

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1487 Session of  
1983

INTRODUCED BY FARGO, POTT, HALUSKA, KLINGAMAN, BOWSER, GRIECO,  
MERRY, BOOK, KUKOVICH, SCHEETZ, WILSON, E. Z. TAYLOR, FISCHER  
AND TELEK, OCTOBER 3, 1983

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 3, 1983

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," changing the dates for the Municipal and General  
12 primaries; and making related changes.

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

15 Section 1. Section 603 of the act of June 3, 1937 (P.L.1333,  
16 No.320), known as the Pennsylvania Election Code, amended  
17 December 22, 1971 (P.L.613, No.165), is amended to read:

18 Section 603. General Primary; Candidates to Be Nominated and  
19 Party Officers to Be Elected.--There shall be a General primary  
20 preceding each general election which shall be held on the  
21 [third Tuesday of May] second Tuesday after the first Monday of  
22 September in all even-numbered years[, except in the year of the

1 nomination of a President of the United States, in which year  
2 the General primary shall be held on the fourth Tuesday of  
3 April]. Candidates for all offices to be filled at the ensuing  
4 general election shall be nominated at the General primary. The  
5 vote for candidates for the office of President of the United  
6 States, as provided for by this act, shall be cast at the  
7 General primary.

8 Section 2. Section 604 of the act, amended January 14, 1952  
9 (1951 P.L.1937, No.540), is amended to read:

10 Section 604. Municipal Primary; Officers to be Nominated.--  
11 There shall be a Municipal primary preceding each municipal  
12 election which shall be held on the [third Tuesday of May]  
13 second Tuesday after the first Monday of September in all odd-  
14 numbered years. Candidates for all offices to be filled at the  
15 ensuing municipal election shall be nominated at the Municipal  
16 primary.

17 Section 3. Section 978(a) of the act, amended July 11, 1980  
18 (P.L.591, No.127), is amended to read:

19 Section 978. Withdrawal of Nominated Candidates.--(a) Any  
20 person who has been nominated by any political party in  
21 accordance with the provisions of this act, as a candidate for  
22 the office of presidential elector, United States Senator,  
23 Representative in Congress or for any State office, including  
24 that of senator, representative and judge of court of record,  
25 may withdraw his name from nomination by request in writing,  
26 signed by him and acknowledged before an officer qualified to  
27 take acknowledgement of deeds, and filed in the office of the  
28 Secretary of the Commonwealth. Any person who has been similarly  
29 nominated as a candidate for any other office may withdraw his  
30 name from nomination by similar request, filed with the county

1 board of elections of the proper county. Such written  
2 withdrawals shall be filed with the Secretary of the  
3 Commonwealth or the county board of elections, as the case may  
4 be, at least [eighty-five (85)] thirty (30) days previous to the  
5 day of the general or municipal election. Such withdrawals to be  
6 effective must be received in the office of the Secretary of the  
7 Commonwealth not later than five (5) o'clock P. M. on the last  
8 day for filing same, and in the office of any county board of  
9 elections not later than the ordinary closing hour of said  
10 office on the last day for filing same. No name so withdrawn  
11 shall be printed upon the ballot or ballot labels. No candidate  
12 may withdraw any withdrawal notice already received and filed,  
13 and thereby reinstate his nomination.

14 \* \* \*

15 Section 4. Section 978.1 of the act, amended August 13, 1963  
16 (P.L.707, No.379) and repealed in part April 28, 1978 (P.L.202,  
17 No.53), is amended to read:

18 Section 978.1. Vacancy in Party Nomination by Failure to Pay  
19 Filing Fee or for Failure to File Loyalty Oath.--Every person  
20 nominated at any primary election as the candidate of any  
21 political party for any office, other than a borough, town,  
22 township, school district or poor district office, or the office  
23 of justice of the peace, or constable, who has not paid the  
24 filing fee required by section nine hundred thirteen of this  
25 act, as amended, for the filing of a nomination petition for  
26 such office, or who has not filed the loyalty oath required by  
27 section 14, act of December 22, 1951 (P.L.1726, No.463), known  
28 as the "Pennsylvania Loyalty Act," as last amended June 19, 1961  
29 (P.L.446, No.221), shall pay the amount of such fee to and file  
30 such oath with the Secretary of the Commonwealth, or the county

1 board of elections, as the case may be, at least [eighty-five  
2 (85)] thirty (30) days previous to the day of the general or  
3 municipal election at which such candidate's name would appear  
4 on the ballot. Failure to pay such fee or file such oath within  
5 the time herein prescribed shall result in a vacancy in such  
6 party nomination. Such vacancy shall be filled in the manner  
7 hereinafter provided for the filling of such vacancies happening  
8 by reason of the death or withdrawal of any candidate.

9 Section 5. Section 978.3 of the act, added January 16, 1974  
10 (P.L.5, No.2), is amended to read:

11 Section 978.3. Vacancy Due to Revocation of Declaration of  
12 Candidacy for Retention.--In the event a justice or a judge had  
13 filed a declaration of candidacy for retention under the  
14 provisions of section 15 of the Constitution of the Commonwealth  
15 of Pennsylvania and thereafter, but after the thirteenth Tuesday  
16 preceding the primary election and prior to [sixty (60)] thirty-  
17 five (35) days preceding the municipal election revoked the  
18 declaration by notifying the Secretary of the Commonwealth in  
19 writing of the same, nomination to fill such vacancy shall be  
20 made in accordance with section 993 of this act.

21 Section 6. Sections 981(a) and 993(b) of the act, amended  
22 August 13, 1963 (P.L.707, No.379), are amended to read:

23 Section 981. Time for Filing Substituted Nomination  
24 Certificates.--(a) Substituted nomination certificates to fill  
25 vacancies caused by the withdrawal of candidates nominated at  
26 primaries or by nomination papers shall be filed with the  
27 Secretary of the Commonwealth or proper county board of  
28 elections, as the case may be, at least [seventy-five (75)]  
29 twenty-five (25) days before the day of the general or municipal  
30 election: Provided, however, That no substituted nomination

1 certificate by a political body may be filed until after the  
2 primary election.

3 \* \* \*

4 Section 993. Filling of Certain Vacancies in Public Office  
5 by Means of Nomination Certificates and Nomination Papers.--

6 \* \* \*

7 (b) Said nomination certificates and nomination papers for  
8 State public offices and judges of courts of records shall be  
9 filed in the office of the Secretary of the Commonwealth at  
10 least [fifty (50)] twenty-five (25) days prior to a general or  
11 municipal election, as the case may be. Nomination certificates  
12 and nomination papers for public offices in counties, cities,  
13 boroughs, towns, townships, wards and school districts and for  
14 the offices of aldermen and justices of the peace shall be filed  
15 in the office of the county board of elections at least [fifty  
16 (50)] twenty-five (25) days prior to a municipal election.

17 \* \* \*

18 Section 7. Section 1756 of the act is amended to read:

19 Section 1756. Petition; Time of Filing; Amendment.--The  
20 commencement of proceedings in the case of contests of the  
21 second, third, fourth and fifth classes shall be by petition,  
22 which shall be made and filed, as herein required, within  
23 [twenty] ten days after the day of the primary or election, as  
24 the case may be. The petition shall concisely set forth the  
25 cause of complaint, showing wherein it is claimed that the  
26 primary or election is illegal, and after filing may be amended  
27 with leave of court, so as to include additional specifications  
28 of complaint. After any such amendment, a reasonable time shall  
29 be given to the other party to answer.

30 Section 8. This act shall take effect January 1, 1984 and

1 shall be applicable to all elections held thereafter.