

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1550

Session of
1985

INTRODUCED BY BRANDT, FATTAH, HAYES, BARLEY, SAURMAN, VROON,
FARGO, JOHNSON, SEMMEL, MACKOWSKI, BATTISTO, HALUSKA,
SCHULER, RAYMOND, DISTLER, MRKONIC, STABACK, ANGSTADT, FLICK,
JACKSON, SCHEETZ, BUNT, BELFANTI, BOOK, MORRIS, HERSHEY,
COLAFELLA, GEIST, MAIALE, PETRARCA, ARTY, WESTON, GLADECK,
FOX, E. Z. TAYLOR, LANGTRY, SIRIANNI, FISCHER, MICHLOVIC,
NOYE AND PETRONE, JUNE 27, 1985

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 27, 1985

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

14 Section 1. Sections 630.1, 910, 951(e) and 981.1 of the act
15 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
16 Election Code, added or amended April 18, 1985 (P.L. , No.4),
17 are amended to read:

18 Section 630.1. Affidavits of Candidates.--Each candidate for
19 any State, county, city, borough, incorporated town, township,
20 school district or poor district office, or for the office of

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

1 and an inhabitant of Pennsylvania four (4) years and an
2 inhabitant of the respective district one (1) year next before
3 the election (unless absent on the public business of the United
4 States or of this State); and (4) that the candidate has not
5 been convicted of embezzlement of public moneys, bribery,
6 perjury or other infamous crime.

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

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

1 petition.

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

3 (e) There shall be appended to each nomination paper offered
4 for filing an affidavit of each candidate nominated therein,
5 stating--(1) the election district in which he resides; (2) the
6 name of the office for which he consents to be a candidate; (3)
7 that he is eligible for such office; (4) that he will not
8 knowingly violate any provision of this act, or of any law
9 regulating and limiting election expenses, and prohibiting
10 corrupt practices in connection therewith; (5) that his name has
11 not been presented as a candidate by nomination petitions for
12 any public office to be voted for at the ensuing primary
13 election, nor has he been nominated by any other nomination
14 papers filed for any such office; (6) that in the case where he
15 is a candidate for election at a general or municipal election,
16 he was not a registered and enrolled member of a party thirty
17 (30) days before the primary held prior to the general or
18 municipal election in that same year; (7) that, in the case
19 where he is a candidate for election at a special election, he
20 is not a registered and enrolled member of a party; and (8) that
21 he is a registered elector. In cases of papers for candidates
22 for the General Assembly, the candidate's affidavit shall state
23 (i) that the candidate will satisfy the eligibility requirements
24 contained in sections 5 and 7 of Article II of the Constitution
25 of Pennsylvania; (ii) (a) that in the case of a candidate for
26 the office of Senator in the General Assembly that 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 (b) that
29 in the case of a candidate for the office of Representative in
30 the General Assembly that 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; (iii) that the candidate shall
3 have been a citizen and inhabitant of Pennsylvania four (4)
4 years and an inhabitant of the respective district one (1) year
5 next before the election (unless absent on the public business
6 of the United States or of this State); and (iv) that the
7 candidate has not been convicted of embezzlement of public
8 moneys, bribery, perjury or other infamous crime.

9 Section 981.1. Affidavits of Candidates.--Each candidate for
10 any State, county, city, borough, incorporated town, township,
11 ward, school district, poor district or election district
12 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 record or for the office of
24 school board in a district where that office is elective or for
25 the office of justice of the peace, that he is not a candidate
26 for the same office of any party or political body other than
27 the one designated in such certificate; [and] (g) that he is
28 aware of the provisions of section 1626 of this act requiring
29 election and post-election reporting of campaign contributions
30 and expenditures; and (h) that he is a registered elector. In

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

19 Section 2. The act is amended by adding a section to read:

20 Section 993.1. Nomination Certificates and Papers.--No
21 nomination certificate, nomination paper or substitute
22 nomination certificate provided for under this subdivision shall
23 nominate any person who is not a registered elector at the time
24 the nomination is made.

25 Section 3. Nothing in this act shall be deemed to lessen or
26 abrogate any requirement authorized pursuant to law mandating
27 that a candidate be registered as an elector for any greater
28 length of time.

29 Section 4. This act shall take effect in 60 days.