

HANDBOOK FOR COMMITTEE PEOPLE

CONTENTS

1. INDEX	1-3
2. EXCERPTS FROM PENNSYLVANIA VOTER PROTECTION LAWS IN A NUTSHELL	1-7
3. EXCERPTS FROM ELECTION CODE	8-28
4. EXCERPTS FROM RULES OF THE DEMOCRATIC PARTY OF PHILADELPHIA	29-32
5. NUTS AND BOLTS OF COMMITTEE WORK	33-45
6. MAP OF WARD	36
7. COMMITTEE PEOPLE NAMES & POLLING PLACES	

INDEX

	<u>Page No.</u>
Absentee Ballots	3
First Time Voters Absentee Ballots	5
Identification Needed for Absentee Ballots	3
Request for Absentee Ballots	4
Address Changes	3, 6, Statute 24, 25
Assistance to Voters	5
Ballot Errors	Statute 13
Challenge to Voters	6
Closing Polls	5
Statute	10
Committee People	
Appointment for Vacancies	30
Duties	34
Elections	30,33
Election Board	36
Petitions	33
Qualifications	29
Vacancies	33, 43
Curbside Elections	43, Statute 11
Cycle of Elections	33
Courts, Election Court	Statute 27
Election Board	41-44, Statute 10
Identification Needed to Register	2
Identification for First Time Voters	2, Statute 15
Identification Needed for Absentee Ballots	2
Intimidation	7

Inspector of Election	41-42
Judge of Elections	41
Keys to Voting Machines	11, Statute
Language –Assistance to non-English speakers	5
Lines of Voters	5
Lists of Voters	3
Machines	39
Tape	39, 44
Machine Inspector	42
Cassette	45
Machine Inspector	42
Minors in Polling Booths	4
Nominating Petitions	37, Statute 26-27
Palm Cards	35
Petitions	Statutes 26-27
Ward Committee Duty to Circulate	31
Opening Polls	38, Statute 49
Pink Sheets	35, 38, 43
Poll Books	40, 41, 43
Poll Watchers	6, Statute 9
Post Election Procedures	39, Statute 21
Primary Elections	33, 42, Statute 20, 24

Privacy in Booth, Statute	14
Minors in Booths	4
Provisional Ballots	7, 39-40, 43, Statute 16-17
Proxies	31
Proxies in Ward Elections	31
Qualifications of Committeepeople	29
Qualifications of Voters	Statute 23
Registration	1
Committee People and Registration	34-35
Copying Registration Forms	2
How to Register	1
Identification Needed to Register	2
Qualifications	1
Where to Register	1
Residence	3, 6, Statute 24, 25
Sample Ballots	35
Strike Lists	40
Tapes (from machines)	39, 44
Threats	7
Time of Poll Opening and Closing	10, Statute 15
Translation-Assistance to non-English speakers	4
Unlisted Voters	6, Statute 17
Voters in Line	5
Voters Lists	3

Voting Procedures	
Absentee	4
Assistance to Voters	5
Ballot Errors	Statute 13
Challenges	6
Closing Polls	41, Statute 21
Election Officers	Statute 10,11
Election Officers Who Fail to Appear	11
Examination of Voting Machine	Statute 12
Identification for First Time Voters	2
Minors in Polling Booths	4
Poll Watchers	38
Provisional Ballots	39-40, Statute 16-17
Reports	Statute 22
Translation for non-English Speakers	5
Unlisted Voters	6
Voters in Line	4
Voting Machine Keys	Statute 11
Counters	Statute 14
Examination of Machines	Statute 12
Ward	
Committee Duties	31
Meetings	30
Ward Committee	31
Ward Voting	32
Proxy Voting	31
Watchers	6, Statute 9

PENNSYLVANIA VOTER PROTECTION LAWS IN A NUTSHELL

Who may register to vote in Pennsylvania?

An individual may become a registered voter in Pennsylvania if s/he is:

- At least 17 years old and will be 18 years old by the next election
- A citizen of the United States for at least one month prior to the election, and
- A resident of the Commonwealth of Pennsylvania and the election district where s/he desires to vote for at least 30 days prior to the election

What is the voter registration deadline for each election?

Under Pennsylvania law, voter registration applications must be received by the county voter registration office thirty days before the election or be postmarked no later than the thirtieth day before the election.⁷ No application will be received on Sunday, a holiday, or the day of the election.⁸

Where can a person apply for voter registration?

In Pennsylvania a person qualified to vote may apply to register:

- In-person in front of a registration commissioner or the commission, before a registrar or a clerk at the office of the registration commission, or at a place designated by the commission which may include polling places, schools, or municipal buildings.⁹
- When applying for or renewing a driver's license at the Pennsylvania Department of Transportation.¹⁰
- By mail;¹¹ or
- At any Pennsylvania public assistance agency, orphans' court, marriage license bureau, any agency providing state-funded services to persons with disabilities, and all armed forces recruitment centers.¹²

May a person register to vote by mail? If so, are there special requirements for first-time voters who register to vote by mail?

