

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1339 Session of 2023

INTRODUCED BY B. MILLER, ZIMMERMAN, SCHLEGEL CULVER, JAMES, HAMM, STAMBAUGH, ROAE, IRVIN, KAUFFMAN, PICKETT, ECKER, MOUL, SCIALABBA, KEEFER, LEADBETER AND T. JONES, JUNE 7, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 7, 2023

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
 2 "An act concerning elections, including general, municipal,  
 3 special and primary elections, the nomination of candidates,  
 4 primary and election expenses and election contests; creating  
 5 and defining membership of county boards of elections;  
 6 imposing duties upon the Secretary of the Commonwealth,  
 7 courts, county boards of elections, county commissioners;  
 8 imposing penalties for violation of the act, and codifying,  
 9 revising and consolidating the laws relating thereto; and  
 10 repealing certain acts and parts of acts relating to  
 11 elections," in the Secretary of the Commonwealth, further  
 12 providing for powers and duties of the Secretary of the  
 13 Commonwealth and for explanation of ballot question and  
 14 providing for wording of ballot question; in dates of  
 15 elections and primaries and special elections, further  
 16 providing for elections on proposed constitutional  
 17 amendments; in ballots, further providing for form of  
 18 official election ballot; in voting machines, further  
 19 providing for form of ballot labels on voting machines; and,  
 20 in preparation for and conduct of primaries and elections,  
 21 further providing for publishing constitutional amendments.

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

24 Section 1. Sections 201(c) and 201.1 of the act of June 3,  
 25 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
 26 Code, are amended to read:

27 Section 201. Powers and Duties of the Secretary of the

1 Commonwealth.--The Secretary of the Commonwealth shall exercise  
2 in the manner provided by this act all powers granted to him by  
3 this act, and shall perform all the duties imposed upon him by  
4 this act, which shall include the following:

5 \* \* \*

6 (c) To certify to county boards of elections for primaries  
7 and elections the names of the candidates for President and  
8 Vice-President of the United States, presidential electors,  
9 United States senators, representatives in Congress and all  
10 State offices, including senators, representatives, and judges  
11 of all courts of record, and delegates and alternate delegates  
12 to National Conventions, and members of State committees, and  
13 the form and wording of constitutional amendments, as prescribed  
14 under section 201.2, or other questions to be submitted to the  
15 electors of the State at large.

16 \* \* \*

17 Section 201.1. Explanation of Ballot Question.--(a)  
18 Whenever a proposed constitutional amendment or other State-wide  
19 ballot question shall be submitted to the electors of the  
20 Commonwealth in referendum, the [Attorney General] Legislative  
21 Reference Bureau shall prepare a statement in plain English  
22 which indicates the purpose, limitations and effects of the  
23 ballot question on the people of the Commonwealth. The  
24 Legislative Reference Bureau shall publish the statement in the  
25 Pennsylvania Bulletin and shall transmit the statement to the  
26 Secretary of the Commonwealth.

27 (b) The Secretary of the Commonwealth shall include [such  
28 statement in his] the statement under subsection (a) in the  
29 publication of a proposed constitutional amendment as required  
30 by Article XI of the Constitution of Pennsylvania.

1       (c) The Secretary of the Commonwealth shall certify [such]  
2 the statement under subsection (a) to the county boards of  
3 elections who shall publish [such] the statement as a part of  
4 the notice of elections required by section 1201 or any other  
5 provision of this act.

6       (d) The county board of elections shall also require that at  
7 least three copies of [such] the statement under subsection (a)  
8 be posted in or about the voting room outside the enclosed space  
9 with the specimen ballots and other instructions and notices of  
10 penalties.

11       (e) In election questions which affect only one county or  
12 portion thereof, the county board of elections shall fulfill  
13 these requirements in the place of the [Attorney General]  
14 Legislative Reference Bureau and the Secretary of the  
15 Commonwealth.

16       Section 2. The act is amended by adding a section to read:

17       Section 201.2. Wording of Ballot Question.--Unless the  
18 General Assembly shall prescribe otherwise, with respect to any  
19 particular proposed amendment or amendments through the  
20 enactment of a statute, concurrent resolution or joint  
21 resolution, the Legislative Reference Bureau shall prescribe the  
22 wording of the question to be posed to the electors and shall  
23 publish the wording of the question in the Pennsylvania Bulletin  
24 and transmit the wording of the question to the Secretary of the  
25 Commonwealth.

