

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1991 Session of 2014

INTRODUCED BY LAWRENCE, BLOOM, DeLUCA, ENGLISH, FLYNN, HARHAI, KNOWLES, MAHONEY, MENTZER, MURT, MUSTIO, RAPP, READSHAW, REGAN, SWANGER, TALLMAN, TRUITT AND DENLINGER, MARCH 18, 2014

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 18, 2014

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 qualifications for elected
 12 State office.

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

15 Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,
 16 No.320), known as the Pennsylvania Election Code, is amended by
 17 adding subsections to read:

18 Section 102. Definitions.--The following words, when used in
 19 this act, shall have the following meanings, unless otherwise
 20 clearly apparent from the context:

21 ***

22 (z.6) The words "controlled substance" shall mean a drug,

1 substance or immediate precursor included in Schedules I through
2 V of section 4 of the act of April 14, 1972 (P.L.233, No.64),
3 known as "The Controlled Substance, Drug, Device and Cosmetic
4 Act."

5 (z.7) The words "testing laboratory" shall mean a laboratory
6 that is certified by the United States Department of Health and
7 Human Services to conduct drug and specimen validity tests on
8 urine specimens for Federal agencies.

9 Section 2. Sections 630.1, 910 and 951(e) of the act,
10 amended May 12, 2006 (P.L.178, No.45), are amended to read:

11 Section 630.1. Affidavits of Candidates.-- Each candidate
12 for any State, county, city, borough, incorporated town,
13 township, school district or poor district office, or for the
14 office of United States Senator or Representative in Congress,
15 selected as provided in section 630 of this act, shall file with
16 the nomination certificate an affidavit stating--(a) his
17 residence, with street and number, if any, and his post-office
18 address; (b) his election district, giving city, borough, town
19 or township; (c) the name of the office for which he consents to
20 be a candidate; (d) that he is eligible for such office; (e)
21 that he will not knowingly violate any provision of this act, or
22 of any law regulating and limiting election expenses and
23 prohibiting corrupt practices in connection therewith; (f)
24 unless he is a candidate for judge of a court of common pleas,
25 the Philadelphia Municipal Court or the Traffic Court of
26 Philadelphia, or for the office of school board in a district
27 where that office is elective or for the office of justice of
28 the peace, that he is not a candidate for the same office of any
29 party or political body other than the one designated in such
30 certificate; (g) that he is aware of the provisions of section

1 1626 of this act requiring election and post-election reporting
2 of campaign contributions and expenditures; [and] (h) that he is
3 not a candidate for an office which he already holds, the term
4 of which is not set to expire in the same year as the office
5 subject to the affidavit[.]; and (i) in the case of a candidate
6 for State office, that the candidate has undergone controlled
7 substance testing conducted by a testing laboratory no more than
8 thirty (30) days prior to the deadline for filing the affidavit
9 and that the controlled substance testing report indicates that
10 the candidate has not used a controlled substance without a
11 prescription from a physician. Each candidate for State office
12 who submits an affidavit under this section shall append to the
13 affidavit the controlled substance testing report.

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

1 justice of the peace that he is not a candidate for nomination
2 for the same office of any party other than the one designated
3 in such petition; (g) if he is a candidate for a delegate, or
4 alternate delegate, member of State committee, National
5 committee or party officer, that he is a registered and enrolled
6 member of the designated party; (h) if he is a candidate for
7 delegate or alternate delegate the presidential candidate to
8 whom he is committed or the term "uncommitted"; (i) that he is
9 aware of the provisions of section 1626 of this act requiring
10 pre-election and post-election reporting of campaign
11 contributions and expenditures; [and] (j) that he is not a
12 candidate for an office which he already holds, the term of
13 which is not set to expire in the same year as the office
14 subject to the affidavit[.]; and (k) in the case of a candidate
15 for State office, that the candidate has undergone controlled
16 substance testing conducted by a testing laboratory no more than
17 thirty (30) days prior to the deadline for filing the affidavit
18 and that the controlled substance testing report indicates that
19 the candidate has not used a controlled substance without a
20 prescription from a physician. Each candidate for State office
21 who submits an affidavit under this section shall append to the
22 affidavit the controlled substance testing report. In cases of
23 petitions for delegate and alternate delegate to National
24 conventions, the candidate's affidavit shall state that his
25 signature to the delegate's statement, as hereinafter set forth,
26 if such statement is signed by said candidate, was affixed to
27 the sheet or sheets of said petition prior to the circulation of
28 same. In the case of a candidate for nomination as President of
29 the United States, it shall not be necessary for such candidate
30 to file the affidavit required in this section to be filed by

1 candidates, but the post-office address of such candidate shall
2 be stated in such nomination petition.

3 Section 951. Nominations by Political Bodies.--* * *

4 (e) There shall be appended to each nomination paper offered
5 for filing an affidavit of each candidate nominated therein,
6 stating--(1) the election district in which he resides; (2) the
7 name of the office for which he consents to be a candidate; (3)
8 that he is eligible for such office; (4) that he will not
9 knowingly violate any provision of this act, or of any law
10 regulating and limiting election expenses, and prohibiting
11 corrupt practices in connection therewith; (5) that his name has
12 not been presented as a candidate by nomination petitions for
13 any public office to be voted for at the ensuing primary
14 election, nor has he been nominated by any other nomination
15 papers filed for any such office; (6) that in the case where he
16 is a candidate for election at a general or municipal election,
17 he was not a registered and enrolled member of a party thirty
18 (30) days before the primary held prior to the general or
19 municipal election in that same year; (7) that, in the case
20 where he is a candidate for election at a special election, he
21 is not a registered and enrolled member of a party; [and] (8)
22 that he is not a candidate for an office which he already holds,
23 the term of which is not set to expire in the same year as the
24 office subject to the affidavit[.]; and (9) in the case of a
25 candidate for State office, that the candidate has undergone
26 controlled substance testing conducted by a testing laboratory
27 no more than thirty (30) days prior to the deadline for filing
28 the affidavit and that the controlled substance testing report
29 indicates that the candidate has not used a controlled substance
30 without a prescription from a physician. Each candidate for

1 State office who submits an affidavit under this section shall
2 append to the affidavit the controlled substance testing report.

