

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 2007** Session of  
2007

INTRODUCED BY HARHAI, BELFANTI, BIANCUCCI, BRENNAN, CALTAGIRONE,  
CASORIO, COHEN, DALEY, DePASQUALE, DeWEESE, FABRIZIO,  
FREEMAN, GEIST, GERGELY, GRUCELA, HALUSKA, HANNA, HARKINS,  
HERSHEY, KING, KOTIK, KULA, LENTZ, LEVDANSKY, LONGIETTI,  
MAHONEY, MARKOSEK, McCALL, MELIO, PETRARCA, PETRONE,  
READSHAW, SAINATO, SAMUELSON, SANTONI, SURRA, TANGRETTI,  
WALKO, WANSACZ AND GODSHALL, NOVEMBER 2, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 2, 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 affidavits of candidates,  
12 for examination of nomination petitions, certificates and  
13 papers; return of rejected nomination petitions, certificates  
14 and papers, for affidavits of candidates, for filling of  
15 certain vacancies in public office by means of nomination  
16 certificates and nomination papers and for substituted  
17 nominations to fill certain vacancies for a November  
18 election.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. Sections 630.1 and 910 of the act of June 3, 1937  
22 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
23 amended May 12, 2006 (P.L.178, No.45), are amended to read:

1 Section 630.1. Affidavits of Candidates.--Each candidate for  
2 any State, county, city, borough, incorporated town, township,  
3 school district or poor district office, or for the office of  
4 United States Senator or Representative in Congress, selected as  
5 provided in section 630 of this act, shall file with the  
6 nomination certificate an affidavit stating--(a) his residence,  
7 with street and number, if any, and his post-office address; (b)  
8 his election district, giving city, borough, town or township;  
9 (c) the name of the office for which he consents to be a  
10 candidate; (d) that he is eligible for such office; (e) that he  
11 will not knowingly violate any provision of this act, or of any  
12 law regulating and limiting election expenses and prohibiting  
13 corrupt practices in connection therewith; (f) unless he is a  
14 candidate for judge of a court of common pleas, the Philadelphia  
15 Municipal Court or the Traffic Court of Philadelphia, or for the  
16 office of school board in a district where that office is  
17 elective or for the office of [justice of the peace] magisterial  
18 district judge, that he is not a candidate for the same office  
19 of any party or political body and not a registered and enrolled  
20 member of any party other than the one designated in such  
21 certificate; (g) that he is aware of the provisions of section  
22 1626 of this act requiring election and post-election reporting  
23 of campaign contributions and expenditures; and (h) that he is  
24 not a candidate for an office which he already holds, the term  
25 of which is not set to expire in the same year as the office  
26 subject to the affidavit.

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 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] magisterial district judge that he is not  
15 a candidate for nomination for the same office of any party and  
16 not a registered and enrolled member of any party other than the  
17 one designated in such petition; (g) if he is a candidate for a  
18 delegate, or alternate delegate, member of State committee,  
19 National committee or party officer, that he is a registered and  
20 enrolled member of the designated party; (h) if he is a  
21 candidate for delegate or alternate delegate the presidential  
22 candidate to whom he is committed or the term "uncommitted"; (i)  
23 that he is aware of the provisions of section 1626 of this act  
24 requiring pre-election and post-election reporting of campaign  
25 contributions and expenditures; and (j) that he is not a  
26 candidate for an office which he already holds, the term of  
27 which is not set to expire in the same year as the office  
28 subject to the affidavit. In cases of petitions for delegate and  
29 alternate delegate to National conventions, the candidate's  
30 affidavit shall state that his signature to the delegate's

1 statement, as hereinafter set forth, if such statement is signed  
2 by said candidate, was affixed to the sheet or sheets of said  
3 petition prior to the circulation of same. In the case of a  
4 candidate for nomination as President of the United States, it  
5 shall not be necessary for such candidate to file the affidavit  
6 required in this section to be filed by candidates, but the  
7 post-office address of such candidate shall be stated in such  
8 nomination petition.

9 Section 2. The first paragraph of section 976 of the act,  
10 amended February 19, 1986 (P.L.29, No.11), is amended to read:

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

1 nomination petition, nomination paper or nomination certificate  
2 contains a sufficient number of signatures as required by law;  
3 or (d) in the case of nomination petitions, if nomination  
4 petitions have been filed for a person registered and enrolled  
5 in any party other than the one designated in the nominating  
6 petition or for printing the name of the same person for the  
7 same office, except the office of judge of a court of common  
8 pleas, the Philadelphia Municipal Court or the Traffic Court of  
9 Philadelphia, or the office of school director in districts  
10 where that office is elective or the office of [justice of the  
11 peace] magisterial district judge upon the official ballot of  
12 more than one political party; or (e) in the case of nomination  
13 papers, if the candidate named therein has filed a nomination  
14 petition for any public office for the ensuing primary, or has  
15 been nominated for any such office by nomination papers  
16 previously filed; or (f) if the nomination petitions or papers  
17 are not accompanied by the filing fee or certified check  
18 required for said office; or (g) in the case of nomination  
19 papers, the appellation set forth therein is identical with or  
20 deceptively similar to the words used by any existing party or  
21 by any political body which has already filed nomination papers  
22 for the same office, or if the appellation set forth therein  
23 contains part of the name, or an abbreviation of the name or  
24 part of the name of an existing political party, or of a  
25 political body which has already filed nomination papers for the  
26 same office. The invalidity of any sheet of a nomination  
27 petition or nomination paper shall not affect the validity of  
28 such petition or paper if a sufficient petition or paper remains  
29 after eliminating such invalid sheet. The action of said officer  
30 or board in refusing to receive and file any such nomination

1 petition, certificate or paper, may be reviewed by the court  
2 upon an application to compel its reception as of the date when  
3 it was presented to the office of such officer or board:  
4 Provided, however, That said officer or board shall be entitled  
5 to a reasonable time in which to examine any petitions,  
6 certificates or papers, and to summon and interrogate the  
7 candidates named therein, or the persons presenting said  
8 petitions, certificates or papers, and his or their retention of  
9 same for the purpose of making such examination or interrogation  
10 shall not be construed as an acceptance or filing.