Yes, a person may register to vote by mail. Special requirements for first-time voters who register by mail do exist

Pennsylvania requires each applicant to supply her driver's license number or the last four digits of her social security number when registering.²¹ Applicants who have neither a driver's license nor social security number must write "none" in the space for the ID number.

- While a registrant must provide identifying information on the application, Pennsylvania election law does not require the registrant to physically present an ID at the time of registering

May a person correct or complete a form after the deadline for voter registration if it was submitted before the deadline?

Yes. In Pennsylvania an individual who submits a timely voter registration application that cannot be processed, will be sent a notice letter telling the applicant why the application was denied or cannot be processed. Upon receipt of the notice, the applicant then has until the fifteenth day before the next election to provide the missing information or to file a petition requesting registration.²⁴

Are there any rules relative to assisting others with the completion of a voter registration application?

Yes. Pennsylvania election law requires that every person providing assistance in filling out the voter registration application must provide her name, address, and telephone number.²⁵

May persons conducting voter registration drives make copies of completed voter registration applications before delivering them to the registrar's office?

Yes

Nevertheless, because Pennsylvania law does prohibit a registered voter's electronic signature, her driver's license or ID number, and the last four digits of her social security number from being made public, redaction of these items should be considered prior to copying.²⁸

What identification is required for voter registration?

The Help America Vote Act of 2002 (HAVA) requires states to obtain an identification (ID) number from first-time voters who register to vote by mail after January 1, 2003. Under HAVA this number can either be a current and valid driver's license number or the last four digits of the applicant's social security number. If the applicant does not have either number, the state will assign the applicant an identification number for voter registration purposes.⁴¹

In conformance with HAVA, Pennsylvania requires each applicant to provide the number from her/his ID issued by the Pennsylvania Department of Transportation or the last four digits of her/his social security number when registering.⁴² Applicants who have neither number must write "none" in the space for the ID number.

- While an applicant must provide an ID number on her application, Pennsylvania election law does not require the registrant to physically present an ID at the time of registering.⁴³

What identification is required at the polling place?

In Pennsylvania all voters appearing to vote in the election district, precinct, or district for the **first time** must present **one** of the following forms of ID:

- A valid driver's license or ID card issued by the Department of Transportation (PennDOT)
- A valid identification card issued by a Pennsylvania agency
- A valid identification card issued by the United States Government
- A valid United States passport
- A valid student identification card
- A valid employee identification card, or
- A valid United States armed forces identification card.⁴⁴

If the first time voter does not have one of the above photo identifications she may present **one** of the following forms of ID:

- A non-photo identification issued by the Commonwealth of Pennsylvania or any agency thereof (such as your voter ID card)
- A non-photo identification issued by the United States Government, or any agency thereof
- A firearm permit
- A current utility bill
- A current bank statement
- A paycheck, or
- A government check.⁴⁵

If a first time voter cannot provide any ID, she/he is entitled to cast a provisional ballot.⁴⁶ **See Section VII** for more information on provisional ballots.

What identification is required to obtain or file an absentee ballot?

Pennsylvania does not require voters wishing to vote by absentee ballot to present an ID to obtain or file an absentee ballot.⁴⁷ Rather, any registered voter who meets the absentee voting requirements is

entitled to vote by absentee ballot. When an absentee ballot is requested, election officials are required to verify the requester's signature against the voter's signature on file.⁴⁸

But, where a first-time voter votes by absentee ballot and s/he did not provide a copy of an acceptable form of ID (as listed above) with her/his voter registration application, one of two things can happen:

- If the ID number s/he provided on her/his voter registration application is successfully matched against the appropriate data base, s/he will not have to produce an ID⁴⁹, or
- If her/his ID number is not matched against the appropriate data base, the absentee ballot will be treated as a provisional ballot.⁵⁰

What should the voter do if she/he changes her/his address?

A voter who changes their address has two options: (1) Submit a new voter registration application with her/his new address and a mark in the "change of address" box, or (2) S/he can file a "removal notice" with the commission.⁵

the "removal notice" should contain a statement informing the voter that by filling out, signing, and returning the form s/he can transfer their registration to their new address and that the transfer will be effective for all elections taking place at least 30 days after the date when the voter moved.⁶⁰

Who may obtain a list of registered voters?

Under Pennsylvania law the records of a registration commission and those of district registers, as well as official voter registration applications, are open to public inspection.

The following qualified voters may request an absentee ballot:

- A registered voter who because of illness or physical disability is unable to go to her/his polling place on Election Day or who is unable to operate a voting machine.
- A registered voter who because of duties, work, or business obligations is or expects to be outside of Pennsylvania or her city of residence during the entire period the polls are open for voting; and the spouse or dependents of such voters who are residing with or accompanying the voter and therefore also expect to be absent from their voting district on Election Day.
- A county employee who cannot vote in person because duties relating to the conduct of elections will prevent her/him from going to their polling place during the entire period they are open for voting.
- A person who will not go to their polling place on Election Day because of their observance of a religious holiday.
- A person who is or who may be in the U.S. military, even if at the time of voting s/he is present in her election district and without regard to whether s/he is already registered to vote, because the commission is entitled to treat a request for an absentee ballot by a military voter, as a request to register to vote.⁷³
- A spouse or dependent residing with or accompanying a person in the U.S. military and who expects on Election Day to be absent from the municipality of her/his residence during the entire period the polls are open for voting.
- A member of the U.S. Merchant Marines and her/his spouse and dependents residing with or accompanying the Merchant Marine, who expects to be absent on Election Day from Pennsylvania and their municipality of residence during the entire period their polling place is open for voting.
- A person who is or who may be a member in a religious or welfare group officially attached to and serving with the armed forces and his/her spouse and dependents residing with or accompanying the member, who expect on Election Day to be absent from Pennsylvania and their municipality of residence during the entire period their polling place is open for voting.

