

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 64

Session of  
1989INTRODUCED BY OLIVER, THOMAS, JAMES AND WILLIAMS,  
JANUARY 23, 1989AS RE-REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE  
OF REPRESENTATIVES, AS AMENDED, MARCH 12, 1990

## 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," further providing for affidavits of certain  
12 candidates relating to ~~party affiliation~~ POLITICAL BODY <—  
13 NOMINATIONS.

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

16 ~~Section 1. Section 910 of the act of June 3, 1937 (P.L.1333, <—~~  
17 ~~No.320), known as the Pennsylvania Election Code, amended~~  
18 ~~February 19, 1986 (P.L.29, No.11), is amended to read:~~

19 ~~Section 910. Affidavits of Candidates. Each candidate for~~  
20 ~~any State, county, city, borough, incorporated town, township,~~  
21 ~~ward, school district, poor district, election district, party~~  
22 ~~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 common pleas, the Philadelphia Municipal Court or the Traffic  
12 Court of Philadelphia, or for the office of school director in a  
13 district where that office is elective or for the office of  
14 justice of the peace that he is not a candidate for nomination  
15 for the same office of any party other than the one designated  
16 in such petition; (g) if he is a candidate for a delegate, or  
17 alternate delegate, member of State committee, National  
18 committee or party officer, that he is a registered and enrolled  
19 member of the designated party; (h) if he is a candidate for  
20 delegate or alternate delegate the presidential candidate to  
21 whom he is committed or the term "uncommitted"; and (i) that he  
22 is aware of the provisions of section 1626 of this act requiring  
23 pre-election and post-election reporting of campaign  
24 contributions and expenditures. In cases of petitions for  
25 candidates for the General Assembly, the candidate's affidavit  
26 shall state (1) that the candidate will satisfy the eligibility  
27 requirements contained in sections 5 and 7 of Article II of the  
28 Constitution of Pennsylvania; (2) (i) that in the case of a  
29 candidate for the office of Senator in the General Assembly that  
30 the candidate will be twenty five (25) years of age on or before~~

1 ~~the first day of the term for which the candidate seeks election~~  
2 ~~or (ii) that in the case of a candidate for the office of~~  
3 ~~Representative in the General Assembly that the candidate will~~  
4 ~~be twenty one (21) years of age on or before the first day of~~  
5 ~~the term for which the candidate seeks election; (3) that the~~  
6 ~~candidate shall have been a citizen and inhabitant of~~  
7 ~~Pennsylvania four (4) years and an inhabitant of the respective~~  
8 ~~district one (1) year next before the election (unless absent on~~  
9 ~~the public business of the United States or of this State); (4)~~  
10 ~~that the candidate shall have been a member of the political~~  
11 ~~party in which he is registered one (1) year next before the~~  
12 ~~primary election; and [(4)] (5) that the candidate has not been~~  
13 ~~convicted of embezzlement of public moneys, bribery, perjury or~~  
14 ~~other infamous crime. In cases of petitions for delegate and~~  
15 ~~alternate delegate to National conventions, the candidate's~~  
16 ~~affidavit shall state that his signature to the delegate's~~  
17 ~~statement, as hereinafter set forth, if such statement is signed~~  
18 ~~by said candidate, was affixed to the sheet or sheets of said~~  
19 ~~petition prior to the circulation of same. In the case of a~~  
20 ~~candidate for nomination as President of the United States, it~~  
21 ~~shall not be necessary for such candidate to file the affidavit~~  
22 ~~required in this section to be filed by candidates, but the~~  
23 ~~post office address of such candidate shall be stated in such~~  
24 ~~nomination petition.~~

25 ~~Section 2. This act shall take effect immediately.~~

26 SECTION 1. SECTION 951(E) OF THE ACT OF JUNE 3, 1937  
27 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE,  
28 AMENDED APRIL 18, 1985 (P.L.5, NO.4), IS AMENDED TO READ:

