

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2729 Session of
2008

INTRODUCED BY BENNINGHOFF, HUTCHINSON, KOTIK, McILHATTAN, RAPP,
ROAE, SAYLOR AND SWANGER, OCTOBER 3, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 3, 2008

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," in nomination of candidates, further providing
12 for nomination petitions to be filed, for affidavits of
13 candidates, for statement of candidates for delegates to
14 national conventions, for number of signers required for
15 nomination petitions of candidates at primaries and for
16 nominations by minor political parties; providing for
17 declaration of candidacy for nomination and declaration fees;
18 further providing for place and time of filing nomination
19 petitions and declarations of candidacy for nomination and
20 filing fees, for withdrawal of candidates, for casting of
21 lots for position of names upon the primary ballots or ballot
22 labels and notice of candidates, for Secretary of
23 Commonwealth to furnish county boards with lists of
24 candidates and candidates to be notified, for setting aside
25 nominations of candidates and for nomination by political
26 bodies; providing for declarations of candidacy for election;
27 and further providing for place and time of filing nomination
28 papers, for filing fees, for examination of nomination
29 petitions, certifications and papers, for objections to
30 nomination petitions and papers and declarations of candidacy
31 for election, for vacancy in party nomination by failure to
32 pay filing fee or for failure to file loyalty oath and for
33 preservation of nomination petitions, certifications and

1 papers.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Section 907 of the act of June 3, 1937 (P.L.1333,
5 No.320), known as the Pennsylvania Election Code, amended
6 December 22, 1971 (P.L.613, No.165), is amended to read:

7 Section 907. Nomination Petitions to Be Filed; Declaration
8 of Candidacy for Nomination and Declaration Fee in Lieu of

9 Petitions.--(a) The names of candidates for nomination as

10 President of the United States, and the names of all other

11 candidates for party nominations, and for election as delegates,

12 alternate delegates, members of committees and other party

13 officers, shall be printed upon the official primary ballots or

14 ballot labels of a designated party, upon the filing of separate

15 nomination petitions in their behalf, in form prescribed by the

16 Secretary of the Commonwealth, signed by duly registered and

17 enrolled members of such party who are qualified electors of the

18 State, or of the political district, as the case may be, within

19 which the nomination is to be made or election is to be held.

20 Nomination petitions of delegates and alternate delegates to

21 National conventions committed to support a particular

22 presidential candidate must be signed by the particular

23 presidential candidate to whom support is pledged before it can

24 be certified by the Secretary of the Commonwealth. [The] Except

25 as provided in subsection (b), the name of no candidate shall be

26 placed upon the official ballots or ballot labels of a political

27 party to be used at any primary, unless such petition shall have

28 been filed in his behalf. [In] Except as provided in subsection

29 (c), in no event shall any person's name be printed upon the

30 official ballots or ballot labels of any party for the office of

1 delegate, alternate delegate, member of committee or other party
2 officer, unless he is a duly registered and enrolled member of
3 said party.

4 (b) A county board shall place the name of a candidate on
5 the official primary ballots or ballot labels if:

6 (1) the candidate has filed a declaration of candidacy for
7 nomination and paid the applicable declaration fee under section
8 912.3, in lieu of filing nomination petitions; and

9 (2) the declaration of candidacy for nomination and
10 declaration fee have been received by the office designated as
11 the place of filing under section 913.

12 (c) A county board shall place the name of a person who is
13 seeking election as a delegate, alternate delegate, member of
14 committee or other party officer on the official ballots or
15 ballot labels, if:

16 (1) the person has filed a declaration of candidacy for
17 nomination and paid the applicable declaration fee under section
18 912.3, in lieu of filing nomination petitions; and

19 (2) the declaration of candidacy for nomination and
20 declaration fee have been received by the office designated as
21 the place of filing under section 913.