3 Section 3. Section 976 first paragraph of the act, amended
4 February 19, 1986 (P.L.29, No.11), is amended to read:

5 Section 976. Examination of Nomination Petitions,
6 Certificates and Papers; Return of Rejected Nomination
7 Petitions, Certificates and Papers.-- When any nomination
8 petition, nomination certificate or nomination paper is
9 presented in the office of the Secretary of the Commonwealth or
10 of any county board of elections for filing within the period
11 limited by this act, it shall be the duty of the said officer or
12 board to examine the same. No nomination petition, nomination
13 paper or nomination certificate shall be permitted to be filed
14 if--(a) it contains material errors or defects apparent on the
15 face thereof, or on the face of the appended or accompanying
16 affidavits; or (b) it contains material alterations made after
17 signing without the consent of the signers; or (c) it does not
18 contain a sufficient number of signatures as required by law;
19 Provided, however, That the Secretary of the Commonwealth or the
20 county board of elections, although not hereby required so to
21 do, may question the genuineness of any signature or signatures
22 appearing thereon, and if he or it shall thereupon find that any
23 such signature or signatures are not genuine, such signature or
24 signatures shall be disregarded in determining whether the
25 nomination petition, nomination paper or nomination certificate
26 contains a sufficient number of signatures as required by law;
27 or (d) in the case of nomination petitions, if nomination
28 petitions have been filed for printing the name of the same
29 person for the same office, except the office of judge of a
30 court of common pleas, the Philadelphia Municipal Court or the

1 Traffic Court of Philadelphia, or the office of school director
2 in districts where that office is elective or the office of
3 justice of the peace upon the official ballot of more than one
4 political party; or (e) in the case of nomination papers, if the
5 candidate named therein has filed a nomination petition for any
6 public office for the ensuing primary, or has been nominated for
7 any such office by nomination papers previously filed; or (f) if
8 the nomination petitions or papers are not accompanied by the
9 filing fee or certified check required for said office; or (g)
10 in the case of nomination papers, the appellation set forth
11 therein is identical with or deceptively similar to the words
12 used by any existing party or by any political body which has
13 already filed nomination papers for the same office, or if the
14 appellation set forth therein contains part of the name, or an
15 abbreviation of the name or part of the name of an existing
16 political party, or of a political body which has already filed
17 nomination papers for the same office; or (h) in the case of a
18 candidate for State office, if the nomination petitions, papers
19 or certificates are not accompanied by a controlled substance
20 testing report, as required under sections 630.1, 910, 951 and
21 981.1. The invalidity of any sheet of a nomination petition or
22 nomination paper shall not affect the validity of such petition
23 or paper if a sufficient petition or paper remains after
24 eliminating such invalid sheet. The action of said officer or
25 board in refusing to receive and file any such nomination
26 petition, certificate or paper, may be reviewed by the court
27 upon an application to compel its reception as of the date when
28 it was presented to the office of such officer or board:
29 Provided, however, That said officer or board shall be entitled
30 to a reasonable time in which to examine any petitions,

1 certificates or papers, and to summon and interrogate the
2 candidates named therein, or the persons presenting said
3 petitions, certificates or papers, and his or their retention of
4 same for the purpose of making such examination or interrogation
5 shall not be construed as an acceptance or filing.

6 * * *

7 Section 4. Section 981.1 of the act, amended May 12, 2006
8 (P.L.178, No.45), is amended to read:

9 Section 981.1. Affidavits of Candidates.-- Each candidate
10 for any State, county, city, borough, incorporated town,
11 township, ward, school district, poor district or election
12 district office, or for the office of United States Senator or
13 Representative in Congress, selected as provided in sections 979
14 and 980 of this act, shall file with the substituted nomination
15 certificate an affidavit stating--(a) his residence, with street
16 and number, if any, and his post-office address; (b) his
17 election district, giving city, borough, town or township; (c)
18 the name of the office for which he consents to be a candidate;
19 (d) that he is eligible for such office; (e) that he will not
20 knowingly violate any provision of this act, or of any law
21 regulating and limiting election expenses and prohibiting
22 corrupt practices in connection therewith; (f) unless he is a
23 candidate for judge of a court of common pleas, the Philadelphia
24 Municipal Court or the Traffic Court of Philadelphia, or for the
25 office of school board in a district where that office is
26 elective or for the office of justice of the peace, that he is
27 not a candidate for the same office of any party or political
28 body other than the one designated in such certificate; (g) that
29 he is aware of the provisions of section 1626 of this act
30 requiring election and post-election reporting of campaign

1 contributions and expenditures; [and] (h) that he is not a
2 candidate for an office which he already holds, the term of
3 which is not set to expire in the same year as the office
4 subject to the affidavit[.]; and (i) in the case of a candidate
5 for State office, that the candidate has undergone controlled
6 substance testing conducted by a testing laboratory no more than
7 thirty (30) days prior to the deadline for filing the affidavit
8 and that the controlled substance testing report indicates that
9 the candidate has not used a controlled substance without a
10 prescription from a physician. Each candidate for State office
11 who submits an affidavit under this section shall append to the
12 affidavit the controlled substance testing report.

13 Section 5. This act shall take effect in 60 days.