

No. 1999-51

AN ACT

HB 1981

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," providing for election district alteration and data reporting; further providing for the date of the general primary election in the year 2000; making an editorial change; and making a repeal.

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

Section 1. Article V heading of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended April 2, 1965 (P.L.7, No.7), is amended and the article is amended by adding a subdivision to read:

ARTICLE V
Election Districts and Polling Places
[in Cities of the First Class, Division
of Wards]

* * *

*(d) Election District Alteration
and Data Reporting*

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.

Section 536. Restrictions on Alteration.—(a) Except as provided in subsection (b), there shall be no power to establish, abolish, divide or consolidate an election district during the period June 1, 2000, through April 30, 2002.

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

(1) In the case of the division of an election district, the boundary of each resulting district is composed entirely of clearly visible physical

features conforming with the census block lines or portions of the original boundary of the election district which was divided.

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

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

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

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

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

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

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

Section 537. Alterations After Period of Restriction.—(a) Unless otherwise provided in this act, an election district may be established, abolished, divided or consolidated 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.

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.

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.*

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

Section 2. Section 603 of the act, amended October 12, 1990 (P.L.534, No.131), is amended to read:

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 [1994] 2000 shall be held on [May 10, 1994] April 4, 2000.

Section 3. The act of December 22, 1989 (P.L.732, No.101), known as the Election District Alteration and Data Reporting Act, is repealed.

Section 4. This act shall take effect immediately.

APPROVED—The 24th day of November, A.D. 1999.

THOMAS J. RIDGE