- Any qualified war veteran voter who is bedridden or hospitalized due to illness or physical disability and who because of such illness or disability is absent from the municipality of her/his residence, regardless of whether the individual is registered and enrolled, and
- Any spouse or dependent accompanying a person employed by the Commonwealth or the Federal Government, in the event that the employee's duties, occupation, or business on Election Day require her/him to be absent from Pennsylvania or the municipality of her residence during the entire period the polls are open for voting.^{.74}

How may a person request an absentee ballot?

A person who wants to vote by absentee ballot may apply in the following ways:

- By sending a letter or other signed document to the county board of election in the county in which they are registered (such as the county's official application for requesting an absentee ballot)^{.78}
- By applying in person^{.79}
- By completing any form supplied by the Federal Government,^{.80} or
- By completing any official county board of election form that is addressed to the Pennsylvania's Secretary of State or county board of elections of the county in which the voter resides.^{.81}

The application for an official absentee ballot must contain:

- The voter's name, home address at the time s/he entered into actual military service, federal employment, or became hospitalized
- Length of time as a citizen of the United States
- Length of residence in Pennsylvania, date of birth, length of residence in the voting district
- The voter's voting district (if known)
- The voter's party choice (in the case of a primary), and
- For a military voter, her/his stateside military address, FPO or APO number, and serial number.^{.85}

May a first time voter cast an absentee ballot?

Yes

Can voters request assistance with voting equipment at the polling place?

Yes. Voters present at the polling place are entitled to receive instructions on how to operate the voting machines before entering the voting booth; instructions may include diagrams and a model.^{.137} Additionally, voters are entitled to receive audible instructions from any election officer if the voter determines s/he needs assistance with the machine after entering the voting booth but the election officer may not enter the booth with the voter or suggest, attempt to persuade, or induce the voter to vote in any particular manner.^{.138}

Finally, help can be given to any voter who is blind, disabled, unable to read or write, or who is unable to read the names on the ballot, on the voting machine labels, or who is unable to operate the machine or enter the booth without assistance.^{.139} A voter in this situation is entitled to select the person who will provide the necessary assistance so long as the person selected is not the judge of election, the voter's employer or agent of the employer, or an officer or agent of the voter's union.^{.140}

Can a child/minor enter the voting booth with the voter?

Yes. While a voter can enter the polling place with more than one of her/his minor children, s/he can only take one child into the voting booth.^{.141}

What accommodations must be made for non-English speakers or persons unable to read?

A registered voter who is unable to read or write may receive assistance with voting by taking one of two actions:

- Personally applying to the commission, registrar or clerk, for a “need for assistance” entry onto her/his voter registration card. To do this, the application must be made at least ten days before the next election and it must give the exact nature of the voter’s disability; or
- Completing a declaration at the polling place stating the need for assistance and the reason(s) why. In this instance, the voter will be entitled to assistance on the spot and her/his voter registration card will be updated after the election.¹⁴² Poll workers have blank declaration forms in their poll worker supply box.

If a voter is in line to vote at poll closing time but has not reached the voting machine, may the voter still vote?

Yes. A qualified voter may cast a ballot if s/he is in line waiting to vote either inside or outside the polling place at poll closing.¹⁴⁸

May voters who have moved to a new address in another precinct but who have not registered at their new address, be allowed to vote at their old address?

Yes. A registered voter who has moved from an address in the county covered by one polling place to a new address which is covered by the same polling place, may vote in her/his original polling place even if s/he has not yet updated her voter registration.¹⁴⁹ On Election Day, the voter must provide a written affirmation before an election official at the polling place, indicating that s/he has moved.¹⁵⁰

The poll workers’ supply box contains a blank affirmation for this purpose.

Likewise, a registered voter who moves from one address in the county to another address in the same county but which is covered by a different polling place and who has failed to notify the commission of the change of address prior to the election, may vote at her/his former polling place.

Are poll-watchers or other non-voters permitted inside the polling place?

Yes. Poll watchers, overseers (in addition to election officers, clerks, and machine inspectors) and minor children accompanying their parents, are permitted inside the polling place.¹⁵² Individuals providing assistance to voters, such as to the disabled, non-English speakers, and to those unable to read, are also permitted inside.¹⁵³ In Pennsylvania, all official poll watchers are partisan. Finally, police officers in the act of voting or who are serving a warrant or who have been called upon to keep the peace, are also permitted inside the polling place.¹⁵⁴ Otherwise, law enforcement officers whether in uniform or citizen’s clothes, may not be within 100 feet of the polling place during the election.¹⁵⁵

Can a person’s right to vote be challenged at the polls?

