

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1634 Session of  
1999

INTRODUCED BY PLATTS, M. COHEN, FREEMAN, JOSEPHS, MANDERINO,  
MASLAND, STETLER, THOMAS AND ZUG, JUNE 14, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 14, 1999

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 the definition of political  
12 parties and political bodies, for candidates to be nominated  
13 and party officers to be elected at primaries, for  
14 nominations by minor political parties, for nominations by  
15 political bodies, for contents of nomination papers and for  
16 circulation and filing of nomination papers.

17 The General Assembly finds and declares as follows:

18 (1) That the Commonwealth's electoral laws hinder the  
19 entry into the electoral process of independent candidates,  
20 thereby limiting the electoral choices available to voters of  
21 this Commonwealth.

22 (2) That the political system of the Commonwealth should  
23 be electorally inclusive in order to promote the broadest  
24 range of issue discussion and candidate selection.

1           (3) That enhanced ballot access for all candidates will  
2       ensure a more democratic election process.

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

5       Section 801(a) and (b) of the act of June 3, 1937 (P.L.1333,  
6       No.320), known as the Pennsylvania Election Code, amended July  
7       28, 1941 (P.L.526, No.213) and December 22, 1971 (P.L.613,  
8       No.165), are amended to read:

9       Section 801. Definition of Political Parties and Political  
10      Bodies.--

11      (a) (1) Any party or political body, one of whose  
12      candidates at any of the [general election] prior three November  
13      elections next preceding the primary polled in each of at least  
14      ten counties of the State not less than [two] one per centum of  
15      the largest entire vote cast in each of said counties for any  
16      elected candidate, and polled a total vote in the State equal to  
17      at least [two] one per centum of the largest entire vote cast in  
18      the State for any elected candidate, is hereby declared to be a  
19      political party within the State, and shall nominate all its  
20      candidates for any of the offices provided for in this act, and  
21      shall elect its delegates and alternate delegates to the  
22      National convention as party rules provide at primaries held in  
23      accordance with this act, except as otherwise provided in this  
24      act. State committee members, and also such party officers,  
25      including members of the National committee, as its rules  
26      provide, shall be elected by a vote of the party electors, in  
27      accordance with the provisions of this act and party rules.

28      (2) Notwithstanding the provisions of clause (1), any party  
29      or political body, one of whose candidates at any of the prior  
30      three November elections next preceding the primary polled in

1 each of at least ten counties of the State not less one per  
2 centum of the largest entire vote cast in each of the ten  
3 counties for any elected candidate, and polled a total vote in  
4 the State equal to at least one per centum of the largest entire  
5 vote cast in the State for any elected candidate, but whose  
6 State-wide registration is less than fifteen per centum of the  
7 combined State-wide registration for all State-wide political  
8 parties as of the close of the registration period immediately  
9 preceding the most recent November election, is hereby declared  
10 to be a political party within the State. It shall nominate only  
11 its candidates for the offices of United States Senator,  
12 Representative in Congress and for all other elective public  
13 offices within this State to be filled by the vote of the  
14 electors of the State at large, and shall elect its delegates  
15 and alternate delegates to the national convention as party  
16 rules provide at primaries held in accordance with the  
17 provisions of this act, except as otherwise provided in this  
18 act.

19 (b) Any party or political body, one of whose candidates at  
20 [either the general or municipal election] any of the prior  
21 three November elections preceding the primary polled at least  
22 [five] one per centum of the largest entire vote cast for any  
23 elected candidate in any county, is hereby declared to be a  
24 political party within said county; and shall nominate all its  
25 candidates for office in such county and in all political  
26 districts within said county, or of which said county forms a  
27 part, and shall elect such party officers as its rules provide  
28 shall be elected therein, by a vote of the party electors, in  
29 accordance with the provisions of this act.

30 \* \* \*

1 Section 2. Section 902 of the act, amended May 23, 1949

2 (P.L.1656, No.504), is amended to read:

3 Section 902. Candidates to Be Nominated and Party Officers  
4 to Be Elected at Primaries.--(a) All candidates of political  
5 parties, as defined in section 801 (a)(1) of this act, for the  
6 offices of United States Senator, Representative in Congress and  
7 for all other elective public offices within this State, except  
8 that of presidential electors, shall be nominated, and party  
9 delegates and alternate delegates, committeemen and officers  
10 who, under the provisions of Article VIII of this act or under  
11 the party rules, are required to be elected by the party  
12 electors, shall be elected at primaries held in accordance with  
13 the provisions of this act, except as otherwise provided in this  
14 act.

