

## AMENDMENTS TO SENATE BILL NO. 421

Sponsor: REPRESENTATIVE DeLISSIO

Printer's No. 1292

1 Amend Bill, page 2, line 43, by inserting after

2 "JURISDICTION;"

3 removing references to the Traffic Court of Philadelphia;

4 Amend Bill, page 19, line 19, by inserting after "(B),"

5 630.1,

6 Amend Bill, page 19, line 19, by inserting after "909,"

7 910,

8 Amend Bill, page 19, line 19, by inserting after "951(D),"

9 976, 981.1, 993(a), 998(a) and (b),

10 Amend Bill, page 19, line 20, by inserting after "(E),"

11 1004,

12 Amend Bill, page 20, by inserting between lines 14 and 15

13 Section 630.1. Affidavits of Candidates.--Each candidate for  
14 any State, county, city, borough, incorporated town, township,  
15 school district or poor district office, or for the office of  
16 United States Senator or Representative in Congress, selected as  
17 provided in section 630 of this act, shall file with the  
18 nomination certificate an affidavit stating--(a) his residence,  
19 with street and number, if any, and his post-office address; (b)  
20 his election district, giving city, borough, town or township;  
21 (c) the name of the office for which he consents to be a  
22 candidate; (d) that he is eligible for such office; (e) that he  
23 will not knowingly violate any provision of this act, or of any  
24 law regulating and limiting election expenses and prohibiting  
25 corrupt practices in connection therewith; (f) unless he is a  
26 candidate for judge of a court of common pleas, the Philadelphia  
27 Municipal Court [or the Traffic Court of Philadelphia,] or for  
28 the office of school board in a district where that office is  
29 elective or for the office of justice of the peace, that he is  
30 not a candidate for the same office of any party or political  
31 body other than the one designated in such certificate; (g) that  
32 he is aware of the provisions of section 1626 of this act

1 requiring election and post-election reporting of campaign  
2 contributions and expenditures; and (h) that he is not a  
3 candidate for an office which he already holds, the term of  
4 which is not set to expire in the same year as the office  
5 subject to the affidavit.

6 Amend Bill, page 21, line 5, by inserting a bracket before  
7 "OR" where it occurs the first time

8 Amend Bill, page 21, line 5, by inserting a bracket after  
9 "PHILADELPHIA"

10 Amend Bill, page 21, by inserting between lines 17 and 18

11 Section 910. Affidavits of Candidates.--Each candidate for  
12 any State, county, city, borough, incorporated town, township,  
13 ward, school district, poor district, election district, party  
14 office, party delegate or alternate, or for the office of United  
15 States Senator or Representative in Congress, shall file with  
16 his nomination petition his affidavit stating--(a) his  
17 residence, with street and number, if any, and his post-office  
18 address; (b) his election district, giving city, borough, town  
19 or township; (c) the name of the office for which he consents to  
20 be a candidate; (d) that he is eligible for such office; (e)  
21 that he will not knowingly violate any provision of this act, or  
22 of any law regulating and limiting nomination and election  
23 expenses and prohibiting corrupt practices in connection  
24 therewith; (f) unless he is a candidate for judge of a court of  
25 common pleas, the Philadelphia Municipal Court [or the Traffic  
26 Court of Philadelphia,] or for the office of school director in  
27 a district where that office is elective or for the office of  
28 justice of the peace that he is not a candidate for nomination  
29 for the same office of any party other than the one designated  
30 in such petition; (g) if he is a candidate for a delegate, or  
31 alternate delegate, member of State committee, National  
32 committee or party officer, that he is a registered and enrolled  
33 member of the designated party; (h) if he is a candidate for  
34 delegate or alternate delegate the presidential candidate to  
35 whom he is committed or the term "uncommitted"; (i) that he is  
36 aware of the provisions of section 1626 of this act requiring  
37 pre-election and post-election reporting of campaign  
38 contributions and expenditures; and (j) that he is not a  
39 candidate for an office which he already holds, the term of  
40 which is not set to expire in the same year as the office  
41 subject to the affidavit. In cases of petitions for delegate and  
42 alternate delegate to National conventions, the candidate's  
43 affidavit shall state that his signature to the delegate's  
44 statement, as hereinafter set forth, if such statement is signed  
45 by said candidate, was affixed to the sheet or sheets of said  
46 petition prior to the circulation of same. In the case of a

1 candidate for nomination as President of the United States, it  
2 shall not be necessary for such candidate to file the affidavit  
3 required in this section to be filed by candidates, but the  
4 post-office address of such candidate shall be stated in such  
5 nomination petition.

