

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 63

Session of  
2007

INTRODUCED BY BUXTON, GODSHALL, CALTAGIRONE, CARROLL, COHEN,  
DALEY, GALLOWAY, HALUSKA, HUTCHINSON, M. KELLER, KOTIK,  
LEVDANSKY, MARSICO, MELIO, MUSTIO, NAILOR, REED, SCAVELLO,  
SIPTROTH, SOLOBAY, STABACK, STURLA, WALKO, WOJNAROSKI,  
YOUNGBLOOD, GRUCELA, CAPPELLI, KULA, GOODMAN, GERGELY,  
M. O'BRIEN, FREEMAN, DeLUCA AND PAYNE, JANUARY 30, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 30, 2007

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 the general primary, for  
12 time of circulating nomination petitions, for place and time  
13 of filing nomination petitions and for objections to  
14 nomination petitions and papers.

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

17 Section 1. Section 603 of the act of June 3, 1937 (P.L.1333,  
18 No.320), known as the Pennsylvania Election Code, is amended by  
19 adding a subsection to read:

20 Section 603. General Primary; Candidates to Be Nominated and  
21 Party Officers to Be Elected.--\* \* \*

22 (c.1) Notwithstanding subsection (a), the General primary

1 for 2008 shall be held on March 4, 2008.

2 Section 2. Section 908 of the act, amended December 9, 2002  
3 (P.L.1246, No.150), is amended to read:

4 Section 908. Manner of Signing Nomination Petitions; Time of  
5 Circulating.--(a) Each signer of a nomination petition shall  
6 sign but one such petition for each office to be filled, and  
7 shall declare therein that he is a registered and enrolled  
8 member of the party designated in such petition: Provided,  
9 however, That where there are to be elected two or more persons  
10 to the same office, each signer may sign petitions for as many  
11 candidates for such office as, and no more than, he could vote  
12 for at the succeeding election. He shall also declare therein  
13 that he is a qualified elector of the county therein named, and  
14 in case the nomination is not to be made or candidates are not  
15 to be elected by the electors of the State at large, of the  
16 political district therein named, in which the nomination is to  
17 be made or the election is to be held. He shall add his  
18 residence, giving city, borough or township, with street and  
19 number, if any, and shall legibly print his name and add the  
20 date of signing, expressed in words or numbers: Provided,  
21 however, That if the said political district named in the  
22 petition lies wholly within any city, borough or township, or is  
23 coextensive with same, it shall not be necessary for any signer  
24 of a nomination petition to state therein the city, borough or  
25 township of his residence. No nomination petition shall be  
26 circulated prior to the thirteenth Tuesday before the primary,  
27 and no signature shall be counted unless it bears a date affixed  
28 not earlier than the thirteenth Tuesday nor later than the tenth  
29 Tuesday prior to the primary.

30 (b) Notwithstanding subsection (a), no nomination petition

1 for the 2008 General primary shall be circulated prior to  
2 November 13, 2007, and no signature shall be counted unless it  
3 bears a date affixed not earlier than November 13, 2007, nor  
4 later than December 11, 2007.

5 Section 3. Section 913(d) of the act, amended August 13,  
6 1963 (P.L.707, No.379), is amended to read:

7 Section 913. Place and Time of Filing Nomination Petitions;  
8 Filing Fees.--\* \* \*

9 (d) All nomination petitions shall be filed on or before the  
10 tenth Tuesday prior to the primary. Notwithstanding the  
11 foregoing, all nomination petitions for the 2008 General primary  
12 shall be filed on or before December 11, 2007.

13 \* \* \*

14 Section 4. Section 977 of the act, amended February 13, 1998  
15 (P.L.72, No.18), is amended to read:

16 Section 977. Objections to Nomination Petitions and  
17 Papers.--(a) All nomination petitions and papers received and  
18 filed within the periods limited by this act shall be deemed to  
19 be valid, unless, within seven days after the last day for  
20 filing said nomination petition or paper, a petition is  
21 presented to the court specifically setting forth the objections  
22 thereto, and praying that the said petition or paper be set  
23 aside. A copy of said petition shall, within said period, be  
24 served on the officer or board with whom said nomination  
25 petition or paper was filed. Upon the presentation of such a  
26 petition, the court shall make an order fixing a time for  
27 hearing which shall not be later than ten days after the last  
28 day for filing said nomination petition or paper, and specifying  
29 the time and manner of notice that shall be given to the  
30 candidate or candidates named in the nomination petition or

1 paper sought to be set aside. On the day fixed for said hearing,  
2 the court shall proceed without delay to hear said objections,  
3 and shall give such hearing precedence over other business  
4 before it, and shall finally determine said matter not later  
5 than fifteen (15) days after the last day for filing said  
6 nomination petitions or papers. If the court shall find that  
7 said nomination petition or paper is defective under the  
8 provisions of section 976, or does not contain a sufficient  
9 number of genuine signatures of electors entitled to sign the  
10 same under the provisions of this act, or was not filed by  
11 persons entitled to file the same, it shall be set aside. If the  
12 objections relate to material errors or defects apparent on the  
13 face of the nomination petition or paper, the court, after  
14 hearing, may, in its discretion, permit amendments within such  
15 time and upon such terms as to payment of costs, as the said  
16 court may specify. In case any such petition is dismissed, the  
17 court shall make such order as to the payment of the costs of  
18 the proceedings, including witness fees, as it shall deem just.  
19 If a person shall sign any nomination petitions or papers for a  
20 greater number of candidates than he is permitted under the  
21 provisions of this act, if said signatures bear the same date,  
22 they shall, upon objections filed thereto, not be counted on any  
23 petition or paper and if they bear different dates, they shall  
24 be counted in the order of their priority of date, for only so  
25 many persons as there are candidates to be nominated or elected.  
26 The office of the Prothonotary of the Commonwealth Court and the  
27 office of the Secretary of the Commonwealth and the various  
28 offices of prothonotary of the court of common pleas shall be  
29 open between the hours of eight-thirty o'clock A.M. and five  
30 o'clock P.M. on the last day to withdraw after filing nomination

1 petitions and on the last day to file objections to nomination  
2 petitions.

3 (b) Notwithstanding subsection (a), for the 2008 General  
4 primary, the last day to file objections to a nomination  
5 petition or paper shall be on or before December 21, 2007, and  
6 the court shall rule on objections not later than January 11,  
7 2008.

8 Section 5. This act shall take effect immediately.