

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2653 Session of
2010

INTRODUCED BY ROAE, SCAVELLO, HUTCHINSON, McILVAINE SMITH, RAPP,
SIPTROTH, SWANGER, R. TAYLOR AND YUDICHAK, JULY 16, 2010

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 16, 2010

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," providing for affidavits of candidates, for
12 nomination petitions, for substituted nominations, for
13 vacancies and for form of ballots.

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

16 Section 1. Sections 630.1 and 910 of the act of June 3, 1937
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,
18 amended May 12, 2006 (P.L.178, No.45), are amended to read:

19 Section 630.1. Affidavits of Candidates.--Each candidate for
20 any State, county, city, borough, incorporated town, township,
21 school district or poor district office, or for the office of
22 United States Senator or Representative in Congress, selected as
23 provided in section 630 of this act, shall file with the

1 nomination certificate an affidavit stating--(a) his residence,
2 with street and number, if any, and his post-office address; (b)
3 his election district, giving city, borough, town or township;
4 (c) the name of the office for which he consents to be a
5 candidate; (d) that he is eligible for such office; (e) 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; (f) unless he is a
9 candidate for judge of a court of common pleas, the Philadelphia
10 Municipal Court or the Traffic Court of Philadelphia, or for the
11 office of school board in a district where that office is
12 elective or for the office of justice of the peace, that he is
13 not a candidate for the same office of any party or political
14 body other than the one designated in such certificate; (g) that
15 he is aware of the provisions of section 1626 of this act
16 requiring election and post-election reporting of campaign
17 contributions and expenditures; [and] (h) that he is not a
18 candidate for an office which he already holds, the term of
19 which is not set to expire in the same year as the office
20 subject to the affidavit; and (i) that he is not a candidate for
21 nomination for or election to more than one public office to be
22 filled at the special election or any primary, municipal or
23 general election held on the same date.

24 Section 910. Affidavits of Candidates.--Each candidate for
25 any State, county, city, borough, incorporated town, township,
26 ward, school district, poor district, election district, party
27 office, party delegate or alternate, or for the office of United
28 States Senator or Representative in Congress, shall file with
29 his nomination petition his affidavit stating--(a) his
30 residence, with street and number, if any, and his post-office

1 address; (b) his election district, giving city, borough, town
2 or township; (c) the name of the office for which he consents to
3 be a candidate; (d) that he is eligible for such office; (e)
4 that he will not knowingly violate any provision of this act, or
5 of any law regulating and limiting nomination and election
6 expenses and prohibiting corrupt practices in connection
7 therewith; (f) unless he is a candidate for judge of a court of
8 common pleas, the Philadelphia Municipal Court or the Traffic
9 Court of Philadelphia, or for the office of school director in a
10 district where that office is elective or for the office of
11 justice of the peace that he is not a candidate for nomination
12 for the same office of any party other than the one designated
13 in such petition; (g) if he is a candidate for a delegate, or
14 alternate delegate, member of State committee, National
15 committee or party officer, that he is a registered and enrolled
16 member of the designated party; (h) if he is a candidate for
17 delegate or alternate delegate the presidential candidate to
18 whom he is committed or the term "uncommitted"; (i) that he is
19 aware of the provisions of section 1626 of this act requiring
20 pre-election and post-election reporting of campaign
21 contributions and expenditures; [and] (j) that he is not a
22 candidate for an office which he already holds, the term of
23 which is not set to expire in the same year as the office
24 subject to the affidavit; and (k) that he is not a candidate for
25 nomination for more than one public office. In cases of
26 petitions for delegate and alternate delegate to National
27 conventions, the candidate's affidavit shall state that his
28 signature to the delegate's statement, as hereinafter set forth,
29 if such statement is signed by said candidate, was affixed to
30 the sheet or sheets of said petition prior to the circulation of