6 Amend Bill, page 22, by inserting between lines 12 and 13

7 Section 976. Examination of Nomination Petitions,  
8 Certificates and Papers; Return of Rejected Nomination  
9 Petitions, Certificates and Papers.--When any nomination  
10 petition, nomination certificate or nomination paper is  
11 presented in the office of the Secretary of the Commonwealth or  
12 of any county board of elections for filing within the period  
13 limited by this act, it shall be the duty of the said officer or  
14 board to examine the same. No nomination petition, nomination  
15 paper or nomination certificate shall be permitted to be filed  
16 if--(a) it contains material errors or defects apparent on the  
17 face thereof, or on the face of the appended or accompanying  
18 affidavits; or (b) it contains material alterations made after  
19 signing without the consent of the signers; or (c) it does not  
20 contain a sufficient number of signatures as required by law;  
21 Provided, however, That the Secretary of the Commonwealth or the  
22 county board of elections, although not hereby required so to  
23 do, may question the genuineness of any signature or signatures  
24 appearing thereon, and if he or it shall thereupon find that any  
25 such signature or signatures are not genuine, such signature or  
26 signatures shall be disregarded in determining whether the  
27 nomination petition, nomination paper or nomination certificate  
28 contains a sufficient number of signatures as required by law;  
29 or (d) in the case of nomination petitions, if nomination  
30 petitions have been filed for printing the name of the same  
31 person for the same office, except the office of judge of a  
32 court of common pleas, the Philadelphia Municipal Court [or the  
33 Traffic Court of Philadelphia,] or the office of school director  
34 in districts where that office is elective or the office of  
35 justice of the peace upon the official ballot of more than one  
36 political party; or (e) in the case of nomination papers, if the  
37 candidate named therein has filed a nomination petition for any  
38 public office for the ensuing primary, or has been nominated for  
39 any such office by nomination papers previously filed; or (f) if  
40 the nomination petitions or papers are not accompanied by the  
41 filing fee or certified check required for said office; or (g)  
42 in the case of nomination papers, the appellation set forth  
43 therein is identical with or deceptively similar to the words  
44 used by any existing party or by any political body which has  
45 already filed nomination papers for the same office, or if the  
46 appellation set forth therein contains part of the name, or an  
47 abbreviation of the name or part of the name of an existing  
48 political party, or of a political body which has already filed  
49 nomination papers for the same office. The invalidity of any

1 sheet of a nomination petition or nomination paper shall not  
2 affect the validity of such petition or paper if a sufficient  
3 petition or paper remains after eliminating such invalid sheet.  
4 The action of said officer or board in refusing to receive and  
5 file any such nomination petition, certificate or paper, may be  
6 reviewed by the court upon an application to compel its  
7 reception as of the date when it was presented to the office of  
8 such officer or board: Provided, however, That said officer or  
9 board shall be entitled to a reasonable time in which to examine  
10 any petitions, certificates or papers, and to summon and  
11 interrogate the candidates named therein, or the persons  
12 presenting said petitions, certificates or papers, and his or  
13 their retention of same for the purpose of making such  
14 examination or interrogation shall not be construed as an  
15 acceptance or filing.

16 Upon completion of any examination, if any nomination  
17 petition, certificate or paper is found to be defective, it  
18 shall forthwith be rejected and returned to the candidate or one  
19 of the candidates named therein, together with a statement of  
20 the reasons for such rejection:

21 Provided further, That no nomination petition, nomination  
22 paper or nomination certificate shall be permitted to be filed,  
23 if the political party or political body referred to therein  
24 shall be composed of a group of electors whose purposes or aims,  
25 or one of whose purposes or aims, is the establishment, control,  
26 conduct, seizure or overthrow of the Government of the  
27 Commonwealth of Pennsylvania or the United States of America by  
28 the use of force, violence, military measure or threats of one  
29 or more of the foregoing. The authority to reject such  
30 nomination petition, paper or certificate for this reason shall,  
31 when filed with the Secretary of the Commonwealth, be vested in  
32 a committee composed of the Governor, the Attorney General and  
33 the Secretary of the Commonwealth, and when filed with any  
34 county board of elections shall be vested in such board. If in  
35 such case the committee or board, as the case may be, shall  
36 conclude that the acceptance of such nomination petition, paper  
37 or certificate should be refused, it shall within two days of  
38 the filing of such nomination petition, paper or certificate fix  
39 a place and a time five days in advance for hearing the matter,  
40 and notice thereof shall be given to all parties affected  
41 thereby. At the time and place so fixed the committee or board,  
42 as the case may be, shall hear testimony, but shall not be bound  
43 by technical rules of evidence. The testimony presented shall be  
44 stenographically recorded and made a part of the record of the  
45 committee or board. Within two days after such hearing the  
46 committee or board, if satisfied upon competent evidence that  
47 the said nomination petition, paper or certificate is not  
48 entitled to be accepted and filed, it shall announce its  
49 decision and immediately notify the parties affected thereby.  
50 Failure to announce decision within two days after such hearing  
51 shall be conclusive that such nomination petition, paper or