26       Section 3. Sections 605, 1003(g), 1110(b) and 1201.2 of the  
27 act are amended to read:

28       Section 605. Elections on Proposed Constitutional  
29 Amendments.--Unless the General Assembly shall prescribe  
30 otherwise with respect to any particular proposed amendment or

1 amendments and the manner and time of submitting to the  
2 qualified electors of the State any proposed amendment or  
3 amendments to the Constitution for the purpose of ascertaining  
4 whether the same shall be approved by a majority of those voting  
5 thereon, the said amendment or amendments which have heretofore,  
6 or which may hereafter be proposed, and which have not been  
7 submitted to the qualified electors of the State, shall be  
8 submitted to the qualified electors of the State for the purpose  
9 aforesaid, at the first municipal or general election at which  
10 such amendment or amendments may be legally submitted to the  
11 electors, which election shall occur at least three months after  
12 the date upon which such proposed amendment or amendments shall  
13 have been agreed to for the second time by a majority of the  
14 members elected to each house of the General Assembly, as  
15 provided in Article Eighteen, section one of the Constitution.  
16 Said election shall be conducted on said election day in the  
17 manner prescribed by the provisions of this act. Such proposed  
18 constitutional amendments shall be printed on the ballots or  
19 ballot labels in brief form to be determined by the Secretary of  
20 the Commonwealth with the approval of the Attorney General. The  
21 wording of the question shall be as prescribed under section  
22 201.2.

23 Section 1003. Form of Official Election Ballot.--

24 \* \* \*

25 (g) The official ballots shall vary in form only as the  
26 names of districts, offices, candidates or the provisions of  
27 this act may require. When constitutional amendments or other  
28 questions are submitted to a vote of the electors, each  
29 amendment or other question so submitted may be printed upon the  
30 ballot below the groups of candidates for the various offices,

1 and, when required by law, shall be so printed. Constitutional  
2 amendments so submitted shall be printed in brief form, to be  
3 determined by the Secretary of the Commonwealth and as  
4 prescribed under section 201.2, and other questions so submitted  
5 shall be printed in brief form, to be determined by the  
6 Secretary of the Commonwealth in the case of questions to be  
7 voted on by the electors of the State at large and as prescribed  
8 under section 201.2, and by the county boards in other cases. To  
9 the right of each question there shall be placed the words "yes"  
10 and "no," together with appropriate squares to the right of each  
11 for the convenient insertion of a cross mark.

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

13 \* \* \*

14 (b) If the construction of the machine shall require it, the  
15 ballot label for each candidate, group of candidates, political  
16 party, or question, to be voted on, shall bear the designating  
17 letter or number of the counter on the voting machine which will  
18 register or record votes therefor. Each question to be voted on  
19 shall appear on the ballot labels, in brief form, of not more  
20 than seventy-five words, to be determined by the Secretary of  
21 the Commonwealth in the case of constitutional amendments or  
22 other questions to be voted on by the electors of the State at  
23 large and as prescribed under section 201.2, and by the county  
24 election board in other cases.

25 \* \* \*

26 Section 1201.2. Publishing Constitutional Amendments.--(a)

27 In accordance with the requirements of section 1 of Article XI  
28 of the Constitution of Pennsylvania, the Secretary of the  
29 Commonwealth shall cause to have published in the manner  
30 prescribed all proposed amendments to the Constitution of

1 Pennsylvania. A publication under this subsection shall also  
2 include the wording of the ballot question transmitted to the  
3 Secretary of the Commonwealth under section 201.2.

4 (b) Whenever a proposed constitutional amendment or other  
5 State-wide ballot question shall be submitted to the electors of  
6 the Commonwealth in referendum, the Secretary of the  
7 Commonwealth shall cause the explanation of the ballot question  
8 transmitted to the Secretary of the Commonwealth under section  
9 201.1 to be included with the publication under subsection (a).

10 (c) As much of the money, from time to time, in the General  
11 Fund as shall be deemed necessary by the Governor is hereby  
12 appropriated to the Department of State to pay the costs of  
13 [such] publications under this section.

14 Section 4. This act shall take effect in 60 days.