15 (b) (1) All candidates of political parties, as defined in  
16 section 801(a)(2) of this act, for the offices of United States  
17 Senator, Representative in Congress and for all other elective  
18 public offices within this State to be filled by the vote of the  
19 electors of the State at large, except that of the presidential  
20 electors, shall be nominated, and party delegates and alternate  
21 delegates, committeemen and officers who, under the provisions  
22 of Article VIII of this act or under the party rules are  
23 required to be elected by the party electors, shall be elected  
24 at primaries held in accordance with the provisions of this act,  
25 except as otherwise provided in this act.

26 (2) All candidates of political parties, as defined in  
27 section 801(a)(2) of this act, for all other elective public  
28 offices within this State, except that of the presidential  
29 electors, shall be nominated in the same manner as minor  
30 political party candidates pursuant to section 912.2 of this

1 act.

2 (c) In the years when candidates for the office of President  
3 of the United States are to be nominated, every registered and  
4 enrolled member of a political party, as defined in section  
5 801(a)(1) and (2), shall have the opportunity at the Spring  
6 primary in such years to vote his preference for one person to  
7 be the candidate of his political party for President.

8 Section 3. Section 912.2(a) and (b) of the act, added  
9 February 19, 1986 (P.L.29, No.11), are amended to read:

10 Section 912.2. Nominations by Minor Political Parties.--(a)  
11 Notwithstanding any other provision in this act to the contrary,  
12 minor political parties shall nominate all of their candidates  
13 for the offices to be filled at the ensuing November election  
14 pursuant to section 903 in accordance with the requirements of  
15 section 951, other than subsection (e)(6) and (7) thereof, and  
16 section 954, and shall obtain the required signatures during the  
17 same time frame available to political bodies. Minor political  
18 parties shall be subject to the provisions of this act  
19 applicable to political parties with respect to special  
20 elections, voter registration forms, substituted nominations and  
21 all other purposes except as otherwise expressly provided in  
22 this section. "Minor political party" shall mean a political  
23 party as defined in section 801(a) or (b) whose State-wide  
24 registration is less than [fifteen] one per centum of the  
25 combined State-wide registration for all State-wide political  
26 parties as of the close of the registration period immediately  
27 preceding the most recent November election[.] and none of whose  
28 candidates at any of the prior three November elections next  
29 preceding the primary polled in each of at least ten counties of  
30 the State not less than one per centum of the largest entire

1 vote cast in each of the ten counties for any elected candidate,  
2 and polled a total vote in the State equal to at least one per  
3 centum of the largest entire vote cast in the State for any  
4 elected candidate. The Secretary of the Commonwealth shall  
5 prescribe forms or, if there is insufficient time, make  
6 appropriate conforming changes in existing forms to carry out  
7 the purposes of this section.

8 (b) All nomination papers circulated and filed pursuant to  
9 this section shall specify--(1) the name or appellation of the  
10 political party or minor political party which the [candidates]  
11 candidate nominated thereby [represent] represents and, in the  
12 case of electors for President and Vice President of the United  
13 States, the names of the candidates for President and Vice  
14 President of such minor political party; (2) the name of [each]  
15 the candidate nominated therein, his profession, business or  
16 occupation, if any, and his place of residence with street and  
17 number, if any; and (3) the office for which such candidate is  
18 nominated. No words shall be used in any nomination paper to  
19 designate the name or appellation of the minor political party  
20 represented by the candidate's name in such nomination paper  
21 which are identical with or deceptively similar to the words  
22 used for a like purpose by any minor political party which has  
23 already filed nomination papers for the same office. Any  
24 petition to set aside a nomination paper on account of the name  
25 or appellation used therein, or involving the right of the  
26 signers thereof to use such name or appellation, or on any other  
27 account, shall be decided as in the case of other petitions to  
28 set aside nomination papers, in the manner provided by this  
29 article.

30 \* \* \*

1       Section 4.   Section 951 of the act, amended December 22, 1971  
2   (P.L.613, No.165) and February 13, 1998 (P.L.72, No.18), is  
3   amended to read:

4       Section 951.   Nominations by Political Bodies.--(a)   In  
5   addition to the party nominations made at primaries, nomination  
6   of candidates for any public office may also be made by  
7   nomination papers signed by qualified electors of the State, or  
8   of the electoral district for which the nomination is made, and  
9   filed in the manner herein provided. [Such nomination papers]  
10   Separate nomination papers must be filed in behalf of each  
11   candidate for any public office and shall be in form prescribed  
12   by the Secretary of the Commonwealth, and no other forms than  
13   the ones so prescribed shall be used for such purposes.

