

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 513 Session of 2009

INTRODUCED BY CORMAN, FOLMER, PICCOLA, ALLOWAY, EARLL, VANCE AND
WAUGH, MARCH 2, 2009

REFERRED TO STATE GOVERNMENT, MARCH 2, 2009

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 defining political parties and political
12 bodies; and repealing provisions relating to nominations by
13 minor political parties.

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

16 Section 1. Section 801(a) and (b) of the act of June 3, 1937
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,
18 amended July 28, 1941 (P.L.526, No.213) and December 22, 1971
19 (P.L.613, No.165), are amended to read:

20 Section 801. Definition of Political Parties and Political
21 Bodies.--

22 (a) Any party or political body[, one of whose candidates at
23 the general election next preceding the primary polled in each

1 of at least ten counties of the State not less than two per
2 centum of the largest entire vote cast in each of said counties
3 for any elected candidate, and polled a total vote in the State
4 equal to at least two per centum of the largest entire vote cast
5 in the State for any elected candidate,] whose State-wide
6 registration is at least equal to five one-hundredths of one per
7 centum of the total number of State-wide registered voters as of
8 the close of the registration period immediately preceding the
9 most recent November election is hereby declared to be a
10 political party within the State, and shall nominate all its
11 candidates for any of the offices provided for in this act, and
12 shall elect its delegates and alternate delegates to the
13 National convention as party rules provide. State committee
14 members, and also such party officers, including members of the
15 National committee, as its rules provide, shall be elected by a
16 vote of the party electors, in accordance with the provisions of
17 this act and party rules.

18 (b) Any party or political body[, one of whose candidates at
19 either the general or municipal election preceding the primary
20 polled at least five per centum of the largest entire vote cast
21 for any elected candidate in any county,] whose county-wide
22 registration is at least equal to one-tenth of one per centum of
23 the total number of county-wide registered voters as of the
24 close of the registration period immediately preceding the most
25 recent November election is hereby declared to be a political
26 party within said county; and shall nominate all its candidates
27 for office in such county and in all political districts within
28 said county, or of which said county forms a part, and shall
29 elect such party officers as its rules provide shall be elected
30 therein, by a vote of the party electors, in accordance with the

1 provisions of this act.

2 * * *

3 Section 2. Section 912.2 of the act, added February 19, 1986
4 (P.L.29, No.11), is repealed:

5 [Section 912.2. Nominations by Minor Political Parties.--(a)
6 Notwithstanding any other provision in this act to the contrary,
7 minor political parties shall nominate all of their candidates
8 for the offices to be filled at the ensuing November election
9 pursuant to section 903 in accordance with the requirements of
10 section 951, other than subsection (e)(6) and (7) thereof, and
11 section 954, and shall obtain the required signatures during the
12 same time frame available to political bodies. Minor political
13 parties shall be subject to the provisions of this act
14 applicable to political parties with respect to special
15 elections, voter registration forms, substituted nominations and
16 all other purposes except as otherwise expressly provided in
17 this section. "Minor political party" shall mean a political
18 party as defined in section 801(a) or (b) whose State-wide
19 registration is less than fifteen per centum of the combined
20 State-wide registration for all State-wide political parties as
21 of the close of the registration period immediately preceding
22 the most recent November election. The Secretary of the
23 Commonwealth shall prescribe forms or, if there is insufficient
24 time, make appropriate conforming changes in existing forms to
25 carry out the purposes of this section.

26 (b) All nomination papers circulated and filed pursuant to
27 this section shall specify--(1) the name or appellation of the
28 minor political party which the candidates nominated thereby
29 represent and, in the case of electors for President and Vice
30 President of the United States, the names of the candidates for

1 President and Vice President of such minor political party; (2)
2 the name of each candidate nominated therein, his profession,
3 business or occupation, if any, and his place of residence with
4 street and number, if any; and (3) the office for which such
5 candidate is nominated. No words shall be used in any nomination
6 paper to designate the name or appellation of the minor
7 political party represented by the candidate's name in such
8 nomination paper which are identical with or deceptively similar
9 to the words used for a like purpose by any minor political
10 party which has already filed nomination papers for the same
11 office. Any petition to set aside a nomination paper on account
12 of the name or appellation used therein, or involving the right
13 of the signers thereof to use such name or appellation, or on
14 any other account, shall be decided as in the case of other
15 petitions to set aside nomination papers, in the manner provided
16 by this article.

17 (c) Each person filing any nomination paper for public
18 office shall be given a statement composed by the Secretary of
19 the Commonwealth setting forth his duties under law to file pre-
20 election and post-election campaign finance reports and the
21 penalties for nonfiling. Each person filing any nomination paper
22 for public office shall be given a form to file expenses if the
23 amount received or expended or liabilities incurred shall exceed
24 the sum of two hundred fifty dollars (\$250), and a form
25 containing a sworn statement that the amount received or
26 expended or liabilities incurred do not exceed the sum of two
27 hundred fifty dollars (\$250), with written instructions prepared
28 by the Secretary of the Commonwealth. Within three weeks after
29 such candidate has filed, the appropriate supervisor shall mail
30 the same forms and instructions to such candidate by first class

1 mail.]

2 Section 3. This act shall take effect in 60 days.