

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 528

Session of
1983

INTRODUCED BY O'PAKE, ANDREZESKI AND GREENLEAF, MARCH 23, 1983

REFERRED TO STATE GOVERNMENT, MARCH 23, 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," removing cross-filing by candidates for the
12 office of judges who are elected Statewide.

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

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

18 Section 909. Petition May Consist of Several Sheets;
19 Affidavit of Circulator.--Said nomination petition may be on one
20 or more sheets, and different sheets must be used for signers
21 resident in different counties. If more than one sheet is used,
22 they shall be bound together when offered for filing if they are

1 intended to constitute one petition, and each sheet shall be
2 numbered consecutively beginning with number one, at the foot of
3 each page. In cases of petitions for delegate or alternate
4 delegate to National conventions, each sheet shall contain a
5 notation indicating the presidential candidate to whom he is
6 committed or the term "uncommitted." Each sheet shall have
7 appended thereto the affidavit of the circulator of each sheet,
8 setting forth--(a) that he or she is a qualified elector duly
9 registered and enrolled as a member of the designated party of
10 the State, or of the political district, as the case may be,
11 referred to in said petition, unless said petition relates to
12 the nomination of a judicial candidate, other than a judicial
13 candidate subject to a Statewide election, in which event the
14 circulator need not be a duly registered and enrolled member of
15 the designated party; (b) his residence, giving city, borough or
16 township, with street and number, if any; (c) that the signers
17 thereto signed with full knowledge of the contents of the
18 petition; (d) that their respective residences are correctly
19 stated therein; (e) that they all reside in the county named in
20 the affidavit; (f) that each signed on the date set opposite his
21 name; and (g) that, to the best of affiant's knowledge and
22 belief, the signers are qualified electors and duly registered
23 and enrolled members of the designated party of the State, or of
24 the political district, as the case may be.

25 Section 2. Section 910 of the act, amended July 11, 1980
26 (P.L.591, No.127), is amended to read:

27 Section 910. Affidavits of Candidates.--Each candidate for
28 any State, county, city, borough, incorporated town, township,
29 ward, school district, poor district, election district, party
30 office, party delegate or alternate, or for the office of United

1 States Senator or Representative in Congress, shall file with
2 his nomination petition his affidavit stating--(a) his
3 residence, with street and number, if any, and his post-office
4 address; (b) his election district, giving city, borough, town
5 or township; (c) the name of the office for which he consents to
6 be a candidate; (d) that he is eligible for such office; (e)
7 that he will not knowingly violate any provision of this act, or
8 of any law regulating and limiting nomination and election
9 expenses and prohibiting corrupt practices in connection
10 therewith; (f) unless he is a candidate for judge of a court of
11 record, other than a judicial candidate subject to a Statewide
12 election, or for the office of school director in a district
13 where that office is elective or for the office of justice of
14 the 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; (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"; and (i) that he is aware of
22 the provisions of section 1626 of this act requiring pre-
23 election and post-election reporting of campaign contributions
24 and expenditures. In cases of petitions for delegate and
25 alternate delegate to National conventions, the candidate's
26 affidavit shall state that his signature to the delegate's
27 statement, as hereinafter set forth, if such statement is signed
28 by said candidate, was affixed to the sheet or sheets of said
29 petition prior to the circulation of same. In the case of a
30 candidate for nomination as President of the United States, it

1 shall not be necessary for such candidate to file the affidavit
2 required in this section to be filed by candidates, but the
3 post-office address of such candidate shall be stated in such
4 nomination petition.

5 Section 3. The first paragraph of section 976 and sections
6 993(a) and 998(a) and (b) of the act, amended June 27, 1974
7 (P.L.413, No.146), are amended to read:

8 Section 976. Examination of Nomination Petitions,
9 Certificates and Papers; Return of Rejected Nomination
10 Petitions, Certificates and Papers.--When any nomination
11 petition, nomination certificate or nomination paper is
12 presented in the office of the Secretary of the Commonwealth or
13 of any county board of elections for filing within the period
14 limited by this act, it shall be the duty of the said officer or
15 board to examine the same. No nomination petition, nomination
16 paper or nomination certificate shall be permitted to be filed
17 if--(a) it contains material errors or defects apparent on the
18 face thereof, or on the face of the appended or accompanying
19 affidavits; or (b) it contains material alterations made after
20 signing without the consent of the signers; or (c) it does not
21 contain a sufficient number of signatures as required by law:
22 Provided, however, That the Secretary of the Commonwealth or the
23 county board of elections, although not hereby required so to
24 do, may question the genuineness of any signature or signatures
25 appearing thereon, and if he or it shall thereupon find that any
26 such signature or signatures are not genuine, such signature or
27 signatures shall be disregarded in determining whether the
28 nomination petition, nomination paper or nomination certificate
29 contains a sufficient number of signatures as required by law;
30 or (d) in the case of nomination petitions, if nomination

