

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1020 Session of
2013

INTRODUCED BY SIMMONS, CHRISTIANA, MUNDY, EVANKOVICH, D. COSTA,
MAHONEY, DAVIDSON, MOUL, MILNE, BENNINGHOFF, DeLUCA, ROCK,
GABLER, DENLINGER, GROVE, GILLEN, METCALFE, GINGRICH, JAMES,
SANKEY, VEREB, KIRKLAND, SWANGER AND KRIEGER, MARCH 19, 2013

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 15, 2013

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 affidavits of candidates;
13 ~~and, in nomination of candidates, further providing for~~ <--
14 ~~affidavits of candidates-, FOR EXAMINATION OF NOMINATION~~ <--
15 PETITIONS, CERTIFICATES AND PAPERS AND RETURN OF REJECTED
16 NOMINATION PETITIONS, CERTIFICATES AND PAPERS, FOR FILLING OF
17 CERTAIN VACANCIES IN PUBLIC OFFICE AND FOR SUBSTITUTED
18 NOMINATIONS TO FILL CERTAIN VACANCIES; IN BALLOTS, FURTHER
19 PROVIDING FOR FORM AND PRINTING OF BALLOTS; AND REPLACING
20 REFERENCES TO "JUSTICE OF THE PEACE" WITH "MAGISTERIAL
21 DISTRICT JUDGE."

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 ~~Section 1. Sections 630.1 and 981.1 of the act of June 3,~~ <--
25 ~~1937 (P.L.1333, No.320), known as the Pennsylvania Election~~
26 ~~Code, amended May 12, 2006 (P.L.178, No.45), are amended to~~

1 ~~read:~~

2 SECTION 1. SECTION 406 OF THE ACT OF JUNE 3, 1937 (P.L.1333, <--
3 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, IS AMENDED TO
4 READ:

5 SECTION 406. ELECTION OFFICERS TO BE SWORN.--ALL JUDGES,
6 INSPECTORS, CLERKS OF ELECTION AND MACHINE INSPECTORS SHALL,
7 BEFORE ENTERING UPON THEIR DUTIES AT ANY PRIMARY OR ELECTION, BE
8 DULY SWORN IN THE PRESENCE OF EACH OTHER AND OF THE WATCHERS AND
9 OVERSEERS, IF ANY. THE JUDGE SHALL FIRST BE SWORN BY THE
10 MINORITY INSPECTOR OR BY A MAGISTRATE, ALDERMAN OR [JUSTICE OF
11 THE PEACE] MAGISTERIAL DISTRICT JUDGE, AND THE INSPECTORS,
12 CLERKS AND MACHINE INSPECTORS SHALL THEN BE SWORN BY THE JUDGE.
13 EACH OF THEM SHALL FORTHWITH SIGN IN DUPLICATE THE OATH TAKEN BY
14 HIM UPON FORMS TO BE FURNISHED BY THE COUNTY BOARD, AND THE SAME
15 SHALL BE ATTESTED BY THE OFFICER WHO ADMINISTERED THE OATH.

16 SECTION 2. SECTION 630.1 OF THE ACT, AMENDED MAY 12, 2006
17 (P.L.178, NO.45), IS 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
23 nomination certificate an affidavit stating--(a) his residence,
24 with street and number, if any, and his post-office address; (b)
25 his election district, giving city, borough, town or township;
26 (c) the name of the office for which he consents to be a
27 candidate; (d) that he is eligible for such office; (e) that he
28 will not knowingly violate any provision of this act, or of any
29 law regulating and limiting election expenses and prohibiting
30 corrupt practices in connection therewith; (f) unless he is a

1 candidate for judge of a court of common pleas, the Philadelphia
2 Municipal Court or the Traffic Court of Philadelphia[, or for
3 the office of school board in a district where that office is
4 elective] or for the office of [justice of the peace] <--
5 MAGISTERIAL DISTRICT JUDGE, that he is not a candidate for the
6 same office of any party or political body other than the one
7 designated in such certificate; (g) that he is aware of the
8 provisions of section 1626 of this act requiring election and
9 post-election reporting of campaign contributions and
10 expenditures; and (h) that he is not a candidate for an office
11 which he already holds, the term of which is not set to expire
12 in the same year as the office subject to the affidavit.

13 SECTION 3. SECTION 909 OF THE ACT, AMENDED FEBRUARY 19, 1986 <--
14 (P.L.29, NO.11), IS AMENDED TO READ:

15 SECTION 909. PETITION MAY CONSIST OF SEVERAL SHEETS;
16 AFFIDAVIT OF CIRCULATOR.--SAID NOMINATION PETITION MAY BE ON ONE
17 OR MORE SHEETS, AND DIFFERENT SHEETS MUST BE USED FOR SIGNERS
18 RESIDENT IN DIFFERENT COUNTIES. IF MORE THAN ONE SHEET IS USED,
19 THEY SHALL BE BOUND TOGETHER WHEN OFFERED FOR FILING IF THEY ARE
20 INTENDED TO CONSTITUTE ONE PETITION, AND EACH SHEET SHALL BE
21 NUMBERED CONSECUTIVELY BEGINNING WITH NUMBER ONE, AT THE FOOT OF
22 EACH PAGE. IN CASES OF PETITIONS FOR DELEGATE OR ALTERNATE
23 DELEGATE TO NATIONAL CONVENTIONS, EACH SHEET SHALL CONTAIN A
24 NOTATION INDICATING THE PRESIDENTIAL CANDIDATE TO WHOM HE IS
25 COMMITTED OR THE TERM "UNCOMMITTED." EACH SHEET SHALL HAVE
26 APPENDED THERETO THE AFFIDAVIT OF THE CIRCULATOR OF EACH SHEET,
27 SETTING FORTH--(A) THAT HE OR SHE IS A QUALIFIED ELECTOR DULY
28 REGISTERED AND ENROLLED AS A MEMBER OF THE DESIGNATED PARTY OF
29 THE STATE, OR OF THE POLITICAL DISTRICT, AS THE CASE MAY BE,
30 REFERRED TO IN SAID PETITION, UNLESS SAID PETITION RELATES TO

