

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 924 Session of  
2007

INTRODUCED BY WONDERLING, RHOADES, FOLMER, MUSTO, GREENLEAF,  
McILHINNEY AND WAUGH, JULY 27, 2007

REFERRED TO STATE GOVERNMENT, JULY 27, 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 for school  
12 director; and making editorial changes regarding district  
13 justices.

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

16 Section 1. Sections 630.1 and 910 of the act of June 3, 1937  
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
18 amended May 12, 2006 (P.L.178, No.45), are amended to read:

19 Section 630.1. Affidavits of Candidates.--Each candidate for  
20 any State, county, city, borough, incorporated town, township,  
21 school district or poor district office, or for the office of  
22 United States Senator or Representative in Congress, selected as  
23 provided in section 630 of this act, shall file with the

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

21 Section 910. Affidavits of Candidates.--Each candidate for  
22 any State, county, city, borough, incorporated town, township,  
23 ward, school district, poor district, election district, party  
24 office, party delegate or alternate, or for the office of United  
25 States Senator or Representative in Congress, shall file with  
26 his nomination petition his affidavit stating--(a) his  
27 residence, with street and number, if any, and his post-office  
28 address; (b) his election district, giving city, borough, town  
29 or township; (c) the name of the office for which he consents to  
30 be a candidate; (d) that he is eligible for such office; (e)

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

1 be stated in such nomination petition.

2 Section 2. Section 976 of the act, amended July 28, 1941  
3 (P.L.526, No.213) and February 19, 1986 (P.L.29, No.11) and  
4 repealed in part April 28, 1978 (P.L.202, No.53), is amended to  
5 read:

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

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

1 petitions, certificates or papers, and his or their retention of  
2 same for the purpose of making such examination or interrogation  
3 shall not be construed as an acceptance or filing.

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

9 Provided further, That no nomination petition, nomination  
10 paper or nomination certificate shall be permitted to be filed,  
11 if the political party or political body referred to therein  
12 shall be composed of a group of electors whose purposes or aims,  
13 or one of whose purposes or aims, is the establishment, control,  
14 conduct, seizure or overthrow of the Government of the  
15 Commonwealth of Pennsylvania or the United States of America by  
16 the use of force, violence, military measure or threats of one  
17 or more of the foregoing. The authority to reject such  
18 nomination petition, paper or certificate for this reason shall,  
19 when filed with the Secretary of the Commonwealth, be vested in  
20 a committee composed of the Governor, the Attorney General and  
21 the Secretary of the Commonwealth, and when filed with any  
22 county board of elections shall be vested in such board. If in  
23 such case the committee or board, as the case may be, shall  
24 conclude that the acceptance of such nomination petition, paper  
25 or certificate should be refused, it shall within two days of  
26 the filing of such nomination petition, paper or certificate fix  
27 a place and a time five days in advance for hearing the matter,  
28 and notice thereof shall be given to all parties affected  
29 thereby. At the time and place so fixed the committee or board,  
30 as the case may be, shall hear testimony, but shall not be bound

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

1 or the county board of elections to permit the names of the  
2 candidates affected by the court's decision to be printed on the  
3 ballot, if the court should so determine.

4 Section 3. Section 981.1 of the act, amended May 12, 2006  
5 (P.L.178, No.45), is amended to read:

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



1 office subject to the affidavit.

2 Section 4. Sections 993(a), 998(a) and (b) and 1004 of the  
3 act, amended February 19, 1986 (P.L.29, No.11), are amended to  
4 read:

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

1 election, unless such person is a candidate for the office of  
2 judge of a court of common pleas, the Philadelphia Municipal  
3 Court or the Traffic Court of Philadelphia, or for the office of  
4 [school director in districts where that office is elective or  
5 for the office of justice of the peace] magisterial district  
6 judge.

7 \* \* \*

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

25 (b) In case of the death or withdrawal of any candidate  
26 nominated by a political body for an election, the committee  
27 named in the original nomination papers may nominate a  
28 substitute in his place by filing a substituted nomination  
29 certificate in the form and manner prescribed by section nine  
30 hundred eighty of this act. In the case of a vacancy caused by

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

12 \* \* \*

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

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

22 Section 5. This act shall take effect in 60 days.