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SB 1336 (Printer's No. 2026) Analysis

Date: September 29, 2020

**Amending the Third Class City Code to Equalize the Signature and Filing Fee Requirement for
Candidates in Third Class Cities with other Municipal Corporations**

Prime Sponsor: Senator Scott Hutchinson

A. Synopsis of Bill

The proposed legislation equalizes provisions for the number of signatures on nomination petitions and for the amount of filing fees between candidates running for office in third class cities and candidates in boroughs, towns and townships.

B. Summary and Analysis of Bill

The bill amends the Third Class City Code (Title 11, Pt. V of the Pennsylvania Consolidated Statutes), by amending section 10703 (relating to nominations and elections) to provide two exceptions to the applicability of the Pennsylvania Election Code in order to bring conformity between the requirements for signatures on nominating petitions and for filing fees between candidates in third class cities and candidates in boroughs, towns and townships. Specifically, the bill provides that only ten signatures, rather than 100 signatures, are needed on a nominating ballot for candidates running in a primary for public or party offices to be filled by a vote of the electors in third class cities. The bill does not distinguish between candidates running at large or by district since substantively there would be no difference in the number of signatures required, i.e., ten. Additionally, the bill provides that no filing fee, as opposed to a \$25 filing fee, is required for these candidates in third class cities.

The amendment would take effect in 60 days.

C. Relevant Current Law

The Third Class City Code provides for the governance of third class cities. Specifically, section 10703 (relating to nominations and elections) provides that each matter relating to a nomination of a candidate and election of a city officer shall be governed by the Pennsylvania Election Code.

The Pennsylvania Election Code (Act 320 of 1937) provides for general, municipal, special and primary elections and for the nomination of candidates, among other things. Section 912.1 relates to the number of signers required for nomination petitions of candidates at primaries. The section delineates each city and county class with the number of signatures needed, but lumps “all other public or party offices” together. Specifically paragraph (23) of section 912.1 provides that the number of signatures required on a nominating ballot for candidates running at large in a primary for public or party offices to be filled by a vote of the electors in third class cities is 100. There is no separate specific provision for candidates running by district in third class cities. Paragraph (35) provides that the signature requirement for candidates running for all other public or party offices is ten. Thus, for any public or party office not otherwise listed in section 912.1, the signature requirement is ten and would apply to candidates running in boroughs, townships, an incorporated town, or candidates running by district in third class cities.

Section 913 relates to the place and time of filing nomination petitions and to filing fees. Subsection (b.1)(4.1) provides that candidates in third class cities have a \$25 filing fee, while subsection (b.2) provides no filing fees are necessary for candidates in boroughs, towns and townships.

D. Background of Bill

There appears to be no clear or logical reason for the higher threshold in either the signature requirement or for the amount of the filing fee between third class cities and boroughs, towns and townships, especially since the population of some townships rival or exceed those in some third class cities.

E. Effect of Bill

This amendment would bring uniformity among the municipal corporations so that the number of signers for nomination petitions and the amount of a filing fee would be the same for candidates running for office in third class cities, boroughs, towns and townships. The bill will bring equity to candidates filing nominating petitions in third class cities by reducing the number of signatures required on the petition from 100 to 10 and by eliminating the \$25 filing fee to comport with the requirements for boroughs, towns and townships. There is no fiscal impact to municipalities although candidates running in a primary in a third class city will no longer need to pay the \$25 fee when filing a nominating petition.

F. Issues, Policy Questions and Stakeholder Feedback

- The Pennsylvania Municipal League has no objection to this proposal and is in favor of uniformity among the municipal corporations.

G. Bill History

This bill has no previous history.