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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 1206 Session of  
1985

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INTRODUCED BY FISCHER, MAY 13, 1985

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 13, 1985

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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 elections in the recall of  
12 elective officers.

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

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
16 as the Pennsylvania Election Code, is amended by adding a  
17 section to read:

18 Section 628.2. Special Elections in the Recall of Elective  
19 Officers.--(a) The qualified electors of the Commonwealth or of  
20 any county or of any congressional, judicial or legislative  
21 district may petition for the recall of any elective officer  
22 after the first year of the term for which he was elected, by

1 filing a petition with the officer with whom the petition for  
2 nomination to such office in the primary election is filed,  
3 demanding the recall of such officer. The petition shall be  
4 signed by electors equal in number to at least thirty per centum  
5 (30%) of the vote cast for the Office of Governor at the last  
6 preceding election in the Commonwealth, county or district from  
7 which such officer is to be recalled.

8 (b) After the petition has been filed, no name shall be  
9 erased or removed therefrom; and no signature shall be valid or  
10 be counted unless its date is less than sixty (60) days  
11 preceding the date of the filing.

12 (c) Within three (3) days next following the offering of any  
13 such petition for filing, the officer to whom the petition has  
14 been offered shall determine by careful examination the  
15 sufficiency or insufficiency of the petition and state his  
16 findings in a certificate attached thereto. If the petition is  
17 found insufficient, the particulars of the insufficiency shall  
18 be set forth in the certificate; and the petition may thereupon  
19 be amended within five (5) days next following the making of the  
20 certificate, by the addition of signatures or otherwise. Within  
21 two (2) days next following the offering of the amended petition  
22 for filing, the filing officer shall determine by careful  
23 examination the sufficiency or insufficiency of the amended  
24 petition and state his findings in a certificate attached  
25 thereto. Forthwith upon finding sufficiency in the original or  
26 amended petition, the officer shall file the same and call a  
27 special election to be held not less than forty (40) nor more  
28 than forty-five (45) days from the filing.

29 (d) The name of the officer against whom the recall petition  
30 is filed shall go on the ticket as a candidate at such special

1 election without nomination unless he resigns within ten (10)  
2 days after the original filing of the petition. There shall be  
3 no primary election but other candidates for the office may be  
4 nominated in the manner as provided by law and have their names  
5 placed on the ticket at the special election.

6 (e) The officer against whom the petition has been filed  
7 shall continue to perform the duties of his office until the  
8 result of the special election shall have been officially  
9 declared. At the special election the candidate who shall  
10 receive the highest number of votes shall be deemed elected for  
11 the remainder of the term. If the incumbent receives the highest  
12 number of votes he shall continue in office. If another receives  
13 the highest number of votes he shall, if he shall qualify within  
14 ten (10) days after receiving notification of his election,  
15 become the successor of the incumbent.

16 (f) After one such petition and special election, no further  
17 recall petition shall be filed against the same officer during  
18 the term for which he was elected.

19 Section 2. This act shall take effect in 60 days.