

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 639

Session of  
1977

INTRODUCED BY FREIND, MARCH 16, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 16, 1977

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," authorizing cross-filing by candidates for the  
12 office of district attorney.

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

15 Section 1. Section 910, the first paragraph of section 976,  
16 subsection (a) of section 993, subsections (a) and (b) of  
17 section 998 and section 1004, act of June 3, 1937 (P.L.1333,  
18 No.320), known as the "Pennsylvania Election Code," amended June  
19 27, 1974 (P.L.413, No.146) and section 1004 amended December 10,  
20 1974 (P.L.835, No.280), are amended to read:

21 Section 910. Affidavits of Candidates.--Each candidate for  
22 any State, county, city, borough, incorporated town, township,  
23 ward, school district, poor district, election district, party

1 office, party delegate or alternate, or for the office of United  
2 States Senator or Representative in Congress, shall file with  
3 his nomination petition his affidavit stating--(a) his  
4 residence, with street and number, if any, and his post-office  
5 address; (b) his election district, giving city, borough, town  
6 or township; (c) the name of the office for which he consents to  
7 be a candidate; (d) that he is eligible for such office; (e)  
8 that he will not knowingly violate any provision of this act, or  
9 of any law regulating and limiting nomination and election  
10 expenses and prohibiting corrupt practices in connection  
11 therewith; (f) unless he is a candidate for judge of a court of  
12 record, or for the office of school director in a district where  
13 that office is elective or for the office of justice of the  
14 peace or for the office of district attorney that he is not a  
15 candidate for nomination for the same office of any party other  
16 than the one designated in such petition; (g) if he is a  
17 candidate for a delegate, or alternate delegate, member of State  
18 committee, National committee or party officer, that he is a  
19 registered and enrolled member of the designated party; and (h)  
20 if he is a candidate for delegate or alternate delegate the  
21 presidential candidate to whom he is committed or the term  
22 "uncommitted." In cases of petitions for delegate and alternate  
23 delegate to National conventions, the candidate's affidavit  
24 shall state that his signature to the delegate's statement, as  
25 hereinafter set forth, if such statement is signed by said  
26 candidate, was affixed to the sheet or sheets of said petition  
27 prior to the circulation of same. In the case of a candidate for  
28 nomination as President of the United States, it shall not be  
29 necessary for such candidate to file the affidavit required in  
30 this section to be filed by candidates, but the post-office

1 address of such candidate shall be stated in such nomination  
2 petition.

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 record, or the office of school director in districts  
29 where that office is elective or the office of justice of the  
30 peace or the office of district attorney upon the official

1 ballot of more than one political party; or (e) in the case of  
2 nomination papers, if the candidate named therein has filed a  
3 nomination petition for any public office for the ensuing  
4 primary, or has been nominated for any such office by nomination  
5 papers previously filed; or (f) if the nomination petitions or  
6 papers are not accompanied by the filing fee or certified check  
7 required for said office; or (g) in the case of nomination  
8 papers, the appellation set forth therein is identical with or  
9 deceptively similar to the words used by any existing party or  
10 by any political body which has already filed nomination papers  
11 for the same office, or if the appellation set forth therein  
12 contains part of the name, or an abbreviation of the name or  
13 part of the name of an existing political party, or of a  
14 political body which has already filed nomination papers for the  
15 same office. The invalidity of any sheet of a nomination  
16 petition or nomination paper shall not affect the validity of  
17 such petition or paper if a sufficient petition or paper remains  
18 after eliminating such invalid sheet. The action of said officer  
19 or board in refusing to receive and file any such nomination  
20 petition, certificate or paper, may be reviewed by the court of  
21 common pleas of the proper county upon an application for a writ  
22 of mandamus to compel its reception as of the date when it was  
23 presented to the office of such officer or board: Provided,  
24 however, That said officer or board shall be entitled to a  
25 reasonable time in which to examine any petitions, certificates  
26 or papers, and to summon and interrogate the candidates named  
27 therein, or the persons presenting said petitions, certificates  
28 or papers, and his or their retention of same for the purpose of  
29 making such examination or interrogation shall not be construed  
30 as an acceptance or filing.

