

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 285 Session of  
1991

INTRODUCED BY BOYES, STEIGHNER, HECKLER, S. H. SMITH, DEMPSEY,  
PESCI, CAPPABIANCA, REBER, DeLUCA, HALUSKA, MERRY, JAROLIN,  
CAWLEY, LEVDANSKY, BUNT, CLYMER, ANGSTADT, SCRIMENTI, FARGO,  
GEIST, BILLOW, WOZNIAK, VROON, SAURMAN, B. SMITH AND CORNELL,  
FEBRUARY 5, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 5, 1991

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 a candidate for judge  
12 of a court of common pleas, the Philadelphia Municipal Court  
13 or the Traffic Court of Philadelphia, or for the office of  
14 justice of the peace.

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

17 Section 1. Sections 630.1, 909, 910, the first paragraph of  
18 976, 981.1, 993(a), 998(a) and (b) and 1004 of the act of June  
19 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
20 Code, amended February 19, 1986 (P.L.29, No.11), are amended to  
21 read:

22 Section 630.1. Affidavits of Candidates.--Each candidate for

1 any State, county, city, borough, incorporated town, township,  
2 school district or poor district office, or for the office of  
3 United States Senator or Representative in Congress, selected as  
4 provided in section 630 of this act, shall file with the  
5 nomination certificate an affidavit stating--(a) his residence,  
6 with street and number, if any, and his post-office address; (b)  
7 his election district, giving city, borough, town or township;  
8 (c) the name of the office for which he consents to be a  
9 candidate; (d) that he is eligible for such office; (e) that he  
10 will not knowingly violate any provision of this act, or of any  
11 law regulating and limiting election expenses and prohibiting  
12 corrupt practices in connection therewith; (f) unless he is a  
13 candidate [for judge of a court of common pleas, the  
14 Philadelphia Municipal Court or the Traffic Court of  
15 Philadelphia, or] for the office of school board in a district  
16 where that office is elective [or for the office of justice of  
17 the peace], that he is not a candidate for the same office of  
18 any party or political body other than the one designated in  
19 such certificate; and (g) that he is aware of the provisions of  
20 section 1626 of this act requiring election and post-election  
21 reporting of campaign contributions and expenditures. In cases  
22 of certificates for candidates for the General Assembly, the  
23 candidate's affidavit shall state (1) that the candidate will  
24 satisfy the eligibility requirements contained in sections 5 and  
25 7 of Article II of the Constitution of Pennsylvania; (2) (i)  
26 that, in the case of a candidate for the office of Senator in  
27 the General Assembly, the candidate will be twenty-five (25)  
28 years of age on or before the first day of the term for which  
29 the candidate seeks election or (ii) that, in the case of a  
30 candidate for the office of Representative in the General

1 Assembly, the candidate will be twenty-one (21) years of age on  
2 or before the first day of the term for which the candidate  
3 seeks election; (3) that the candidate shall have been a citizen  
4 and an inhabitant of Pennsylvania four (4) years and an  
5 inhabitant of the respective district one (1) year next before  
6 the election (unless absent on the public business of the United  
7 States or of this State); and (4) that the candidate has not  
8 been convicted of embezzlement of public moneys, bribery,  
9 perjury or other infamous crime.

10 Section 909. Petition May Consist of Several Sheets;  
11 Affidavit of Circulator.--Said nomination petition may be on one  
12 or more sheets, and different sheets must be used for signers  
13 resident in different counties. If more than one sheet is used,  
14 they shall be bound together when offered for filing if they are  
15 intended to constitute one petition, and each sheet shall be  
16 numbered consecutively beginning with number one, at the foot of  
17 each page. In cases of petitions for delegate or alternate  
18 delegate to National conventions, each sheet shall contain a  
19 notation indicating the presidential candidate to whom he is  
20 committed or the term "uncommitted." Each sheet shall have  
21 appended thereto the affidavit of the circulator of each sheet,  
22 setting forth--(a) that he or she is a qualified elector duly  
23 registered and enrolled as a member of the designated party of  
24 the State, or of the political district, as the case may be,  
25 referred to in said petition[, unless said petition relates to  
26 the nomination of a candidate for a court of common pleas, for  
27 the Philadelphia Municipal Court or for the Traffic Court of  
28 Philadelphia or for justice of the peace, in which event the  
29 circulator need not be a duly registered and enrolled member of  
30 the designated party]; (b) his residence, giving city, borough

1 or township, with street and number, if any; (c) that the  
2 signers thereto signed with full knowledge of the contents of  
3 the petition; (d) that their respective residences are correctly  
4 stated therein; (e) that they all reside in the county named in  
5 the affidavit; (f) that each signed on the date set opposite his  
6 name; and (g) that, to the best of affiant's knowledge and  
7 belief, the signers are qualified electors and duly registered  
8 and enrolled members of the designated party of the State, or of  
9 the political district, as the case may be.