1 THE NOMINATION OF A CANDIDATE FOR A COURT OF COMMON PLEAS, FOR
2 THE PHILADELPHIA MUNICIPAL COURT OR FOR THE TRAFFIC COURT OF
3 PHILADELPHIA OR FOR [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT
4 JUDGE, IN WHICH EVENT THE CIRCULATOR NEED NOT BE A DULY
5 REGISTERED AND ENROLLED MEMBER OF THE DESIGNATED PARTY; (B) HIS
6 RESIDENCE, GIVING CITY, BOROUGH OR TOWNSHIP, WITH STREET AND
7 NUMBER, IF ANY; (C) THAT THE SIGNERS THERETO SIGNED WITH FULL
8 KNOWLEDGE OF THE CONTENTS OF THE PETITION; (D) THAT THEIR
9 RESPECTIVE RESIDENCES ARE CORRECTLY STATED THEREIN; (E) THAT
10 THEY ALL RESIDE IN THE COUNTY NAMED IN THE AFFIDAVIT; (F) THAT
11 EACH SIGNED ON THE DATE SET OPPOSITE HIS NAME; AND (G) THAT, TO
12 THE BEST OF AFFIANT'S KNOWLEDGE AND BELIEF, THE SIGNERS ARE
13 QUALIFIED ELECTORS AND DULY REGISTERED AND ENROLLED MEMBERS OF
14 THE DESIGNATED PARTY OF THE STATE, OR OF THE POLITICAL DISTRICT,
15 AS THE CASE MAY BE.

16 SECTION 4. SECTION 910 OF THE ACT, AMENDED MAY 12, 2006
17 (P.L.178, NO.45), IS AMENDED TO READ:

18 SECTION 910. AFFIDAVITS OF CANDIDATES.--EACH CANDIDATE FOR
19 ANY STATE, COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP,
20 WARD, SCHOOL DISTRICT, POOR DISTRICT, ELECTION DISTRICT, PARTY
21 OFFICE, PARTY DELEGATE OR ALTERNATE, OR FOR THE OFFICE OF UNITED
22 STATES SENATOR OR REPRESENTATIVE IN CONGRESS, SHALL FILE WITH
23 HIS NOMINATION PETITION HIS AFFIDAVIT STATING--(A) HIS
24 RESIDENCE, WITH STREET AND NUMBER, IF ANY, AND HIS POST-OFFICE
25 ADDRESS; (B) HIS ELECTION DISTRICT, GIVING CITY, BOROUGH, TOWN
26 OR TOWNSHIP; (C) THE NAME OF THE OFFICE FOR WHICH HE CONSENTS TO
27 BE A CANDIDATE; (D) THAT HE IS ELIGIBLE FOR SUCH OFFICE; (E)
28 THAT HE WILL NOT KNOWINGLY VIOLATE ANY PROVISION OF THIS ACT, OR
29 OF ANY LAW REGULATING AND LIMITING NOMINATION AND ELECTION
30 EXPENSES AND PROHIBITING CORRUPT PRACTICES IN CONNECTION

1 THEREWITH; (F) UNLESS HE IS A CANDIDATE FOR JUDGE OF A COURT OF
2 COMMON PLEAS, THE PHILADELPHIA MUNICIPAL COURT OR THE TRAFFIC
3 COURT OF PHILADELPHIA, [OR FOR THE OFFICE OF SCHOOL DIRECTOR IN
4 A DISTRICT WHERE THAT OFFICE IS ELECTIVE] OR FOR THE OFFICE OF
5 [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT JUDGE THAT HE IS NOT
6 A CANDIDATE FOR NOMINATION FOR THE SAME OFFICE OF ANY PARTY
7 OTHER THAN THE ONE DESIGNATED IN SUCH PETITION; (G) IF HE IS A
8 CANDIDATE FOR A DELEGATE, OR ALTERNATE DELEGATE, MEMBER OF STATE
9 COMMITTEE, NATIONAL COMMITTEE OR PARTY OFFICER, THAT HE IS A
10 REGISTERED AND ENROLLED MEMBER OF THE DESIGNATED PARTY; (H) IF
11 HE IS A CANDIDATE FOR DELEGATE OR ALTERNATE DELEGATE THE
12 PRESIDENTIAL CANDIDATE TO WHOM HE IS COMMITTED OR THE TERM
13 "UNCOMMITTED"; (I) THAT HE IS AWARE OF THE PROVISIONS OF SECTION
14 1626 OF THIS ACT REQUIRING PRE-ELECTION AND POST-ELECTION
15 REPORTING OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES; AND (J)
16 THAT HE IS NOT A CANDIDATE FOR AN OFFICE WHICH HE ALREADY HOLDS,
17 THE TERM OF WHICH IS NOT SET TO EXPIRE IN THE SAME YEAR AS THE
18 OFFICE SUBJECT TO THE AFFIDAVIT. IN CASES OF PETITIONS FOR
19 DELEGATE AND ALTERNATE DELEGATE TO NATIONAL CONVENTIONS, THE
20 CANDIDATE'S AFFIDAVIT SHALL STATE THAT HIS SIGNATURE TO THE
21 DELEGATE'S STATEMENT, AS HEREINAFTER SET FORTH, IF SUCH
22 STATEMENT IS SIGNED BY SAID CANDIDATE, WAS AFFIXED TO THE SHEET
23 OR SHEETS OF SAID PETITION PRIOR TO THE CIRCULATION OF SAME. IN
24 THE CASE OF A CANDIDATE FOR NOMINATION AS PRESIDENT OF THE
25 UNITED STATES, IT SHALL NOT BE NECESSARY FOR SUCH CANDIDATE TO
26 FILE THE AFFIDAVIT REQUIRED IN THIS SECTION TO BE FILED BY
27 CANDIDATES, BUT THE POST-OFFICE ADDRESS OF SUCH CANDIDATE SHALL
28 BE STATED IN SUCH NOMINATION PETITION.