Yes, but a challenge alone is not enough to keep a voter from voting.¹⁵⁶ A person whose name appears in the poll book can only be challenged as to identity, residence in the election district, or a violation of election law.¹⁵⁷ But, no voter whose name appears in the poll book may be properly challenged on the basis that s/he has moved out of the district because where a voter has moved out the district, s/he is entitled to vote at her/his old polling place one last time after signing an Affirmation of Elector, updating her/his address.¹⁵⁸

Who can challenge a person’s right to vote at the polls?

Any qualified voter, election officer, overseer, or watcher is entitled to challenge a voter at the polls.¹⁵⁹

What can a person do if she/he is challenged at the polls?

When a voter is challenged, s/he must be put under oath by the judge of elections, sign a Challenge Affidavit, and produce a qualified voter of her/his division to affirm her/his identity. This voter must also sign the Challenge Affidavit.¹⁶⁰

What steps are taken if a voter's name does not appear on the poll book?

A voter has a variety of options, all of which are dependent upon when the voter discovers her/his name is not on the books.

On Election Day. On the other hand, if a voter learns that her/his name does not appear on the poll books when s/he appears to vote, s/he should first ask the poll workers to look for her/his name on the supplemental list. The supplemental list contains the names of voters whose names were not added to the books before book closing.

Prior to casting a provisional ballot the voter will be required to sign an affidavit affirming her/his name, date of birth, that s/he is registered to vote, the municipality in which s/he is registered, and that s/he has not already cast a ballot in the election.¹⁶⁷

To whom should a person report acts of intimidation?

Pennsylvania's Department of State recommends that persons who are victims of or who witness voter intimidation, report the incident to their county board of elections.

What is a provisional ballot?

A provisional ballot is a paper ballot which should be provided to individuals who believe they are registered voters but whose names are not on the rolls or to first-time voters who do not provide proper ID at the polls on Election Day.¹⁷⁸

Who may request a provisional ballot?

Any individual who claims to be properly registered and eligible to vote in the election district, but whose name does not appear in the poll book or on the general voter registration list, is entitled to request and receive a provisional ballot.¹⁷⁹ Additionally, a first-time voter who is unable to produce the necessary ID is also entitled to cast a provisional ballot.¹⁸⁰

Prior to casting a provisional ballot the voter will be required to sign an affidavit affirming her/his name, date of birth, that s/he is registered to vote, the municipality in which s/he is registered, and that s/he has not already cast a ballot in the election.¹⁸⁴

Additionally, while not provided for in Pennsylvania election law, a provisional ballot is also issued when voting machines break down or when they are otherwise inaccessible to voters. In such cases, the voter should not sign the poll book even if her/his name is in the book.

Who decides whether a voter gets a provisional ballot?

On Election Day, this decision is left to the poll workers.

Excerpts from Pennsylvania Election Code

EXCERPTS FROM VOTING LAW

INDEX

POLL WATCHERS

➡§ 2687. Appointment of watchers

POLL OFFICIALS AND THEIR DUTIES

➡§ 3013. Election officers; polling places

➡§ 3014. Delivery of voting machine keys to judge of election

➡§ 3045. Time for opening and closing polls

➡§ 3014. Delivery of voting machine keys to judge of election

➡§ 3031.12. Election day procedures and the process of voting

➡§ 3031.13. Post election procedures

3045. Time for opening and closing polls

➡§ 3048. Meeting of election officers on day of election; duties of election officers (instructions re officers who do not appear)

➡§ 3049. Opening of polls; posting cards of instruction and notices of penalties and voters' rights; examination of voting machine

§

➡§ 3050. Manner of applying to vote; persons entitled to vote; voter's certificates; entries to be made in district register; numbered lists of voters; challenges

VOTER QUALIFICATIONS

➡§ 2811. Qualifications of electors

➡§ 2812. Qualifications of electors at primaries

➡§ 2813. Residence of electors

➔§ 2814. Rules for determining residence

NOMINATING PETITIONS

➔§ 2868. Manner of signing nomination petitions; time of circulating

➔§ 2869. Petition may consist of several sheets; affidavit of circulator

ELECTION COURTS

➔§ 2869. Duties of common pleas court on days of primaries and elections

RIGHTS OF POLL WATCHERS: 25 P.S. § 2687

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞Chapter 14. Election Code (Refs & Annos)

☞Article IV. District Election Officers (Refs & Annos)

➔§ 2687. Appointment of watchers

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 [FN1] 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.

(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.

POLL OFFICIALS:

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞Chapter 14. Election Code (Refs & Annos)

☞Article XI. Voting Machines (Refs & Annos)

➔§ 3013. 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.

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Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞Chapter 14. Election Code (Refs & Annos)

☞Article XII. Preparation for and Conduct of Primaries and Elections

➔§ 3045. 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.

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞ Chapter 14. Election Code (Refs & Annos)

☞ Article XI. Voting Machines (Refs & Annos)

➡ **§ 3014. 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.

