

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2683 Session of  
1990

INTRODUCED BY JAROLIN, STISH, VAN HORNE, COLAFELLA, DOMBROWSKI,  
PISTELLA, NOYE, BOYES, TRELLO, TELEK, RUDY, BURD,  
E. Z. TAYLOR, BATTISTO, WOGAN, SERAFINI AND KOSINSKI,  
JUNE 13, 1990

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 13, 1990

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," requiring that candidates be registered electors  
12 and members of the same party or political body as the office  
13 being sought for a certain time period.

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

16 Section 1. Sections 630.1 and 910 of the act of June 3, 1937  
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
18 amended February 19, 1986 (P.L.29, No.11), are amended to read:

19 Section 630.1. Affidavits of Candidates.--Each candidate for  
20 any State, county, city, borough, incorporated town, township,  
21 school district or poor district office, or for the office of  
22 United States Senator or Representative in Congress, selected as

1 provided in section 630 of this act, shall file with the  
2 nomination certificate an affidavit stating--(a) his residence,  
3 with street and number, if any, and his post-office address; (b)  
4 his election district, giving city, borough, town or township;  
5 (c) the name of the office for which he consents to be a  
6 candidate; (d) that he is eligible for such office; (e) that he  
7 will not knowingly violate any provision of this act, or of any  
8 law regulating and limiting election expenses and prohibiting  
9 corrupt practices in connection therewith; (f) unless he is a  
10 candidate for judge of a court of common pleas, the Philadelphia  
11 Municipal Court or the Traffic Court of Philadelphia, or for the  
12 office of school board in a district where that office is  
13 elective or for the office of justice of the peace, that he is  
14 not a candidate for the same office of any party or political  
15 body other than the one designated in such certificate; [and]  
16 (g) that he is aware of the provisions of section 1626 of this  
17 act requiring election and post-election reporting of campaign  
18 contributions and expenditures; and (h) that he is a registered  
19 elector and has been enrolled as a member of the same party or  
20 political body as that of the particular office being sought,  
21 for at least six months. In cases of certificates for candidates  
22 for the General Assembly, the candidate's affidavit shall state  
23 (1) that the candidate will satisfy the eligibility requirements  
24 contained in sections 5 and 7 of Article II of the Constitution  
25 of Pennsylvania; (2) (i) that, in the case of a candidate for  
26 the office of Senator in the General Assembly, the candidate  
27 will be twenty-five (25) years of age on or before the first day  
28 of the term for which the candidate seeks election or (ii) that,  
29 in the case of a candidate for the office of Representative in  
30 the General Assembly, the candidate will be twenty-one (21)

1 years of age on or before the first day of the term for which  
2 the candidate seeks election; (3) that the candidate shall have  
3 been a citizen and an inhabitant of Pennsylvania four (4) years  
4 and an inhabitant of the respective district one (1) year next  
5 before the election (unless absent on the public business of the  
6 United States or of this State); and (4) that the candidate has  
7 not been convicted of embezzlement of public moneys, bribery,  
8 perjury or other infamous crime.

9 Section 910. Affidavits of Candidates.--Each candidate for  
10 any State, county, city, borough, incorporated town, township,  
11 ward, school district, poor district, election district, party  
12 office, party delegate or alternate, or for the office of United  
13 States Senator or Representative in Congress, shall file with  
14 his nomination petition his affidavit stating--(a) his  
15 residence, with street and number, if any, and his post-office  
16 address; (b) his election district, giving city, borough, town  
17 or township; (c) the name of the office for which he consents to  
18 be a candidate; (d) that he is eligible for such office; (e)  
19 that he will not knowingly violate any provision of this act, or  
20 of any law regulating and limiting nomination and election  
21 expenses and prohibiting corrupt practices in connection  
22 therewith; (f) unless he is a candidate for judge of a court of  
23 common pleas, the Philadelphia Municipal Court or the Traffic  
24 Court of Philadelphia, or for the office of school director in a  
25 district where that office is elective or for the office of  
26 justice of the peace that he is not a candidate for nomination  
27 for the same office of any party other than the one designated  
28 in such petition; (g) if he is a candidate for a delegate, or  
29 alternate delegate, member of State committee, National  
30 committee or party officer, that he is a registered and enrolled