29 SECTION 5. SECTION 976 OF THE ACT, AMENDED JULY 28, 1941
30 (P.L.526, NO.213) AND FEBRUARY 19, 1986 (P.L.29, NO.11) AND

1 REPEALED IN PART APRIL 28, 1978 (P.L.202, NO.53), IS AMENDED TO
2 READ:

3 SECTION 976. EXAMINATION OF NOMINATION PETITIONS,
4 CERTIFICATES AND PAPERS; RETURN OF REJECTED NOMINATION
5 PETITIONS, CERTIFICATES AND PAPERS.--WHEN ANY NOMINATION
6 PETITION, NOMINATION CERTIFICATE OR NOMINATION PAPER IS
7 PRESENTED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH OR
8 OF ANY COUNTY BOARD OF ELECTIONS FOR FILING WITHIN THE PERIOD
9 LIMITED BY THIS ACT, IT SHALL BE THE DUTY OF THE SAID OFFICER OR
10 BOARD TO EXAMINE THE SAME. NO NOMINATION PETITION, NOMINATION
11 PAPER OR NOMINATION CERTIFICATE SHALL BE PERMITTED TO BE FILED
12 IF--(A) IT CONTAINS MATERIAL ERRORS OR DEFECTS APPARENT ON THE
13 FACE THEREOF, OR ON THE FACE OF THE APPENDED OR ACCOMPANYING
14 AFFIDAVITS; OR (B) IT CONTAINS MATERIAL ALTERATIONS MADE AFTER
15 SIGNING WITHOUT THE CONSENT OF THE SIGNERS; OR (C) IT DOES NOT
16 CONTAIN A SUFFICIENT NUMBER OF SIGNATURES AS REQUIRED BY LAW;
17 PROVIDED, HOWEVER, THAT THE SECRETARY OF THE COMMONWEALTH OR THE
18 COUNTY BOARD OF ELECTIONS, ALTHOUGH NOT HEREBY REQUIRED SO TO
19 DO, MAY QUESTION THE GENUINENESS OF ANY SIGNATURE OR SIGNATURES
20 APPEARING THEREON, AND IF HE OR IT SHALL THEREUPON FIND THAT ANY
21 SUCH SIGNATURE OR SIGNATURES ARE NOT GENUINE, SUCH SIGNATURE OR
22 SIGNATURES SHALL BE DISREGARDED IN DETERMINING WHETHER THE
23 NOMINATION PETITION, NOMINATION PAPER OR NOMINATION CERTIFICATE
24 CONTAINS A SUFFICIENT NUMBER OF SIGNATURES AS REQUIRED BY LAW;
25 OR (D) IN THE CASE OF NOMINATION PETITIONS, IF NOMINATION
26 PETITIONS HAVE BEEN FILED FOR PRINTING THE NAME OF THE SAME
27 PERSON FOR THE SAME OFFICE, EXCEPT THE OFFICE OF JUDGE OF A
28 COURT OF COMMON PLEAS, THE PHILADELPHIA MUNICIPAL COURT OR THE
29 TRAFFIC COURT OF PHILADELPHIA, [OR THE OFFICE OF SCHOOL DIRECTOR
30 IN DISTRICTS WHERE THAT OFFICE IS ELECTIVE] OR THE OFFICE OF

