

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1989 Session of
2009

INTRODUCED BY R. TAYLOR, PALLONE, BRENNAN, BRIGGS, CARROLL,
CASORIO, D. COSTA, FREEMAN, GERGELY, GIBBONS, GRUCELA,
HALUSKA, HELM, HORNAMAN, JOSEPHS, KORTZ, LEVDANSKY, MAHONEY,
McILVAINE SMITH, MUNDY, MURT, READSHAW, SAMUELSON, SIPTROTH,
SWANGER, WALKO, WANSACZ, WHITE, STURLA, MELIO AND
BENNINGHOFF, SEPTEMBER 21, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 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," in dates of elections and primaries and special
12 elections, further providing for special elections for
13 Senator and Representative in the General Assembly.

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

16 Section 1. Section 628 of the act of June 3, 1937 (P.L.1333,
17 No.320), known as the Pennsylvania Election Code, amended
18 February 13, 1998 (P.L.72, No.18), is amended to read:

19 Section 628. Special Elections for Senator and
20 Representative in the General Assembly.--(a) Whenever a vacancy
21 shall occur in either house of the General Assembly whether or

1 not it then be in session, the presiding officer of such house
2 shall, within ten (10) days after the happening of the vacancy,
3 issue a writ of election to the proper county board or boards of
4 election and to the Secretary of the Commonwealth, for a special
5 election to fill said vacancy, which election shall be held at
6 the next ensuing primary, municipal or general election
7 scheduled at least sixty (60) days after the issuance of the
8 writ or such other earlier date which is at least sixty (60)
9 days following the issuance of the writ as the presiding officer
10 may deem appropriate: Provided, however, That should the
11 Governor after the issuance of the said writ of election advise
12 the presiding officer that the General Assembly will be called
13 into extraordinary session prior to the date set for such
14 special election, the presiding officer may countermand the writ
15 theretofore issued and shall issue a new writ of election,
16 fixing therein such earlier date therefor as is deemed
17 expedient, but which shall not be less than sixty (60) days
18 after the issuance of said writ: Provided further, That if the
19 vacancy shall occur less than seven (7) months prior to the
20 expiration of the term, a special election shall be held only if
21 in the opinion of the presiding officer the election is in the
22 public interest.

23 (b) Notwithstanding the provisions of subsection (a), if the
24 writ of election for a special election would cause the special
25 election to fall within sixty (60) days of the next ensuing
26 primary, municipal or general election, the special election
27 shall be held at such ensuing primary, municipal or general
28 election.

29 Section 2. This act shall take effect in 60 days.