22 Section 2. Section 910 of the act, amended May 12, 2006
23 (P.L.178, No.45), is amended to read:

24 Section 910. Affidavits of Candidates.--Each candidate for
25 any State, county, city, borough, incorporated town, township,
26 ward, school district, poor district, election district, party
27 office, party delegate or alternate, or for the office of United
28 States Senator or Representative in Congress, shall file with
29 his nomination petition or declaration of candidacy for
30 nomination his affidavit stating--(a) his residence, with street

1 and number, if any, and his post-office address; (b) his
2 election district, giving city, borough, town or township; (c)
3 the name of the office for which he consents to be a candidate;
4 (d) that he is eligible for such office; (e) that he will not
5 knowingly violate any provision of this act, or of any law
6 regulating and limiting nomination and election expenses and
7 prohibiting corrupt practices in connection therewith; (f)
8 unless he is a candidate for judge of a court of common pleas,
9 the Philadelphia Municipal Court or the Traffic Court of
10 Philadelphia, or for the office of school director in a district
11 where that office is elective or for the office of justice of
12 the peace that he is not a candidate for nomination for the same
13 office of any party other than the one designated in such
14 petition or declaration of candidacy for nomination; (g) if he
15 is a candidate for a delegate, or alternate delegate, member of
16 State committee, National committee or party officer, that he is
17 a registered and enrolled member of the designated party; (h) if
18 he is a candidate for delegate or alternate delegate the
19 presidential candidate to whom he is committed or the term
20 "uncommitted"; (i) that he is aware of the provisions of section
21 1626 of this act requiring pre-election and post-election
22 reporting of campaign contributions and expenditures; and (j)
23 that he is not a candidate for an office which he already holds,
24 the term of which is not set to expire in the same year as the
25 office subject to the affidavit. In cases of petitions for
26 delegate and alternate delegate to National conventions, the
27 candidate's affidavit shall state that his signature to the
28 delegate's statement, as hereinafter set forth, if such
29 statement is signed by said candidate, was affixed to the sheet
30 or sheets of said petition prior to the circulation of same. In

1 the case of a candidate for nomination as President of the
2 United States, it shall not be necessary for such candidate to
3 file the affidavit required in this section to be filed by
4 candidates, but the post-office address of such candidate shall
5 be stated in such nomination petition.

6 Section 3. Section 911 of the act, amended December 22, 1971
7 (P.L.613, No.165), is amended to read:

8 Section 911. Statement of Candidates for Delegates to
9 National Conventions.--Each candidate for election as delegate
10 or alternate delegate to a National party convention may
11 include, with his affidavit, the statement hereinafter set forth
12 in this section; but his failure to include such statement shall
13 not be a valid ground, on the part of the Secretary of the
14 Commonwealth, for refusal to receive and file his nomination
15 petition or declaration of candidacy for nomination. Such
16 statement, if signed and filed with a petition, shall be signed
17 on all the sheets of said petition, together with the date of
18 signing and shall be in substantially the following form:

19 Delegate's Statement

20 I hereby declare to the voters of my political party in the
21 (here insert "State of Pennsylvania," if a delegate or alternate
22 delegate at large; otherwise, insert " District") that, if
23 elected and in attendance as a delegate to the National
24 convention of the party, I shall, with all fidelity, to the best
25 of my judgment and ability, in all matters coming before the
26 convention, support (here insert name of presidential candidate)
27 for President of the United States and shall use all honorable
28 means within my power to aid in securing the nomination for such
29 candidate for President.

30

1 (Signature of candidate for delegate or alternate delegate,
2 and date of signing.)

3 On the ballots or ballot labels used at a primary, after or
4 under the name of each candidate for delegate or alternate
5 delegate to a National party convention, shall appear the words
6 "committed to (here insert name of presidential candidate)" or
7 "uncommitted" according to whether the candidate included, or
8 failed to include, the above statement with his affidavit.

9 Section 4. Section 912.1 of the act, amended February 13,
10 1989 (P.L.1, No.1), is amended to read:

11 Section 912.1. Number of Signers Required for Nomination
12 Petitions of Candidates at Primaries.--[Candidates] Except as
13 provided in section 912.3, candidates for nomination of offices
14 as listed below shall present a nominating petition containing
15 at least as many valid signatures of registered and enrolled
16 members of the proper party as listed below:

17 (1) President of the United States: Two thousand.