1 petitions have been filed for printing the name of the same
2 person for the same office, except the office of judge of a
3 court of record, other than a judicial candidate subject to a
4 Statewide election, or the office of school director in
5 districts where that office is elective or the office of justice
6 of the peace upon the official ballot of more than one political
7 party; or (e) in the case of nomination papers, if the candidate
8 named therein has filed a nomination petition for any public
9 office for the ensuing primary, or has been nominated for any
10 such office by nomination papers previously filed; or (f) if the
11 nomination petitions or papers are not accompanied by the filing
12 fee or certified check required for said office; or (g) in the
13 case of nomination papers, the appellation set forth therein is
14 identical with or deceptively similar to the words used by any
15 existing party or by any political body which has already filed
16 nomination papers for the same office, or if the appellation set
17 forth therein contains part of the name, or an abbreviation of
18 the name or part of the name of an existing political party, or
19 of a political body which has already filed nomination papers
20 for the same office. The invalidity of any sheet of a nomination
21 petition or nomination paper shall not affect the validity of
22 such petition or paper if a sufficient petition or paper remains
23 after eliminating such invalid sheet. The action of said officer
24 or board in refusing to receive and file any such nomination
25 petition, certificate or paper, may be reviewed by the court
26 upon an application to compel its reception as of the date when
27 it was presented to the office of such officer or board:
28 Provided, however, That said officer or board shall be entitled
29 to a reasonable time in which to examine any petitions,
30 certificates or papers, and to summon and interrogate the

1 candidates named therein, or the persons presenting said
2 petitions, certificates or papers, and his or their retention of
3 same for the purpose of making such examination or interrogation
4 shall not be construed as an acceptance or filing.

5 * * *

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

1 the ensuing November election, unless such person is a candidate
2 for the office of judge of a court of record, other than a
3 judicial candidate subject to a Statewide election, or the
4 office of school director in districts where that office is
5 elective or for the office of justice of the peace.

6 * * *

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

24 (b) In case of the death or withdrawal of any candidate
25 nominated by a political body for an election, the committee
26 named in the original nomination papers may nominate a
27 substitute in his place by filing a substituted nomination
28 certificate in the form and manner prescribed by section nine
29 hundred eighty of this act. In the case of a vacancy caused by
30 the death of any candidate, said nomination certificate shall be

1 accompanied by a death certificate properly certified. No
2 substituted nomination certificate shall nominate any person who
3 has already been nominated by any political party or by any
4 other political body for any office to be filled at the ensuing
5 November election, unless such person is a candidate for the
6 office of judge of a court of record, other than a judicial
7 candidate subject to a Statewide election, or for the office of
8 school director in districts where that office is elective or
9 for the office of justice of the peace.

10 * * *

11 Section 4. Section 1004 of the act, amended December 10,
12 1974 (P.L.835, No.280), is amended to read:

13 Section 1004. Form of Ballots; Printing Ballots; Stubs;
14 Numbers.--From the lists furnished by the Secretary of the
15 Commonwealth under the provisions of sections 915 and 984, and
16 from petitions and papers filed in their office, the county
17 election board shall print the official primary and election
18 ballots in accordance with the provisions of this act: Provided,
19 however, That in no event, shall the name of any person
20 consenting to be a candidate for nomination for any one office,
21 except the office of judge of a court of record, other than a
22 judicial candidate subject to a Statewide election, or the
23 office of school director in districts where that office is
24 elective or the office of justice of the peace be printed as a
25 candidate for such office upon the official primary ballot of
26 more than one party. All ballots for use in the same election
27 district at any primary or election shall be alike. They shall
28 be at least six inches long and four inches wide, and shall have
29 a margin extending beyond any printing thereon. They shall be
30 printed with the same kind of type (which shall not be smaller

1 than the size known as "brevier" or "eight point body") upon
2 white paper of uniform quality, without any impression or mark
3 to distinguish one from another, and with sufficient thickness
4 to prevent the printed matter from showing through. Each ballot
5 shall be attached to a stub, and all the ballots for the same
6 election district shall be bound together in books of fifty, in
7 such manner that each ballot may be detached from its stub and
8 removed separately. The ballots for each party to be used at a
9 primary shall be bound separately. The stubs of the ballots
10 shall be consecutively numbered, and in the case of primary
11 ballots, the number shall be preceded by an initial or
12 abbreviation designating the party name. The number and initial
13 or abbreviation which appears upon the stub shall also be
14 printed in the upper right hand corner of the back of the
15 ballot, separated from the remainder of the ballot by a diagonal
16 perforated line so prepared that the upper right hand corner of
17 the back of the ballot containing the number may be detached
18 from the ballot before it is deposited in the ballot box and
19 beside that corner shall also be printed, "Remove numbered stub
20 immediately before depositing your ballot in ballot box."

21 Section 5. This act shall take effect January 1, 1984.