

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, for
14 nominations for special election for Representative in
15 Congress, Senator and Representative in the General Assembly
16 and member of council or legislative body of cities,
17 boroughs, towns and townships and providing for special
18 primaries.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Sections 628 and 629 of the act of June 3, 1937
22 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
23 amended to read:

24 Section 628. Special Elections for Senator and
25 Representative in the General Assembly.--Whenever a vacancy
26 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. A candidate to fill a vacancy shall be
23 nominated in a special primary held under section 650 of this
24 act, not later than sixty (60) days after issuance of the writ.

25 Section 629. Nominations for Special Election for
26 Representative in Congress[, Senator and Representative in the
27 General Assembly] and Member of Council or Legislative Body of
28 Cities, Boroughs, Towns and Townships.--Candidates to fill
29 vacancies in the offices of Representative in Congress[, Senator
30 and Representative in the General Assembly] and member of the

1 council or legislative body of any city, borough, town or
2 township shall be nominated by political parties, in accordance
3 with the party rules relating to the filling of vacancies, by
4 means of nomination certificates, in the form prescribed in
5 section 630 of this act; and by political bodies, by means of
6 nomination papers, in accordance with the provisions of sections
7 951, 952 and 954 of this act. Said nomination certificates and
8 nomination papers for the office of Representative in Congress[,
9 Senator and Representative in the General Assembly] shall be
10 filed in the office of the Secretary of the Commonwealth not
11 later than fifty (50) days prior to the date of the special
12 election, and for the office of member of the council or
13 legislative body of a city, borough, town or township, in the
14 office of the county board of elections wherein such city,
15 borough, town or township is situate, not later than fifteen
16 (15) days after the issuance of the writ of election.

17 Section 2. Article VI of the act is amended by adding a
18 subarticle to read:

19 ARTICLE VI

20 Dates of Elections and Primaries and
21 Special Elections

22 * * *

23 (c) Special Primaries

24 Section 650. Conduct of Special Primaries.--Every special
25 primary, held under the provisions of this article, shall be
26 held and conducted in all respects in accordance with provisions
27 of this act relating to regular primary elections, and the
28 provisions of this act relating to regular primary elections
29 shall apply thereto in so far as applicable, and not
30 inconsistent with any other provisions of this act, except as

1 follows:

2 (a) A political party and political body shall nominate a
3 candidate for a special election to fill a vacancy in the office
4 of Senator or Representative in the General Assembly at a
5 special primary.

6 (b) No nomination petition circulated for a special primary
7 shall be circulated prior to the eighth (8th) Tuesday before the
8 primary and no signature shall be counted unless it bears a date
9 affixed not earlier than the eighth (8th) Tuesday nor later than
10 the sixth (6th) Tuesday.

11 (c) Notwithstanding the provisions of sections 702 and 1210
12 of this act to the contrary, a registered elector who is not a
13 member of a party, as provided under section 801(a) or 912.2 of
14 this act, shall be entitled to vote in a special primary under
15 this section.

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