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞ Chapter 14. Election Code (Refs & Annos)

☞ Article XII. Preparation for and Conduct of Primaries and Elections

➡ **§ 3048. Meeting of election officers on day of election; duties of election officers (instructions re officers who do not appear)**

(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.

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness
Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☐ Chapter 14. Election Code (Refs & Annos)

☐ Article XII. Preparation for and Conduct of Primaries and Elections

➡ **§ 3049. Opening of polls; posting cards of instruction and notices of penalties and voters' rights; examination of voting machine**

(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.

➡§ 3045. 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.

25 P.S. § 3050

§ 3050. 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 in that election district for the first time and who desires to vote shall first present to an election officer one of the following forms of photo identification:

- (1) a valid driver's license or identification card issued by the Department of Transportation;
- (2) a valid identification card issued by any other agency of the Commonwealth;
- (3) a valid identification card issued by the United States Government;
- (4) a valid United States passport;
- (5) a valid student identification card;
- (6) a valid employe identification card; or
- (7) a valid armed forces of the United States identification card.

The election officer shall examine the identification presented by the elector and sign an affidavit stating that this has been done.

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector:

- (1) nonphoto identification issued by the Commonwealth, or any agency thereof;
- (2) nonphoto identification issued by the United States Government, or agency thereof;
- (3) a firearm permit;
- (4) a current utility bill;
- (5) a current bank statement;
- (6) a paycheck;

(7) a government check.

The election officer shall examine the identification presented by the elector and sign an affidavit stating that this has been done.

(a.2) If the elector is unable to produce identification or the elector's identification is challenged by the judge of elections, the elector shall be permitted to cast a provisional ballot in accordance with subsection (a.4).

(a.3) All electors, including any elector that shows 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. 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.

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. 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.

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.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 are voting for the first time at the election district shall be required to produce identification pursuant to subsection (a) or (a.1) 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.

(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:

(ii) A provisional ballot shall not be counted if:

(A) either the provisional ballot envelope under clause (a.4)(3) or the affidavit under clause (a.4)(2) is not signed by the individual;

(B) the signature required under clause (a.4)(3) and the signature required under clause (a.4)(2) are either not genuine or are not executed by the same individual; or

(C) a provisional ballot envelope does not contain a secrecy envelope.

(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 clause (ii) is

being made.

(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 clause (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.

(i) 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) [FN1], 1225(b) [FN2] and 1228(a) [FN3].

(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.*

(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 [FN4] 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 [FN5] 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.

25 P.S. § 3050

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness
Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞ Chapter 14. Election Code (Refs & Annos)

☞ Article XI-A. Electronic Voting Systems

➔ **§ 3031.12. 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.

Purdon's Pennsylvania Statutes and Consolidated Statutes
Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☐ Chapter 14. Election Code (Refs & Annos)

☐ Article XI-A. Electronic Voting Systems

➔ **§ 3031.13. 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 judge of election 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.

VOTER QUALIFICATIONS: 25 P.S. § 2811 et seq.

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☐ Chapter 14. Election Code (Refs & Annos)

☐ Article VII. Qualifications of Electors

➡ § 2811. 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.*

Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☐ Chapter 14. Election Code (Refs & Annos)

☐ Article VII. Qualifications of Electors

➡ § 2812. 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.

Purdon's Pennsylvania Statutes and Consolidated Statutes
Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞ Chapter 14. Election Code (Refs & Annos)

☞ Article VII. Qualifications of Electors

➔ § 2813. 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*

25 P.S. § 2814

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

☞ Chapter 14. Election Code (Refs & Annos)

☞ Article VII. Qualifications of Electors

➔ § 2814. 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

NOMINATING PETITIONS:

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

Chapter 14. Election Code (Refs & Annos)

▣ Article IX. Nomination of Candidates

▣ (A) Nomination of Party Candidates at Primaries

➡ **§ 2868. 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.

25 P.S. § 2869

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

Chapter 14. Election Code (Refs & Annos)

▣ Article IX. Nomination of Candidates

▣ (A) Nomination of Party Candidates at Primaries

➡ **§ 2869. 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.

ELECTION COURTS:

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness

Title 25 P.S. Elections & Electoral Districts (Refs & Annos)

⌘ Chapter 14. Election Code (Refs & Annos)

⌘ Article XII. Preparation for and Conduct of Primaries and Elections

➡ **§ 3046. 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) [FN1] and shall direct the individual to follow the procedure in section 1210(a.4).

**EXCERPTS FROM
RULES OF THE DEMOCRATIC PARTY
OF THE CITY AND COUNTY OF PHILADELPHIA**
(Entire rules available at www.philadems.org, Courtesy of Stephanie Singer)

INDEX

- Rule I. Qualifications of voters holding membership and party organizations.
- Rule II. Organization of the Party
- Rule III. Elections
- Rule IV. Meetings
- Rule V. Organization Procedure
- Rule VI. Contests
- Rule VII. Duties of Committees and Officers
- Rule VIII. Recall of Ward or County Officers.
- Rule IX. Committees for Ward Committees and County Committee
- Rule X. Vacancies.
- Rule XI. Voting.
- Rule XII. Proxies
- Rule XIII. Revisions of these Rules

Rule I. Qualifications.