1 [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT JUDGE UPON THE
2 OFFICIAL BALLOT OF MORE THAN ONE POLITICAL PARTY; OR (E) IN THE
3 CASE OF NOMINATION PAPERS, IF THE CANDIDATE NAMED THEREIN HAS
4 FILED A NOMINATION PETITION FOR ANY PUBLIC OFFICE FOR THE
5 ENSUING PRIMARY, OR HAS BEEN NOMINATED FOR ANY SUCH OFFICE BY
6 NOMINATION PAPERS PREVIOUSLY FILED; OR (F) IF THE NOMINATION
7 PETITIONS OR PAPERS ARE NOT ACCOMPANIED BY THE FILING FEE OR
8 CERTIFIED CHECK REQUIRED FOR SAID OFFICE; OR (G) IN THE CASE OF
9 NOMINATION PAPERS, THE APPELLATION SET FORTH THEREIN IS
10 IDENTICAL WITH OR DECEPTIVELY SIMILAR TO THE WORDS USED BY ANY
11 EXISTING PARTY OR BY ANY POLITICAL BODY WHICH HAS ALREADY FILED
12 NOMINATION PAPERS FOR THE SAME OFFICE, OR IF THE APPELLATION SET
13 FORTH THEREIN CONTAINS PART OF THE NAME, OR AN ABBREVIATION OF
14 THE NAME OR PART OF THE NAME OF AN EXISTING POLITICAL PARTY, OR
15 OF A POLITICAL BODY WHICH HAS ALREADY FILED NOMINATION PAPERS
16 FOR THE SAME OFFICE. THE INVALIDITY OF ANY SHEET OF A NOMINATION
17 PETITION OR NOMINATION PAPER SHALL NOT AFFECT THE VALIDITY OF
18 SUCH PETITION OR PAPER IF A SUFFICIENT PETITION OR PAPER REMAINS
19 AFTER ELIMINATING SUCH INVALID SHEET. THE ACTION OF SAID OFFICER
20 OR BOARD IN REFUSING TO RECEIVE AND FILE ANY SUCH NOMINATION
21 PETITION, CERTIFICATE OR PAPER, MAY BE REVIEWED BY THE COURT
22 UPON AN APPLICATION TO COMPEL ITS RECEPTION AS OF THE DATE WHEN
23 IT WAS PRESENTED TO THE OFFICE OF SUCH OFFICER OR BOARD:
24 PROVIDED, HOWEVER, THAT SAID OFFICER OR BOARD SHALL BE ENTITLED
25 TO A REASONABLE TIME IN WHICH TO EXAMINE ANY PETITIONS,
26 CERTIFICATES OR PAPERS, AND TO SUMMON AND INTERROGATE THE
27 CANDIDATES NAMED THEREIN, OR THE PERSONS PRESENTING SAID
28 PETITIONS, CERTIFICATES OR PAPERS, AND HIS OR THEIR RETENTION OF
29 SAME FOR THE PURPOSE OF MAKING SUCH EXAMINATION OR INTERROGATION
30 SHALL NOT BE CONSTRUED AS AN ACCEPTANCE OR FILING.

1 UPON COMPLETION OF ANY EXAMINATION, IF ANY NOMINATION
2 PETITION, CERTIFICATE OR PAPER IS FOUND TO BE DEFECTIVE, IT
3 SHALL FORTHWITH BE REJECTED AND RETURNED TO THE CANDIDATE OR ONE
4 OF THE CANDIDATES NAMED THEREIN, TOGETHER WITH A STATEMENT OF
5 THE REASONS FOR SUCH REJECTION:

6 PROVIDED FURTHER, THAT NO NOMINATION PETITION, NOMINATION
7 PAPER OR NOMINATION CERTIFICATE SHALL BE PERMITTED TO BE FILED,
8 IF THE POLITICAL PARTY OR POLITICAL BODY REFERRED TO THEREIN
9 SHALL BE COMPOSED OF A GROUP OF ELECTORS WHOSE PURPOSES OR AIMS,
10 OR ONE OF WHOSE PURPOSES OR AIMS, IS THE ESTABLISHMENT, CONTROL,
11 CONDUCT, SEIZURE OR OVERTHROW OF THE GOVERNMENT OF THE
12 COMMONWEALTH OF PENNSYLVANIA OR THE UNITED STATES OF AMERICA BY
13 THE USE OF FORCE, VIOLENCE, MILITARY MEASURE OR THREATS OF ONE
14 OR MORE OF THE FOREGOING. THE AUTHORITY TO REJECT SUCH
15 NOMINATION PETITION, PAPER OR CERTIFICATE FOR THIS REASON SHALL,
16 WHEN FILED WITH THE SECRETARY OF THE COMMONWEALTH, BE VESTED IN
17 A COMMITTEE COMPOSED OF THE GOVERNOR, THE ATTORNEY GENERAL AND
18 THE SECRETARY OF THE COMMONWEALTH, AND WHEN FILED WITH ANY
19 COUNTY BOARD OF ELECTIONS SHALL BE VESTED IN SUCH BOARD. IF IN
20 SUCH CASE THE COMMITTEE OR BOARD, AS THE CASE MAY BE, SHALL
21 CONCLUDE THAT THE ACCEPTANCE OF SUCH NOMINATION PETITION, PAPER
22 OR CERTIFICATE SHOULD BE REFUSED, IT SHALL WITHIN TWO DAYS OF
23 THE FILING OF SUCH NOMINATION PETITION, PAPER OR CERTIFICATE FIX
24 A PLACE AND A TIME FIVE DAYS IN ADVANCE FOR HEARING THE MATTER,
25 AND NOTICE THEREOF SHALL BE GIVEN TO ALL PARTIES AFFECTED
26 THEREBY. AT THE TIME AND PLACE SO FIXED THE COMMITTEE OR BOARD,
27 AS THE CASE MAY BE, SHALL HEAR TESTIMONY, BUT SHALL NOT BE BOUND
28 BY TECHNICAL RULES OF EVIDENCE. THE TESTIMONY PRESENTED SHALL BE
29 STENOGRAPHICALLY RECORDED AND MADE A PART OF THE RECORD OF THE
30 COMMITTEE OR BOARD. WITHIN TWO DAYS AFTER SUCH HEARING THE