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

6 Section 2. The act is amended by adding a section to read:

7 Section 976.1. Nomination Petitions, Papers and Certificates
8 Filed by Persons Running for More Than One Public Office.--Upon
9 receipt of a nomination petition, nomination paper or nomination
10 certificate from a person who has been nominated for or who is
11 seeking nomination for or election to more than one public
12 office to be filled at the same election, the Secretary of the
13 Commonwealth or the county board of elections shall notify such
14 person by overnight mail, within one day after the applicable
15 deadline for filing nomination petitions, papers or
16 certificates, that he or she may seek nomination for or election
17 to only one public office at any one election and that he or she
18 must withdraw one or more of his or her nomination petitions,
19 papers or certificates and affirm that he or she intends to seek
20 nomination for or election to the one public office referred to
21 in the remaining nomination petition, paper or certificate. A
22 person shall respond to such notice no later than the applicable
23 deadline for withdrawal of nomination petitions, papers or
24 certificates. In the event that such person fails to withdraw
25 one or more of his or her nomination petitions, papers or
26 certificates, as required under this section, all of the
27 nomination petitions, papers or certificates he or she has filed
28 shall be rejected.

29 Section 3. Section 979 of the act, amended May 6, 1943

30 (P.L.196, No.100), is amended to read:

1 Section 979. Substituted Nominations by Parties.--Any
2 vacancy happening or existing after the date of the primary in
3 any party nomination, by reason of the death or withdrawal of
4 any candidate after nomination, or by reason of the death before
5 or on the day of the primary election of a candidate for
6 nomination who had received a plurality of votes of his party
7 electors cast for the office for which he sought nomination, may
8 be filled by a substituted nomination made by such committee as
9 is authorized by the rules of the party to make nominations in
10 the event of vacancies on the party ticket: Provided, however,
11 That no substitute nomination certificate shall nominate any
12 person who has already been nominated by any political party or
13 by any other political body for the same office or who has been
14 nominated for another public office. Upon the making of any such
15 substituted nomination, in accordance with the party rules, it
16 shall be the duty of the chairman and secretary or secretaries
17 of the party committee making the nomination to file with the
18 Secretary of the Commonwealth in the case of United States
19 Senator, Representative in Congress and all State officers,
20 including judges of courts of records, senators and
21 representatives, and with the proper county board of elections
22 in the case of other offices, a nomination certificate which
23 shall be signed by the chairman and secretary or secretaries of
24 the said committee, and which shall set forth the following:
25 (a) The office and district, if any, for which it is filed;
26 (b) the cause of the vacancy; (c) the rule or rules of the
27 political party, setting forth the provisions applicable to a
28 substituted nomination; (d) that a quorum of the committee,
29 caucus or convention, as provided by the party rules, duly
30 convened, and the names of those present at said meeting, or

1 their proxies; that said persons are the duly appointed or
2 elected members of said committee, caucus or convention; (e) the
3 name, residence and occupation of the candidate duly nominated
4 at said meeting. Every such certificate of nomination shall be
5 sworn to or affirmed by the chairman and secretary or
6 secretaries before an officer qualified to administer oaths.

7 Section 4. Section 980 of the act, amended July 5, 1947
8 (P.L.1358, No.537), is amended to read:

9 Section 980. Substituted Nominations by Political Bodies.--
10 In case of the death or withdrawal of any candidate nominated by
11 any political body by nomination papers, the committee named in
12 the original nomination papers may nominate a substitute in his
13 place by filing in the proper office a substituted nomination
14 certificate, which shall set forth the facts of the appointment
15 and powers of the committee (naming all its members), of the
16 death or withdrawal of the candidate and of the action of the
17 committee thereon, giving the name, residence and occupation of
18 the candidate substituted thereby, and the truth of these facts
19 shall be verified by the affidavit annexed to the certificate of
20 at least two members of the committee. In the case of a vacancy
21 caused by the death of any candidate, said substituted
22 nomination certificate shall be accompanied by a death
23 certificate, properly certified: Provided, however, That no
24 substitute nomination certificate shall nominate any person who
25 was a candidate for nomination by any political party for any
26 office to be filled at the ensuing November election, whether or
27 not nominated for such office by such political party, or who
28 has already been nominated [by any other political body] for any
29 office to be filled at the ensuing November or special election.