Article 2. Only qualified electors shall be nominated, elected or chosen as members of any committee . . .

Rule II. Organization of the Party

Article 1. The organization of the party shall consist of the following:

- 1) the Ward Committees
- 2) the County Committee

Article 2. Membership in the Ward Committee.

A. All officers of the Ward Committee and those elected to represent divisions in which they reside and all other persons who shall be appointed to fill vacancies . . . shall constitute the Ward Committee.

Rule III. Elections

Article 1.

A. The County Committeemen and all officers of the Ward Committee shall be elected at the time the new Ward Committee is organized on the third Monday succeeding the primary election, unless otherwise provided for in rules.

B. At the Spring Primary, there should be elected in each election division two persons who should serve, on and after the third Monday succeeding their election as members of the Ward Committee in which such division may be situated.

C. The term of membership shall from the time of their enrollment as a member of the new Ward Committee up to and including the Monday preceding the next Spring Primary Election.

Article 2. Election of Officers and Members of County Committee

C. Each Ward Committee shall, at the time of its reorganization, elect, not necessarily from its own membership, one representative to the County Committee. Such person, however, must be an elector of the ward he is to represent.

Rule IV. Meetings

Article 1. Ward Committee Meetings.

A. At 8:00 p.m. on the third Monday succeeding the primary election in which members of the Ward Committee were elected, all persons claiming the right to membership in the Ward Committee shall meet . . . to organize a new Ward Committee . . .

B. Regular meetings of the Ward Committee shall be held at least once a month.

Rule V. Organization Procedure

Article 1. *This section is not paraphrased because it is lengthy. It deals with procedure in the organization of the Ward Committees including the election of the County Committeeman who is delegated to represent the ward on the County Committee.*

Rule VII. Duties of Committees and Officers

Article 1. Duties of the Ward Committee

B. In divisions where no one has been elected to membership in the Ward Committee, it shall be the duty of the County Committeeman to appoint two persons in the divisions to represent the said division in the Ward Committee. This appointment shall be made within two weeks following the organization of the Ward Committee. The person so appointed shall have the same powers, rights and duties as if they had been duly elected members in the Ward Committee.

C. When on account of death, removal or disqualification, there is a vacancy in the entire representation of a division in the Ward Committee, then the County Committeeman shall fill said vacancies.

D. The Ward Committee shall ratify the recommendation of the remaining Ward Committeemen in a division where the vacancy occurs and the representation in the Ward Committee of the said division provided that said recommendation shall be made in accordance with these rules and the person recommended has the proper qualifications for membership.

Article 2. Duties of the Ward Committee.

C. It shall be the duties of the members of the Ward Committee to furnish the names of any persons to the County Committeemen who are willing to serve as watchers . . .

D. It shall be the duty of the members of the Ward Committee to procure petitions for the nominations of the election officers in their division . . .

E. It shall be the duty of the members of the Ward Committee to procure the names of persons willing to act as clerk at elections where the democratic inspector is entitled to a clerk and to endeavor to obtain the services of all other persons for offices to which the democratic party may be entitled.

F. It shall be the duty of the members of the Ward Committee to see that the election officers go to receive proper instructions at the County Board of Elections . . .

Rule XI. Voting

Article 1. Voting on all questions in motion shall be by roll call of ayes and nays unless a secret ballot is decided upon by a two-thirds vote of the members present at the meeting.

Rule XII. Proxies

Article 1. Proxies will not be permitted unless especially provided for in these rules and in the Democratic State Committee Rules.

NUTS AND BOLTS OF COMMITTEE WORK

I. THE ELECTION CYCLE

There is a two year election cycle. Even year elections in November generally involve Federal and State offices and ballot questions regarding municipal government or state government. Odd year November elections, called Municipal Elections, involve judiciary elections (the Superior, Commonwealth and Supreme Courts of Pennsylvania and Philadelphia Court of Common Pleas and Municipal Court) and local government offices such as Mayor, City Council, etc. In May, primary elections occur.¹

II. ELECTION AND SELECTION OF COMMITTEE PEOPLE

The City is composed of 69 wards, each with a ward leader. Each ward consists of several divisions, with no more than two committee people assigned to each election division. In the 8th Ward, there are presently 30 divisions. Committee people are elected every four years in the primary of an even year that is not a presidential +election year, 2010, 2014, etc. To get on the ballot, a committee person must obtain the signatures of 10 registered democratic voters in the division on a petition and file it with the Board of Elections.

Petitions and instructions are available from the Board of Elections or the ward (**Exhibit 1**)

. Petitions must be filed generally by the beginning of March before the May primary.

¹ 26 P.S. 2751-54.

At the first ward meeting following a committee election, the committee people elect the ward leader as well as additional officers such as Chairman, Secretary and Treasurer.

When vacancies occur in the committee slots, two procedures are used. First, when only one vacancy occurs, the remaining committee person may nominate a successor and the successor is approved by the ward committee as a whole. When both slots are vacated, it is the ward leader's responsibility to nominate two people to fill the vacant slots.

