

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 374 Session of
1993

INTRODUCED BY DRUCE, BARLEY, CESSAR, BUSH, RAYMOND,
M. N. WRIGHT, MARSICO, FICHTER, PLATTS, HUTCHINSON, KREBS,
FAIRCHILD, NICKOL, PETTIT, GODSHALL, MERRY, HECKLER, NAILOR,
PITTS, FARGO, ALLEN, HANNA, LEH, TIGUE, KING, SAURMAN, FLICK,
BAKER, CLYMER, ARGALL, HERSHEY, LYNCH, FARMER, ZUG, CLARK,
MASLAND, REINARD, WOGAN, SCHEETZ, STERN, MILLER, STEIL,
GERLACH, ADOLPH, TOMLINSON, CORNELL AND GEIST,
FEBRUARY 10, 1993

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 10, 1993

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
19 Representative in the General Assembly.--Whenever a vacancy
20 shall occur in either house of the General Assembly whether or

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

27 Section 2. This act shall take effect immediately.