

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 413

Session of
1979

INTRODUCED BY COHEN, O'DONNELL, BROWN, WHITE AND RICHARDSON,
FEBRUARY 20, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 21, 1979

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," providing for special primary elections in
12 certain cases and further providing for time limitations in
13 certain special elections.

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

16 Section 1. Sections 626, 627, 628 and 628.1, act of June 3,
17 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
18 Code," amended August 13, 1963 (P.L.707, No.379), are amended to
19 read:

20 Section 626. Special Elections for United States Senator;
21 Nominations.--Whenever a vacancy shall occur in the office of
22 United States Senator, said vacancy shall be filled for the
23 unexpired term by the vote of the electors of the State at a

1 special election to be held at the time of the next general or
2 municipal election, occurring at least ninety (90) days after
3 the happening of such vacancy, and it shall be the duty of the
4 Governor to issue writs of election to the various county boards
5 of elections and to the Secretary of the Commonwealth within ten
6 (10) days after the happening of said vacancy. [Candidates to
7 fill vacancies in the office of United States Senator shall be
8 nominated by political parties, in accordance with the party
9 rules relating to the filling of vacancies, by means of
10 nomination certificates, in the form prescribed in section 630
11 of this act; and by political bodies, by means of nomination
12 papers, in accordance with the provisions of sections 951, 952
13 and 954 of this act. Said nomination certificates and nomination
14 papers shall be filed in the office of the Secretary of the
15 Commonwealth at least sixty (60) days prior to the date of said
16 special election.] Until such time as said vacancy shall be
17 filled by an election as herein provided, the Governor of the
18 Commonwealth may make a temporary appointment to fill said
19 vacancy. Such special election shall be preceded by a special
20 primary election held at least forty-five (45) days prior to the
21 special election. Nomination petitions for the special primary
22 shall be filed no later than fourteen (14) days after the
23 Governor issues writs of election, or forty-two (42) days prior
24 to the date of the special primary, whichever is later.
25 Candidates filing in the special primary shall have four (4)
26 days to withdraw their nominating petitions.

27 Section 627. Special Elections for Representative in
28 Congress.--Whenever a vacancy shall occur or exist in the office
29 of Representative in Congress from this State during a session
30 of Congress, or whenever such vacancy shall occur or exist at a

1 time when the members of Congress shall be required to meet at
2 any time previous to the next general election, the Governor
3 shall issue, within ten days after the happening of said
4 vacancy, or after the calling of an extraordinary session of
5 Congress during the existence of said vacancy, a writ of
6 election to the proper county board or boards of election and to
7 the Secretary of the Commonwealth, for a special election to
8 fill said vacancy, which election shall be held on a date named
9 in said writ, which shall not be less than [sixty (60)] ninety
10 (90) days after the issuance of said writ. In all other cases no
11 such special election to fill said vacancy shall be held. The
12 Governor may fix, in such writ of election, the date of the next
13 ensuing primary or municipal election as the date for holding
14 any such special election. Such special election shall be
15 preceded by a special primary election held at least forty-five
16 (45) days prior to the special election. Nomination petitions
17 for the special primary shall be filed no later than fourteen
18 (14) days after the Governor issues writs of election, or forty-
19 two (42) days prior to the date of the special primary,
20 whichever is later. Candidates filing in the special primary
21 shall have four (4) days to withdraw their nominating petitions.

22 Section 628. Special Elections for Senator and
23 Representative in the General Assembly.--Whenever a vacancy
24 shall occur in either house of the General Assembly whether or
25 not it then be in session, the presiding officer of such house
26 shall issue a writ of election to the proper county board or
27 boards of election and to the Secretary of the Commonwealth, for
28 a special election to fill said vacancy, which election shall be
29 held on a date named in the writ, which shall be not less than
30 [sixty (60)] ninety (90) days after the issuance of said writ.

1 The presiding officer may fix, in such writ of election, the
2 date of the next ensuing primary, municipal or general election
3 as the date for holding any such special election: Provided,
4 however, That should the Governor after the issuance of the said
5 writ of election advise the presiding officer that the General
6 Assembly will be called into extraordinary session prior to the
7 date set for such special election, the presiding officer may
8 countermand the writ theretofore issued and shall issue a new
9 writ of election, fixing therein such earlier date therefor as
10 is deemed expedient, but which shall not be less than sixty (60)
11 days after the issuance of said writ. Such special election
12 shall be preceded by a special primary election held at least
13 forty-five (45) days prior to the special election. Nomination
14 petitions for the special primary shall be filed no later than
15 fourteen (14) days after the Governor issues writs of election,
16 or forty-two (42) days prior to the date of the special primary,
17 whichever is later. Candidates filing in the special primary
18 shall have four (4) days to withdraw their nominating petitions.

19 Section 628.1. Special Elections for Members of Councils or
20 Legislative Bodies of Cities, Boroughs, Towns and Townships.--In
21 all cases where under any law now or hereafter enacted, a
22 special election is required to fill any vacancy in the office
23 of member of the council or legislative body of any city,
24 borough, town or township, such election shall be held on the
25 day fixed in the writ for the special election or on such day as
26 may be otherwise provided by such law, which day shall be within
27 [sixty (60)] ninety (90) days after the issuance of the writ or
28 after the happening of the vacancy, as the case may be,
29 notwithstanding any provisions in such law requiring the special
30 election to be held on an earlier day. This section shall not be

1 construed as requiring a special election in any case where such
2 election is not required under any law now or hereafter enacted.
3 Such special election shall be preceded by a special primary
4 election held at least forty-five (45) days prior to the special
5 election. Nomination petitions for the special primary shall be
6 filed no later than fourteen (14) days after the Governor issues
7 writs of election, or forty-two (42) days prior to the date of
8 the special primary, whichever is later. Candidates filing in
9 the special primary shall have four (4) days to withdraw their
10 nominating petitions.

11 Section 2. This act shall take effect immediately.