

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 866

Session of
1981

INTRODUCED BY GALLEN, NOYE, DAVIES AND FRYER, MARCH 16, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 16, 1981

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," prohibiting the filing of certain nomination
12 papers or petitions.

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

15 Section 1. The first paragraph of section 976, act of June
16 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
17 Code," amended June 27, 1974 (P.L.413, No.146), is amended to
18 read:

19 Section 976. Examination of Nomination Petitions,
20 Certificates and Papers; Return of Rejected Nomination
21 Petitions, Certificates and Papers.--When any nomination
22 petition, nomination certificate or nomination paper is

1 presented in the office of the Secretary of the Commonwealth or
2 of any county board of elections for filing within the period
3 limited by this act, it shall be the duty of the said officer or
4 board to examine the same. No nomination petition, nomination
5 paper or nomination certificate shall be permitted to be filed
6 if--(a) it contains material errors or defects apparent on the
7 face thereof, or on the face of the appended or accompanying
8 affidavits; or (b) it contains material alterations made after
9 signing without the consent of the signers; or (c) it does not
10 contain a sufficient number of signatures as required by law;
11 Provided, however, That the Secretary of the Commonwealth or the
12 county board of elections, although not hereby required so to
13 do, may question the genuineness of any signature or signatures
14 appearing thereon, and if he or it shall thereupon find that any
15 such signature or signatures are not genuine, such signature or
16 signatures shall be disregarded in determining whether the
17 nomination petition, nomination paper or nomination certificate
18 contains a sufficient number of signatures as required by law;
19 or (d) in the case of nomination petitions, if nomination
20 petitions have been filed for printing the name of the same
21 person for the same office, except the office of judge of a
22 court of record, or the office of school director in districts
23 where that office is elective or the office of justice of the
24 peace upon the official ballot of more than one political party;
25 or (e) in the case of nomination papers, if the candidate named
26 therein has filed a nomination petition for any public office
27 for the ensuing primary, or has been nominated for any such
28 office by nomination papers previously filed; or (f) if the
29 nomination petitions or papers are not accompanied by the filing
30 fee or certified check required for said office; or (g) in the

1 case of nomination papers, the appellation set forth therein is
2 identical with or deceptively similar to the words used by any
3 existing party or by any political body which has already filed
4 nomination papers for the same office, or if the appellation set
5 forth therein contains part of the name, or an abbreviation of
6 the name or part of the name of an existing political party, or
7 of a political body which has already filed nomination papers
8 for the same office; or (h) in the case of nomination papers or
9 nomination petitions, if the candidate named therein has already
10 filed nomination papers or nomination petitions having been
11 filed on his behalf for nomination in the ensuing primary to any
12 office except offices of political parties or delegates or
13 alternates to party conventions. The invalidity of any sheet of
14 a nomination petition or nomination paper shall not affect the
15 validity of such petition or paper if a sufficient petition or
16 paper remains after eliminating such invalid sheet. The action
17 of said officer or board in refusing to receive and file any
18 such nomination petition, certificate or paper, may be reviewed
19 by the court upon an application to compel its reception as of
20 the date when it was presented to the office of such officer or
21 board: Provided, however, That said officer or board shall be
22 entitled to a reasonable time in which to examine any petitions,
23 certificates or papers, and to summon and interrogate the
24 candidates named therein, or the persons presenting said
25 petitions, certificates or papers, and his or their retention of
26 same for the purpose of making such examination or interrogation
27 shall not be construed as an acceptance or filing.

28 * * *

29 Section 2. This act shall take effect immediately.