30 Section 5. Section 981.1 of the act, amended May 12, 2006

1 (P.L.178, No.45), is amended to read:

2 Section 981.1. Affidavits of Candidates.--Each candidate for
3 any State, county, city, borough, incorporated town, township,
4 ward, school district, poor district or election district
5 office, or for the office of United States Senator or
6 Representative in Congress, selected as provided in sections 979
7 and 980 of this act, shall file with the substituted nomination
8 certificate an affidavit stating--(a) his residence, with street
9 and number, if any, and his post-office address; (b) his
10 election district, giving city, borough, town or township; (c)
11 the name of the office for which he consents to be a candidate;
12 (d) that he is eligible for such office; (e) that he will not
13 knowingly violate any provision of this act, or of any law
14 regulating and limiting election expenses and prohibiting
15 corrupt practices in connection therewith; (f) unless he is a
16 candidate for judge of a court of common pleas, the Philadelphia
17 Municipal Court or the Traffic Court of Philadelphia, or for the
18 office of school board in a district where that office is
19 elective or for the office of justice of the peace, that he is
20 not a candidate for the same office of any party or political
21 body other than the one designated in such certificate; (g) that
22 he is aware of the provisions of section 1626 of this act
23 requiring election and post-election reporting of campaign
24 contributions and expenditures; [and] (h) that he is not a
25 candidate for an office which he already holds, the term of
26 which is not set to expire in the same year as the office
27 subject to the affidavit; and (i) that he is not a candidate for
28 election to more than one public office.

29 Section 6. Sections 993(a), 998(a) and (b) and 1004 of the
30 act, amended February 19, 1986 (P.L.29, No.11), are amended to

1 read:

2 Section 993. Filling of Certain Vacancies in Public Office
3 by Means of Nomination Certificates and Nomination Papers.--(a)
4 In all cases where a vacancy shall occur for any cause in an
5 elective public office, including that of judge of a court of
6 record, at a time when such vacancy is required by the
7 provisions of the Constitution or the laws of this Commonwealth
8 to be filled at the ensuing election but at a time when
9 nominations for such office cannot be made under any other
10 provision of this act, nominations to fill such vacancies shall
11 be made by political parties in accordance with party rules
12 relating to the filling of vacancies by means of nomination
13 certificates in the form prescribed in section nine hundred
14 ninety-four of this act, and by political bodies by means of
15 nomination papers in accordance with the provisions of sections
16 nine hundred fifty-one, nine hundred fifty-two and nine hundred
17 fifty-four of this act. No such nomination certificate shall
18 nominate any person who has already been nominated by any other
19 political party or by any political body for the same office
20 unless such person is a candidate for the office of judge of a
21 court of common pleas, the Philadelphia Municipal Court or the
22 Traffic Court of Philadelphia, or for the office of school
23 director in districts where that office is elective or for the
24 office of justice of the peace. No such nomination papers shall
25 nominate any person who has already been nominated by any
26 political party or by any other political body for [any office
27 to be filled at the ensuing November election] the same office,
28 unless such person is a candidate for the office of judge of a
29 court of common pleas, the Philadelphia Municipal Court or the
30 Traffic Court of Philadelphia, or for the office of school

1 director in districts where that office is elective or for the
2 office of justice of the peace. No such nomination certificate
3 or nomination paper shall nominate any person who is a candidate
4 for election to any other public office.

