

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1311 Session of  
2007

INTRODUCED BY CALTAGIRONE, CARROLL, GEIST, GEORGE, GODSHALL,  
HERSHEY, R. MILLER, REICHLEY, SANTONI AND SIPTROTH,  
MAY 18, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 18, 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," eliminating cross-filing by candidates.

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

14 Section 1. Section 630.1 of the act of June 3, 1937  
15 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
16 amended May 12, 2006 (P.L.178, No.45), is amended to read:

17 Section 630.1. Affidavits of Candidates.--Each candidate for  
18 any State, county, city, borough, incorporated town, township,  
19 school district or poor district office, or for the office of  
20 United States Senator or Representative in Congress, selected as  
21 provided in section 630 of this act, shall file with the  
22 nomination certificate an affidavit stating--(a) his residence,

1 with street and number, if any, and his post-office address; (b)  
2 his election district, giving city, borough, town or township;  
3 (c) the name of the office for which he consents to be a  
4 candidate; (d) that he is eligible for such office; (e) that he  
5 will not knowingly violate any provision of this act, or of any  
6 law regulating and limiting election expenses and prohibiting  
7 corrupt practices in connection therewith; (f) [unless he is a  
8 candidate for judge of a court of common pleas, the Philadelphia  
9 Municipal Court or the Traffic Court of Philadelphia, or for the  
10 office of school board in a district where that office is  
11 elective or for the office of justice of the peace,] that he is  
12 not a candidate for the same office of any party or political  
13 body other than the one designated in such certificate; (g) that  
14 he is aware of the provisions of section 1626 of this act  
15 requiring election and post-election reporting of campaign  
16 contributions and expenditures; and (h) that he is not a  
17 candidate for an office which he already holds, the term of  
18 which is not set to expire in the same year as the office  
19 subject to the affidavit.

20 Section 2. Section 909 of the act, amended February 19, 1986  
21 (P.L.29, No.11), is amended to read:

22 Section 909. Petition May Consist of Several Sheets;  
23 Affidavit of Circulator.--Said nomination petition may be on one  
24 or more sheets, and different sheets must be used for signers  
25 resident in different counties. If more than one sheet is used,  
26 they shall be bound together when offered for filing if they are  
27 intended to constitute one petition, and each sheet shall be  
28 numbered consecutively beginning with number one, at the foot of  
29 each page. In cases of petitions for delegate or alternate  
30 delegate to National conventions, each sheet shall contain a

1 notation indicating the presidential candidate to whom he is  
2 committed or the term "uncommitted." Each sheet shall have  
3 appended thereto the affidavit of the circulator of each sheet,  
4 setting forth--(a) that he or she is a qualified elector duly  
5 registered and enrolled as a member of the designated party of  
6 the State, or of the political district, as the case may be,  
7 referred to in said petition[, unless said petition relates to  
8 the nomination of a candidate for a court of common pleas, for  
9 the Philadelphia Municipal Court or for the Traffic Court of  
10 Philadelphia or for justice of the peace, in which event the  
11 circulator need not be a duly registered and enrolled member of  
12 the designated party]; (b) his residence, giving city, borough  
13 or township, with street and number, if any; (c) that the  
14 signers thereto signed with full knowledge of the contents of  
15 the petition; (d) that their respective residences are correctly  
16 stated therein; (e) that they all reside in the county named in  
17 the affidavit; (f) that each signed on the date set opposite his  
18 name; and (g) that, to the best of affiant's knowledge and  
19 belief, the signers are qualified electors and duly registered  
20 and enrolled members of the designated party of the State, or of  
21 the political district, as the case may be.

22 Section 3. Section 910 of the act, amended May 12, 2006  
23 (P.L.178, No.45), is amended to read:

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

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

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

5 Section 4. Section 976 of the act, amended July 28, 1941  
6 (P.L.526, No. 213) and February 19, 1986 (P.L.29, No.11) and  
7 repealed in part April 28, 1978 (P.L.202, No.53), is amended to  
8 read:

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

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

1 any petitions, certificates or papers, and to summon and  
2 interrogate the candidates named therein, or the persons  
3 presenting said petitions, certificates or papers, and his or  
4 their retention of same for the purpose of making such  
5 examination or interrogation shall not be construed as an  
6 acceptance or filing.

7 Upon completion of any examination, if any nomination  
8 petition, certificate or paper is found to be defective, it  
9 shall forthwith be rejected and returned to the candidate or one  
10 of the candidates named therein, together with a statement of  
11 the reasons for such rejection:

12 Provided further, That no nomination petition, nomination  
13 paper or nomination certificate shall be permitted to be filed,  
14 if the political party or political body referred to therein  
15 shall be composed of a group of electors whose purposes or aims,  
16 or one of whose purposes or aims, is the establishment, control,  
17 conduct, seizure or overthrow of the Government of the  
18 Commonwealth of Pennsylvania or the United States of America by  
19 the use of force, violence, military measure or threats of one  
20 or more of the foregoing. The authority to reject such  
21 nomination petition, paper or certificate for this reason shall,  
22 when filed with the Secretary of the Commonwealth, be vested in  
23 a committee composed of the Governor, the Attorney General and  
24 the Secretary of the Commonwealth, and when filed with any  
25 county board of elections shall be vested in such board. If in  
26 such case the committee or board, as the case may be, shall  
27 conclude that the acceptance of such nomination petition, paper  
28 or certificate should be refused, it shall within two days of  
29 the filing of such nomination petition, paper or certificate fix  
30 a place and a time five days in advance for hearing the matter,

