primary election held May 15, 1979 where such post-primary election report is filed on or before July 16, 1979.

(b) Any pre-election late filing, fees, collected for primary or special elections held on or before May 15, 1979 shall be refunded within 30 days.

Section 10. This act shall take effect immediately and the provisions of section 9 shall be retroactive to January 1, 1979.

2009, JULY 14, P.L.86, NO.20

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.

**Compiler's Note:** Act 20 amended sections 201, 204 and 536 of Act 320.

2012, MARCH 14, P.L.195, NO.18

Section 10. The following shall apply to elections held after January 1, 2012, and prior to September 17, 2012:

(1) (i) Except as provided under subparagraph (ii) and notwithstanding any law, election officials at the polling place at an election held after January 1, 2012, shall request that every elector show proof of identification.

(ii) Notwithstanding subparagraph (i), prior to September 17, 2012, if the elector does not provide proof of identification and the elector is otherwise qualified,

the elector may cast a ballot that shall be counted without the necessity of presenting proof of identification and without the necessity of casting a provisional ballot, except as required by the act.

(2) Beginning January 1, 2012, if any elector votes at a polling place at an election and does not provide proof of identification and will be required to provide proof of identification beginning September 17, 2012, the election official that requested the proof of identification shall provide to the elector written information prescribed by the Secretary of the Commonwealth briefly describing the voter identification requirement created by this act and inform the elector that he or she will be required to comply with that requirement when voting at future elections beginning September 17, 2012, unless an exemption applies.

Section 11. The amendment of sections 102, 1210, 1302, 1302.2, 1305, 1308 and 1309 of the act shall apply to elections held after September 17, 2012.

**Compiler's Note:** Act 18 amended sections 102, 1210, 1302, 1302.2, 1305, 1308, 1309 and 1854 of Act 320.