

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 421

Session of
1983

INTRODUCED BY GREENLEAF, MARCH 3, 1983

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JULY 8, 1983

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 POLITICAL ACTIVITIES BY DISTRICT <—
12 JUSTICES; AND eliminating cross-filing by candidates for the
13 offices of judge, justice of the peace and school directors.

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

16 SECTION 1. THE ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN <—
17 AS THE PENNSYLVANIA ELECTION CODE, IS AMENDED BY ADDING A
18 SECTION TO READ:

19 SECTION 813. POLITICAL ACTIVITIES BY DISTRICT JUSTICES.--
20 DISTRICT JUSTICES AND CANDIDATES FOR THE OFFICE OF DISTRICT
21 JUSTICE SHALL BE ENTITLED TO DELIVER POLITICAL SPEECHES, MAKE OR
22 SOLICIT POLITICAL CONTRIBUTIONS, ATTEND POLITICAL PARTIES OR

GATHERINGS, ENGAGE IN POLITICAL CONVENTIONS, HOLD PARTY OFFICES
AND PARTICIPATE IN ANY OTHER POLITICAL CAMPAIGNS OR ACTIVITIES.

Section ~~1~~ 2. Section 909 of the act ~~of June 3, 1937~~
~~(P.L.1333, No.320), known as the Pennsylvania Election Code,~~
amended December 22, 1971 (P.L.613, No.165), is amended to read:

Section 909. Petition May Consist of Several Sheets;
Affidavit of Circulator.--Said nomination petition may be on one
or more sheets, and different sheets must be used for signers
resident in different counties. If more than one sheet is used,
they shall be bound together when offered for filing if they are
intended to constitute one petition, and each sheet shall be
numbered consecutively beginning with number one, at the foot of
each page. In cases of petitions for delegate or alternate
delegate to National conventions, each sheet shall contain a
notation indicating the presidential candidate to whom he is
committed or the term "uncommitted." Each sheet shall have
appended thereto the affidavit of the circulator of each sheet,
setting forth--(a) that he or she is a qualified elector duly
registered and enrolled as a member of the designated party of
the State, or of the political district, as the case may be,
referred to in said petition[, unless said petition relates to
the nomination of a judicial candidate in which event the
circulator need not be a duly registered and enrolled member of
the designated party]; (b) his residence, giving city, borough
or township, with street and number, if any; (c) that the
signers thereto signed with full knowledge of the contents of
the petition; (d) that their respective residences are correctly
stated therein; (e) that they all reside in the county named in
the affidavit; (f) that each signed on the date set opposite his
name; and (g) that, to the best of affiant's knowledge and

1 belief, the signers are qualified electors and duly registered
2 and enrolled members of the designated party of the State, or of
3 the political district, as the case may be.

4 Section ~~2~~ 3. Section 910 of the act, amended July 11, 1980 <—
5 (P.L.591, No.127), is amended to read:

6 Section 910. Affidavits of Candidates.--Each candidate for
7 any State, county, city, borough, incorporated town, township,
8 ward, school district, poor district, election district, party
9 office, party delegate or alternate, or for the office of United
10 States Senator or Representative in Congress, shall file with
11 his nomination petition his affidavit stating--(a) his
12 residence, with street and number, if any, and his post-office
13 address; (b) his election district, giving city, borough, town
14 or township; (c) the name of the office for which he consents to
15 be a candidate; (d) that he is eligible for such office; (e)
16 that he will not knowingly violate any provision of this act, or
17 of any law regulating and limiting nomination and election
18 expenses and prohibiting corrupt practices in connection
19 therewith; (f) [unless he is a candidate for judge of a court of
20 record, or for the office of school director in a district where
21 that office is elective or for the office of justice of the
22 peace] that he is not a candidate for nomination for the same
23 office of any party other than the one designated in such
24 petition; (g) if he is a candidate for a delegate, or alternate
25 delegate, member of State committee, National committee or party
26 officer, that he is a registered and enrolled member of the
27 designated party; (h) if he is a candidate for delegate or
28 alternate delegate the presidential candidate to whom he is
29 committed or the term "uncommitted;" and (i) that he is aware of
30 the provisions of section 1626 of this act requiring pre-

1 election and post-election reporting of campaign contributions
2 and expenditures. In cases of petitions for delegate and
3 alternate delegate to National conventions, the candidate's
4 affidavit shall state that his signature to the delegate's
5 statement, as hereinafter set forth, if such statement is signed
6 by said candidate, was affixed to the sheet or sheets of said
7 petition prior to the circulation of same. In the case of a
8 candidate for nomination as President of the United States, it
9 shall not be necessary for such candidate to file the affidavit
10 required in this section to be filed by candidates, but the
11 post-office address of such candidate shall be stated in such
12 nomination petition.

