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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1332 Session of  
2023

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INTRODUCED BY B. MILLER, KEEFER, JAMES, HAMM, STAMBAUGH, IRVIN,  
ROWE, ZIMMERMAN, GILLEN, LEADBETER, KEPHART AND BARTON,  
JUNE 7, 2023

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 7, 2023

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AN ACT

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

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

18 Section 1. Section 201 of the act of June 3, 1937 (P.L.1333,  
19 No.320), known as the Pennsylvania Election Code, is amended by  
20 adding a subsection to read:

21 Section 201. Powers and Duties of the Secretary of the  
22 Commonwealth.--The Secretary of the Commonwealth shall exercise  
23 in the manner provided by this act all powers granted to him by  
24 this act, and shall perform all the duties imposed upon him by

1 this act, which shall include the following:

2 \* \* \*

3 (c.1) To certify to county boards of elections the  
4 information contained in fiscal notes received from the Office  
5 of the Budget under section 201.1(b).

6 \* \* \*

7 Section 2. Sections 201.1 and 1003(g) of the act are amended  
8 to read:

9 Section 201.1. Explanation of Ballot Question.--(a)

10 Whenever a proposed constitutional amendment or other State-wide  
11 ballot question shall be submitted to the electors of the  
12 Commonwealth in referendum, the Attorney General shall prepare a  
13 statement in plain English which indicates the purpose,  
14 limitations and effects of the ballot question on the people of  
15 the Commonwealth. The Secretary of the Commonwealth shall  
16 include such statement in his publication of a proposed  
17 constitutional amendment as required by Article XI of the  
18 Constitution of Pennsylvania. The Secretary of the Commonwealth  
19 shall certify such statement to the county boards of elections  
20 who shall publish such statement as a part of the notice of  
21 elections required by section 1201 or any other provision of  
22 this act. The county board of elections shall also require that  
23 at least three copies of such statement be posted in or about  
24 the voting room outside the enclosed space with the specimen  
25 ballots and other instructions and notices of penalties. In  
26 election questions which affect only one county or portion  
27 thereof, the county board of elections shall fulfill these  
28 requirements in the place of the Attorney General and the  
29 Secretary of the Commonwealth.

30 (b) (1) In addition to the requirements of subsection (a),

1 whenever a Statewide ballot question shall be submitted to the  
2 electors of the Commonwealth in referendum for the issuance of  
3 debt, the Office of the Budget shall prepare a fiscal note in  
4 plain English, which includes a detailed description of the  
5 project that may be funded by the debt, the total costs for the  
6 project, the anticipated interest costs over the term of the  
7 debt and any anticipated future costs for issuing the debt. The  
8 fiscal note shall specify that the estimated costs of borrowing  
9 are relevant within the period of time indicated by the Office  
10 of the Budget. The Office of the Budget shall submit the fiscal  
11 note to the Secretary of the Commonwealth, and the Secretary of  
12 the Commonwealth shall certify the fiscal note to the county  
13 boards of elections, who shall publish the fiscal note as a part  
14 of the notice of elections required under section 1201 or any  
15 other provision of this act. The county boards of elections  
16 shall also require that at least three copies of the fiscal note  
17 be posted in or about the voting room outside the enclosed space  
18 with the specimen ballots and other instructions and notices of  
19 penalties.

20 (2) In election questions for the issuance of debt that  
21 affects only one county, city, borough, township, school  
22 district or other political subdivision or incorporated district  
23 contained in any county, the governing body of the local  
24 government unit shall originate the fiscal note, which shall  
25 include the description of the project that may be funded by the  
26 debt, the total costs for the project, the anticipated interest  
27 costs over the term of the debt and any anticipated future costs  
28 for issuing the debt. The fiscal note shall specify that the  
29 approximate costs of borrowing are relevant within the period of  
30 time indicated in the information of the governing body that is

1 seeking to acquire the electorate-approved debt. The governing  
2 body of the local government unit shall submit the ballot  
3 question and fiscal note to the county board of elections and  
4 shall publish the fiscal note as a part of the notice of  
5 elections required under section 1201 or any other provision of  
6 this act. The county board of elections shall also require that  
7 at least three copies of the fiscal note be posted in or about  
8 the voting room outside the enclosed space with the specimen  
9 ballots and other instructions and notices of penalties.

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

11 \* \* \*

12 (g) The official ballots shall vary in form only as the  
13 names of districts, offices, candidates or the provisions of  
14 this act may require. When constitutional amendments or other  
15 questions, including fiscal notes prepared by the Office of the  
16 Budget or local government unit under section 201.1(b), are  
17 submitted to a vote of the electors, each amendment or other  
18 question, including fiscal notes, so submitted may be printed  
19 upon the ballot below the groups of candidates for the various  
20 offices, and, when required by law, shall be so printed.

21 Constitutional amendments so submitted shall be printed in brief  
22 form, to be determined by the Secretary of the Commonwealth, and  
23 other questions, including fiscal notes, so submitted shall be  
24 printed in brief form, to be determined by the Secretary of the  
25 Commonwealth in the case of questions to be voted on by the  
26 electors of the State at large, and by the county boards in  
27 other cases. To the right of each question there shall be placed  
28 the words "yes" and "no," together with appropriate squares to  
29 the right of each for the convenient insertion of a cross mark.

30 Section 3. This act shall apply to elections occurring at

1 least 60 days after the effective date of this section.

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