

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2282 Session of
2002

INTRODUCED BY TIGUE, STEIL, CAWLEY, BUNT, BUXTON, CAPPELLI,
COSTA, CRUZ, DeLUCA, FREEMAN, HALUSKA, HENNESSEY, KELLER,
McGEEHAN, MELIO, PALLONE, ROSS, SHANER, STABACK, YUDICHAK,
HORSEY, McCALL, McILHATTAN, NICKOL, ROBERTS, SCRIMENTI,
SOLOBAY, WALKO AND WANSACZ, JANUARY 16, 2002

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 16, 2002

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 the office of Lieutenant Governor
12 from primary elections.

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

15 Section 1. Section 902 of the act of June 3, 1937 (P.L.1333,
16 No.320), known as the Pennsylvania Election Code, amended May
17 23, 1949 (P.L.1656, No.504), is amended to read:

18 Section 902. Candidates to Be Nominated and Party Officers
19 to Be Elected at Primaries.--All candidates of political
20 parties, as defined in section 801 of this act, for the offices
21 of United States Senator, Representative in Congress and for all

1 other elective public offices within this State, except that of
2 Lieutenant Governor and presidential electors, shall be
3 nominated, and party delegates and alternate delegates,
4 committeemen and officers who, under the provisions of Article
5 VIII of this act or under the party rules, are required to be
6 elected by the party electors, shall be elected at primaries
7 held in accordance with the provisions of this act, except as
8 otherwise provided in this act. Each candidate for Governor,
9 having won the nomination of his or her party, shall select the
10 party's candidate for Lieutenant Governor. In the years when
11 candidates for the office of President of the United States are
12 to be nominated, every registered and enrolled member of a
13 political party shall have the opportunity at the Spring primary
14 in such years to vote his preference for one person to be the
15 candidate of his political party for President.

16 Section 2. Section 912.1 of the act, amended February 13,
17 1989 (P.L.1, No.1), is amended to read:

18 Section 912.1. Number of Signers Required for Nomination
19 Petitions of Candidates at Primaries.--Candidates for nomination
20 of offices as listed below shall present a nominating petition
21 containing at least as many valid signatures of registered and
22 enrolled members of the proper party as listed below:

23 (1) President of the United States: Two thousand.

24 (2) United States Senate: Two thousand.

25 (3) Governor: Two thousand including at least one hundred
26 from each of at least ten counties.

27 [(4) Lieutenant Governor: One thousand including at least
28 one hundred from each of at least five counties.]

29 (5) Treasurer: One thousand including at least one hundred
30 from each of at least five counties.

1 (6) Auditor General: One thousand including at least one
2 hundred from each of at least five counties.

3 (7) Attorney General: One thousand including at least one
4 hundred from each of at least five counties.

5 (8) Justice of the Supreme Court: One thousand including at
6 least one hundred from each of at least five counties.

7 (9) Judge of the Superior Court: One thousand including at
8 least one hundred from each of at least five counties.

9 (10) Judge of the Commonwealth Court: One thousand including
10 at least one hundred from each of at least five counties.

11 (11) For any other office to be filled by the vote of the
12 electors of the State at large or for any other party office to
13 be elected by the electors of the State at large: One thousand
14 including at least one hundred from each of at least five
15 counties.

16 (12) Representative in Congress: One thousand.

17 (13) Senator in the General Assembly: Five hundred.

18 (14) Representative in the General Assembly: Three hundred.

19 (15) Public or party offices to be filled by a vote of the
20 electors in counties of the first class at large: One thousand.

21 (16) Public or party offices to be filled by a vote of the
22 electors in counties of the second class at large: Five hundred.

23 (17) Public or party offices to be filled by a vote of the
24 electors in cities of the first class at large: One thousand.

25 (18) Public or party offices to be filled by a vote of the
26 electors in counties of the second class A at large: Two hundred
27 fifty.

28 (19) Public or party offices to be filled by a vote of the
29 electors in counties of the third class at large: Two hundred
30 fifty.

1 (20) Public or party offices to be filled by a vote of the
2 electors in counties of the fourth class at large: Two hundred
3 fifty.

4 (21) Public or party offices to be filled by a vote of the
5 electors in cities of the second class at large: Two hundred
6 fifty.

