

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2696 Session of  
1978

INTRODUCED BY CAPUTO, SEPTEMBER 11, 1978

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 11, 1978

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," adding additional provisions relating to  
12 candidates' affidavits, revising the number of signatures  
13 required on nomination petitions, eliminating filing fees,  
14 and imposing certain duties on the Secretary of the  
15 Commonwealth and county boards of elections in connection  
16 therewith.

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

19 Section 1. Section 906, act of June 3, 1937 (P.L.1333,  
20 No.320), known as the "Pennsylvania Election Code," amended  
21 August 13, 1963 (P.L.707, No.379), is amended to read:

22 Section 906. Publication of Notice of Officers to Be  
23 Nominated and Elected.--Beginning not earlier than twelve weeks,  
24 nor later than eleven weeks before any General or Municipal  
25 primary, the county board of each county shall publish in

1 newspapers, as provided by section 106 of this act, a notice  
2 setting forth the number of delegates and alternate delegates to  
3 the National convention of each party who are to be elected in  
4 the State at large at the ensuing primary, and the number of  
5 delegates and alternate delegates who are to be elected at the  
6 said primary in said county, or in any district of which said  
7 county or part thereof forms a part, and also setting forth the  
8 names of all public offices for which nominations are to be  
9 made, and the names of all party offices, including that of  
10 members of the National committee, if any, and State committee,  
11 for which candidates are to be elected at said primary in said  
12 county, or in any district of which such county or part thereof  
13 forms a part, or in the State at large. Said notice shall  
14 contain the date of the primary, the number of signatures  
15 required on nomination petitions for all party offices required  
16 to be elected at said primary and the number of signatures  
17 required on nomination petitions for all public offices required  
18 to be nominated at said primary, and shall be published once  
19 each week for two successive weeks in counties of the first and  
20 second class and once in all other counties.

21 Section 2. Section 910 of the act, amended June 27, 1974  
22 (P.L.413, No.146), is amended to read:

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

1 or township; (c) the name of the office for which he consents to  
2 be a candidate; (d) the number of signatures required to file a  
3 nomination petition for such office; (e) that he is eligible for  
4 such office; [(e)] (f) that he will not knowingly violate any  
5 provision of this act, or of any law regulating and limiting  
6 nomination and election expenses and prohibiting corrupt  
7 practices in connection therewith; [(f)] (g) unless he is a  
8 candidate for judge of a court of record, or for the office of  
9 school director in a district where that office is elective or  
10 for the office of justice of the peace that he is not a  
11 candidate for nomination for the same office of any party other  
12 than the one designated in such petition; [(g)] (h) that his  
13 name has not been presented as a candidate by nomination  
14 petition for any other public office to be voted for at the  
15 ensuing primary election; (i) if he is a candidate for a  
16 delegate, or alternate delegate, member of State committee,  
17 National committee or party officer, that he is a registered and  
18 enrolled member of the designated party; and [(h)] (j) if he is  
19 a candidate for delegate or alternate delegate the presidential  
20 candidate to whom he is committed or the term "uncommitted." In  
21 cases of petitions for delegate and alternate delegate to  
22 National conventions, the candidate's affidavit shall state that  
23 his signature to the delegate's statement, as hereinafter set  
24 forth, if such statement is signed by said candidate, was  
25 affixed to the sheet or sheets of said petition prior to the  
26 circulation of same. In the case of a candidate for nomination  
27 as President of the United States, it shall not be necessary for  
28 such candidate to file the affidavit required in this section to  
29 be filed by candidates, but the post-office address of such  
30 candidate shall be stated in such nomination petition.