18 (2) United States Senate: Two thousand.

19 (3) Governor: Two thousand including at least one hundred
20 from each of at least ten counties.

21 (4) Lieutenant Governor: One thousand including at least one
22 hundred from each of at least five counties.

23 (5) Treasurer: One thousand including at least one hundred
24 from each of at least five counties.

25 (6) Auditor General: One thousand including at least one
26 hundred from each of at least five counties.

27 (7) Attorney General: One thousand including at least one
28 hundred from each of at least five counties.

29 (8) Justice of the Supreme Court: One thousand including at
30 least one hundred from each of at least five counties.

(9) Judge of the Superior Court: One thousand including at least one hundred from each of at least five counties.

(10) Judge of the Commonwealth Court: One thousand including at least one hundred from each of at least five counties.

(11) For any other office to be filled by the vote of the electors of the State at large or for any other party office to be elected by the electors of the State at large: One thousand including at least one hundred from each of at least five counties.

(12) Representative in Congress: One thousand.

(13) Senator in the General Assembly: Five hundred.

(14) Representative in the General Assembly: Three hundred.

(15) Public or party offices to be filled by a vote of the electors in counties of the first class at large: One thousand.

(16) Public or party offices to be filled by a vote of the electors in counties of the second class at large: Five hundred.

(17) Public or party offices to be filled by a vote of the electors in cities of the first class at large: One thousand.

(18) Public or party offices to be filled by a vote of the electors in counties of the second class A at large: Two hundred fifty.

(19) Public or party offices to be filled by a vote of the electors in counties of the third class at large: Two hundred fifty.

(20) Public or party offices to be filled by a vote of the electors in counties of the fourth class at large: Two hundred fifty.

(21) Public or party offices to be filled by a vote of the electors in cities of the second class at large: Two hundred fifty.

1 (22) Public or party offices to be filled by a vote of the
2 electors in cities of the second class A at large: One hundred.

3 (23) Public or party offices to be filled by a vote of the
4 electors in cities of the third class at large: One hundred.

5 (24) Public or party offices to be filled by a vote of the
6 electors in counties of the fifth class at large: One hundred.

7 (25) Public or party offices to be filled by a vote of the
8 electors in counties of the sixth class at large: One hundred.

9 (26) Public or party offices to be filled by a vote of the
10 electors in counties of the seventh class at large: One hundred.

11 (27) Public or party offices to be filled by a vote of the
12 electors in counties of the eighth class at large: One hundred.

13 (28) Office of judge of any court of record other than a
14 Statewide court or a court in a county of the first or second
15 class: Two hundred fifty.

16 (29) District delegate or alternate district delegate to a
17 National party convention: Two hundred fifty.

18 (30) Member of State committee: One hundred.

19 (31) Office of district council member in a city of the
20 first class: Seven hundred fifty.

21 (31.1) Office of district council member in a city of the
22 second class: One hundred.

23 (32) Office of district justice: One hundred.

24 (33) Office of judge of election: Ten.

25 (34) Inspector of elections: Five.

26 (35) All other public and party offices: Ten.

27 Section 5. Section 912.2(a) of the act, added February 19,
28 1986 (P.L.29, No.11), is amended to read:

29 Section 912.2. Nominations by Minor Political Parties.--(a)

30 (1) Notwithstanding any other provision in this act to the

1 contrary, minor political parties shall nominate all of their
2 candidates for the offices to be filled at the ensuing November
3 election pursuant to section 903 in accordance with the
4 requirements of section 951, other than subsection (e)(6) and
5 (7) thereof, and section 954, and shall obtain the required
6 signatures during the same time frame available to political
7 bodies.

8 (2) In lieu of seeking nomination under paragraph (1), a
9 minor political party candidate may file a declaration of
10 candidacy for election and pay a declaration fee under sections
11 951, 952.1 and 953.