11 \* \* \*

12 Section 3. Section 981.1 of the act, amended May 12, 2006  
13 (P.L.178, No.45), is amended to read:

14 Section 981.1. Affidavits of Candidates.--Each candidate for  
15 any State, county, city, borough, incorporated town, township,  
16 ward, school district, poor district or election district  
17 office, or for the office of United States Senator or  
18 Representative in Congress, selected as provided in sections 979  
19 and 980 of this act, shall file with the substituted nomination  
20 certificate an affidavit stating--(a) his residence, with street  
21 and number, if any, and his post-office address; (b) his  
22 election district, giving city, borough, town or township; (c)  
23 the name of the office for which he consents to be a candidate;  
24 (d) that he is eligible for such office; (e) that he will not  
25 knowingly violate any provision of this act, or of any law  
26 regulating and limiting election expenses and prohibiting  
27 corrupt practices in connection therewith; (f) unless he is a  
28 candidate for judge of a court of common pleas, the Philadelphia  
29 Municipal Court or the Traffic Court of Philadelphia, or for the  
30 office of school board in a district where that office is

1 elective or for the office of [justice of the peace] magisterial  
2 district judge, that he is not a candidate for the same office  
3 of any party or political body and not a registered and enrolled  
4 member of any party other than the one designated in such  
5 certificate; (g) that he is aware of the provisions of section  
6 1626 of this act requiring election and post-election reporting  
7 of campaign contributions and expenditures; and (h) that he is  
8 not a candidate for an office which he already holds, the term  
9 of which is not set to expire in the same year as the office  
10 subject to the affidavit.

11 Section 4. Sections 993(a) and 998(a) and (b) of the act,  
12 amended February 19, 1986 (P.L.29, No.11), are amended to read:

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

1 petition or has already been nominated by any other political  
2 party or by any political body for the same office unless such  
3 person is a candidate for the office of judge of a court of  
4 common pleas, the Philadelphia Municipal Court or the Traffic  
5 Court of Philadelphia, or for the office of school director in  
6 districts where that office is elective or for the office of  
7 [justice of the peace] magisterial district judge. No such  
8 nomination papers shall nominate any person who is a registered  
9 and enrolled member of any party other than the one designated  
10 in the nominating petition or has already been nominated by any  
11 political party or by any other political body for any office to  
12 be filled at the ensuing November election, unless such person  
13 is a candidate for the office of judge of a court of common  
14 pleas, the Philadelphia Municipal Court or the Traffic Court of  
15 Philadelphia, or for the office of school director in districts  
16 where that office is elective or for the office of [justice of  
17 the peace] magisterial district judge.

18 \* \* \*

19 Section 998. Substituted Nominations to Fill Certain  
20 Vacancies for a November Election.--(a) Any vacancy happening  
21 or existing in any party nomination made in accordance with the  
22 provisions of section nine hundred ninety-three of this act for  
23 a November election by reason of the death or withdrawal of any  
24 candidate may be filled by a substituted nomination made by such  
25 committee as is authorized by the rules of the party to make  
26 nominations in the event of vacancies on the party ticket, in  
27 the form prescribed by section nine hundred ninety-four of this  
28 act. But no substituted nomination certificate shall nominate  
29 any person who is a registered and enrolled member of any party  
30 other than the one designated in the nominating petition or has



1 already been nominated by any other political party or by any  
2 political body for the same office, unless such person is a  
3 candidate for the office of judge of a court of common pleas,  
4 the Philadelphia Municipal Court or the Traffic Court of  
5 Philadelphia, or for the office of school director in districts  
6 where that office is elective or for the office of [justice of  
7 the peace] magisterial district judge.

8 (b) In case of the death or withdrawal of any candidate  
9 nominated by a political body for an election, the committee  
10 named in the original nomination papers may nominate a  
11 substitute in his place by filing a substituted nomination  
12 certificate in the form and manner prescribed by section nine  
13 hundred eighty of this act. In the case of a vacancy caused by  
14 the death of any candidate, said nomination certificate shall be  
15 accompanied by a death certificate properly certified. No  
16 substituted nomination certificate shall nominate any person who  
17 is a registered and enrolled member of any party other than the  
18 one designated in the nominating petition or has already been  
19 nominated by any political party or by any other political body  
20 for any office to be filled at the ensuing November election,  
21 unless such person is a candidate for the office of judge of a  
22 court of common pleas, the Philadelphia Municipal Court or the  
23 Traffic Court of Philadelphia, or for the office of school  
24 director in districts where that office is elective or for the  
25 office of [justice of the peace] magisterial district judge.

26 \* \* \*

27 Section 5. This act shall take effect in 60 days.