

AMENDMENTS TO HOUSE BILL NO. 342

Sponsor: SENATOR FOLMER

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1 Amend Bill, page 1, line 13, by striking out the period after
2 "primaries" and inserting

3 , for nominations by political bodies, for place and time of
4 filing nomination papers and for objections to nomination
5 petitions and papers; and providing for allocation of costs
6 in objection proceedings.

7 Amend Bill, page 4, by inserting between lines 11 and 12

8 Section 2. Section 951(b) of the act, amended December 22,
9 1971 (P.L.613, No.165), is amended to read:

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

11 (b) [Where the nomination is for any office to be filled by
12 the electors of the State at large, the number of qualified
13 electors of the State signing such nomination paper shall be at
14 least equal to two per centum of the largest entire vote cast
15 for any elected candidate in the State at large at the last
16 preceding election at which State-wide candidates were voted
17 for. In the case of all other nominations, the number of
18 qualified electors of the electoral district signing such
19 nomination papers shall be at least equal to two per centum of
20 the largest entire vote cast for any officer, except a judge of
21 a court of record, elected at the last preceding election in
22 said electoral district for which said nomination papers are to
23 be filed, and shall be not less than the number of signers
24 required for nomination petitions for party candidates for the
25 same office. In cases where a new electoral district shall have
26 been created, the number of qualified electors signing such
27 nomination papers, for candidates to be elected at the first
28 election held after the creation of such district, shall be at
29 least equal to two per centum of the largest vote cast in the
30 several election districts, which are included in the district
31 newly created, for any officer elected in the last preceding
32 election.] Candidates for the following nomination of offices as
33 listed below shall present a nomination paper containing at
34 least as many valid signatures of qualified electors of the
35 State or the electoral district, as the case may be, as listed
36 below:

37 (1) President of the United States: Five thousand.

- 1 (2) United States Senate: Five thousand.
- 2 (3) Governor: Five thousand including at least two hundred
3 fifty from each of at least ten counties.
- 4 (4) Lieutenant Governor: Two thousand five hundred including
5 at least two hundred fifty from each of at least five counties.
- 6 (5) Treasurer: Two thousand five hundred including at least
7 two hundred fifty from each of at least five counties.
- 8 (6) Auditor General: Two thousand five hundred including at
9 least two hundred fifty from each of at least five counties.
- 10 (7) Attorney General: Two thousand five hundred including at
11 least two hundred fifty from each of at least five counties.
- 12 (8) Justice of the Supreme Court: Two thousand five hundred
13 including at least two hundred fifty from each of at least five
14 counties.
- 15 (9) Judge of the Superior Court: Two thousand five hundred
16 including at least two hundred fifty from each of at least five
17 counties.
- 18 (10) Judge of the Commonwealth Court: Two thousand five
19 hundred including at least two hundred fifty from each of at
20 least five counties.
- 21 (11) For any other office to be filled by the vote of the
22 electors of the State at large: Two thousand five hundred
23 including at least two hundred fifty from each of at least five
24 counties.
- 25 (12) Representative in Congress: Two thousand five hundred.
- 26 (13) Senator in the General Assembly: One thousand two
27 hundred fifty.
- 28 (14) Representative in the General Assembly: Seven hundred
29 fifty.
- 30 (15) Public office to be filled by a vote of the electors in
31 counties of the first class at large: Two thousand five hundred.
- 32 (16) Public office to be filled by a vote of the electors in
33 counties of the second class at large: One thousand two hundred
34 fifty.
- 35 (17) Public office to be filled by a vote of the electors in
36 cities of the first class at large: Two thousand five hundred.
- 37 (18) Public office to be filled by a vote of the electors in
38 counties of the second class A at large: Six hundred twenty-
39 five.
- 40 (19) Public office to be filled by a vote of the electors in
41 counties of the third class at large: Six hundred twenty-five.
- 42 (20) Public office to be filled by a vote of the electors in
43 counties of the fourth class at large: Six hundred twenty-five.
- 44 (21) Public office to be filled by a vote of the electors in
45 cities of the second class at large: Six hundred twenty-five.
- 46 (22) Public office to be filled by a vote of the electors in
47 cities of the second class A at large: Two hundred fifty.
- 48 (23) Public office to be filled by a vote of the electors in
49 cities of the third class at large: Two hundred fifty.
- 50 (24) Public office to be filled by a vote of the electors in
51 counties of the fifth class at large: Two hundred fifty.

1 (25) Public office to be filled by a vote of the electors in
2 counties of the sixth class at large: Two hundred fifty.

3 (26) Public office to be filled by a vote of the electors in
4 counties of the seventh class at large: Two hundred fifty.

5 (27) Public office to be filled by a vote of the electors in
6 counties of the eighth class at large: Two hundred fifty.

7 (28) Office of judge of any court of record other than a
8 Statewide court or a court in a county of the first or second
9 class: Six hundred twenty-five.

10 (29) Office of district council member in a city of the
11 first class: One thousand eight hundred seventy-five.

12 (30) Office of district council member in a city of the
13 second class: Two hundred fifty.

14 (31) Office of district justice: Two hundred fifty.

15 (32) Office of judge of election: Twenty-five.

16 (33) Inspector of elections: Twelve.

17 (34) School Directors: Twenty-five

18 (35) All other public offices: Twenty-five.

