

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1831 Session of  
1977

INTRODUCED BY GREENLEAF, MOWERY, E. H. SMITH, NOYE, LETTERMAN,  
COLE, BURD, M. P. MULLEN, DUFFY, MRKONIC, WILSON, SPENCER,  
HOPKINS, FISHER, SALVATORE, VROON, CALTAGIRONE AND MACKOWSKI,  
NOVEMBER 1, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 1, 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," eliminating cross-filing by candidates for the  
12 offices of judge, justice of the peace and school directors.

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

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

20 Section 910. Affidavits of Candidates.--Each candidate for  
21 any State, county, city, borough, incorporated town, township,  
22 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] that he is not a candidate for nomination for the same  
15 office of any party other than the one designated in such  
16 petition; (g) if he is a candidate for a delegate, or alternate  
17 delegate, member of State committee, National committee or party  
18 officer, that he is a registered and enrolled member of the  
19 designated party; and (h) if he is a candidate for delegate or  
20 alternate delegate the presidential candidate to whom he is  
21 committed or the term "uncommitted." In cases of petitions for  
22 delegate and alternate delegate to National conventions, the  
23 candidate's affidavit shall state that his signature to the  
24 delegate's statement, as hereinafter set forth, if such  
25 statement is signed by said candidate, was affixed to the sheet  
26 or sheets of said petition prior to the circulation of same. In  
27 the case of a candidate for nomination as President of the  
28 United States, it shall not be necessary for such candidate to  
29 file the affidavit required in this section to be filed by  
30 candidates, but the post-office address of such candidate shall

1 be stated in such nomination petition.

2 Section 976. Examination of Nomination Petitions,  
3 Certificates and Papers; Return of Rejected Nomination  
4 Petitions, Certificates and Papers.--When any nomination  
5 petition, nomination certificate or nomination paper is  
6 presented in the office of the Secretary of the Commonwealth or  
7 of any county board of elections for filing within the period  
8 limited by this act, it shall be the duty of the said officer or  
9 board to examine the same. No nomination petition, nomination  
10 paper or nomination certificate shall be permitted to be filed  
11 if--(a) it contains material errors or defects apparent on the  
12 face thereof, or on the face of the appended or accompanying  
13 affidavits; or (b) it contains material alterations made after  
14 signing without the consent of the signers; or (c) it does not  
15 contain a sufficient number of signatures as required by law;  
16 Provided, however, That the Secretary of the Commonwealth or the  
17 county board of elections, although not hereby required so to  
18 do, may question the genuineness of any signature or signatures  
19 appearing thereon, and if he or it shall thereupon find that any  
20 such signature or signatures are not genuine, such signature or  
21 signatures shall be disregarded in determining whether the  
22 nomination petition, nomination paper or nomination certificate  
23 contains a sufficient number of signatures as required by law;  
24 or (d) in the case of nomination petitions, if nomination  
25 petitions have been filed for printing the name of the same  
26 person for the same office[, except the office of judge of a  
27 court of record, or the office of school director in districts  
28 where that office is elective or the office of justice of the  
29 peace] upon the official ballot of more than one political  
30 party; or (e) in the case of nomination papers, if the candidate

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

29 \* \* \*

30 Section 993. Filling of Certain Vacancies in Public Office

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

28 \* \* \*

29 Section 998. Substituted Nominations to Fill Certain  
30 Vacancies for a November Election.--(a) Any vacancy happening

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

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

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1       Section 2.   Section 1004 of the act, amended December 10,  
2   1974 (P.L.835, No.280), is amended to read:

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

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