10 Section 910. Affidavits of Candidates.--Each candidate for  
11 any State, county, city, borough, incorporated town, township,  
12 ward, school district, poor district, election district, party  
13 office, party delegate or alternate, or for the office of United  
14 States Senator or Representative in Congress, shall file with  
15 his nomination petition his affidavit stating--(a) his  
16 residence, with street and number, if any, and his post-office  
17 address; (b) his election district, giving city, borough, town  
18 or township; (c) the name of the office for which he consents to  
19 be a candidate; (d) that he is eligible for such office; (e)  
20 that he will not knowingly violate any provision of this act, or  
21 of any law regulating and limiting nomination and election  
22 expenses and prohibiting corrupt practices in connection  
23 therewith; (f) unless he is a candidate for [judge of a court of  
24 common pleas, the Philadelphia Municipal Court or the Traffic  
25 Court of Philadelphia, or for] the office of school director in  
26 a district where that office is elective [or for the office of  
27 justice of the peace] that he is not a candidate for nomination  
28 for the same office of any party other than the one designated  
29 in such petition; (g) if he is a candidate for a delegate, or  
30 alternate delegate, member of State committee, National

1 committee or party officer, that he is a registered and enrolled  
2 member of the designated party; (h) if he is a candidate for  
3 delegate or alternate delegate the presidential candidate to  
4 whom he is committed or the term "uncommitted"; and (i) that he  
5 is aware of the provisions of section 1626 of this act requiring  
6 pre-election and post-election reporting of campaign  
7 contributions and expenditures. In cases of petitions for  
8 candidates for the General Assembly, the candidate's affidavit  
9 shall state (1) that the candidate will satisfy the eligibility  
10 requirements contained in sections 5 and 7 of Article II of the  
11 Constitution of Pennsylvania; (2) (i) that in the case of a  
12 candidate for the office of Senator in the General Assembly that  
13 the candidate will be twenty-five (25) years of age on or before  
14 the first day of the term for which the candidate seeks election  
15 or (ii) that in the case of a candidate for the office of  
16 Representative in the General Assembly that the candidate will  
17 be twenty-one (21) years of age on or before the first day of  
18 the term for which the candidate seeks election; (3) that the  
19 candidate shall have been a citizen and inhabitant of  
20 Pennsylvania four (4) years and an inhabitant of the respective  
21 district one (1) year next before the election (unless absent on  
22 the public business of the United States or of this State); and  
23 (4) that the candidate has not been convicted of embezzlement of  
24 public moneys, bribery, perjury or other infamous crime. In  
25 cases of petitions for delegate and alternate delegate to  
26 National conventions, the candidate's affidavit shall state that  
27 his signature to the delegate's statement, as hereinafter set  
28 forth, if such statement is signed by said candidate, was  
29 affixed to the sheet or sheets of said petition prior to the  
30 circulation of same. In the case of a candidate for nomination

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

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

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

1 examination or interrogation shall not be construed as an  
2 acceptance or filing.

3 \* \* \*

4 Section 981.1. Affidavits of Candidates.--Each candidate for  
5 any State, county, city, borough, incorporated town, township,  
6 ward, school district, poor district or election district  
7 office, or for the office of United States Senator or  
8 Representative in Congress, selected as provided in sections 979  
9 and 980 of this act, shall file with the substituted nomination  
10 certificate an affidavit stating--(a) his residence, with street  
11 and number, if any, and his post-office address; (b) his  
12 election district, giving city, borough, town or township; (c)  
13 the name of the office for which he consents to be a candidate;  
14 (d) that he is eligible for such office; (e) that he will not  
15 knowingly violate any provision of this act, or of any law  
16 regulating and limiting election expenses and prohibiting  
17 corrupt practices in connection therewith; (f) unless he is a  
18 candidate [for judge of a court of common pleas, the  
19 Philadelphia Municipal Court or the Traffic Court of  
20 Philadelphia, or] for the office of school board in a district  
21 where that office is elective [or for the office of justice of  
22 the peace], that he is not a candidate for the same office of  
23 any party or political body other than the one designated in  
24 such certificate; and (g) that he is aware of the provisions of  
25 section 1626 of this act requiring election and post-election  
26 reporting of campaign contributions and expenditures. In cases  
27 of certificates for candidates for the General Assembly, the  
28 candidate's affidavit shall state (1) that the candidate will  
29 satisfy the eligibility requirements contained in sections 5 and  
30 7 of Article II of the Constitution of Pennsylvania; (2) (i)