1 COMMITTEE OR BOARD, IF SATISFIED UPON COMPETENT EVIDENCE THAT
2 THE SAID NOMINATION PETITION, PAPER OR CERTIFICATE IS NOT
3 ENTITLED TO BE ACCEPTED AND FILED, IT SHALL ANNOUNCE ITS
4 DECISION AND IMMEDIATELY NOTIFY THE PARTIES AFFECTED THEREBY.
5 FAILURE TO ANNOUNCE DECISION WITHIN TWO DAYS AFTER SUCH HEARING
6 SHALL BE CONCLUSIVE THAT SUCH NOMINATION PETITION, PAPER OR
7 CERTIFICATE HAS BEEN ACCEPTED AND FILED. THE DECISION OF SAID
8 COMMITTEE OR BOARD IN REFUSING TO ACCEPT AND FILE SUCH
9 NOMINATION PETITION, PAPER OR CERTIFICATE MAY BE REVIEWED BY THE
10 COURT UPON AN APPLICATION TO COMPEL ITS RECEPTION AS OF THE DATE
11 WHEN PRESENTED TO THE SECRETARY OF THE COMMONWEALTH OR SUCH
12 BOARD. THE APPLICATION SHALL BE MADE WITHIN TWO DAYS OF THE TIME
13 WHEN SUCH DECISION IS ANNOUNCED. IF THE APPLICATION IS PROPERLY
14 MADE, ANY JUDGE OF SAID COURT MAY FIX A TIME AND PLACE FOR
15 HEARING THE MATTER IN DISPUTE, OF WHICH NOTICE SHALL BE SERVED
16 WITH A COPY OF SAID APPLICATION UPON THE SECRETARY OF THE
17 COMMONWEALTH OR THE COUNTY BOARD OF ELECTIONS, AS THE CASE MAY
18 BE. AT THE TIME SO FIXED, THE COURT, OR ANY JUDGE THEREOF
19 ASSIGNED FOR THE PURPOSE, SHALL HEAR THE CASE DE NOVO. IF AFTER
20 SUCH HEARING THE SAID COURT SHALL FIND THAT THE DECISION OF THE
21 COMMITTEE OR THE BOARD WAS ERRONEOUS, IT SHALL ISSUE ITS MANDATE
22 TO THE COMMITTEE OR BOARD TO CORRECT ITS DECISION AND TO ACCEPT
23 AND FILE THE NOMINATION PAPER, PETITION OR CERTIFICATE. FROM ANY
24 DECISION OF THE COURT AN APPEAL MAY BE TAKEN WITHIN TWO DAYS
25 AFTER THE ENTRY THEREOF. IT SHALL BE THE DUTY OF THE SAID COURT
26 TO FIX THE HEARING AND TO ANNOUNCE ITS DECISION WITHIN SUCH
27 PERIOD OF TIME AS WILL PERMIT THE SECRETARY OF THE COMMONWEALTH
28 OR THE COUNTY BOARD OF ELECTIONS TO PERMIT THE NAMES OF THE
29 CANDIDATES AFFECTED BY THE COURT'S DECISION TO BE PRINTED ON THE
30 BALLOT, IF THE COURT SHOULD SO DETERMINE.

1 SECTION 6. SECTION 978.1 OF THE ACT, AMENDED AUGUST 13, 1963
2 (P.L.707, NO.379) AND REPEALED IN PART APRIL 28, 1978 (P.L.202,
3 NO.53), IS AMENDED TO READ:

4 SECTION 978.1. VACANCY IN PARTY NOMINATION BY FAILURE TO PAY
5 FILING FEE OR FOR FAILURE TO FILE LOYALTY OATH.--EVERY PERSON
6 NOMINATED AT ANY PRIMARY ELECTION AS THE CANDIDATE OF ANY
7 POLITICAL PARTY FOR ANY OFFICE, OTHER THAN A BOROUGH, TOWN,
8 TOWNSHIP, SCHOOL DISTRICT OR POOR DISTRICT OFFICE, OR THE OFFICE
9 OF [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT JUDGE, OR
10 CONSTABLE, WHO HAS NOT PAID THE FILING FEE REQUIRED BY SECTION
11 NINE HUNDRED THIRTEEN OF THIS ACT, AS AMENDED, FOR THE FILING OF
12 A NOMINATION PETITION FOR SUCH OFFICE, OR WHO HAS NOT FILED THE
13 LOYALTY OATH REQUIRED BY SECTION 14, ACT OF DECEMBER 22, 1951
14 (P.L.1726), KNOWN AS THE "PENNSYLVANIA LOYALTY ACT," AS LAST
15 AMENDED JUNE 19, 1961 (P.L.446), SHALL PAY THE AMOUNT OF SUCH
16 FEE TO AND FILE SUCH OATH WITH THE SECRETARY OF THE
17 COMMONWEALTH, OR THE COUNTY BOARD OF ELECTIONS, AS THE CASE MAY
18 BE, AT LEAST EIGHTY-FIVE (85) DAYS PREVIOUS TO THE DAY OF THE
19 GENERAL OR MUNICIPAL ELECTION AT WHICH SUCH CANDIDATE'S NAME
20 WOULD APPEAR ON THE BALLOT. FAILURE TO PAY SUCH FEE OR FILE SUCH
21 OATH WITHIN THE TIME HEREIN PRESCRIBED SHALL RESULT IN A VACANCY
22 IN SUCH PARTY NOMINATION. SUCH VACANCY SHALL BE FILLED IN THE
23 MANNER HEREINAFTER PROVIDED FOR THE FILLING OF SUCH VACANCIES
24 HAPPENING BY REASON OF THE DEATH OR WITHDRAWAL OF ANY CANDIDATE.