13 Section 3 4. The first paragraph of section 976 of the act, <—
14 amended June 27, 1974 (P.L.413, No.146), and repealed in part
15 April 28, 1978 (P.L.202, No.53), is amended to read:

16 Section 976. Examination of Nomination Petitions,
17 Certificates and Papers; Return of Rejected Nomination
18 Petitions, Certificates and Papers.--When any nomination
19 petition, nomination certificate or nomination paper is
20 presented in the office of the Secretary of the Commonwealth or
21 of any county board of elections for filing within the period
22 limited by this act, it shall be the duty of the said officer or
23 board to examine the same. No nomination petition, nomination
24 paper or nomination certificate shall be permitted to be filed
25 if--(a) it contains material errors or defects apparent on the
26 face thereof, or on the face of the appended or accompanying
27 affidavits; or (b) it contains material alterations made after
28 signing without the consent of the signers; or (c) it does not
29 contain a sufficient number of signatures as required by law;
30 Provided, however, That the Secretary of the Commonwealth or the

1 county board of elections, although not hereby required so to
2 do, may question the genuineness of any signature or signatures
3 appearing thereon, and if he or it shall thereupon find that any
4 such signature or signatures are not genuine, such signature or
5 signatures shall be disregarded in determining whether the
6 nomination petition, nomination paper or nomination certificate
7 contains a sufficient number of signatures as required by law;
8 or (d) in the case of nomination petitions, if nomination
9 petitions have been filed for printing the name of the same
10 person for the same office[, except the office of judge of a
11 court of record, or the office of school director in districts
12 where that office is elective or the office of justice of the
13 peace] upon the official ballot of more than one political
14 party; or (e) in the case of nomination papers, if the candidate
15 named therein has filed a nomination petition for any public
16 office for the ensuing primary, or has been nominated for any
17 such office by nomination papers previously filed; or (f) if the
18 nomination petitions or papers are not accompanied by the filing
19 fee or certified check required for said office; or (g) in the
20 case of nomination papers, the appellation set forth therein is
21 identical with or deceptively similar to the words used by any
22 existing party or by any political body which has already filed
23 nomination papers for the same office, or if the appellation set
24 forth therein contains part of the name, or an abbreviation of
25 the name or part of the name of an existing political party, or
26 of a political body which has already filed nomination papers
27 for the same office. The invalidity of any sheet of a nomination
28 petition or nomination paper shall not affect the validity of
29 such petition or paper if a sufficient petition or paper remains
30 after eliminating such invalid sheet. The action of said officer

1 or board in refusing to receive and file any such nomination
2 petition, certificate or paper, may be reviewed by the court
3 upon an application to compel its reception as of the date when
4 it was presented to the office of such officer or board:
5 Provided, however, That said officer or board shall be entitled
6 to a reasonable time in which to examine any petitions,
7 certificates or papers, and to summon and interrogate the
8 candidates named therein, or the persons presenting said
9 petitions, certificates or papers, and his or their retention of
10 same for the purpose of making such examination or interrogation
11 shall not be construed as an acceptance or filing.

12 * * *

13 Section 4 5. Sections 993(a) and 998(a) and (b) of the act, <—
14 amended June 27, 1974 (P.L.413, No.146), are amended to read:

15 Section 993. Filling of Certain Vacancies in Public Office
16 by Means of Nomination Certificates and Nomination Papers.--(a)

17 In all cases where a vacancy shall occur for any cause in an
18 elective public office, including that of judge of a court of
19 record, at a time when such vacancy is required by the
20 provisions of the Constitution or the laws of this Commonwealth
21 to be filled at the ensuing election but at a time when
22 nominations for such office cannot be made under any other
23 provision of this act, nominations to fill such vacancies shall
24 be made by political parties in accordance with party rules
25 relating to the filling of vacancies by means of nomination
26 certificates in the form prescribed in section nine hundred
27 ninety-four of this act, and by political bodies by means of
28 nomination papers in accordance with the provisions of sections
29 nine hundred fifty-one, nine hundred fifty-two and nine hundred
30 fifty-four of this act. No such nomination certificate shall