1 Section 3. Section 912 of the act is repealed.

2 Section 4. The act is amended by adding a section to read:

3 Section 912.1. Number of Signers Required; Nomination

4 Petitions of Candidates at Primaries Shall Be Signed.--(a) If  
5 for the office of President of the United States, or of United  
6 States Senator, or for a State office to be filled by a vote of  
7 the electors of the State at large, by at least one-tenth of one  
8 per centum of the registered and enrolled members of the proper  
9 party, in the State, based on the official party enrollment of  
10 electors at the preceding November election, or by at least one  
11 thousand registered and enrolled members of the proper party,  
12 whichever number is the greater: Provided, That such signatures  
13 shall include those of registered and enrolled members of the  
14 proper party residing in each of the least ten counties of the  
15 State: And provided further, That the number of signatures in  
16 each such county shall be the equivalent to at least ten per  
17 centum of the total number of signatures required for such  
18 Statewide office.

19 (b) If for a public or party office to be filled by a vote  
20 of the electors in counties of the first class at large, or for  
21 a public or party office to be filled by a vote of the electors  
22 in counties of the second class at large, or for a public or  
23 party office to be filled by a vote of the electors in cities of  
24 the first class at large, by at least one-fourth of one per  
25 centum of the registered and enrolled members of the proper  
26 party in the electoral district for which the nomination  
27 petition is to be filed, based on the official party enrollment  
28 at the preceding November election, or by at least one hundred  
29 registered and enrolled members of the proper party in said  
30 electoral district, whichever number is greater.

1     (c) If for the office of judge of any court of record other  
2 than a court whose judges are to be elected by a vote of the  
3 electors of the State at large, by at least one-half of one per  
4 centum of the registered and enrolled members of the proper  
5 party in the judicial district for which the nomination petition  
6 is to be filed, based on the official party enrollment at the  
7 preceding November election, or by at least two hundred  
8 registered and enrolled members of the proper party in said  
9 judicial district, whichever number is greater.

10    (d) If for a public or party office to be filled by a vote  
11 of the electors in counties of the second class A at large, or  
12 for a public or party office to be filled by a vote of the  
13 electors in cities of the second class at large, by at least  
14 one-half of one per centum of the registered and enrolled  
15 members of the proper party in the electoral district for which  
16 the nomination petition is to be filed, based on the official  
17 party enrollment at the preceding November election, or by at  
18 least one hundred registered and enrolled members of the proper  
19 party in said electoral district, whichever number is greater.

20    (e) If for the office of Representative in Congress, or of  
21 delegate or alternate delegate to a National party convention,  
22 other than delegate or alternate delegate at large, by at least  
23 three-quarters of one per centum of the registered and enrolled  
24 members of the proper party in the Congressional district for  
25 which the nomination petition is to be filed, based on the  
26 official party enrollment at the preceding November election, or  
27 by at least two hundred registered and enrolled members of the  
28 proper party in said Congressional district, whichever number is  
29 greater.

30    (f) If for a public or party office to be filled by a vote

1 of the electors in counties of the third class at large, by at  
2 least three-quarters of one per centum of the registered and  
3 enrolled members of the proper party in the electoral district  
4 for which the nomination petition is to be filed, based on the  
5 official party enrollment at the preceding November election, or  
6 by at least one hundred registered and enrolled members of the  
7 proper party in said electoral district, whichever number is  
8 greater.

9 (g) If for the office of Senator in the General Assembly by  
10 at least one per centum of the registered and enrolled members  
11 of the proper party in the Senatorial district for which the  
12 nomination petition is to be filed, based on the official party  
13 enrollment at the preceding November election, or by at least  
14 two hundred registered and enrolled members of the proper party  
15 in said Senatorial district, whichever number is greater.

16 (h) If for a public or party office to be filled by a vote  
17 of the electors in counties of the fourth class at large, or for  
18 a public or party office to be filled by a vote of the electors  
19 in cities of the second class A at large, or for a public or  
20 party office to be filled by a vote of the electors in cities of  
21 the third class at large, or for a member of State committee by  
22 at least one per centum of the registered and enrolled members  
23 of the proper party in the electoral district for which the  
24 nomination petition is to be filed, based on the official party  
25 enrollment at the preceding November election, or by at least  
26 one hundred registered and enrolled members of the proper party  
27 in said electoral district, whichever number is greater.