25 SECTION 7. SECTION 981.1 OF THE ACT, AMENDED MAY 12, 2006
26 (P.L.178, NO.45), IS AMENDED TO READ:

27 Section 981.1. Affidavits of Candidates.--Each candidate for
28 any State, county, city, borough, incorporated town, township,
29 ward, school district, poor district or election district
30 office, or for the office of United States Senator or

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

23 SECTION 8. SECTION 993(A) AND (B) OF THE ACT, AMENDED AUGUST <--
24 13, 1963 (P.L.707, NO.379) AND FEBRUARY 19, 1986 (P.L.29,
25 NO.11), ARE AMENDED TO READ:

26 SECTION 993. FILLING OF CERTAIN VACANCIES IN PUBLIC OFFICE
27 BY MEANS OF NOMINATION CERTIFICATES AND NOMINATION PAPERS.--(A)
28 IN ALL CASES WHERE A VACANCY SHALL OCCUR FOR ANY CAUSE IN AN
29 ELECTIVE PUBLIC OFFICE, INCLUDING THAT OF JUDGE OF A COURT OF
30 RECORD, AT A TIME WHEN SUCH VACANCY IS REQUIRED BY THE

1 PROVISIONS OF THE CONSTITUTION OR THE LAWS OF THIS COMMONWEALTH
2 TO BE FILLED AT THE ENSUING ELECTION BUT AT A TIME WHEN
3 NOMINATIONS FOR SUCH OFFICE CANNOT BE MADE UNDER ANY OTHER
4 PROVISION OF THIS ACT, NOMINATIONS TO FILL SUCH VACANCIES SHALL
5 BE MADE BY POLITICAL PARTIES IN ACCORDANCE WITH PARTY RULES
6 RELATING TO THE FILLING OF VACANCIES BY MEANS OF NOMINATION
7 CERTIFICATES IN THE FORM PRESCRIBED IN SECTION NINE HUNDRED
8 NINETY-FOUR OF THIS ACT, AND BY POLITICAL BODIES BY MEANS OF
9 NOMINATION PAPERS IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS
10 NINE HUNDRED FIFTY-ONE, NINE HUNDRED FIFTY-TWO AND NINE HUNDRED
11 FIFTY-FOUR OF THIS ACT. NO SUCH NOMINATION CERTIFICATE SHALL
12 NOMINATE ANY PERSON WHO HAS ALREADY BEEN NOMINATED BY ANY OTHER
13 POLITICAL PARTY OR BY ANY POLITICAL BODY FOR THE SAME OFFICE
14 UNLESS SUCH PERSON IS A CANDIDATE FOR THE OFFICE OF JUDGE OF A
15 COURT OF COMMON PLEAS, THE PHILADELPHIA MUNICIPAL COURT OR THE
16 TRAFFIC COURT OF PHILADELPHIA, [OR FOR THE OFFICE OF SCHOOL
17 DIRECTOR IN DISTRICTS WHERE THAT OFFICE IS ELECTIVE] OR FOR THE
18 OFFICE OF [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT JUDGE. NO
19 SUCH NOMINATION PAPERS SHALL NOMINATE ANY PERSON WHO HAS ALREADY
20 BEEN NOMINATED BY ANY POLITICAL PARTY OR BY ANY OTHER POLITICAL
21 BODY FOR ANY OFFICE TO BE FILLED AT THE ENSUING NOVEMBER
22 ELECTION, UNLESS SUCH PERSON IS A CANDIDATE FOR THE OFFICE OF
23 JUDGE OF A COURT OF COMMON PLEAS, THE PHILADELPHIA MUNICIPAL
24 COURT OR THE TRAFFIC COURT OF PHILADELPHIA, OR FOR THE OFFICE OF
25 SCHOOL DIRECTOR IN DISTRICTS WHERE THAT OFFICE IS ELECTIVE OR
26 FOR THE OFFICE OF [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT
27 JUDGE.

28 (B) SAID NOMINATION CERTIFICATES AND NOMINATION PAPERS FOR
29 STATE PUBLIC OFFICES AND JUDGES OF COURTS OF RECORDS SHALL BE
30 FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH AT

1 LEAST FIFTY (50) DAYS PRIOR TO A GENERAL OR MUNICIPAL ELECTION,
2 AS THE CASE MAY BE. NOMINATION CERTIFICATES AND NOMINATION
3 PAPERS FOR PUBLIC OFFICES IN COUNTIES, CITIES, BOROUGHES, TOWNS,
4 TOWNSHIPS, WARDS AND SCHOOL DISTRICTS AND FOR THE OFFICES OF
5 ALDERMEN AND [JUSTICES OF THE PEACE] MAGISTERIAL DISTRICT JUDGES
6 SHALL BE FILED IN THE OFFICE OF THE COUNTY BOARD OF ELECTIONS AT
7 LEAST FIFTY (50) DAYS PRIOR TO A MUNICIPAL ELECTION.

