INTRODUCED BY LAWRENCE, BERNSTINE, DeLUCA, DUNBAR, GILLEN, F. KELLER, MENTZER, MURT, RYAN, SAYLOR AND ZIMMERMAN,
JULY 30, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 30, 2020

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in preliminary provisions, further providing for definitions; in dates of elections and primaries and special elections, further providing for affidavits of candidates; and, in nomination of candidates, further providing for affidavits of candidates, for nominations by political bodies, for examination of nomination petitions, certificates and papers and return of rejected nomination petitions, certificates and papers and for affidavits of candidates.

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

Section 1. Section 102 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding subsections to read:

Section 102. Definitions.--The following words, when used in this act, shall have the following meanings, unless otherwise
clearly apparent from the context:

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(z.6) The words "controlled substance" shall mean a drug, substance or immediate precursor included in Schedule I of section 4 of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(z.7) The words "testing laboratory" shall mean a laboratory that is certified by the United States Department of Health and Human Services to conduct drug and specimen validity tests on urine specimens for Federal agencies.

Section 2. Sections 630.1, 910, 951(e), 976 first paragraph and 981.1 of the act are amended to read:

Section 630.1. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided in section 630 of this act, shall file with the nomination certificate an affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political
body other than the one designated in such certificate; (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures; \[and\] (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit]; and (i) in the case of a candidate for State office, that the candidate has undergone controlled substance testing conducted by a testing laboratory no more than thirty (30) days prior to the deadline for filing the affidavit. Each candidate for State office who submits an affidavit under this section shall append to the affidavit the controlled substance testing report.

Section 910. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in a district where that office is elective or for the office of
justice of the peace that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term "uncommitted"; (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures; [and] (j) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit[.] and (k) in the case of a candidate for State office, that the candidate has undergone controlled substance testing conducted by a testing laboratory no more than thirty (30) days prior to the deadline for filing the affidavit.

Each candidate for State office who submits an affidavit under this section shall append to the affidavit the controlled substance testing report. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.
Section 951. Nominations by Political Bodies.--* * *
(e) There shall be appended to each nomination paper offered for filing an affidavit of each candidate nominated therein, stating--(1) the election district in which he resides; (2) the name of the office for which he consents to be a candidate; (3) that he is eligible for such office; (4) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses, and prohibiting corrupt practices in connection therewith; (5) that his name has not been presented as a candidate by nomination petitions for any public office to be voted for at the ensuing primary election, nor has he been nominated by any other nomination papers filed for any such office; (6) that in the case where he is a candidate for election at a general or municipal election, he was not a registered and enrolled member of a party thirty (30) days before the primary held prior to the general or municipal election in that same year; (7) that, in the case where he is a candidate for election at a special election, he is not a registered and enrolled member of a party; [and] (8) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit[.]; and (9) in the case of a candidate for State office, that the candidate has undergone controlled substance testing conducted by a testing laboratory no more than thirty (30) days prior to the deadline for filing the affidavit. Each candidate for State office who submits an affidavit under this section shall append to the affidavit the controlled substance testing report.

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Section 976. Examination of Nomination Petitions, Certificates and Papers; Return of Rejected Nomination
Petitions, Certificates and Papers.--When any nomination petition, nomination certificate or nomination paper is presented in the office of the Secretary of the Commonwealth or of any county board of elections for filing within the period limited by this act, it shall be the duty of the said officer or board to examine the same. No nomination petition, nomination paper or nomination certificate shall be permitted to be filed if--(a) it contains material errors or defects apparent on the face thereof, or on the face of the appended or accompanying affidavits; or (b) it contains material alterations made after signing without the consent of the signers; or (c) it does not contain a sufficient number of signatures as required by law; Provided, however, That the Secretary of the Commonwealth or the county board of elections, although not hereby required so to do, may question the genuineness of any signature or signatures appearing thereon, and if he or it shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded in determining whether the nomination petition, nomination paper or nomination certificate contains a sufficient number of signatures as required by law; or (d) in the case of nomination petitions, if nomination petitions have been filed for printing the name of the same person for the same office, except the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or the office of school director in districts where that office is elective or the office of justice of the peace upon the official ballot of more than one political party; or (e) in the case of nomination papers, if the candidate named therein has filed a nomination petition for any public office for the ensuing primary, or has been nominated for
any such office by nomination papers previously filed; or (f) if the nomination petitions or papers are not accompanied by the filing fee or certified check required for said office; or (g) in the case of nomination papers, the appellation set forth therein is identical with or deceptively similar to the words used by any existing party or by any political body which has already filed nomination papers for the same office, or if the appellation set forth therein contains part of the name, or an abbreviation of the name or part of the name of an existing political party, or of a political body which has already filed nomination papers for the same office; or (h) in the case of a candidate for State office, if the nomination petitions, papers or certificates are not accompanied by a controlled substance testing report, as required under sections 630.1, 910, 951 and 981.1. The invalidity of any sheet of a nomination petition or nomination paper shall not affect the validity of such petition or paper if a sufficient petition or paper remains after eliminating such invalid sheet. The action of said officer or board in refusing to receive and file any such nomination petition, certificate or paper, may be reviewed by the court upon an application to compel its reception as of the date when it was presented to the office of such officer or board: Provided, however, That said officer or board shall be entitled to a reasonable time in which to examine any petitions, certificates or papers, and to summon and interrogate the candidates named therein, or the persons presenting said petitions, certificates or papers, and his or their retention of the same for the purpose of making such examination or interrogation shall not be construed as an acceptance or filing.

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Section 981.1. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district or election district office, or for the office of United States Senator or Representative in Congress, selected as provided in sections 979 and 980 of this act, shall file with the substituted nomination certificate an affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school board in a district where that office is elective or for the office of justice of the peace, that he is not a candidate for the same office of any party or political body other than the one designated in such certificate; (g) that he is aware of the provisions of section 1626 of this act requiring election and post-election reporting of campaign contributions and expenditures; [and] (h) that he is not a candidate for an office which he already holds, the term of which is not set to expire in the same year as the office subject to the affidavit[.]; and (i) in the case of a candidate for State office, that the candidate has undergone controlled substance testing conducted by a testing laboratory no more than thirty (30) days prior to the deadline for filing the affidavit.

Each candidate for State office who submits an affidavit under 20200HB2719PN4170
1 this section shall append to the affidavit the controlled
2 substance testing report.
3 Section 3. This act shall take effect in 180 days.