

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 977

Session of  
1979

INTRODUCED BY BROWN, FISCHER AND ZORD, APRIL 23, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 23, 1979

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," providing for special elections in the recall of  
12 elective officers.

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

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
16 as the "Pennsylvania Election Code," is amended by adding a  
17 section to read:

18 Section 628.2. Special Elections in the Recall of Elective  
19 Officers.--(a) The qualified electors of the Commonwealth or of  
20 any county or of any congressional, judicial or legislative  
21 district may petition for the recall of any elective officer  
22 after the first year of the term for which he was elected, by  
23 filing a petition with the officer with whom the petition for

1 nomination to such office in the primary election is filed,  
2 demanding the recall of such officer. Such petition shall be  
3 signed by electors equal in number to at least thirty (30) per  
4 centum of the vote cast for the office of Governor at the last  
5 preceding election in the Commonwealth, county or district from  
6 which such officer is to be recalled.

7 (b) After the petition has been filed, no name shall be  
8 erased or removed therefrom; and no signature shall be valid or  
9 be counted unless its date is less than sixty days preceding the  
10 date of such filing.

11 (c) Within three days next following the offering of any  
12 such petition for filing, the officer to whom such petition has  
13 been offered shall determine by careful examination the  
14 sufficiency or insufficiency of such petition and state his  
15 findings in a certificate attached thereto. If the petition be  
16 found insufficient, the particulars of such insufficiency shall  
17 be set forth in the certificate; and the petition may thereupon  
18 be amended within five days next following the making of such  
19 certificate, by the addition of signatures or otherwise. Within  
20 two days next following the offering of such amended petition  
21 for filing, such filing officer shall determine by careful  
22 examination the sufficiency or insufficiency of the amended  
23 petition and state his findings in a certificate attached  
24 thereto. Forthwith upon finding sufficiency in such original or  
25 amended petition, such officer shall file the same and call a  
26 special election to be held not less than forty nor more than  
27 forty-five days from such filing.

28 (d) The name of the officer against whom the recall petition  
29 is filed shall go on the ticket as a candidate at such special  
30 election without nomination unless he resigns within ten days

1 after the original filing of such petition. There shall be no  
2 primary election but other candidates for such office may be  
3 nominated in the manner as provided by law and have their names  
4 placed on the ticket at such special election.

5 (e) The officer against whom such petition has been filed  
6 shall continue to perform the duties of his office until the  
7 result of such special election shall have been officially  
8 declared. At such special election the candidate who shall  
9 receive the highest number of votes shall be deemed elected for  
10 the remainder of the term. If the incumbent receives the highest  
11 number of votes he shall continue in office. If another receives  
12 the highest number of votes he shall, if he shall qualify within  
13 ten days after receiving notification of his election, become  
14 the successor of the incumbent.

15 (f) After one such petition and special election, no further  
16 recall petition shall be filed against the same officer during  
17 the term for which he was elected.

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