

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 63

Session of
2007

INTRODUCED BY BUXTON, GODSHALL, CALTAGIRONE, CARROLL, COHEN,
DALEY, GALLOWAY, HALUSKA, HUTCHINSON, M. KELLER, KOTIK,
LEVANSKY, MARSICO, MELIO, MUSTIO, NAILOR, REED, SCAVELLO,
SIPTROTH, SOLOBAY, STABACK, STURLA, WALKO, WOJNAROSKI,
YOUNGBLOOD, GRUCELA, CAPPELLI, KULA, GOODMAN, GERGELY,
M. O'BRIEN, FREEMAN, DeLUCA AND PAYNE, JANUARY 30, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 30, 2007

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," further providing for the general primary, for
12 time of circulating nomination petitions, for place and time
13 of filing nomination petitions and for objections to
14 nomination petitions and papers.

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

17 Section 1. Section 603 of the act of June 3, 1937 (P.L.1333,
18 No.320), known as the Pennsylvania Election Code, is amended by
19 adding a subsection to read:

20 Section 603. General Primary; Candidates to Be Nominated and
21 Party Officers to Be Elected.--* * *

22 (c.1) Notwithstanding subsection (a), the General primary

1 for 2008 shall be held on March 4, 2008.

2 Section 2. Section 908 of the act, amended December 9, 2002
3 (P.L.1246, No.150), is amended to read:

4 Section 908. Manner of Signing Nomination Petitions; Time of
5 Circulating.--(a) Each signer of a nomination petition shall
6 sign but one such petition for each office to be filled, and
7 shall declare therein that he is a registered and enrolled
8 member of the party designated in such petition: Provided,
9 however, That where there are to be elected two or more persons
10 to the same office, each signer may sign petitions for as many
11 candidates for such office as, and no more than, he could vote
12 for at the succeeding election. He shall also declare therein
13 that he is a qualified elector of the county therein named, and
14 in case the nomination is not to be made or candidates are not
15 to be elected by the electors of the State at large, of the
16 political district therein named, in which the nomination is to
17 be made or the election is to be held. He shall add his
18 residence, giving city, borough or township, with street and
19 number, if any, and shall legibly print his name and add the
20 date of signing, expressed in words or numbers: Provided,
21 however, That if the said political district named in the
22 petition lies wholly within any city, borough or township, or is
23 coextensive with same, it shall not be necessary for any signer
24 of a nomination petition to state therein the city, borough or
25 township of his residence. No nomination petition shall be
26 circulated prior to the thirteenth Tuesday before the primary,
27 and no signature shall be counted unless it bears a date affixed
28 not earlier than the thirteenth Tuesday nor later than the tenth
29 Tuesday prior to the primary.

30 (b) Notwithstanding subsection (a), no nomination petition

1 for the 2008 General primary shall be circulated prior to
2 November 13, 2007, and no signature shall be counted unless it
3 bears a date affixed not earlier than November 13, 2007, nor
4 later than December 11, 2007.

5 Section 3. Section 913(d) of the act, amended August 13,
6 1963 (P.L.707, No.379), is amended to read:

7 Section 913. Place and Time of Filing Nomination Petitions;
8 Filing Fees.--* * *

9 (d) All nomination petitions shall be filed on or before the
10 tenth Tuesday prior to the primary. Notwithstanding the
11 foregoing, all nomination petitions for the 2008 General primary
12 shall be filed on or before December 11, 2007.

13 * * *

14 Section 4. Section 977 of the act, amended February 13, 1998
15 (P.L.72, No.18), is amended to read:

16 Section 977. Objections to Nomination Petitions and
17 Papers.--(a) All nomination petitions and papers received and
18 filed within the periods limited by this act shall be deemed to
19 be valid, unless, within seven days after the last day for
20 filing said nomination petition or paper, a petition is
21 presented to the court specifically setting forth the objections
22 thereto, and praying that the said petition or paper be set
23 aside. A copy of said petition shall, within said period, be
24 served on the officer or board with whom said nomination
25 petition or paper was filed. Upon the presentation of such a
26 petition, the court shall make an order fixing a time for
27 hearing which shall not be later than ten days after the last
28 day for filing said nomination petition or paper, and specifying
29 the time and manner of notice that shall be given to the
30 candidate or candidates named in the nomination petition or

1 paper sought to be set aside. On the day fixed for said hearing,
2 the court shall proceed without delay to hear said objections,
3 and shall give such hearing precedence over other business
4 before it, and shall finally determine said matter not later
5 than fifteen (15) days after the last day for filing said
6 nomination petitions or papers. If the court shall find that
7 said nomination petition or paper is defective under the
8 provisions of section 976, or does not contain a sufficient
9 number of genuine signatures of electors entitled to sign the
10 same under the provisions of this act, or was not filed by
11 persons entitled to file the same, it shall be set aside. If the
12 objections relate to material errors or defects apparent on the
13 face of the nomination petition or paper, the court, after
14 hearing, may, in its discretion, permit amendments within such
15 time and upon such terms as to payment of costs, as the said
16 court may specify. In case any such petition is dismissed, the
17 court shall make such order as to the payment of the costs of
18 the proceedings, including witness fees, as it shall deem just.
19 If a person shall sign any nomination petitions or papers for a
20 greater number of candidates than he is permitted under the
21 provisions of this act, if said signatures bear the same date,
22 they shall, upon objections filed thereto, not be counted on any
23 petition or paper and if they bear different dates, they shall
24 be counted in the order of their priority of date, for only so
25 many persons as there are candidates to be nominated or elected.
26 The office of the Prothonotary of the Commonwealth Court and the
27 office of the Secretary of the Commonwealth and the various
28 offices of prothonotary of the court of common pleas shall be
29 open between the hours of eight-thirty o'clock A.M. and five
30 o'clock P.M. on the last day to withdraw after filing nomination

1 petitions and on the last day to file objections to nomination
2 petitions.

3 (b) Notwithstanding subsection (a), for the 2008 General
4 primary, the last day to file objections to a nomination
5 petition or paper shall be on or before December 21, 2007, and
6 the court shall rule on objections not later than January 11,
7 2008.

8 Section 5. This act shall take effect immediately.