8 * * *

9 SECTION 9. SECTIONS 998(A) AND (B) AND 1004 OF THE ACT,
10 AMENDED FEBRUARY 19, 1986 (P.L.29, NO.11), ARE AMENDED TO READ:

11 SECTION 998. SUBSTITUTED NOMINATIONS TO FILL CERTAIN
12 VACANCIES FOR A NOVEMBER ELECTION.--(A) ANY VACANCY HAPPENING
13 OR EXISTING IN ANY PARTY NOMINATION MADE IN ACCORDANCE WITH THE
14 PROVISIONS OF SECTION NINE HUNDRED NINETY-THREE OF THIS ACT FOR
15 A NOVEMBER ELECTION BY REASON OF THE DEATH OR WITHDRAWAL OF ANY
16 CANDIDATE MAY BE FILLED BY A SUBSTITUTED NOMINATION MADE BY SUCH
17 COMMITTEE AS IS AUTHORIZED BY THE RULES OF THE PARTY TO MAKE
18 NOMINATIONS IN THE EVENT OF VACANCIES ON THE PARTY TICKET, IN
19 THE FORM PRESCRIBED BY SECTION NINE HUNDRED NINETY-FOUR OF THIS
20 ACT. BUT NO SUBSTITUTED NOMINATION CERTIFICATE SHALL NOMINATE
21 ANY PERSON WHO HAS ALREADY BEEN NOMINATED BY ANY OTHER POLITICAL
22 PARTY OR BY ANY POLITICAL BODY FOR THE SAME OFFICE, UNLESS SUCH
23 PERSON IS A CANDIDATE FOR THE OFFICE OF JUDGE OF A COURT OF
24 COMMON PLEAS, THE PHILADELPHIA MUNICIPAL COURT OR THE TRAFFIC
25 COURT OF PHILADELPHIA, [OR FOR THE OFFICE OF SCHOOL DIRECTOR IN
26 DISTRICTS WHERE THAT OFFICE IS ELECTIVE] OR FOR THE OFFICE OF
27 [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT JUDGE.

28 (B) IN CASE OF THE DEATH OR WITHDRAWAL OF ANY CANDIDATE
29 NOMINATED BY A POLITICAL BODY FOR AN ELECTION, THE COMMITTEE
30 NAMED IN THE ORIGINAL NOMINATION PAPERS MAY NOMINATE A

1 SUBSTITUTE IN HIS PLACE BY FILING A SUBSTITUTED NOMINATION
2 CERTIFICATE IN THE FORM AND MANNER PRESCRIBED BY SECTION NINE
3 HUNDRED EIGHTY OF THIS ACT. IN THE CASE OF A VACANCY CAUSED BY
4 THE DEATH OF ANY CANDIDATE, SAID NOMINATION CERTIFICATE SHALL BE
5 ACCOMPANIED BY A DEATH CERTIFICATE PROPERLY CERTIFIED. NO
6 SUBSTITUTED NOMINATION CERTIFICATE SHALL NOMINATE ANY PERSON WHO
7 HAS ALREADY BEEN NOMINATED BY ANY POLITICAL PARTY OR BY ANY
8 OTHER POLITICAL BODY FOR ANY OFFICE TO BE FILLED AT THE ENSUING
9 NOVEMBER ELECTION, UNLESS SUCH PERSON IS A CANDIDATE FOR THE
10 OFFICE OF JUDGE OF A COURT OF COMMON PLEAS, THE PHILADELPHIA
11 MUNICIPAL COURT OR THE TRAFFIC COURT OF PHILADELPHIA, [OR FOR
12 THE OFFICE OF SCHOOL DIRECTOR IN DISTRICTS WHERE THAT OFFICE IS
13 ELECTIVE] OR FOR THE OFFICE OF [JUSTICE OF THE PEACE]
14 MAGISTERIAL DISTRICT JUDGE.

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16 SECTION 1004. FORM OF BALLOTS; PRINTING BALLOTS; STUBS;
17 NUMBERS.--FROM THE LISTS FURNISHED BY THE SECRETARY OF THE
18 COMMONWEALTH UNDER THE PROVISIONS OF SECTIONS 915 AND 984, AND
19 FROM PETITIONS AND PAPERS FILED IN THEIR OFFICE, THE COUNTY
20 ELECTION BOARD SHALL PRINT THE OFFICIAL PRIMARY AND ELECTION
21 BALLOTS IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT: PROVIDED,
22 HOWEVER, THAT IN NO EVENT, SHALL THE NAME OF ANY PERSON
23 CONSENTING TO BE A CANDIDATE FOR NOMINATION FOR ANY ONE OFFICE,
24 EXCEPT THE OFFICE OF JUDGE OF A COURT OF COMMON PLEAS, THE
25 PHILADELPHIA MUNICIPAL COURT OR THE TRAFFIC COURT OF
26 PHILADELPHIA, [OR THE OFFICE OF SCHOOL DIRECTOR IN DISTRICTS
27 WHERE THAT OFFICE IS ELECTIVE] OR THE OFFICE OF [JUSTICE OF THE
28 PEACE] MAGISTERIAL DISTRICT JUDGE BE PRINTED AS A CANDIDATE FOR
29 SUCH OFFICE UPON THE OFFICIAL PRIMARY BALLOT OF MORE THAN ONE
30 PARTY. ALL BALLOTS FOR USE IN THE SAME ELECTION DISTRICT AT ANY