28 (i) If for the office of Representative in the General  
29 Assembly, or for the office of district council member in a city  
30 of the first class, or for a public or party office to be filled

1 by a vote of the electors in counties of the fifth class at  
2 large, or for a public or party office to be filled by a vote of  
3 the electors in counties of the sixth class at large, or for a  
4 public or party office to be filled by a vote of the electors in  
5 counties of the seventh class at large, or for a public or party  
6 office to be filled by a vote of the electors in counties of the  
7 eighth class at large, by at least two per centum of the  
8 registered and enrolled members of the proper party in the  
9 electoral district for which the nomination petition is to be  
10 filed, based on the official party enrollment at the preceding  
11 November election, or by at least one hundred registered and  
12 enrolled members in said electoral district, whichever number is  
13 greater.

14 (j) If for any other party office or for the office of judge  
15 of election, by at least ten registered and enrolled members of  
16 the proper party.

17 (k) If for the office of inspector of election, by at least  
18 five registered and enrolled members of the proper party.

19 (l) And for all other public offices, by at least two per  
20 centum of the registered and enrolled members of the proper  
21 party in the electoral district for which the nomination  
22 petition is to be filed, based on the official party enrollment  
23 at the preceding November election, or by at least ten  
24 registered and enrolled members of the proper party in said  
25 electoral district, whichever number is greater.

26 Section 5. Subsections (b) and (c) of section 913 of the act  
27 are repealed.

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

29 Section 913.1. Determination by Secretary of Commonwealth  
30 and County Boards of Number of Signatures Required on Nomination

1 Petitions; Posting Same.--To assist persons in ascertaining the  
2 number of signatures required on nomination petitions, the  
3 Secretary of the Commonwealth, for those offices for which  
4 nomination petitions are required to be filed in the office of  
5 the Secretary of the Commonwealth, and the county board of  
6 elections for those offices for which nomination petitions are  
7 required to be filed in the office of the county board of  
8 elections shall, on or before January 1st of each year,  
9 determine the number of signatures required on the nomination  
10 petitions, as set forth in section 912.1 of this act, for each  
11 public or party office for which nomination is to be made, or  
12 election is to be held on the day of the ensuing primary. The  
13 Secretary of the Commonwealth or the county board of elections  
14 as the case may be, shall post a listing of such signature  
15 requirements in a conspicuous public place at its office.  
16 Further, the Secretary of the Commonwealth, in transmitting to  
17 county boards of elections notification of nominations as set  
18 forth in section 905 of this act, shall designate therein  
19 certification of the number of signatures required on the  
20 nomination petition of the offices, public or party, for which  
21 candidates are to be nominated or elected at the ensuing  
22 primary, and for which offices, nomination petitions are  
23 required to be filed in the office of the Secretary of the  
24 Commonwealth. Provided, further, that the county board of  
25 elections shall include in the publication of notice of officers  
26 to be nominated or elected in accordance with section 906 of  
27 this act, the necessary number of signatures required for each  
28 party office for which candidates are to be elected at the  
29 ensuing primary and the necessary number of signatures required  
30 for each public office for which candidates are to be nominated



1 at the ensuing primary.