29 SECTION 951. NOMINATIONS BY POLITICAL BODIES.--\* \* \*

30 (E) THERE SHALL BE APPENDED TO EACH NOMINATION PAPER OFFERED

1 FOR FILING AN AFFIDAVIT OF EACH CANDIDATE NOMINATED THEREIN,  
2 STATING--(1) THE ELECTION DISTRICT IN WHICH HE RESIDES; (2) THE  
3 NAME OF THE OFFICE FOR WHICH HE CONSENTS TO BE A CANDIDATE; (3)  
4 THAT HE IS ELIGIBLE FOR SUCH OFFICE; (4) THAT HE WILL NOT  
5 KNOWINGLY VIOLATE ANY PROVISION OF THIS ACT, OR OF ANY LAW  
6 REGULATING AND LIMITING ELECTION EXPENSES, AND PROHIBITING  
7 CORRUPT PRACTICES IN CONNECTION THEREWITH; (5) THAT HIS NAME HAS  
8 NOT BEEN PRESENTED AS A CANDIDATE BY NOMINATION PETITIONS,  
9 REGARDLESS OF WHETHER SUCH PETITIONS ARE SET ASIDE OR WITHDRAWN,  
10 FOR ANY PUBLIC OFFICE VOTED OR TO BE VOTED FOR AT THE [ENSUING]  
11 PRIMARY ELECTION HELD IN THAT SAME YEAR, NOR HAS HE BEEN  
12 NOMINATED BY ANY OTHER NOMINATION PAPERS FILED FOR ANY SUCH  
13 OFFICE; (6) THAT IN THE CASE WHERE HE IS A CANDIDATE FOR  
14 ELECTION AT A GENERAL OR MUNICIPAL ELECTION, HE WAS NOT A  
15 REGISTERED AND ENROLLED MEMBER OF A PARTY THIRTY (30) DAYS  
16 BEFORE THE PRIMARY HELD PRIOR TO THE GENERAL OR MUNICIPAL  
17 ELECTION IN THAT SAME YEAR; (7) THAT, IN THE CASE WHERE HE IS A  
18 CANDIDATE FOR ELECTION AT A SPECIAL ELECTION, HE IS NOT A  
19 REGISTERED AND ENROLLED MEMBER OF A PARTY. IN CASES OF PAPERS  
20 FOR CANDIDATES FOR THE GENERAL ASSEMBLY, THE CANDIDATE'S  
21 AFFIDAVIT SHALL STATE (I) THAT THE CANDIDATE WILL SATISFY THE  
22 ELIGIBILITY REQUIREMENTS CONTAINED IN SECTIONS 5 AND 7 OF  
23 ARTICLE II OF THE CONSTITUTION OF PENNSYLVANIA; (II) (A) THAT IN  
24 THE CASE OF A CANDIDATE FOR THE OFFICE OF SENATOR IN THE GENERAL  
25 ASSEMBLY THAT THE CANDIDATE WILL BE TWENTY-FIVE (25) YEARS OF  
26 AGE ON OR BEFORE THE FIRST DAY OF THE TERM FOR WHICH THE  
27 CANDIDATE SEEKS ELECTION OR (B) THAT IN THE CASE OF A CANDIDATE  
28 FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY THAT  
29 THE CANDIDATE WILL BE TWENTY-ONE (21) YEARS OF AGE ON OR BEFORE  
30 THE FIRST DAY OF THE TERM FOR WHICH THE CANDIDATE SEEKS

1 ELECTION; (III) THAT THE CANDIDATE SHALL HAVE BEEN A CITIZEN AND  
2 INHABITANT OF PENNSYLVANIA FOUR (4) YEARS AND AN INHABITANT OF  
3 THE RESPECTIVE DISTRICT ONE (1) YEAR NEXT BEFORE THE ELECTION  
4 (UNLESS ABSENT ON THE PUBLIC BUSINESS OF THE UNITED STATES OR OF  
5 THIS STATE); AND (IV) THAT THE CANDIDATE HAS NOT BEEN CONVICTED  
6 OF EMBEZZLEMENT OF PUBLIC MONEYS, BRIBERY, PERJURY OR OTHER  
7 INFAMOUS CRIME.

8 SECTION 2. THE FIRST PARAGRAPH OF SECTION 976 OF THE ACT,  
9 AMENDED FEBRUARY 19, 1986 (P.L.29, NO.11), IS AMENDED TO READ:

10 SECTION 976. EXAMINATION OF NOMINATION PETITIONS,  
11 CERTIFICATES AND PAPERS; RETURN OF REJECTED NOMINATION  
12 PETITIONS, CERTIFICATES AND PAPERS.--WHEN ANY NOMINATION  
13 PETITION, NOMINATION CERTIFICATE OR NOMINATION PAPER IS  
14 PRESENTED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH OR  
15 OF ANY COUNTY BOARD OF ELECTIONS FOR FILING WITHIN THE PERIOD  
16 LIMITED BY THIS ACT, IT SHALL BE THE DUTY OF THE SAID OFFICER OR  
17 BOARD TO EXAMINE THE SAME. NO NOMINATION PETITION, NOMINATION  
18 PAPER OR NOMINATION CERTIFICATE SHALL BE PERMITTED TO BE FILED  
19 IF--(A) IT CONTAINS MATERIAL ERRORS OR DEFECTS APPARENT ON THE  
20 FACE THEREOF, OR ON THE FACE OF THE APPENDED OR ACCOMPANYING  
21 AFFIDAVITS; OR (B) IT CONTAINS MATERIAL ALTERATIONS MADE AFTER  
22 SIGNING WITHOUT THE CONSENT OF THE SIGNERS; OR (C) IT DOES NOT  
23 CONTAIN A SUFFICIENT NUMBER OF SIGNATURES AS REQUIRED BY LAW;  
24 PROVIDED, HOWEVER, THAT THE SECRETARY OF THE COMMONWEALTH OR THE  
25 COUNTY BOARD OF ELECTIONS, ALTHOUGH NOT HEREBY REQUIRED SO TO  
26 DO, MAY QUESTION THE GENUINENESS OF ANY SIGNATURE OR SIGNATURES  
27 APPEARING THEREON, AND IF HE OR IT SHALL THEREUPON FIND THAT ANY  
28 SUCH SIGNATURE OR SIGNATURES ARE NOT GENUINE, SUCH SIGNATURE OR  
29 SIGNATURES SHALL BE DISREGARDED IN DETERMINING WHETHER THE  
30 NOMINATION PETITION, NOMINATION PAPER OR NOMINATION CERTIFICATE

