

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1299 Session of 2009

INTRODUCED BY MCGEEHAN, CALTAGIRONE, CASORIO, DeLUCA, DONATUCCI, GERGELY, HARHAI, HORNAMAN, MAHONEY, McILVAINE SMITH, MELIO, MILNE, M. O'BRIEN AND SIPTROTH, APRIL 21, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 21, 2009

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," repealing provisions allowing candidates to cross  
12 file.

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

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

18 Section 630.1. Affidavits of Candidates.--Each candidate for  
19 any State, county, city, borough, incorporated town, township,  
20 school district or poor district office, or for the office of  
21 United States Senator or Representative in Congress, selected as  
22 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,] that he is  
13 not a candidate for the same office of any party or political  
14 body other than the one designated in such certificate; (g) that  
15 he is aware of the provisions of section 1626 of this act  
16 requiring election and post-election reporting of campaign  
17 contributions and expenditures; and (h) that he is not a  
18 candidate for an office which he already holds, the term of  
19 which is not set to expire in the same year as the office  
20 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 a  
7 district where that office is elective or for the office of  
8 justice of the peace] that he is not a candidate for nomination  
9 for the same office of any party other than the one designated  
10 in such petition; (g) if he is a candidate for a delegate, or  
11 alternate delegate, member of State committee, National  
12 committee or party officer, that he is a registered and enrolled  
13 member of the designated party; (h) if he is a candidate for  
14 delegate or alternate delegate the presidential candidate to  
15 whom he is committed or the term "uncommitted"; (i) that he is  
16 aware of the provisions of section 1626 of this act requiring  
17 pre-election and post-election reporting of campaign  
18 contributions and expenditures; and (j) that he is not a  
19 candidate for an office which he already holds, the term of  
20 which is not set to expire in the same year as the office  
21 subject to the affidavit. In cases of petitions for delegate and  
22 alternate delegate to National conventions, the candidate's  
23 affidavit shall state that his signature to the delegate's  
24 statement, as hereinafter set forth, if such statement is signed  
25 by said candidate, was affixed to the sheet or sheets of said  
26 petition prior to the circulation of same. In the case of a  
27 candidate for nomination as President of the United States, it  
28 shall not be necessary for such candidate to file the affidavit  
29 required in this section to be filed by candidates, but the  
30 post-office address of such candidate shall be stated in such

1 nomination petition.

2 Section 2. Section 976 first paragraph of the act, amended  
3 February 19, 1986 (P.L.29, No.11), is amended to read:

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

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

1 acceptance or filing.

2 \* \* \*

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

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

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

Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.--(a)

In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when

nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hundred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office [unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in districts where that office is elective or for the office of justice of the peace]. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election[, unless such person is a candidate for the office of judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of

1 Philadelphia, or for the office of school director in districts  
2 where that office is elective or for the office of justice of  
3 the peace].

4 \* \* \*

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

22 (b) In case of the death or withdrawal of any candidate  
23 nominated by a political body for an election, the committee  
24 named in the original nomination papers may nominate a  
25 substitute in his place by filing a substituted nomination  
26 certificate in the form and manner prescribed by section nine  
27 hundred eighty of this act. In the case of a vacancy caused by  
28 the death of any candidate, said nomination certificate shall be  
29 accompanied by a death certificate properly certified. No  
30 substituted nomination certificate shall nominate any person who



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

8 (c) Substituted nomination certificates to fill vacancies  
9 caused by the withdrawal of candidates nominated for a November  
10 election in accordance with the provisions of section nine  
11 hundred ninety-three of this act shall be filed with the officer  
12 or board with whom the original nomination certificates or  
13 papers were filed not later than seven (7) days after the last  
14 day for filing the original nomination certificates or papers.

15 (d) Substituted nomination certificates to fill vacancies  
16 caused by the death of candidates nominated for a November  
17 election in accordance with the provisions of section nine  
18 hundred ninety-three of this act shall be filed in the office of  
19 the officer or board with whom the original nomination  
20 certificates or papers were filed at any time prior to the day  
21 in which the printing of ballots is started.

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