12 (3) Minor political parties shall be subject to the
13 provisions of this act applicable to political parties with
14 respect to special elections, voter registration forms,
15 substituted nominations and all other purposes except as
16 otherwise expressly provided in this section. "Minor political
17 party" shall mean a political party as defined in section 801(a)
18 or (b) whose State-wide registration is less than fifteen per
19 centum of the combined State-wide registration for all State-
20 wide political parties as of the close of the registration
21 period immediately preceding the most recent November election.
22 The Secretary of the Commonwealth shall prescribe forms or, if
23 there is insufficient time, make appropriate conforming changes
24 in existing forms to carry out the purposes of this section.

25 * * *

26 Section 6. The act is amended by adding a section to read:

27 Section 912.3. Declaration of Candidacy for Nomination;
28 Declaration Fees.--(a) In lieu of filing nomination petitions
29 under section 907, a candidate for nomination or election may
30 seek to have the his or her name placed on the official ballots

1 or ballot labels by filing a declaration of candidacy for
2 nomination and paying the declaration fee required under this
3 section. The declaration of candidacy for nomination shall
4 include the candidate's residence, with street and number, if
5 any, and the candidate's post-office address; the candidate's
6 election district, including the city, borough, town or township
7 in which the election district is located; and the name of the
8 office for which the individual consents to be a candidate and a
9 signed statement of the candidate's intent to seek nomination or
10 election to the office identified. The declaration of candidacy
11 for nomination shall not be considered complete unless it is
12 accompanied by a completed candidate affidavit and payment of
13 the applicant declaration fee, as follows:

14 (1) President of the United States, the sum of two thousand
15 dollars (\$2,000.00).

16 (2) United States Senate, the sum of two thousand dollars
17 (\$2,000.00).

18 (3) Governor, the sum of two thousand dollars (\$2,000.00).

19 (4) Lieutenant Governor, the sum of one thousand dollars
20 (\$1,000.00).

21 (5) Treasurer, the sum of one thousand dollars (\$1,000.00).

22 (6) Auditor General, the sum of one thousand dollars
23 (\$1,000.00).

24 (7) Attorney General, the sum of one thousand dollars
25 (\$1,000.00).

26 (8) Justice of the Supreme Court, the sum of one thousand
27 dollars (\$1,000.00).

28 (9) Judge of the Superior Court, the sum of one thousand
29 dollars (\$1,000.00).

30 (10) Judge of the Commonwealth Court, the sum of one

1 thousand dollars (\$1,000.00).

2 (11) For any other office to be filled by the vote of the
3 electors of the State at large or for any other party office to
4 be elected by the electors of the State at large, the sum of one
5 thousand dollars (\$1,000.00).

6 (12) Representative in Congress, the sum of one thousand
7 dollars (\$1,000.00).

8 (13) Senator in the General Assembly, the sum of five
9 hundred dollars (\$500.00).

10 (14) Representative in the General Assembly, the sum of
11 three hundred dollars (\$300.00).

12 (15) Public or party offices to be filled by a vote of the
13 electors in counties of the first class at large, the sum of one
14 thousand dollars (\$1,000.00).

15 (16) Public or party offices to be filled by a vote of the
16 electors in counties of the second class at large, the sum of
17 five hundred dollars (\$500.00).

18 (17) Public or party offices to be filled by a vote of the
19 electors in cities of the first class at large, the sum of one
20 thousand dollars (\$1,000.00).

21 (18) Public or party offices to be filled by a vote of the
22 electors in counties of the second class A at large, the sum of
23 two hundred fifty dollars (\$250.00).

24 (19) Public or party offices to be filled by a vote of the
25 electors in counties of the third class at large, the sum of two
26 hundred fifty dollars (\$250.00).

27 (20) Public or party offices to be filled by a vote of the
28 electors in counties of the fourth class at large, the sum of
29 two hundred fifty dollars (\$250.00).

30 (21) Public or party offices to be filled by a vote of the

1 electors in cities of the second class at large, the sum of two
2 hundred fifty dollars (\$250.00).

3 (22) Public or party offices to be filled by a vote of the
4 electors in cities of the second class A at large, the sum of
5 one hundred dollars (\$100.00).

6 (23) Public or party offices to be filled by a vote of the
7 electors in cities of the third class at large, the sum of one
8 hundred dollars (\$100.00).