5 Section 998. Substituted Nominations to Fill Certain
6 Vacancies for a November Election.--(a) Any vacancy happening
7 or existing in any party nomination made in accordance with the
8 provisions of section nine hundred ninety-three of this act for
9 a November election by reason of the death or withdrawal of any
10 candidate may be filled by a substituted nomination made by such
11 committee as is authorized by the rules of the party to make
12 nominations in the event of vacancies on the party ticket, in
13 the form prescribed by section nine hundred ninety-four of this
14 act. But no substituted nomination certificate shall nominate
15 any person who has already been nominated by any other political
16 party or by any political body for the same office, unless such
17 person is a candidate for the office of judge of a court of
18 common pleas, the Philadelphia Municipal Court or the Traffic
19 Court of Philadelphia, or for the office of school director in
20 districts where that office is elective or for the office of
21 justice of the peace. No substituted nomination certificate
22 shall nominate any person who is a candidate for election to any
23 other public office.

24 (b) In case of the death or withdrawal of any candidate
25 nominated by a political body for an election, the committee
26 named in the original nomination papers may nominate a
27 substitute in his place by filing a substituted nomination
28 certificate in the form and manner prescribed by section nine
29 hundred eighty of this act. In the case of a vacancy caused by
30 the death of any candidate, said nomination certificate shall be

1 accompanied by a death certificate properly certified. No
2 substituted nomination certificate shall nominate any person who
3 has already been nominated by any political party or by any
4 other political body for [any office to be filled at the ensuing
5 November election] the same office, unless such person is a
6 candidate for the office of judge of a court of common pleas,
7 the Philadelphia Municipal Court or the Traffic Court of
8 Philadelphia, or for the office of school director in districts
9 where that office is elective or for the office of justice of
10 the peace. No substituted nomination certificate shall nominate
11 any person who is a candidate for election to any other public
12 office.

13 * * *

14 Section 1004. Form of Ballots; Printing Ballots; Stubs;
15 Numbers.--From the lists furnished by the Secretary of the
16 Commonwealth under the provisions of sections 915 and 984, and
17 from petitions and papers filed in their office, the county
18 election board shall print the official primary and election
19 ballots in accordance with the provisions of this act: Provided,
20 however, That in no event, shall the name of any person
21 consenting to be a candidate for nomination for any one office,
22 except the office of judge of a court of common pleas, the
23 Philadelphia Municipal Court or the Traffic Court of
24 Philadelphia, or the office of school director in districts
25 where that office is elective or the office of justice of the
26 peace be printed as a candidate for such office upon the
27 official primary ballot of more than one party[.]: Provided,
28 further, That in no event shall the name of any person
29 consenting to be a candidate for nomination for or election to
30 any one public office be printed as a candidate for nomination

1 for any other public office. All ballots for use in the same
2 election district at any primary or election shall be alike.
3 They shall be at least six inches long and four inches wide, and
4 shall have a margin extending beyond any printing thereon. They
5 shall be printed with the same kind of type (which shall not be
6 smaller than the size known as "brevier" or "eight point body")
7 upon white paper of uniform quality, without any impression or
8 mark to distinguish one from another, and with sufficient
9 thickness to prevent the printed matter from showing through.
10 Each ballot shall be attached to a stub, and all the ballots for
11 the same election district shall be bound together in books of
12 fifty, in such manner that each ballot may be detached from its
13 stub and removed separately. The ballots for each party to be
14 used at a primary shall be bound separately. The stubs of the
15 ballots shall be consecutively numbered, and in the case of
16 primary ballots, the number shall be preceded by an initial or
17 abbreviation designating the party name. The number and initial
18 or abbreviation which appears upon the stub shall also be
19 printed in the upper right hand corner of the back of the
20 ballot, separated from the remainder of the ballot by a diagonal
21 perforated line so prepared that the upper right hand corner of
22 the back of the ballot containing the number may be detached
23 from the ballot before it is deposited in the ballot box and
24 beside that corner shall also be printed, "Remove numbered stub
25 immediately before depositing your ballot in ballot box."

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