1       \* \* \*

2       Section 993. Filling of Certain Vacancies in Public Office  
3 by Means of Nomination Certificates and Nomination Papers.--(a)  
4 In all cases where a vacancy shall occur for any cause in an  
5 elective public office, including that of judge of a court of  
6 record, at a time when such vacancy is required by the  
7 provisions of the Constitution or the laws of this Commonwealth  
8 to be filled at the ensuing election but at a time when  
9 nominations for such office cannot be made under any other  
10 provision of this act, nominations to fill such vacancies shall  
11 be made by political parties in accordance with party rules  
12 relating to the filling of vacancies by means of nomination  
13 certificates in the form prescribed in section nine hundred  
14 ninety-four of this act, and by political bodies by means of  
15 nomination papers in accordance with the provisions of sections  
16 nine hundred fifty-one, nine hundred fifty-two and nine hundred  
17 fifty-four of this act. No such nomination certificate shall  
18 nominate any person who has already been nominated by any other  
19 political party or by any political body for the same office,  
20 unless such person is a candidate for the office of judge of a  
21 court of record or the office of school director in districts  
22 where that office is elective or for the office of justice of  
23 the peace or for the office of district attorney. No such  
24 nomination papers shall nominate any person who has already been  
25 nominated by any political party or by any other political body  
26 for any office to be filled at the ensuing November election,  
27 unless such person is a candidate for the office of judge of a  
28 court of record or the office of school director in districts  
29 where that office is elective or for the office of justice of  
30 the peace or for the office of district attorney.

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2       Section 998. Substituted Nominations to Fill Certain  
3 Vacancies for a November Election.--(a) Any vacancy happening  
4 or existing in any party nomination made in accordance with the  
5 provisions of section nine hundred ninety-three of this act for  
6 a November election by reason of the death or withdrawal of any  
7 candidate may be filled by a substituted nomination made by such  
8 committee as is authorized by the rules of the party to make  
9 nominations in the event of vacancies on the party ticket, in  
10 the form prescribed by section nine hundred ninety-four of this  
11 act. But no substituted nomination certificate shall nominate  
12 any person who has already been nominated by any other political  
13 party or by any political body for the same office, unless such  
14 person is a candidate for the office of judge of a court of  
15 record or for the office of school director in districts where  
16 that office is elective or for the office of justice of the  
17 peace or for the office of district attorney.

18       (b) In case of the death or withdrawal of any candidate  
19 nominated by a political body for an election, the committee  
20 named in the original nomination papers may nominate a  
21 substitute in his place by filing a substituted nomination  
22 certificate in the form and manner prescribed by section nine  
23 hundred eighty of this act. In the case of a vacancy caused by  
24 the death of any candidate, said nomination certificate shall be  
25 accompanied by a death certificate properly certified. No  
26 substituted nomination certificate shall nominate any person who  
27 has already been nominated by any political party or by any  
28 other political body for any office to be filled at the ensuing  
29 November election, unless such person is a candidate for the  
30 office of judge of a court of record or for the office of school

1 director in districts where that office is elective or for the  
2 office of justice of the peace or for the office of district  
3 attorney.

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5 Section 1004. Form of Ballots; Printing Ballots; Stubs;  
6 Numbers.--From the lists furnished by the Secretary of the  
7 Commonwealth under the provisions of sections 915 and 984, and  
8 from petitions and papers filed in their office, the county  
9 election board shall print the official primary and election  
10 ballots in accordance with the provisions of this act: Provided,  
11 however, That in no event, shall the name of any person  
12 consenting to be a candidate for nomination for any one office,  
13 except the office of judge of a court of record, or the office  
14 of school director in districts where that office is elective or  
15 the office of justice of the peace or the office of district  
16 attorney be printed as a candidate for such office upon the  
17 official primary ballot of more than one party. All ballots for  
18 use in the same election district at any primary or election  
19 shall be alike. They shall be at least six inches long and four  
20 inches wide, and shall have a margin extending beyond any  
21 printing thereon. They shall be printed with the same kind of  
22 type (which shall not be smaller than the size known as  
23 "brevier" or "eight point body") upon white paper of uniform  
24 quality, without any impression or mark to distinguish one from  
25 another, and with sufficient thickness to prevent the printed  
26 matter from showing through. Each ballot shall be attached to a  
27 stub, and all the ballots for the same election district shall  
28 be bound together in books of fifty, in such manner that each  
29 ballot may be detached from its stub and removed separately. The  
30 ballots for each party to be used at a primary shall be bound

1 separately. The stubs of the ballots shall be consecutively  
2 numbered, and in the case of primary ballots, the number shall  
3 be preceded by an initial or abbreviation designating the party  
4 name. The number and initial or abbreviation which appears upon  
5 the stub shall also be printed in the upper right hand corner of  
6 the back of the ballot, separated from the remainder of the  
7 ballot by a diagonal perforated line so prepared that the upper  
8 right hand corner of the back of the ballot containing the  
9 number may be detached from the ballot before it is deposited in  
10 the ballot box and beside that corner shall also be printed,  
11 "Remove numbered stub immediately before depositing your ballot  
12 in ballot box."

13 Section 2. This act shall take effect immediately.