1 member of the designated party; (h) if he is a candidate for  
2 delegate or alternate delegate the presidential candidate to  
3 whom he is committed or the term "uncommitted"; [and] (i) that  
4 he is aware of the provisions of section 1626 of this act  
5 requiring pre-election and post-election reporting of campaign  
6 contributions and expenditures; and (j) that he is a registered  
7 elector and has been enrolled as a member of the same party or  
8 political body as that of the particular office being sought,  
9 for at least six months. In cases of petitions for candidates  
10 for the General Assembly, the candidate's affidavit shall state  
11 (1) that the candidate will satisfy the eligibility requirements  
12 contained in sections 5 and 7 of Article II of the Constitution  
13 of Pennsylvania; (2) (i) that in the case of a candidate for the  
14 office of Senator in the General Assembly that the candidate  
15 will be twenty-five (25) years of age on or before the first day  
16 of the term for which the candidate seeks election or (ii) that  
17 in the case of a candidate for the office of Representative in  
18 the General Assembly that the candidate will be twenty-one (21)  
19 years of age on or before the first day of the term for which  
20 the candidate seeks election; (3) that the candidate shall have  
21 been a citizen and inhabitant of Pennsylvania four (4) years and  
22 an inhabitant of the respective district one (1) year next  
23 before the election (unless absent on the public business of the  
24 United States or of this State); and (4) that the candidate has  
25 not been convicted of embezzlement of public moneys, bribery,  
26 perjury or other infamous crime. In cases of petitions for  
27 delegate and alternate delegate to National conventions, the  
28 candidate's affidavit shall state that his signature to the  
29 delegate's statement, as hereinafter set forth, if such  
30 statement is signed by said candidate, was affixed to the sheet

1 or sheets of said petition prior to the circulation of same. In  
2 the case of a candidate for nomination as President of the  
3 United States, it shall not be necessary for such candidate to  
4 file the affidavit required in this section to be filed by  
5 candidates, but the post-office address of such candidate shall  
6 be stated in such nomination petition.

7 Section 2. Section 951(e) of the act, amended April 18, 1985  
8 (P.L.5, No.4), is amended to read:

9 Section 951. Nominations by Political Bodies.--\* \* \*

10 (e) There shall be appended to each nomination paper offered  
11 for filing an affidavit of each candidate nominated therein,  
12 stating--(1) the election district in which he resides; (2) the  
13 name of the office for which he consents to be a candidate; (3)  
14 that he is eligible for such office; (4) that he will not  
15 knowingly violate any provision of this act, or of any law  
16 regulating and limiting election expenses, and prohibiting  
17 corrupt practices in connection therewith; (5) that his name has  
18 not been presented as a candidate by nomination petitions for  
19 any public office to be voted for at the ensuing primary  
20 election, nor has he been nominated by any other nomination  
21 papers filed for any such office; (6) that in the case where he  
22 is a candidate for election at a general or municipal election,  
23 he was not a registered and enrolled member of a party thirty  
24 (30) days before the primary held prior to the general or  
25 municipal election in that same year; (7) that, in the case  
26 where he is a candidate for election at a special election, he  
27 is not a registered and enrolled member of a party; and (8) that  
28 he is a registered elector and has been enrolled as a member of  
29 the same party or political body as that of the particular  
30 office being sought, for at least six months. In cases of papers

1 for candidates for the General Assembly, the candidate's  
2 affidavit shall state (i) that the candidate will satisfy the  
3 eligibility requirements contained in sections 5 and 7 of  
4 Article II of the Constitution of Pennsylvania; (ii) (a) that in  
5 the case of a candidate for the office of Senator in the General  
6 Assembly that the candidate will be twenty-five (25) years of  
7 age on or before the first day of the term for which the  
8 candidate seeks election or (b) that in the case of a candidate  
9 for the office of Representative in the General Assembly that  
10 the candidate will be twenty-one (21) years of age on or before  
11 the first day of the term for which the candidate seeks  
12 election; (iii) that the candidate shall have been a citizen and  
13 inhabitant of Pennsylvania four (4) years and an inhabitant of  
14 the respective district one (1) year next before the election  
15 (unless absent on the public business of the United States or of  
16 this State); and (iv) that the candidate has not been convicted  
17 of embezzlement of public moneys, bribery, perjury or other  
18 infamous crime.

