

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 733 Session of 2009

INTRODUCED BY WAUGH, ALLOWAY, BAKER, BRUBAKER, GREENLEAF,
RAFFERTY, ROBBINS, WARD, WONDERLING, WOZNIAK AND YAW,
APRIL 3, 2009

REFERRED TO STATE GOVERNMENT, APRIL 3, 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," providing for elections in the event of
12 catastrophic loss.

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

15 Section 1. Section 627 of the act of June 3, 1937 (P.L.1333,
16 No.320), known as the Pennsylvania Election Code, amended August
17 13, 1963 (P.L.707, No.379), is amended to read:

18 Section 627. Special Elections for Representative in
19 Congress.--[Whenever]

20 (a) Except as provided in subsection (b), whenever a vacancy
21 shall occur or exist in the office of Representative in Congress
22 from [this State] Pennsylvania during a session of Congress, or

1 whenever such vacancy shall occur or exist at a time when the
2 members of Congress shall be required to meet at any time
3 previous to the next general election, the Governor shall issue,
4 within ten days after the happening of said vacancy, or after
5 the calling of an extraordinary session of Congress during the
6 existence of said vacancy, a writ of election to the proper
7 county board or boards of election and to the Secretary of the
8 Commonwealth, for a special election to fill said vacancy, which
9 election shall be held on a date named in said writ, which shall
10 not be less than sixty (60) days after the issuance of said
11 writ. In all other cases no such special election to fill said
12 vacancy shall be held. The Governor may fix, in such writ of
13 election, the date of the next ensuing primary or municipal
14 election as the date for holding any such special election.

15 (b) In the event of a catastrophic loss in which a vacancy
16 in the office of Representative in Congress from Pennsylvania is
17 created, the Governor shall issue, within seven days after the
18 happening of said vacancy, a writ of election to the proper
19 county board or boards of election and to the Secretary of the
20 Commonwealth, for a special election to fill said vacancy, which
21 election shall be held on a date named in said writ, which shall
22 not be less than forty-five (45) days nor more than sixty (60)
23 days after the issuance of said writ; except that if the next
24 primary, municipal or general election is scheduled to occur
25 within ninety (90) days of the issuance of the writ of election,
26 the Governor may fix the date of the next ensuing primary,
27 municipal or general election as the date for holding any such
28 special election under this subsection.

29 (c) When used in this section, "catastrophic loss" shall
30 mean a natural or man-made event that causes a vacancy in at

1 least one-fourth of the total number of offices of the United
2 States House of Representatives including any number of offices
3 representing Pennsylvania or at least one-fourth of the total
4 number of offices representing Pennsylvania.

5 Section 2. Section 629 of the act, amended October 28, 1971
6 (P.L.493, No.112), is amended to read:

7 Section 629. Nominations for Special Election for
8 Representative in Congress, Senator and Representative in the
9 General Assembly and Member of Council or Legislative Body of
10 Cities, Boroughs, Towns and Townships.--

11 (a) Candidates to fill vacancies in the offices of
12 Representative in Congress, Senator and Representative in the
13 General Assembly and member of the council or legislative body
14 of any city, borough, town or township shall be nominated by
15 political parties, in accordance with the party rules relating
16 to the filling of vacancies, by means of nomination
17 certificates, in the form prescribed in section 630 of this act;
18 and by political bodies, by means of nomination papers, in
19 accordance with the provisions of sections 951, 952 and 954 of
20 this act. [Said] Except as provided in subsection (b), said
21 nomination certificates and nomination papers for the office of
22 Representative in Congress, Senator and Representative in the
23 General Assembly shall be filed in the office of the Secretary
24 of the Commonwealth not later than fifty (50) days prior to the
25 date of the special election, and for the office of member of
26 the council or legislative body of a city, borough, town or
27 township, in the office of the county board of elections wherein
28 such city, borough, town or township is situate, not later than
29 fifteen (15) days after the issuance of the writ of election.

30 (b) Nomination certificates and nominating papers for the

1 office of Representative in Congress filed pursuant to section
2 627(b) shall be filed in the office of the Secretary of the
3 Commonwealth not later than thirty (30) days prior to the date
4 of the special election.

5 Section 3. Section 636 of the act, amended August 13, 1963
6 (P.L.707, No.379), is amended to read:

7 Section 636. Certification by Secretary of the Commonwealth
8 of Candidates for Special Elections.--[The]

9 (a) Except as provided in subsection (b), the Secretary of
10 the Commonwealth shall, not later than the thirtieth (30th) day
11 next preceding the day fixed for any special election to fill a
12 vacancy in the offices of United States Senator, Representative
13 in Congress, Senator and Representative in the General Assembly,
14 certify to the proper county board or boards the names and
15 residences of, and parties or political bodies represented by,
16 all candidates whose nomination certificates or papers have been
17 filed with him, as herein provided, for such election, and have
18 not been found and declared invalid, and to be voted for in the
19 county or any district or districts thereof, substantially in
20 the form of the ballots to be used therein.

21 (b) For special elections under section 627(b), the
22 Secretary of the Commonwealth shall, not later than the
23 eighteenth (18th) day next preceding the day fixed for the
24 special election to fill a vacancy in the office of
25 Representative in Congress, certify to the proper county board
26 or boards the names and residences of, and parties or political
27 bodies represented by, all candidates whose nomination
28 certificates or papers have been filed with him, as herein
29 provided, for such election, and have not been found and
30 declared invalid, and to be voted for in the county or any

1 district or districts thereof, substantially in the form of the
2 ballots to be used therein.

3 Section 4. This act shall take effect in 60 days.