1 that, in the case of a candidate for the office of Senator in  
2 the General Assembly, the candidate will be twenty-five (25)  
3 years of age on or before the first day of the term for which  
4 the candidate seeks election or (ii) that, in the case of a  
5 candidate for the office of Representative in the General  
6 Assembly, the candidate will be twenty-one (21) years of age on  
7 or before the first day of the term for which the candidate  
8 seeks election; (3) that the candidate shall have been a citizen  
9 and an inhabitant of Pennsylvania four (4) years and an  
10 inhabitant of the respective district one (1) year next before  
11 the election (unless absent on the public business of the United  
12 States or of this State); and (4) that the candidate has not  
13 been convicted of embezzlement of public moneys, bribery,  
14 perjury or other infamous crime.

15 Section 993. Filling of Certain Vacancies in Public Office  
16 by Means of Nomination Certificates and Nomination Papers.--(a)  
17 In all cases where a vacancy shall occur for any cause in an  
18 elective public office, including that of judge of a court of  
19 record, at a time when such vacancy is required by the  
20 provisions of the Constitution or the laws of this Commonwealth  
21 to be filled at the ensuing election but at a time when  
22 nominations for such office cannot be made under any other  
23 provision of this act, nominations to fill such vacancies shall  
24 be made by political parties in accordance with party rules  
25 relating to the filling of vacancies by means of nomination  
26 certificates in the form prescribed in section nine hundred  
27 ninety-four of this act, and by political bodies by means of  
28 nomination papers in accordance with the provisions of sections  
29 nine hundred fifty-one, nine hundred fifty-two and nine hundred  
30 fifty-four of this act. No such nomination certificate shall

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

16 \* \* \*

17 Section 998. Substituted Nominations to Fill Certain  
18 Vacancies for a November Election.--(a) Any vacancy happening  
19 or existing in any party nomination made in accordance with the  
20 provisions of section nine hundred ninety-three of this act for  
21 a November election by reason of the death or withdrawal of any  
22 candidate may be filled by a substituted nomination made by such  
23 committee as is authorized by the rules of the party to make  
24 nominations in the event of vacancies on the party ticket, in  
25 the form prescribed by section nine hundred ninety-four of this  
26 act. But no substituted nomination certificate shall nominate  
27 any person who has already been nominated by any other political  
28 party or by any political body for the same office, unless such  
29 person is a candidate [for the office of judge of a court of  
30 common pleas, the Philadelphia Municipal Court or the Traffic

1 Court of Philadelphia, or] for the office of school director in  
2 districts where that office is elective [or for the office of  
3 justice of the peace].

4 (b) In case of the death or withdrawal of any candidate  
5 nominated by a political body for an election, the committee  
6 named in the original nomination papers may nominate a  
7 substitute in his place by filing a substituted nomination  
8 certificate in the form and manner prescribed by section nine  
9 hundred eighty of this act. In the case of a vacancy caused by  
10 the death of any candidate, said nomination certificate shall be  
11 accompanied by a death certificate properly certified. No  
12 substituted nomination certificate shall nominate any person who  
13 has already been nominated by any political party or by any  
14 other political body for any office to be filled at the ensuing  
15 November election, unless such person is a candidate [for the  
16 office of judge of a court of common pleas, the Philadelphia  
17 Municipal Court or the Traffic Court of Philadelphia, or] for  
18 the office of school director in districts where that office is  
19 elective [or for the office of justice of the peace].

20 \* \* \*

21 Section 1004. Form of Ballots; Printing Ballots; Stubs;  
22 Numbers.--From the lists furnished by the Secretary of the  
23 Commonwealth under the provisions of sections 915 and 984, and  
24 from petitions and papers filed in their office, the county  
25 election board shall print the official primary and election  
26 ballots in accordance with the provisions of this act: Provided,  
27 however, That in no event, shall the name of any person  
28 consenting to be a candidate for nomination for any one office,  
29 except [the office of judge of a court of common pleas, the  
30 Philadelphia Municipal Court or the Traffic Court of

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

30 Section 2. This act shall take effect immediately.