

## No. 280

## AN ACT

## HB 2250

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for the filing and hearing of objections to nomination petitions and requiring certain offices to be open on the last day for withdrawing or filing nomination petitions, and further providing for form of ballots.

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

Section 1. Section 977, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," amended May 21, 1943 (P.L.353, No.165), is amended to read:

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 of common pleas of the county in which the nomination petition or paper was filed, *or the Commonwealth Court in the case of nomination petitions or papers for State-wide offices* 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 **[any]** 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, or on the face of the

accompanying or appended affidavits, 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.*

Section 2. Subsection (a) of section 1003 of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 1003. Form of Official Election Ballot.—

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

United States Senator.

(Vote for one)

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

Governor.

(Vote for one)

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

Representatives in Congress,

..... District.

(Vote for one)

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

Senator in the General Assembly,

..... District.

(Vote for one)

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

\* \* \*

Section 3. Section 1004 of the act, amended June 27, 1974 (No.146), is amended to read:

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 record, 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."*

APPROVED—The 10th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 280.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with large, connected letters.

*Secretary of the Commonwealth.*