

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2146 Session of  
1991

INTRODUCED BY FREEMAN, ROBINSON, KOSINSKI, BILLOW, MELIO AND  
ACOSTA, NOVEMBER 13, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 13, 1991

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 objections to nomination  
12 petitions and papers.

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

15 Section 1. Section 977 of the act of June 3, 1937 (P.L.1333,  
16 No.320), known as the Pennsylvania Election Code, amended April  
17 18, 1985 (P.L.5, No.4), is amended to read:

18 Section 977. Objections to Nomination Petitions and  
19 Papers.--All nomination petitions and papers received and filed  
20 within the periods limited by this act shall be deemed to be  
21 valid, unless, within seven days after the last day for filing  
22 said nomination petition or paper, a petition is presented to  
23 the court, by a qualified elector of any political party,

1 specifically setting forth the objections thereto, and praying  
2 that the said petition or paper be set aside. A copy of said  
3 petition shall, within said period, be served on the officer or  
4 board with whom said nomination petition or paper was filed.  
5 Upon the presentation of such a petition, the court shall make  
6 an order fixing a time for hearing which shall not be later than  
7 ten days after the last day for filing said nomination petition  
8 or paper, and specifying the time and manner of notice that  
9 shall be given to the candidate or candidates named in the  
10 nomination petition or paper sought to be set aside. On the day  
11 fixed for said hearing, the court shall proceed without delay to  
12 hear said objections, and shall give such hearing precedence  
13 over other business before it, and shall finally determine said  
14 matter not later than fifteen (15) days after the last day for  
15 filing said nomination petitions or papers. If the court shall  
16 find that said nomination petition or paper is defective under  
17 the provisions of section 976, or does not contain a sufficient  
18 number of genuine signatures of electors entitled to sign the  
19 same under the provisions of this act, or was not filed by  
20 persons entitled to file the same, or if any accompanying or  
21 appended affidavit contains a material defect or error, it shall  
22 be set aside. For purposes of this section, a nomination  
23 petition or paper shall include all affidavits required to be  
24 filed with such nomination petition or paper under this act. If  
25 the objections relate to material errors or defects apparent on  
26 the face of the nomination petition or paper, or on the face of  
27 the accompanying or appended affidavits, the court, after  
28 hearing, may, in its discretion, permit amendments within such  
29 time and upon such terms as to payment of costs, as the said  
30 court may specify. In case any such petition is dismissed, the

1 court shall make such order as to the payment of the costs of  
2 the proceedings, including witness fees, as it shall deem just.  
3 If a person shall sign any nomination petitions or papers for a  
4 greater number of candidates than he is permitted under the  
5 provisions of this act, if said signatures bear the same date,  
6 they shall, upon objections filed thereto, not be counted on any  
7 petition or paper and if they bear different dates, they shall  
8 be counted in the order of their priority of date, for only so  
9 many persons as there are candidates to be nominated or elected.  
10 The office of the Prothonotary of the Commonwealth Court and the  
11 office of the Secretary of the Commonwealth and the various  
12 offices of prothonotary of the court of common pleas shall be  
13 open between the hours of eight-thirty o'clock A.M. and five  
14 o'clock P.M. on the last day to withdraw after filing nomination  
15 petitions and on the last day to file objections to nomination  
16 petitions.

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