III. THE DUTIES OF COMMITTEE PEOPLE

The duties of committee people fall into two categories: pre-election and election day.

A. Pre-Election Day Duties

Pre-election duties include:

1. **Registration of New Voters** -Voter registration forms (**Exhibit 2**) may be obtained from the Board of Elections or online at votespa.com. To complete the form, the voter needs to provide either a driver license number (8 digits) or the last four digits of a Social Security number. If the voter was registered elsewhere in Philadelphia, it is helpful to have the voter ID number (11 digits) which is available from the voter registration

card. One of the lines on the registration form calls for insertion of this number although the registration may be completed without the voter ID number. A good target for voter registration is a list of addresses where there is no currently registered voter. A list of such "blank houses" is available on voterweb.org.

2. **Informing constituents** of the candidates and issues presented on the ballot. As a matter of custom, most 8th Ward committee people generate a newsletter containing this information a few days before the election.

3. **Endorsements**

4. **Attending Ward Meetings** The ward meets monthly, generally on the second Thursday of each month at 7:00 p.m. The most important meeting function is endorsements. Frequently, candidates make presentations at meetings and open themselves to questions from division committee people. The meetings also act as forums for speakers to address current issues and planning sessions for ward activities. Meetings are also occasions for the distribution of: petitions for candidates; street lists of voters registered in each division at least one week before each election; "pink sheets" containing the enlarged ballots for each election; and lists of endorsed candidates known as "palmcards" or "the ward ballot" to be passed out on or before election day. On the Monday before the Tuesday election, committee people drop by the ward leader's house to pick up the money needed for election day expenses.

5. **Communicating with the division's Election Board** About two months before each election, the City Commissioner sends to each Ward Leader a schedule of training sessions for election board workers. Committee people should ensure that the election board workers in their division are apprised of this schedule. Election board workers get paid \$20 extra on election day if they attend a training. At the same time, committee people should confirm that the Judge of Elections will indeed serve at the next election. If the Judge of Elections is not planning to serve, then the committee people should notify the Ward Leader.

6. **Collecting email addresses of constituents** For the Ward, voter email addresses are like money in the bank, saving us printing and mailing costs for each election. Please either:

a. Enter email addresses directly into Voter Web. Be aware, however, that candidates can buy access to VoterWeb, so this option is not available if the voter asks that you not share their email addresses with candidates.

b. Provide email addresses, along with voter name, address and approximate age, to the Ward Leader, preferably in an Excel spreadsheet.

7. Circulating Candidate's Nominating Petitions

B. Election Day Duties of Committee People

1. What to Bring

- a. 8th Ward badges (to be distributed) should be worn by election workers
- b. scissors and tape (blue painter tape for hanging posters inside, or duct tape for outside walls)
- c. a cell phone, if possible, and the phone numbers of the ward leader, the Board of Elections, City Commissioners, Committee of Seventy, and the District Attorney Office:

Ward Leader: 215-715-3479

Board of Elections: 215- 686-3469

City Commissioners: 215-686-3460

Committee of Seventy: 215-557-3600

District Attorney Office: 215-686-8000

2. An Overview of Election Day Duties of Committee People

At the final meeting before election day, the ward leader provides watcher certificates which entitle the committee people to enter the polling area even when they are not voting and to challenge the credentials of any voter.² Generally speaking, the role of committee people is to work with the officials assigned to the poll (the Election Board) to maintain a smoothly functioning election system in each polling area. The custom is that the committee people provide lunch and refreshments (coffee, etc.) over the long day to Election Board workers. In addition, committee people are expected to be outside the polls handing out endorsement materials, answering voter questions and collecting email addresses and phone numbers of voters. The committee people, working together, should make certain that the polls are covered during the morning rush, the lunch period and the evening rush.

3. Duties of Committee People at the Start of Election Day

The polls open at 7:00 a.m. Before the polls open, committee people should make certain that the pink sheets (enlarged pictures of the ballot that the voter sees in the polling booth) are placed prominently outside the polls so that voters can get an idea of the appearance of the ballot.

4. Duties of Committee People at the End of Election Day

² 25 P.S.2687 For grounds to challenge see pgs. 23-25 herein (25 P.S. 2811-14)

After the polls close at 8:00 p.m., the committee people from each division should collect and save one tape from each voting machine (**Exhibit 3**). The committee people should also ensure that the Election Board posts one copy of the tape from each machine on the outside door of the polling place as required by law. The committee person should call (or deliver to) the ward leader the following information gathered from the tape: (Note to experienced committee people: this list of information is different from what was required before election results were available online.)

a. the total number of people who voted on all the machines in the polling area;

b. the total number of voters recorded in handwriting in the book called the Numbered List of Voters by the poll offices at the polling area;

c. the number of absentee ballots recorded which are delivered to the polling offices in an envelope delivered by a police officer.

d. the number of provisional ballots distributed at the polling place.

