

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 421**

Session of  
1983

INTRODUCED BY GREENLEAF, MARCH 3, 1983

REFERRED TO STATE GOVERNMENT, MARCH 3, 1983

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," eliminating cross-filing by candidates for the  
 12 offices of judge, justice of the peace and school directors.

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

15 Section 1. Section 910 of the act of June 3, 1937 (P.L.1333,  
 16 No.320), known as the Pennsylvania Election Code, amended July  
 17 11, 1980 (P.L.591, No.127), is amended to read:

18 Section 910. Affidavits of Candidates.--Each candidate for  
 19 any State, county, city, borough, incorporated town, township,  
 20 ward, school district, poor district, election district, party  
 21 office, party delegate or alternate, or for the office of United  
 22 States Senator or Representative in Congress, shall file with

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

1 post-office address of such candidate shall be stated in such  
2 nomination petition.

3 Section 2. The first paragraph of section 976 of the act,  
4 amended June 27, 1974 (P.L.413, No.146), and repealed in part  
5 April 28, 1978 (P.L.202, No.53), is amended to read:

6 Section 976. Examination of Nomination Petitions,  
7 Certificates and Papers; Return of Rejected Nomination  
8 Petitions, Certificates and Papers.--When any nomination  
9 petition, nomination certificate or nomination paper is  
10 presented in the office of the Secretary of the Commonwealth or  
11 of any county board of elections for filing within the period  
12 limited by this act, it shall be the duty of the said officer or  
13 board to examine the same. No nomination petition, nomination  
14 paper or nomination certificate shall be permitted to be filed  
15 if--(a) it contains material errors or defects apparent on the  
16 face thereof, or on the face of the appended or accompanying  
17 affidavits; or (b) it contains material alterations made after  
18 signing without the consent of the signers; or (c) it does not  
19 contain a sufficient number of signatures as required by law;  
20 Provided, however, That the Secretary of the Commonwealth or the  
21 county board of elections, although not hereby required so to  
22 do, may question the genuineness of any signature or signatures  
23 appearing thereon, and if he or it shall thereupon find that any  
24 such signature or signatures are not genuine, such signature or  
25 signatures shall be disregarded in determining whether the  
26 nomination petition, nomination paper or nomination certificate  
27 contains a sufficient number of signatures as required by law;  
28 or (d) in the case of nomination petitions, if nomination  
29 petitions have been filed for printing the name of the same  
30 person for the same office[, except the office of judge of a

1 court of record, or the office of school director in districts  
2 where that office is elective or the office of justice of the  
3 peace] upon the official ballot of more than one political  
4 party; or (e) in the case of nomination papers, if the candidate  
5 named therein has filed a nomination petition for any public  
6 office for the ensuing primary, or has been nominated for any  
7 such office by nomination papers previously filed; or (f) if the  
8 nomination petitions or papers are not accompanied by the filing  
9 fee or certified check required for said office; or (g) in the  
10 case of nomination papers, the appellation set forth therein is  
11 identical with or deceptively similar to the words used by any  
12 existing party or by any political body which has already filed  
13 nomination papers for the same office, or if the appellation set  
14 forth therein contains part of the name, or an abbreviation of  
15 the name or part of the name of an existing political party, or  
16 of a political body which has already filed nomination papers  
17 for the same office. The invalidity of any sheet of a nomination  
18 petition or nomination paper shall not affect the validity of  
19 such petition or paper if a sufficient petition or paper remains  
20 after eliminating such invalid sheet. The action of said officer  
21 or board in refusing to receive and file any such nomination  
22 petition, certificate or paper, may be reviewed by the court  
23 upon an application to compel its reception as of the date when  
24 it was presented to the office of such officer or board:

25 Provided, however, That said officer or board shall be entitled  
26 to a reasonable time in which to examine any petitions,  
27 certificates or papers, and to summon and interrogate the  
28 candidates named therein, or the persons presenting said  
29 petitions, certificates or papers, and his or their retention of  
30 same for the purpose of making such examination or interrogation

1 shall not be construed as an acceptance or filing.

2 \* \* \*

3 Section 3. Sections 993(a) and 998(a) and (b) of the act,  
4 amended June 27, 1974 (P.L.413, No.146), are amended to read:

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

1 director in districts where that office is elective or for the  
2 office of justice of the peace].

3 \* \* \*

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

20 (b) In case of the death or withdrawal of any candidate  
21 nominated by a political body for an election, the committee  
22 named in the original nomination papers may nominate a  
23 substitute in his place by filing a substituted nomination  
24 certificate in the form and manner prescribed by section nine  
25 hundred eighty of this act. In the case of a vacancy caused by  
26 the death of any candidate, said nomination certificate shall be  
27 accompanied by a death certificate properly certified. No  
28 substituted nomination certificate shall nominate any person who  
29 has already been nominated by any political party or by any  
30 other political body for any office to be filled at the ensuing

1 November election[, unless such person is a candidate for the  
2 office of judge of a court of record or for the office of school  
3 director in districts where that office is elective or for the  
4 office of justice of the peace].

5 \* \* \*

6 Section 4. Section 1004 of the act, amended December 10,  
7 1974 (P.L.835, No.280), is amended to read:

8 Section 1004. Form of Ballots; Printing Ballots; Stubs;  
9 Numbers.--From the lists furnished by the Secretary of the  
10 Commonwealth under the provisions of sections 915 and 984, and  
11 from petitions and papers filed in their office, the county  
12 election board shall print the official primary and election  
13 ballots in accordance with the provisions of this act: Provided,  
14 however, That in no event, shall the name of any person  
15 consenting to be a candidate for nomination for any one office[,  
16 except the office of judge of a court of record, or the office  
17 of school director in districts where that office is elective or  
18 the office of justice of the peace] be printed as a candidate  
19 for such office upon the official primary ballot of more than  
20 one party. All ballots for use in the same election district at  
21 any primary or election shall be alike. They shall be at least  
22 six inches long and four inches wide, and shall have a margin  
23 extending beyond any printing thereon. They shall be printed  
24 with the same kind of type (which shall not be smaller than the  
25 size known as "brevier" or "eight point body") upon white paper  
26 of uniform quality, without any impression or mark to  
27 distinguish one from another, and with sufficient thickness to  
28 prevent the printed matter from showing through. Each ballot  
29 shall be attached to a stub, and all the ballots for the same  
30 election district shall be bound together in books of fifty, in

1 such manner that each ballot may be detached from its stub and  
2 removed separately. The ballots for each party to be used at a  
3 primary shall be bound separately. The stubs of the ballots  
4 shall be consecutively numbered, and in the case of primary  
5 ballots, the number shall be preceded by an initial or  
6 abbreviation designating the party name. The number and initial  
7 or abbreviation which appears upon the stub shall also be  
8 printed in the upper right hand corner of the back of the  
9 ballot, separated from the remainder of the ballot by a diagonal  
10 perforated line so prepared that the upper right hand corner of  
11 the back of the ballot containing the number may be detached  
12 from the ballot before it is deposited in the ballot box and  
13 beside that corner shall also be printed, "Remove numbered stub  
14 immediately before depositing your ballot in ballot box."

15 Section 5. This act shall take effect immediately.