14       (b)   Where the nomination is for any office to be filled by  
15   the electors of the State at large, the number of qualified  
16   electors of the State signing such nomination paper shall be at  
17   least equal to [two per centum of the largest entire vote cast  
18   for any elected candidate in the State at large] one-tenth of  
19   one per centum of the total ballots cast in the State at the  
20   last preceding election at which State-wide candidates were  
21   voted for[.] and shall be distributed so that one hundred (100)  
22   signatures of electors are obtained in at least ten different  
23   counties of the State. The total number of signatures necessary  
24   shall be not less than the number of signers required for  
25   nomination petitions for party candidates for the same office.  
26   In the case of all other nominations, the number of qualified  
27   electors of the electoral district signing such nomination  
28   papers shall be at least equal to [two per centum of the largest  
29   entire vote cast for any officer] one-half of one per centum of  
30   the total ballots cast in the electoral district in the

1 preceding district-wide election for which nomination papers are  
2 to be filed, except a judge of a court of record, [elected at  
3 the last preceding election in said electoral district for which  
4 said nomination papers are to be filed,] and shall be not less  
5 than the number of signers required for nomination petitions for  
6 party candidates for the same office. In cases where a new  
7 electoral district shall have been created, the number of  
8 qualified electors signing such nomination papers, for  
9 candidates to be elected at the first election held after the  
10 creation of such district, shall be at least equal to [two per  
11 centum of the largest vote cast in the several election  
12 districts, which are included in the district newly created, for  
13 any officer elected in the last preceding election.] one-quarter  
14 of one per centum of the combined district-wide registration for  
15 all district-wide political parties as of the date of the  
16 official existence of the new district, and shall not be less  
17 than the number of signers required for nomination petitions for  
18 party candidates for the same office.

19 (c) Each person signing a nomination paper shall declare  
20 therein that he is a qualified elector of the State or district,  
21 as the case may be, and shall add to his signature his  
22 occupation and residence, giving city, borough or township, with  
23 street and number, if any, and shall also add the date of  
24 signing, expressed in words or numbers: Provided, however, That  
25 if said political district named in the papers lies wholly  
26 within any city, borough or township, or is coextensive with  
27 same, it shall not be necessary for any signer of a paper to  
28 state therein the city, borough or township of his residence. No  
29 elector shall sign more than one nomination paper for each  
30 office to be filled, unless there are two or more persons to be



1 elected to the same office, in which case he may sign nomination  
2 papers for as many candidates for such office as, and no more  
3 than, he could vote for at the succeeding election. [More than  
4 one candidate may be nominated by one nomination paper and  
5 candidates for more than one office may be nominated by one  
6 nomination paper: Provided, That each] Each political body  
7 nominating [does not] cannot nominate more candidates than there  
8 are offices to be voted for at the ensuing election[: And  
9 provided, That all the signers on each nomination paper are  
10 qualified to vote for all the candidates nominated therein].

11 (d) Nomination papers may be on one or more sheets and  
12 different sheets must be used for signers resident in different  
13 counties. If more than one sheet is used, they shall be bound  
14 together when offered for filing if they are intended to  
15 constitute one nomination paper, and each sheet shall be  
16 numbered consecutively, beginning with number one (1) at the  
17 foot of each page. Each sheet shall have appended thereto the  
18 affidavit of some person, not necessarily a signer, and not  
19 necessarily the same person on each sheet, setting forth--(1)  
20 that the affiant is a qualified elector of the State, or of the  
21 electoral district, as the case may be, referred to in the  
22 nomination paper; (2) his residence, giving city, borough or  
23 township with street and number, if any; (3) that the signers  
24 signed with full knowledge of the contents of the nomination  
25 paper; (4) that their respective residences are correctly stated  
26 therein; (5) that they all reside in the county named in the  
27 affidavit; (6) that each signed on the date set opposite his  
28 name; and (7) that, to the best of affiant's knowledge and  
29 belief, the signers are qualified electors of the State, or of  
30 the electoral district, as the case may be.