1 and notice thereof shall be given to all parties affected  
2 thereby. At the time and place so fixed the committee or board,  
3 as the case may be, shall hear testimony, but shall not be bound  
4 by technical rules of evidence. The testimony presented shall be  
5 stenographically recorded and made a part of the record of the  
6 committee or board. Within two days after such hearing the  
7 committee or board, if satisfied upon competent evidence that  
8 the said nomination petition, paper or certificate is not  
9 entitled to be accepted and filed, it shall announce its  
10 decision and immediately notify the parties affected thereby.  
11 Failure to announce decision within two days after such hearing  
12 shall be conclusive that such nomination petition, paper or  
13 certificate has been accepted and filed. The decision of said  
14 committee or board in refusing to accept and file such  
15 nomination petition, paper or certificate may be reviewed by the  
16 court upon an application to compel its reception as of the date  
17 when presented to the Secretary of the Commonwealth or such  
18 board. The application shall be made within two days of the time  
19 when such decision is announced. If the application is properly  
20 made, any judge of said court may fix a time and place for  
21 hearing the matter in dispute, of which notice shall be served  
22 with a copy of said application upon the Secretary of the  
23 Commonwealth or the county board of elections, as the case may  
24 be. At the time so fixed, the court, or any judge thereof  
25 assigned for the purpose, shall hear the case de novo. If after  
26 such hearing the said court shall find that the decision of the  
27 committee or the board was erroneous, it shall issue its mandate  
28 to the committee or board to correct its decision and to accept  
29 and file the nomination paper, petition or certificate. From any  
30 decision of the court an appeal may be taken within two days



1 after the entry thereof. It shall be the duty of the said court  
2 to fix the hearing and to announce its decision within such  
3 period of time as will permit the Secretary of the Commonwealth  
4 or the county board of elections to permit the names of the  
5 candidates affected by the court's decision to be printed on the  
6 ballot, if the court should so determine.

7 Section 5. Section 981.1 of the act, amended May 12, 2006  
8 (P.L.178, No.45), is amended to read:

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

1 contributions and expenditures; and (h) that he is not a  
2 candidate for an office which he already holds, the term of  
3 which is not set to expire in the same year as the office  
4 subject to the affidavit.

5 Section 6. Sections 993(a), 998(a) and (b) and 1004 of the  
6 act, amended February 19, 1986 (P.L.29, No.11), are amended to  
7 read:

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

1 nominate any person who has already been nominated by any  
2 political party or by any other political body for any office to  
3 be filled at the ensuing November election[, unless such person  
4 is a candidate for the office of judge of a court of common  
5 pleas, the Philadelphia Municipal Court or the Traffic Court of  
6 Philadelphia, or for the office of school director in districts  
7 where that office is elective or for the office of justice of  
8 the peace].

9 \* \* \*

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

27 (b) In case of the death or withdrawal of any candidate  
28 nominated by a political body for an election, the committee  
29 named in the original nomination papers may nominate a  
30 substitute in his place by filing a substituted nomination

1 certificate in the form and manner prescribed by section nine  
2 hundred eighty of this act. In the case of a vacancy caused by  
3 the death of any candidate, said nomination certificate shall be  
4 accompanied by a death certificate properly certified. No  
5 substituted nomination certificate shall nominate any person who  
6 has already been nominated by any political party or by any  
7 other political body for any office to be filled at the ensuing  
8 November election[, unless such person is a candidate for the  
9 office of judge of a court of common pleas, the Philadelphia  
10 Municipal Court or the Traffic Court of Philadelphia, or for the  
11 office of school director in districts where that office is  
12 elective or for the office of justice of the peace].

13 \* \* \*

14 Section 1004. Form of Ballots; Printing Ballots; Stubs;  
15 Numbers.--From the lists furnished by the Secretary of the  
16 Commonwealth under the provisions of sections 915 and 984, and  
17 from petitions and papers filed in their office, the county  
18 election board shall print the official primary and election  
19 ballots in accordance with the provisions of this act: Provided,  
20 however, That in no event, shall the name of any person  
21 consenting to be a candidate for nomination for any one office[,  
22 except the office of judge of a court of common pleas, the  
23 Philadelphia Municipal Court or the Traffic Court of  
24 Philadelphia, or the office of school director in districts  
25 where that office is elective or the office of justice of the  
26 peace] be printed as a candidate for such office upon the  
27 official primary ballot of more than one party. All ballots for  
28 use in the same election district at any primary or election  
29 shall be alike. They shall be at least six inches long and four  
30 inches wide, and shall have a margin extending beyond any

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

23       Section 7. This act shall take effect immediately.