

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1906 Session of
2008

INTRODUCED BY KING, CONKLIN, CUTLER, DePASQUALE, GOODMAN,
McILVAINE SMITH, ROAE, SWANGER AND WAGNER, SEPTEMBER 15, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 15, 2008

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 definition of political
12 parties and political bodies, for nominations by minor
13 political parties and for nominations by political bodies.

14 The General Assembly finds and declares as follows:

15 (1) That the Commonwealth's election laws hinder the
16 entry into the electoral process of independent candidates,
17 thereby limiting the electoral choices available to voters of
18 this Commonwealth.

19 (2) That the political system of the Commonwealth should
20 be electorally inclusive in order to promote the broadest
21 range of issue discussion and candidate selection.

22 (3) That enhanced ballot access for all candidates will
23 ensure a more democratic election process.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Section 801(a) of the act of June 3, 1937
4 (P.L.1333, No.320), known as the Pennsylvania Election Code,
5 amended December 22, 1971 (P.L.613, No.165), is amended to read:

6 Section 801. Definition of Political Parties and Political
7 Bodies.--

8 (a) Any party or political body, one of whose candidates at
9 the general election next preceding the primary polled in each
10 of at least ten counties of the State not less than two per
11 centum of the largest entire vote cast in each of said counties
12 for any elected candidate, and polled a total vote in the State
13 equal to at least two per centum of the largest entire vote cast
14 in the State for any elected candidate or that has twenty-one
15 days prior to the date of the primary election registered in the
16 name of that party a number of voters equal to at least five
17 one-hundredths of one per centum of the total number of voters
18 registered in the entire State as of December 31 of the year
19 immediately preceding the primary election, is hereby declared
20 to be a political party within the State, and shall nominate all
21 its candidates for any of the offices provided for in this act,
22 and shall elect its delegates and alternate delegates to the
23 National convention as party rules provide. State committee
24 members, and also such party officers, including members of the
25 National committee, as its rules provide, shall be elected by a
26 vote of the party electors, in accordance with the provisions of
27 this act and party rules.

28 * * *

29 Section 2. Section 912.2 of the act, added February 19, 1986
30 (P.L.29, No.11), is amended to read:

1 Section 912.2. Nominations by Minor Political Parties.--(a)
2 Notwithstanding any other provision in this act to the contrary,
3 minor political parties shall nominate all of their candidates
4 for the offices to be filled at the ensuing November election
5 pursuant to section 903 in accordance with [the requirements of
6 section 951, other than subsection (e)(6) and (7) thereof, and]
7 section 954 and any other provision of this act and the minor
8 political party's rules, and shall [obtain the required
9 signatures during the same time frame available to political
10 bodies] notify the Commonwealth in writing of the candidates at
11 least eight weeks in advance of the municipal or general
12 election. Minor political parties shall be subject to the
13 provisions of this act applicable to political parties with
14 respect to special elections, voter registration forms,
15 substituted nominations and all other purposes except as
16 otherwise expressly provided in this section. "Minor political
17 party" shall mean a political party as defined in section 801(a)
18 or (b) whose State-wide registration is less than fifteen per
19 centum of the combined State-wide registration for all State-
20 wide political parties as of the close of the registration
21 period immediately preceding the most recent November election.
22 The Secretary of the Commonwealth shall prescribe forms or, if
23 there is insufficient time, make appropriate conforming changes
24 in existing forms to carry out the purposes of this section.

25 (b) [All nomination papers circulated and filed pursuant to
26 this section shall specify--(1) the name or appellation of the
27 minor political party which the candidates nominated thereby
28 represent and, in the case of electors for President and Vice
29 President of the United States, the names of the candidates for
30 President and Vice President of such minor political party; (2)

1 the name of each candidate nominated therein, his profession,
2 business or occupation, if any, and his place of residence with
3 street and number, if any; and (3) the office for which such
4 candidate is nominated. No words shall be used in any nomination
5 paper to designate the name or appellation of the minor
6 political party represented by the candidate's name in such
7 nomination paper which are identical with or deceptively similar
8 to the words used for a like purpose by any minor political
9 party which has already filed nomination papers for the same
10 office. Any petition to set aside a nomination paper on account
11 of the name or appellation used therein, or involving the right
12 of the signers thereof to use such name or appellation, or on
13 any other account, shall be decided as in the case of other
14 petitions to set aside nomination papers, in the manner provided
15 by this article.] (Reserved).

16 (c) Each person filing any nomination paper for public
17 office shall be given a statement composed by the Secretary of
18 the Commonwealth setting forth his duties under law to file pre-
19 election and post-election campaign finance reports and the
20 penalties for nonfiling. Each person filing any nomination paper
21 for public office shall be given a form to file expenses if the
22 amount received or expended or liabilities incurred shall exceed
23 the sum of two hundred fifty dollars (\$250), and a form
24 containing a sworn statement that the amount received or
25 expended or liabilities incurred do not exceed the sum of two
26 hundred fifty dollars (\$250), with written instructions prepared
27 by the Secretary of the Commonwealth. Within three weeks after
28 such candidate has filed, the appropriate supervisor shall mail
29 the same forms and instructions to such candidate by first class
30 mail.

1 Section 3. Section 951(b) of the act, amended December 22,
2 1971 (P.L.613, No.165), is amended to read:

3 Section 951. Nominations by Political Bodies.--* * *

4 (b) Where the nomination is for any office to be filled by
5 the electors of the State at large, the number of qualified
6 electors of the State signing such nomination paper shall be at
7 least equal to [two per centum of the largest entire vote cast
8 for any elected candidate in the State at large at the last
9 preceding election at which State-wide candidates were voted
10 for.] the number of signers required for that office under
11 section 912.1. In the case of all other nominations, the number
12 of qualified electors of the electoral district signing such
13 nomination papers shall be at least equal to [two per centum of
14 the largest entire vote cast for any officer, except a judge of
15 a court of record, elected at the last preceding election in
16 said electoral district for which said nomination papers are to
17 be filed, and shall be not less than the number of signers
18 required for nomination petitions for party candidates for the
19 same office. In cases where a new electoral district shall have
20 been created, the number of qualified electors signing such
21 nomination papers, for candidates to be elected at the first
22 election held after the creation of such district, shall be at
23 least equal to two per centum of the largest vote cast in the
24 several election districts, which are included in the district
25 newly created, for any officer elected in the last preceding
26 election] the number of signers required for that office under
27 section 912.1.

28 * * *

29 Section 4. This act shall take effect immediately.