1 certificate has been accepted and filed. The decision of said  
2 committee or board in refusing to accept and file such  
3 nomination petition, paper or certificate may be reviewed by the  
4 court upon an application to compel its reception as of the date  
5 when presented to the Secretary of the Commonwealth or such  
6 board. The application shall be made within two days of the time  
7 when such decision is announced. If the application is properly  
8 made, any judge of said court may fix a time and place for  
9 hearing the matter in dispute, of which notice shall be served  
10 with a copy of said application upon the Secretary of the  
11 Commonwealth or the county board of elections, as the case may  
12 be. At the time so fixed, the court, or any judge thereof  
13 assigned for the purpose, shall hear the case de novo. If after  
14 such hearing the said court shall find that the decision of the  
15 committee or the board was erroneous, it shall issue its mandate  
16 to the committee or board to correct its decision and to accept  
17 and file the nomination paper, petition or certificate. From any  
18 decision of the court an appeal may be taken within two days  
19 after the entry thereof. It shall be the duty of the said court  
20 to fix the hearing and to announce its decision within such  
21 period of time as will permit the Secretary of the Commonwealth  
22 or the county board of elections to permit the names of the  
23 candidates affected by the court's decision to be printed on the  
24 ballot, if the court should so determine.

25 Section 981.1. Affidavits of Candidates.--Each candidate for  
26 any State, county, city, borough, incorporated town, township,  
27 ward, school district, poor district or election district  
28 office, or for the office of United States Senator or  
29 Representative in Congress, selected as provided in sections 979  
30 and 980 of this act, shall file with the substituted nomination  
31 certificate an affidavit stating--(a) his residence, with street  
32 and number, if any, and his post-office address; (b) his  
33 election district, giving city, borough, town or township; (c)  
34 the name of the office for which he consents to be a candidate;  
35 (d) that he is eligible for such office; (e) that he will not  
36 knowingly violate any provision of this act, or of any law  
37 regulating and limiting election expenses and prohibiting  
38 corrupt practices in connection therewith; (f) unless he is a  
39 candidate for judge of a court of common pleas, the Philadelphia  
40 Municipal Court [or the Traffic Court of Philadelphia,] or for  
41 the office of school board in a district where that office is  
42 elective or for the office of justice of the peace, that he is  
43 not a candidate for the same office of any party or political  
44 body other than the one designated in such certificate; (g) that  
45 he is aware of the provisions of section 1626 of this act  
46 requiring election and post-election reporting of campaign  
47 contributions and expenditures; and (h) that he is not a  
48 candidate for an office which he already holds, the term of  
49 which is not set to expire in the same year as the office  
50 subject to the affidavit.

51 Section 993. Filling of Certain Vacancies in Public Office

1 by Means of Nomination Certificates and Nomination Papers.--(a)  
2 In all cases where a vacancy shall occur for any cause in an  
3 elective public office, including that of judge of a court of  
4 record, at a time when such vacancy is required by the  
5 provisions of the Constitution or the laws of this Commonwealth  
6 to be filled at the ensuing election but at a time when  
7 nominations for such office cannot be made under any other  
8 provision of this act, nominations to fill such vacancies shall  
9 be made by political parties in accordance with party rules  
10 relating to the filling of vacancies by means of nomination  
11 certificates in the form prescribed in section nine hundred  
12 ninety-four of this act, and by political bodies by means of  
13 nomination papers in accordance with the provisions of sections  
14 nine hundred fifty-one, nine hundred fifty-two and nine hundred  
15 fifty-four of this act. No such nomination certificate shall  
16 nominate any person who has already been nominated by any other  
17 political party or by any political body for the same office  
18 unless such person is a candidate for the office of judge of a  
19 court of common pleas, the Philadelphia Municipal Court [or the  
20 Traffic Court of Philadelphia,] or for the office of school  
21 director in districts where that office is elective or for the  
22 office of justice of the peace. No such nomination papers shall  
23 nominate any person who has already been nominated by any  
24 political party or by any other political body for any office to  
25 be filled at the ensuing November election, unless such person  
26 is a candidate for the office of judge of a court of common  
27 pleas, the Philadelphia Municipal Court [or the Traffic Court of  
28 Philadelphia,] or for the office of school director in districts  
29 where that office is elective or for the office of justice of  
30 the peace.