19 Section 3. Section 981.1 of the act, amended February 19,  
20 1986 (P.L.29, No.11), is amended to read:

21 Section 981.1. Affidavits of Candidates.--Each candidate for  
22 any State, county, city, borough, incorporated town, township,  
23 ward, school district, poor district or election district  
24 office, or for the office of United States Senator or  
25 Representative in Congress, selected as provided in sections 979  
26 and 980 of this act, shall file with the substituted nomination  
27 certificate an affidavit stating--(a) his residence, with street  
28 and number, if any, and his post-office address; (b) his  
29 election district, giving city, borough, town or township; (c)  
30 the name of the office for which he consents to be a candidate;

1 (d) that he is eligible for such office; (e) that he will not  
2 knowingly violate any provision of this act, or of any law  
3 regulating and limiting election expenses and prohibiting  
4 corrupt practices in connection therewith; (f) unless he is a  
5 candidate for judge of a court of common pleas, the Philadelphia  
6 Municipal Court or the Traffic Court of Philadelphia, or for the  
7 office of school board in a district where that office is  
8 elective or for the office of justice of the peace, that he is  
9 not a candidate for the same office of any party or political  
10 body other than the one designated in such certificate; [and]  
11 (g) that he is aware of the provisions of section 1626 of this  
12 act requiring election and post-election reporting of campaign  
13 contributions and expenditures; and (h) that he is a registered  
14 elector and has been enrolled as a member of the same party or  
15 political body as that of the particular office being sought,  
16 for at least six months. In cases of certificates for candidates  
17 for the General Assembly, the candidate's affidavit shall state  
18 (1) that the candidate will satisfy the eligibility requirements  
19 contained in sections 5 and 7 of Article II of the Constitution  
20 of Pennsylvania; (2) (i) that, in the case of a candidate for  
21 the office of Senator in the General Assembly, the candidate  
22 will be twenty-five (25) years of age on or before the first day  
23 of the term for which the candidate seeks election or (ii) that,  
24 in the case of a candidate for the office of Representative in  
25 the General Assembly, the candidate will be twenty-one (21)  
26 years of age on or before the first day of the term for which  
27 the candidate seeks election; (3) that the candidate shall have  
28 been a citizen and an inhabitant of Pennsylvania four (4) years  
29 and an inhabitant of the respective district one (1) year next  
30 before the election (unless absent on the public business of the

1 United States or of this State); and (4) that the candidate has  
2 not been convicted of embezzlement of public moneys, bribery,  
3 perjury or other infamous crime.

4 Section 4. The act is amended by adding a section to read:

5 Section 993.1. Nomination Certificates and Papers.--Each  
6 nomination certificate, nomination paper or substitute  
7 nomination certificate filed pursuant to this subdivision shall  
8 be accompanied by an affidavit from the candidate stating that  
9 he is a registered elector and has been enrolled as a member of  
10 the same party or political body as that of the particular  
11 office being sought, for at least six months, and no such  
12 certificate, paper or substituted certificate shall be accepted  
13 unless accompanied by an affidavit from the candidate stating  
14 that he is a registered elector and has been enrolled as a  
15 member of the same party or political body as that of the  
16 particular office being sought, for at least six months.

17 Section 5. Nothing in this act shall be deemed to lessen or  
18 abrogate any requirement prescribed by law mandating that a  
19 candidate be a registered elector for any greater length of  
20 time.

21 Section 6. This act shall take effect in 60 days.