2 Section 7. Subsection (b) of section 951 of the act, amended  
3 December 22, 1971 (P.L.613, No.165), is amended to read:

4 Section 951. Nominations by Political Bodies.--\* \* \*

5 (b) Where the nomination is for any office to be filled by  
6 the electors of the State at large, the number of qualified  
7 electors of the State signing such nomination paper shall be at  
8 least equal to two per centum of the largest entire vote cast  
9 for any elected candidate in the State at large at the last  
10 preceding election at which State-wide candidates were voted  
11 for. In the case of all other nominations, the number of  
12 qualified electors of the electoral district signing such  
13 nomination papers shall be at least equal to two per centum of  
14 the largest entire vote cast for any officer, except a judge of  
15 a court of record, elected at the last preceding election in  
16 said electoral district for which said nomination papers are to  
17 be filed, and shall be not less than the largest number of  
18 signers required for nomination petitions for party candidates  
19 for the same office. In cases where a new electoral district  
20 shall have been created, the number of qualified electors  
21 signing such nomination papers, for candidates to be elected at  
22 the first election held after the creation of such district,  
23 shall be at least equal to two per centum of the largest vote  
24 cast in the several election districts, which are included in  
25 the district newly created, for any officer elected in the last  
26 preceding election, and shall be not less than the largest  
27 number of signers required for nomination petitions for party  
28 candidates for any office in such new electoral district.

29 \* \* \*

30 Section 8. Section 954 of the act is repealed.

1       Section 9.   Section 978.1 of the act, amended August 13, 1963  
2   (P.L.707, No.379) and April 28, 1978 (No.53), is amended to  
3   read:

4       Section 978.1.   Vacancy in Party Nomination [by Failure to  
5   Pay Filing Fee or] for Failure to File Loyalty Oath.--Every  
6   person nominated at any primary election as the candidate of any  
7   political party for any office, [other than a borough, town,  
8   township, school district or poor district office, or the office  
9   of justice of the peace, or constable, who has not paid the  
10   filing fee required by section nine hundred thirteen of this  
11   act, as amended, for the filing of a nomination petition for  
12   such office, or] who has not filed the loyalty oath required by  
13   section 14, act of December 22, 1951 (P.L.1726, No.463), known  
14   as the "Pennsylvania Loyalty Act," as last amended June 19, 1961  
15   (P.L.446, No.221), shall [pay the amount of such fee to and]  
16   file such oath with the Secretary of the Commonwealth or the  
17   county board of elections, as the case may be, at least eighty-  
18   five (85) days previous to the day of the general or municipal  
19   election at which such candidate's name would appear on the  
20   ballot. Failure to [pay such fee or] file such oath within the  
21   time herein prescribed shall result in a vacancy in such party  
22   nomination. Such vacancy shall be filled in the manner  
23   hereinafter provided for the filling of such vacancies happening  
24   by reason of the death or withdrawal of any candidate.

25       Section 10.   Section 1405 of the act, amended December 2,  
26   1971 (P.L.613, No.165), is amended to read:

27       Section 1405.   Manner of Computing Irregular Ballots.--The  
28   county board, in computing the votes cast at any primary or  
29   election, shall compute and certify votes cast on irregular  
30   ballots exactly as such names were written, stamped, affixed to

1 the ballot by sticker, or deposited or affixed in or on  
2 receptacles for that purpose, and as they have been so returned  
3 by the election officers. In the primary the Secretary of the  
4 Commonwealth shall not certify the votes cast on irregular  
5 ballots for any person for a National office including that of  
6 the President of the United States, United States Senator and  
7 Representative in Congress; or for any State office including  
8 that of Governor and Lieutenant Governor, Auditor General, State  
9 Treasurer, Senator and Representative in the General Assembly,  
10 justices and judges of courts of record or for any party office  
11 including that of delegate or alternate delegate to National  
12 conventions and member of State committee unless the total  
13 number of votes cast for said person is equal to or greater than  
14 the number of signatures required on a nomination petition for  
15 the particular office in that particular political party  
16 primary. In the primary the county board shall not certify the  
17 votes cast on irregular ballots for any person for a justice of  
18 the peace, constable, National, State, county, city, borough,  
19 town, township, ward, school district, election or local party  
20 office unless the total number of votes cast for said person is  
21 equal to or greater than the number of signatures required on a  
22 nomination petition for the particular office in that particular  
23 political party primary.

24 Section 11. This act shall take effect December 31, 1978.