

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 843 Session of
1995

INTRODUCED BY DRUCE, PERZEL, DeWEESE, LYNCH, GEIST, DENT,
MASLAND, SCRIMENTI, MELIO, CLARK, ARGALL, FARGO, PLATTS,
SCHRODER, HENNESSEY, SAYLOR, FICHTER, FAIRCHILD, STISH,
STEIL, L. I. COHEN, CONTI, RUBLEY, NAILOR, MICHLOVIC, BARD,
CORRIGAN, COY, STURLA, DeLUCA, TIGUE, NICKOL, SATHER, VANCE,
MERRY, WOGAN, BELFANTI, E. Z. TAYLOR, ROBERTS, CARONE, KREBS,
HUTCHINSON, YOUNGBLOOD, M. N. WRIGHT, KING, HERSHEY, BUNT,
MILLER, HERMAN, HANNA, BATTISTO, DEMPSEY, ITKIN, ADOLPH,
S. H. SMITH, TRELLO, STETLER, McCALL, COWELL, STERN, WAUGH,
TRUE, FLICK, MAITLAND, SEMMEL, CORNELL, CIVERA, CLYMER AND
WALKO, FEBRUARY 14, 1995

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 14, 1995

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," further providing for special elections for
12 senators and representatives in the General Assembly.

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

15 Section 1. Section 628 of the act of June 3, 1937 (P.L.1333,
16 No.320), known as the Pennsylvania Election Code, amended August
17 13, 1963 (P.L.707, No.379), is amended to read:

18 Section 628. Special Elections for Senator and

1 Representative in the General Assembly.--Whenever a vacancy
2 shall occur in either house of the General Assembly whether or
3 not it then be in session, the presiding officer of such house
4 shall, within ten (10) days after the happening of the vacancy,
5 issue a writ of election to the proper county board or boards of
6 election and to the Secretary of the Commonwealth, for a special
7 election to fill said vacancy, which election shall be held [on
8 a date named in the writ, which shall be not less than sixty
9 (60) days after the issuance of said writ. The presiding officer
10 may fix, in such writ of election, the date of the next ensuing
11 primary, municipal or general election as the date for holding
12 any such special election] at the next ensuing primary,
13 municipal or general election scheduled at least sixty (60) days
14 after the issuance of the writ or such other earlier date which
15 is at least sixty (60) days following the issuance of the writ
16 as the presiding officer may deem appropriate: Provided,
17 however, That should the Governor after the issuance of the said
18 writ of election advise the presiding officer that the General
19 Assembly will be called into extraordinary session prior to the
20 date set for such special election, the presiding officer may
21 countermand the writ theretofore issued and shall issue a new
22 writ of election, fixing therein such earlier date therefor as
23 is deemed expedient, but which shall not be less than sixty (60)
24 days after the issuance of said writ[.]: Provided further, That
25 if the vacancy shall occur less than five months prior to the
26 expiration of the term, a special election shall be held only
27 if, in the opinion of the presiding officer, the election is in
28 the public interest.

29 Section 2. This act shall take effect immediately.