1 CONTAINS A SUFFICIENT NUMBER OF SIGNATURES AS REQUIRED BY LAW;  
2 OR (D) IN THE CASE OF NOMINATION PETITIONS, IF NOMINATION  
3 PETITIONS HAVE BEEN FILED FOR PRINTING THE NAME OF THE SAME  
4 PERSON FOR THE SAME OFFICE, EXCEPT THE OFFICE OF JUDGE OF A  
5 COURT OF COMMON PLEAS, THE PHILADELPHIA MUNICIPAL COURT OR THE  
6 TRAFFIC COURT OF PHILADELPHIA, OR THE OFFICE OF SCHOOL DIRECTOR  
7 IN DISTRICTS WHERE THAT OFFICE IS ELECTIVE OR THE OFFICE OF  
8 JUSTICE OF THE PEACE UPON THE OFFICIAL BALLOT OF MORE THAN ONE  
9 POLITICAL PARTY; OR (E) IN THE CASE OF NOMINATION PAPERS, IF THE  
10 CANDIDATE NAMED THEREIN HAS FILED A NOMINATION PETITION,  
11 REGARDLESS OF WHETHER SUCH PETITION IS SUBSEQUENTLY SET ASIDE OR  
12 WITHDRAWN FOR ANY PUBLIC OFFICE FOR THE [ENSUING] PRIMARY HELD  
13 IN THAT SAME YEAR, OR HAS BEEN NOMINATED FOR ANY SUCH OFFICE BY  
14 NOMINATION PAPERS PREVIOUSLY FILED; OR (F) IF THE NOMINATION  
15 PETITIONS OR PAPERS ARE NOT ACCOMPANIED BY THE FILING FEE OR  
16 CERTIFIED CHECK REQUIRED FOR SAID OFFICE; OR (G) IN THE CASE OF  
17 NOMINATION PAPERS, THE APPELLATION SET FORTH THEREIN IS  
18 IDENTICAL WITH OR DECEPTIVELY SIMILAR TO THE WORDS USED BY ANY  
19 EXISTING PARTY OR BY ANY POLITICAL BODY WHICH HAS ALREADY FILED  
20 NOMINATION PAPERS FOR THE SAME OFFICE, OR IF THE APPELLATION SET  
21 FORTH THEREIN CONTAINS PART OF THE NAME, OR AN ABBREVIATION OF  
22 THE NAME OR PART OF THE NAME OF AN EXISTING POLITICAL PARTY, OR  
23 OF A POLITICAL BODY WHICH HAS ALREADY FILED NOMINATION PAPERS  
24 FOR THE SAME OFFICE. THE INVALIDITY OF ANY SHEET OF A NOMINATION  
25 PETITION OR NOMINATION PAPER SHALL NOT AFFECT THE VALIDITY OF  
26 SUCH PETITION OR PAPER IF A SUFFICIENT PETITION OR PAPER REMAINS  
27 AFTER ELIMINATING SUCH INVALID SHEET. THE ACTION OF SAID OFFICER  
28 OR BOARD IN REFUSING TO RECEIVE AND FILE ANY SUCH NOMINATION  
29 PETITION, CERTIFICATE OR PAPER, MAY BE REVIEWED BY THE COURT  
30 UPON AN APPLICATION TO COMPEL ITS RECEPTION AS OF THE DATE WHEN

1 IT WAS PRESENTED TO THE OFFICE OF SUCH OFFICER OR BOARD:  
2 PROVIDED, HOWEVER, THAT SAID OFFICER OR BOARD SHALL BE ENTITLED  
3 TO A REASONABLE TIME IN WHICH TO EXAMINE ANY PETITIONS,  
4 CERTIFICATES OR PAPERS, AND TO SUMMON AND INTERROGATE THE  
5 CANDIDATES NAMED THEREIN, OR THE PERSONS PRESENTING SAID  
6 PETITIONS, CERTIFICATES OR PAPERS, AND HIS OR THEIR RETENTION OF  
7 SAME FOR THE PURPOSE OF MAKING SUCH EXAMINATION OR INTERROGATION  
8 SHALL NOT BE CONSTRUED AS AN ACCEPTANCE OR FILING.

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10 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.