When a voter's name is not in the polling place book, the Judge of Election must issue a provisional ballot permitting the voter to vote. Voters mark the provisional ballots by hand and are not permitted to vote on the machine. The handwritten ballot is then sealed by the

voter who presents it to the Judge of Election. Each judge is issued an envelope containing provisional ballots which are numbered so that, at the end of the election day, a comparison can be made between the number of ballots used and the remaining ballots in the envelope provided to the judge.

The final task for committee people is to go online at phillyelections.com, a website run by the Philadelphia Board of Elections, to determine whether the vote totals for their division reported on the website agree with the vote totals from the voting machine tapes.. Committee people then report discrepancies to the ward leader.

5. Duties of Committee People Re: Strike Lists

For some elections, committee people are asked to create "strike lists" -lists prepared during the course of the election day from the numbered list of voters or the poll book indicating who has voted already. A watchers certificate enables committee people to obtain this information from the election official's books at any time when this task will not interfere with the processing of votes.³ This list is compared with the street list to determine which voters, at a given point in the day, have yet to vote. With this information, voters who have not yet voted can be telephoned and reminded to vote.

IV. ELECTION BOARD OFFICIALS AT POLLING PLACE

³ 25 P.S. 2687

A. Polling Place Officials

There are five polling place officials (collectively known as the Election Board) who preside at each polling place. Technically, it is the job of the City Commissioners to recruit Election Board workers for polling places. They must be registered voters in the division and may not be government employees.⁴ Practically speaking, these workers are usually recruited by committee people and/or the ward leader. The Election Board at each division is comprised of:

1. the **Judge of Election** who is generally responsible for the conduct of the election at the polling place and the resolution of any disputes that may arise in the course of the voting day.

2. two **Inspectors of Election** who ensure that prospective voters are in the election records and that the voters sign the poll book and, where necessary, provide identification. For grounds to challenge see pgs. 23-25 herein (25 P.S. 2811-14). There is a majority inspector and a minority inspector who is determined by which candidate for inspector receives the highest number of votes.⁵ Inspectors may request voters to sign an affidavit which certifies their identity (**Exhibit 4**). Inspectors are required to write the name of each voter in each of the two books containing pre numbered lists with slots for inserting voter names. Accordingly, if John Jones is voter 97, the inspectors are

⁴ 25 P.S. 2672,

⁵ 25 P.S. 2671.

tasked with ensuring that his name should appear on the 97th line in the two books provided.

3. **Two Clerks** who assist the Inspectors of Election in their duties.

4. **Machine Inspectors** At each polling place there are either one or two machine inspectors depending upon the number of machines. Their duty is to ensure that the machines are set up properly for each voter. To do this, the inspectors push a button at the rear of the machine which enables the next voter to start the voting process. In primary elections, because voters are only permitted to vote for candidates in their party, the machine inspectors are also required to press a button on the rear of the machine designating which party the voter is participating in.

5. **Interpreters** - In divisions where many voters speak a language other than English, the Election Board provides an interpreter.

B. The Election of Poll Officials (Election Board)

The Judge of Elections is elected every four years in a primary of a non presidential election, 2009, 2013, etc. To appear on the ballot, the Judges must obtain a minimum of 10 signatures of qualified voters in the division on a petition. Inspectors are also elected and must have a minimum of 5 signatures on their petition in the division to run for this office.

Two clerks are appointed by the Majority Inspector and one by the Minority Inspector.⁶

Machine Inspectors are appointed by the Ward leader with help and approval of the City Commissioners. (Ward leaders would in most cases enlist suggestions from Committee people.)

When Election Board vacancies occur on election day, the Judge may appoint a majority inspector (or vice versa) and in the absence of any officers, any registered voter in the division may be appointed to serve as an Election Board official.⁷

C. Poll Opening Duties of Poll Officials

The Judge of Election is responsible for collecting a box of election materials from the local police district, the 9th District which is located at 21st and Hamilton Streets. In the box are the provisional ballots, (the pink sheets), various public posters that should be placed in the polling area dealing with issues such as handicapped voters, etc., instructions for opening and closing the machines, the poll books, **and the** supplementary pages for voters who are registered but whose registration did not arrive before the printing of the poll books.

⁶ 25 P.S. 2674.

⁷ 25 P.S. 3048(b)

D. Poll Closing Duties of Poll Officials

The judge has a set of instructions regarding removing the tape containing voter tallies from the election machine (**Exhibit 5**). To access the tape, the back of the machine is opened and a single role of paper which has recorded the tally of the votes is removed. The tape must be cut into several pieces. Each piece represents the complete tally of what the machine has recorded. Each piece should be signed and dated by the Judge of Election and the two Inspectors of Election. These cut up, signed tallies are then distributed:

1. one to the Board of Elections
2. one to the Judge of Elections
3. one to the minority inspector
4. one each to the Democratic and Republican committee people
5. one copy is placed on the door of the polling area.

In addition to removing the tape tallies from the rear of the machine, the Judge of Election removes a cassette which is approximately 6 x 5 x 2. The cassette is placed in a clear plastic bag which has been provided to the judge and is retrieved by a police officer at

the end of the day.

The box of all remaining election materials must be returned to the Board of Elections on Delaware Ave. & Spring Garden by 10:00pm the night of election.