7 (22) Public or party offices to be filled by a vote of the
8 electors in cities of the second class A at large: One hundred.

9 (23) Public or party offices to be filled by a vote of the
10 electors in cities of the third class at large: One hundred.

11 (24) Public or party offices to be filled by a vote of the
12 electors in counties of the fifth class at large: One hundred.

13 (25) Public or party offices to be filled by a vote of the
14 electors in counties of the sixth class at large: One hundred.

15 (26) Public or party offices to be filled by a vote of the
16 electors in counties of the seventh class at large: One hundred.

17 (27) Public or party offices to be filled by a vote of the
18 electors in counties of the eighth class at large: One hundred.

19 (28) Office of judge of any court of record other than a
20 Statewide court or a court in a county of the first or second
21 class: Two hundred fifty.

22 (29) District delegate or alternate district delegate to a
23 National party convention: Two hundred fifty.

24 (30) Member of State committee: One hundred.

25 (31) Office of district council member in a city of the
26 first class: Seven hundred fifty.

27 (31.1) Office of district council member in a city of the
28 second class: One hundred.

29 (32) Office of district justice: One hundred.

30 (33) Office of judge of election: Ten.

1 (34) Inspector of elections: Five.

2 (35) All other public and party offices: Ten.

3 Section 3. Section 1405 of the act, amended December 22,
4 1971 (P.L.613, No.165), is amended to read:

5 Section 1405. Manner of Computing Irregular Ballots.--The
6 county board, in computing the votes cast at any primary or
7 election, shall compute and certify votes cast on irregular
8 ballots exactly as such names were written, stamped, affixed to
9 the ballot by sticker, or deposited or affixed in or on
10 receptacles for that purpose, and as they have been so returned
11 by the election officers. In the primary the Secretary of the
12 Commonwealth shall not certify the votes cast on irregular
13 ballots for any person for a National office including that of
14 the President of the United States, United States Senator and
15 Representative in Congress; or for any State office including
16 that of Governor [and Lieutenant Governor], Auditor General,
17 State Treasurer, Senator and Representative in the General
18 Assembly, justices and judges of courts of record or for any
19 party office including that of delegate or alternate delegate to
20 National conventions and member of State committee unless the
21 total number of votes cast for said person is equal to or
22 greater than the number of signatures required on a nomination
23 petition for the particular office. In the primary the county
24 board shall not certify the votes cast on irregular ballots for
25 any person for a justice of the peace, constable, National,
26 State, county, city, borough, town, township, ward, school
27 district, election or local party office unless the total number
28 of votes cast for said person is equal to or greater than the
29 number of signatures required on a nomination petition for the
30 particular office.

1 Section 4. Section 1711 of the act, repealed in part April
2 28, 1978 (P.L.202, No.53), is amended to read:

3 Section 1711. Classes of Nomination and Election Contests.--
4 The several classes of nominations at primaries and elections of
5 public officers which may be contested in this Commonwealth are
6 hereby distinguished and designated as follows, to wit:

7 Class I. Nominations and elections of the Governor and
8 Lieutenant Governor of the Commonwealth.

9 Class II. Nominations and elections of electors of President
10 and Vice-President of the United States and all officers of this
11 Commonwealth, including Judges of the Courts (except Governor
12 [and Lieutenant Governor]), who now are or hereafter shall be
13 required to be nominated or elected by the electors of the State
14 at large, and nominations of United States Senators. Class III.
15 Nominations and elections of judges of the several courts.

16 Class IV. Nominations and elections of Senators and
17 Representatives in the General Assembly, and nominations of
18 Representatives in Congress.

19 Class V. All other officers, whether nominated or elected by
20 the qualified voters of counties, cities, boroughs, townships,
21 wards, school districts, poor districts or any other division of
22 the State.

23 Section 5. Section 1712 of the act is amended to read:

24 Section 1712. Committee of General Assembly to Try.--
25 Contested nominations and elections of Governor [and Lieutenant
26 Governor] shall be tried and determined by a committee to be
27 selected from both houses of the General Assembly, and formed
28 and regulated in the following manner.

29 Section 6. This act shall take effect immediately.