19 * * *

20 Section 3. Sections 953(b) and (c) of the act, amended July
21 12, 1980 (P.L.649, No.134), are amended to read:

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

23 * * *

24 (b) No nomination paper shall be circulated prior to the
25 [tenth Wednesday prior] first Wednesday subsequent to the
26 primary, and no signature shall be counted unless it bears a
27 date affixed not earlier than the [tenth Wednesday prior] first
28 Wednesday subsequent to the primary nor later than the [second
29 Friday] seventh Wednesday subsequent to the primary.

30 (c) All nomination papers must be filed on or before the
31 [second Friday] seventh Wednesday subsequent to the primary.

32 * * *

33 Section 4. Section 977 of the act, amended February 13, 1998
34 (P.L.72, No.18), is amended to read:

35 Section 977. Objections to Nomination Petitions and
36 Papers.--All nomination petitions and papers received and filed
37 within the periods limited by this act shall be deemed to be
38 valid, unless, within seven days after the last day for filing
39 said nomination petition or paper, a petition is presented to
40 the court specifically setting forth the objections thereto, and
41 praying that the said petition or paper be set aside. A copy of
42 said petition shall, within said period, be served on the
43 officer or board with whom said nomination petition or paper was
44 filed. Upon the presentation of such a petition, the court shall
45 make an order fixing a time for hearing which shall not be later
46 than ten days after the last day for filing said nomination
47 petition or paper, and specifying the time and manner of notice
48 that shall be given to the candidate or candidates named in the
49 nomination petition or paper sought to be set aside. On the day
50 fixed for said hearing, the court shall proceed without delay to
51 hear said objections, and shall give such hearing precedence

1 over other business before it, and shall finally determine said
2 matter not later than fifteen (15) days after the last day for
3 filing said nomination petitions or papers. If the court shall
4 find that said nomination petition or paper is defective under
5 the provisions of section 976, or does not contain a sufficient
6 number of genuine signatures of electors entitled to sign the
7 same under the provisions of this act, or was not filed by
8 persons entitled to file the same, it shall be set aside. If the
9 objections relate to material errors or defects apparent on the
10 face of the nomination petition or paper, the court, after
11 hearing, may, in its discretion, permit amendments within such
12 time and upon such terms as to payment of costs, subject to
13 section 977.1, as the said court may specify. [In case any such
14 petition is dismissed, the court shall make such order as to the
15 payment of the costs of the proceedings, including witness fees,
16 as it shall deem just.] If a person shall sign any nomination
17 petitions or papers for a greater number of candidates than he
18 is permitted under the provisions of this act, if said
19 signatures bear the same date, they shall, upon objections filed
20 thereto, not be counted on any petition or paper and if they
21 bear different dates, they shall be counted in the order of
22 their priority of date, for only so many persons as there are
23 candidates to be nominated or elected. The office of the
24 Prothonotary of the Commonwealth Court and the office of the
25 Secretary of the Commonwealth and the various offices of
26 prothonotary of the court of common pleas shall be open between
27 the hours of eight-thirty o'clock A.M. and five o'clock P.M. on
28 the last day to withdraw after filing nomination petitions and
29 on the last day to file objections to nomination petitions.

30 Section 5. The act is amended by adding a section to read:

31 Section 977.1. Allocation of Costs in Objection
32 Proceedings.--(a) In each objection proceeding under section
33 977, each party shall generally bear his or her own costs.

34 (b) If the court presiding at the objection finds good
35 cause, the court may make an order as to the payment of costs of
36 the proceedings, including witness fees, under this section.

37 (c) For the purpose of this section, the term "good cause"
38 includes but is not limited to:

39 (1) engaging in bad faith during the objection proceedings
40 before the court, including but not limited to willful non-
41 compliance with case management orders and misrepresentation
42 about the status of a review of signatures;

43 (2) failing to cooperate diligently with other parties in
44 the case when ordered to do so;

45 (3) submitting and defending a nomination paper or
46 nomination petition which the candidate named in the nomination
47 paper or nomination petition knows or has reason to know contain
48 fraudulent or invalid signatures and persisting in defending the
49 nomination paper or nomination petition in the objection
50 process; or

51 (4) engaging in conduct which is dilatory, obdurate or

1 vexatious during the pendency of the proceedings.

2 (d) Nothing in this section shall be interpreted to permit
3 the assessment of costs against a person who submits a
4 nomination paper or petition with a signature which is invalid
5 and the invalid signature was negligently or unknowingly
6 obtained and submitted.

7 (e) This section shall apply to an objection proceeding
8 relating to a nomination paper and nominating petition. An
9 objector, the candidate submitting a nomination paper or
10 nomination petition or counsel for the objector or candidate may
11 be ordered to pay costs under this section.

12 (f) The court may only order counsel to pay costs based on
13 the conduct of counsel or a party in relation to the court
14 proceeding.

15 (g) The court may not issue an order under this section
16 unless the court makes, in the order, specific findings of fact
17 as to the conduct complained of by the requesting party and
18 fully sets forth the details of the conduct of the party which
19 is the subject of the order.

20 Section 6. The amendment of section 953(b) and (c) of the
21 act shall apply to elections held after January 1, 2017.

22 Amend Bill, page 4, line 12, by striking out "2" and
23 inserting

24 7

25 Amend Bill, page 4, line 12, by striking out "in 60 days" and
26 inserting

27 immediately