1 PRIMARY OR ELECTION SHALL BE ALIKE. THEY SHALL BE AT LEAST SIX
2 INCHES LONG AND FOUR INCHES WIDE, AND SHALL HAVE A MARGIN
3 EXTENDING BEYOND ANY PRINTING THEREON. THEY SHALL BE PRINTED
4 WITH THE SAME KIND OF TYPE (WHICH SHALL NOT BE SMALLER THAN THE
5 SIZE KNOWN AS "BREVIER" OR "EIGHT POINT BODY") UPON WHITE PAPER
6 OF UNIFORM QUALITY, WITHOUT ANY IMPRESSION OR MARK TO
7 DISTINGUISH ONE FROM ANOTHER, AND WITH SUFFICIENT THICKNESS TO
8 PREVENT THE PRINTED MATTER FROM SHOWING THROUGH. EACH BALLOT
9 SHALL BE ATTACHED TO A STUB, AND ALL THE BALLOTS FOR THE SAME
10 ELECTION DISTRICT SHALL BE BOUND TOGETHER IN BOOKS OF FIFTY, IN
11 SUCH MANNER THAT EACH BALLOT MAY BE DETACHED FROM ITS STUB AND
12 REMOVED SEPARATELY. THE BALLOTS FOR EACH PARTY TO BE USED AT A
13 PRIMARY SHALL BE BOUND SEPARATELY. THE STUBS OF THE BALLOTS
14 SHALL BE CONSECUTIVELY NUMBERED, AND IN THE CASE OF PRIMARY
15 BALLOTS, THE NUMBER SHALL BE PRECEDED BY AN INITIAL OR
16 ABBREVIATION DESIGNATING THE PARTY NAME. THE NUMBER AND INITIAL
17 OR ABBREVIATION WHICH APPEARS UPON THE STUB SHALL ALSO BE
18 PRINTED IN THE UPPER RIGHT HAND CORNER OF THE BACK OF THE
19 BALLOT, SEPARATED FROM THE REMAINDER OF THE BALLOT BY A DIAGONAL
20 PERFORATED LINE SO PREPARED THAT THE UPPER RIGHT HAND CORNER OF
21 THE BACK OF THE BALLOT CONTAINING THE NUMBER MAY BE DETACHED
22 FROM THE BALLOT BEFORE IT IS DEPOSITED IN THE BALLOT BOX AND
23 BESIDE THAT CORNER SHALL ALSO BE PRINTED, "REMOVE NUMBERED STUB
24 IMMEDIATELY BEFORE DEPOSITING YOUR BALLOT IN BALLOT BOX."

25 SECTION 10. SECTION 1405 OF THE ACT, AMENDED DECEMBER 22,
26 1971 (P.L.613, NO.165), IS AMENDED TO READ:

27 SECTION 1405. MANNER OF COMPUTING IRREGULAR BALLOTS.--THE
28 COUNTY BOARD, IN COMPUTING THE VOTES CAST AT ANY PRIMARY OR
29 ELECTION, SHALL COMPUTE AND CERTIFY VOTES CAST ON IRREGULAR
30 BALLOTS EXACTLY AS SUCH NAMES WERE WRITTEN, STAMPED, AFFIXED TO

1 THE BALLOT BY STICKER, OR DEPOSITED OR AFFIXED IN OR ON
2 RECEPTACLES FOR THAT PURPOSE, AND AS THEY HAVE BEEN SO RETURNED
3 BY THE ELECTION OFFICERS. IN THE PRIMARY THE SECRETARY OF THE
4 COMMONWEALTH SHALL NOT CERTIFY THE VOTES CAST ON IRREGULAR
5 BALLOTS FOR ANY PERSON FOR A NATIONAL OFFICE INCLUDING THAT OF
6 THE PRESIDENT OF THE UNITED STATES, UNITED STATES SENATOR AND
7 REPRESENTATIVE IN CONGRESS; OR FOR ANY STATE OFFICE INCLUDING
8 THAT OF GOVERNOR AND LIEUTENANT GOVERNOR, AUDITOR GENERAL, STATE
9 TREASURER, SENATOR AND REPRESENTATIVE IN THE GENERAL ASSEMBLY,
10 JUSTICES AND JUDGES OF COURTS OF RECORD OR FOR ANY PARTY OFFICE
11 INCLUDING THAT OF DELEGATE OR ALTERNATE DELEGATE TO NATIONAL
12 CONVENTIONS AND MEMBER OF STATE COMMITTEE UNLESS THE TOTAL
13 NUMBER OF VOTES CAST FOR SAID PERSON IS EQUAL TO OR GREATER THAN
14 THE NUMBER OF SIGNATURES REQUIRED ON A NOMINATION PETITION FOR
15 THE PARTICULAR OFFICE. IN THE PRIMARY THE COUNTY BOARD SHALL NOT
16 CERTIFY THE VOTES CAST ON IRREGULAR BALLOTS FOR ANY PERSON FOR A
17 [JUSTICE OF THE PEACE] MAGISTERIAL DISTRICT JUDGE, CONSTABLE,
18 NATIONAL, STATE, COUNTY, CITY, BOROUGH, TOWN, TOWNSHIP, WARD,
19 SCHOOL DISTRICT, ELECTION OR LOCAL PARTY OFFICE UNLESS THE TOTAL
20 NUMBER OF VOTES CAST FOR SAID PERSON IS EQUAL TO OR GREATER THAN
21 THE NUMBER OF SIGNATURES REQUIRED ON A NOMINATION PETITION FOR
22 THE PARTICULAR OFFICE.

23 Section 2 11. This act shall take effect in 60 days.

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