31 \* \* \*

32 Section 998. Substituted Nominations to Fill Certain  
33 Vacancies for a November Election.--(a) Any vacancy happening  
34 or existing in any party nomination made in accordance with the  
35 provisions of section nine hundred ninety-three of this act for  
36 a November election by reason of the death or withdrawal of any  
37 candidate may be filled by a substituted nomination made by such  
38 committee as is authorized by the rules of the party to make  
39 nominations in the event of vacancies on the party ticket, in  
40 the form prescribed by section nine hundred ninety-four of this  
41 act. But no substituted nomination certificate shall nominate  
42 any person who has already been nominated by any other political  
43 party or by any political body for the same office, unless such  
44 person is a candidate for the office of judge of a court of  
45 common pleas, the Philadelphia Municipal Court [or the Traffic  
46 Court of Philadelphia,] or for the office of school director in  
47 districts where that office is elective or for the office of  
48 justice of the peace.

49 (b) In case of the death or withdrawal of any candidate  
50 nominated by a political body for an election, the committee  
51 named in the original nomination papers may nominate a

1 substitute in his place by filing a substituted nomination  
2 certificate in the form and manner prescribed by section nine  
3 hundred eighty of this act. In the case of a vacancy caused by  
4 the death of any candidate, said nomination certificate shall be  
5 accompanied by a death certificate properly certified. No  
6 substituted nomination certificate shall nominate any person who  
7 has already been nominated by any political party or by any  
8 other political body for any office to be filled at the ensuing  
9 November election, unless such person is a candidate for the  
10 office of judge of a court of common pleas, the Philadelphia  
11 Municipal Court [or the Traffic Court of Philadelphia,] or for  
12 the office of school director in districts where that office is  
13 elective or for the office of justice of the peace.

14 \* \* \*

15 Amend Bill, page 29, by inserting between lines 15 and 16

16 Section 1004. Form of Ballots; Printing Ballots; Stubs;  
17 Numbers.--From the lists furnished by the Secretary of the  
18 Commonwealth under the provisions of sections 915 and 984, and  
19 from petitions and papers filed in their office, the county  
20 election board shall print the official primary and election  
21 ballots in accordance with the provisions of this act: Provided,  
22 however, That in no event, shall the name of any person  
23 consenting to be a candidate for nomination for any one office,  
24 except the office of judge of a court of common pleas, the  
25 Philadelphia Municipal Court or [the Traffic Court of  
26 Philadelphia,] or the office of school director in districts  
27 where that office is elective or the office of justice of the  
28 peace be printed as a candidate for such office upon the  
29 official primary ballot of more than one party. All ballots for  
30 use in the same election district at any primary or election  
31 shall be alike. They shall be at least six inches long and four  
32 inches wide, and shall have a margin extending beyond any  
33 printing thereon. They shall be printed with the same kind of  
34 type (which shall not be smaller than the size known as  
35 "brevier" or "eight point body") upon white paper of uniform  
36 quality, without any impression or mark to distinguish one from  
37 another, and with sufficient thickness to prevent the printed  
38 matter from showing through. Each ballot shall be attached to a  
39 stub, and all the ballots for the same election district shall  
40 be bound together in books of fifty, in such manner that each  
41 ballot may be detached from its stub and removed separately. The  
42 ballots for each party to be used at a primary shall be bound  
43 separately. The stubs of the ballots shall be consecutively  
44 numbered, and in the case of primary ballots, the number shall  
45 be preceded by an initial or abbreviation designating the party  
46 name. The number and initial or abbreviation which appears upon  
47 the stub shall also be printed in the upper right hand corner of  
48 the back of the ballot, separated from the remainder of the  
49 ballot by a diagonal perforated line so prepared that the upper

1 right hand corner of the back of the ballot containing the  
2 number may be detached from the ballot before it is deposited in  
3 the ballot box and beside that corner shall also be printed,  
4 "Remove numbered stub immediately before depositing your ballot  
5 in ballot box."