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

19 Section 5. Section 952 of the act, amended July 21, 1979  
20 (P.L.189, No.63), is amended to read:

21 Section 952. Contents of Nomination Papers; Restriction on  
22 Names; Campaign Finances.--All nomination papers shall specify--  
23 (a) The name or appellation of the political body which the  
24 [candidates] candidate nominated thereby [represent] represents,  
25 expressed in not more than three words, and in the case of  
26 electors for President and Vice-President of the United States,  
27 the names of the candidates for President and Vice-President of  
28 such political body; (b) the name of [each] the candidate  
29 nominated therein, his profession, business or occupation, if  
30 any; and his place of residence with street and number, if any;

1 (c) the office for which such candidate is nominated; and (d)  
2 the names and addresses of the committee, not to be less than  
3 three (3) nor more than five (5) persons, authorized to fill  
4 vacancies, if any shall occur. No words shall be used in any  
5 nomination paper to designate the name or appellation of the  
6 political body represented by the [candidates] candidate named  
7 in such nomination paper which are identical with or deceptively  
8 similar to the words used for a like purpose by any existing  
9 political party as defined by section 801 of this act, or which  
10 contain part of the name or an abbreviation of the name or part  
11 of the name of any existing political party; nor shall any words  
12 be used in any nomination paper to designate the name or  
13 appellation of the political body represented by the candidate's  
14 name in such nomination paper which are identical with or  
15 deceptively similar to the words used for a like purpose by any  
16 political body which has already filed nomination papers for the  
17 same office nor which contain part of the name or an  
18 abbreviation of the name or part of the name of a political body  
19 which has already filed nomination papers for the same office.  
20 Any petition to set aside a nomination paper on account of the  
21 name or appellation used therein, or involving the right of the  
22 signers thereof to use such name or appellation shall be decided  
23 as in the case of other petitions to set aside nomination  
24 papers, in the manner provided by this article.

25 Each person filing any nomination paper for public office  
26 shall be given a statement composed by the Secretary of the  
27 Commonwealth setting forth his duties under law to file pre-  
28 election and post-election campaign finance reports, and the  
29 penalties for nonfiling. Each person filing shall also be given  
30 a form to file expenses if the amount received or expended or

1 liabilities incurred shall exceed the sum of two hundred fifty  
2 dollars (\$250), and a form containing a sworn statement that the  
3 amount received or expended or liabilities incurred do not  
4 exceed the sum of two hundred fifty dollars (\$250), with written  
5 instructions prepared by the Secretary of the Commonwealth.  
6 Within three weeks after such candidate has filed, the  
7 appropriate supervisor shall mail the same forms and  
8 instructions to such candidate by first class mail.

9 Section 6. Section 953 of the act, amended December 2, 1976  
10 (P.L.1221, No.269), July 12, 1980 (P.L.649, No.134) and March 3,  
11 1982 (P.L.127, No.42), is amended to read:

12 Section 953. Place and Time of Filing Nomination Papers.--

13 (a) Nomination papers for candidates for presidential  
14 electors, United States Senators, Representatives in Congress,  
15 and State offices, including senators, representatives and  
16 judges of courts of record, shall be filed with the Secretary of  
17 the Commonwealth. Nomination papers for all other candidates  
18 shall be filed with the county boards of elections of the  
19 respective counties. Nomination papers for candidates for any  
20 office to be voted for by the electors of any city, borough,  
21 township, ward or school district which is situate in two or  
22 more counties shall be filed with the county board of the county  
23 in which the major number of the registered electors of such  
24 city, borough, township, ward or school district reside.

25 Immediately after the last day for withdrawals of candidates  
26 nominated by nomination papers, the said county board shall  
27 certify to the county board of each other county involved a list  
28 of the names, addresses and occupations of the candidates so  
29 nominated to be voted for in two or more counties, together with  
30 the names or appellations of the political bodies nominating

1 them.

2 (b) No nomination paper shall be circulated prior to the  
3 tenth Wednesday prior to the primary, and no signature shall be  
4 counted unless it bears a date affixed not earlier than the  
5 tenth Wednesday prior to the primary nor later than the [second]  
6 first Friday subsequent to the primary.

7 (c) All nomination papers must be filed on or before the  
8 [second] first Friday subsequent to the primary.

9 (d) The office in which a nomination paper is filed shall  
10 issue to the person filing the nomination paper a receipt  
11 containing the date and time of filing, the name of the  
12 candidate and the office for which he is a candidate.

13 (e) For the primary election in the year 1982, the time  
14 schedule relating to circulating and filing of nominating  
15 petitions, filing of objections, and casting of lots for  
16 position on the ballot or ballot labels for the Office of  
17 Representative in Congress shall be delayed twenty-one (21) days  
18 from the times otherwise specified in this act and the time for  
19 withdrawal of candidates for such office shall be delayed  
20 fourteen (14) days from the time otherwise specified in this  
21 act.

22 Section 7. This act shall take effect in 60 days.