1 nominate any person who has already been nominated by any other
2 political party or by any political body for the same office
3 [unless such person is a candidate for the office of judge of a
4 court of record or the office of school director in districts
5 where that office is elective or for the office of justice of
6 the peace]. No such nomination papers shall nominate any person
7 who has already been nominated by any political party or by any
8 other political body for any office to be filled at the ensuing
9 November election[, unless such person is a candidate for the
10 office of judge of a court of record or the office of school
11 director in districts where that office is elective or for the
12 office of justice of the peace].

13 * * *

14 Section 998. Substituted Nominations to Fill Certain
15 Vacancies for a November Election.--(a) Any vacancy happening
16 or existing in any party nomination made in accordance with the
17 provisions of section nine hundred ninety-three of this act for
18 a November election by reason of the death or withdrawal of any
19 candidate may be filled by a substituted nomination made by such
20 committee as is authorized by the rules of the party to make
21 nominations in the event of vacancies on the party ticket, in
22 the form prescribed by section nine hundred ninety-four of this
23 act. But no substituted nomination certificate shall nominate
24 any person who has already been nominated by any other political
25 party or by any political body for the same office[, unless such
26 person is a candidate for the office of judge of a court of
27 record or for the office of school director in districts where
28 that office is elective or for the office of justice of the
29 peace].

30 (b) In case of the death or withdrawal of any candidate

1 nominated by a political body for an election, the committee
2 named in the original nomination papers may nominate a
3 substitute in his place by filing a substituted nomination
4 certificate in the form and manner prescribed by section nine
5 hundred eighty of this act. In the case of a vacancy caused by
6 the death of any candidate, said nomination certificate shall be
7 accompanied by a death certificate properly certified. No
8 substituted nomination certificate shall nominate any person who
9 has already been nominated by any political party or by any
10 other political body for any office to be filled at the ensuing
11 November election[, unless such person is a candidate for the
12 office of judge of a court of record or for the office of school
13 director in districts where that office is elective or for the
14 office of justice of the peace].

15 * * *

16 Section 5 6. Section 1004 of the act, amended December 10, <—
17 1974 (P.L.835, No.280), is amended to read:

18 Section 1004. Form of Ballots; Printing Ballots; Stubs;
19 Numbers.--From the lists furnished by the Secretary of the
20 Commonwealth under the provisions of sections 915 and 984, and
21 from petitions and papers filed in their office, the county
22 election board shall print the official primary and election
23 ballots in accordance with the provisions of this act: Provided,
24 however, That in no event, shall the name of any person
25 consenting to be a candidate for nomination for any one office[,
26 except the office of judge of a court of record, or the office
27 of school director in districts where that office is elective or
28 the office of justice of the peace] be printed as a candidate
29 for such office upon the official primary ballot of more than
30 one party. All ballots for use in the same election district at

1 any primary or election shall be alike. They shall be at least
2 six inches long and four inches wide, and shall have a margin
3 extending beyond any printing thereon. They shall be printed
4 with the same kind of type (which shall not be smaller than the
5 size known as "brevier" or "eight point body") upon white paper
6 of uniform quality, without any impression or mark to
7 distinguish one from another, and with sufficient thickness to
8 prevent the printed matter from showing through. Each ballot
9 shall be attached to a stub, and all the ballots for the same
10 election district shall be bound together in books of fifty, in
11 such manner that each ballot may be detached from its stub and
12 removed separately. The ballots for each party to be used at a
13 primary shall be bound separately. The stubs of the ballots
14 shall be consecutively numbered, and in the case of primary
15 ballots, the number shall be preceded by an initial or
16 abbreviation designating the party name. The number and initial
17 or abbreviation which appears upon the stub shall also be
18 printed in the upper right hand corner of the back of the
19 ballot, separated from the remainder of the ballot by a diagonal
20 perforated line so prepared that the upper right hand corner of
21 the back of the ballot containing the number may be detached
22 from the ballot before it is deposited in the ballot box and
23 beside that corner shall also be printed, "Remove numbered stub
24 immediately before depositing your ballot in ballot box."

25 Section 6 7. This act shall take effect immediately.

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