

AMENDMENTS TO SENATE BILL NO. 421

Sponsor: REPRESENTATIVE DeLISSIO

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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."