9 (24) Public or party offices to be filled by a vote of the
10 electors in counties of the fifth class at large, the sum of one
11 hundred dollars (\$100.00).

12 (25) Public or party offices to be filled by a vote of the
13 electors in counties of the sixth class at large, the sum of one
14 hundred dollars (\$100.00).

15 (26) Public or party offices to be filled by a vote of the
16 electors in counties of the seventh class at large, the sum of
17 one hundred dollars (\$100.00).

18 (27) Public or party offices to be filled by a vote of the
19 electors in counties of the eighth class at large, the sum of
20 one hundred dollars (\$100.00).

21 (28) Office of judge of any court of record other than a
22 Statewide court or a court in a county of the first class or
23 second class, the sum of two hundred fifty dollars (\$250.00).

24 (29) District delegate or alternate district delegate to a
25 national party convention, the sum of two hundred fifty dollars
26 (\$250.00).

27 (30) Member of State committee, the sum of one hundred
28 dollars (\$100.00).

29 (31) Office of district council member in a city of the
30 first class, the sum of seven hundred fifty dollars (\$750.00).

1 (32) Office of district council member in a city of the
2 second class, the sum of one hundred dollars (\$100.00).

3 (33) Office of magisterial district judge, the sum of one
4 hundred dollars (\$100.00).

5 (34) Office of judge of election, the sum of ten dollars
6 (\$10.00).

7 (35) Inspector of elections, the sum of five dollars
8 (\$5.00).

9 (36) All other public and party offices, the sum of ten
10 dollars (\$10.00).

11 (b) All moneys paid on account of declaration fees shall be
12 transmitted by the county board to the county treasurer and
13 shall become part of the General Fund. Certified checks or money
14 orders in payment of nomination filing fees shall be made
15 payable to the Commonwealth or to the county, as the case may
16 be, and shall be transmitted to the State Treasurer or to the
17 county treasurer and shall become part of the General Fund. The
18 filing fees herein provided for shall not be refunded in the
19 event of the withdrawal of any candidate named in any petition,
20 or for any other cause whatsoever.

21 Section 7. Section 913 of the act, amended or added June 28,
22 1947 (P.L.1055, No.451), August 13, 1963 (P.L.707, No.379),
23 December 2, 1976 (P.L.1221, No. 269), July 21, 1979 (P.L.189,
24 No.63) and October 8, 2004 (P.L.807, No.97), and repealed in
25 part December 12, 1984 (P.L.968, No.190), is amended to read:

26 Section 913. Place and Time of Filing Nomination Petitions
27 and Declarations of Candidacy for Nomination; Filing Fees.--(a)
28 Nomination petitions and declarations of candidacy for
29 nomination in the case of candidates for the office of President
30 of the United States, United States Senator, Representative in

1 Congress and for all State offices, including senators,
2 representatives and judges of courts of record, for the office
3 of delegate or alternate delegate to National party conventions,
4 and for the office of a member of a State or National committee,
5 shall be filed with the Secretary of the Commonwealth.
6 Nomination petitions and declarations of candidacy for
7 nomination in all other cases shall be filed with the county
8 boards of election of the respective counties. Nomination
9 petitions and declarations of candidacy for nomination for
10 candidates for any office to be voted for by the electors of any
11 city, borough, township, ward or school district which is
12 situate in two or more counties, shall be filed with the county
13 board of the county in which the major number of the registered
14 electors of such city, borough, township, ward or school
15 district reside. Immediately after the last day for such
16 candidates to withdraw and after they have cast lots for their
17 position on the ballots or ballot labels, the said county board
18 shall certify to the county board of each other county involved
19 a list of the names, addresses and occupations of the candidates
20 so filing nomination petitions for each party or declarations of
21 candidacy for nomination, together with the order in which their
22 names are to appear upon the primary ballots or ballot labels,
23 and such other county board shall prepare the primary ballots or
24 ballot labels to be used in the portion of such city, borough,
25 township, ward or school district situate in such county
26 accordingly.

27 (b.1) Each person filing any nomination petition shall pay
28 for each petition, at the time of filing, a filing fee to be
29 determined as follows, and no nomination petition shall be
30 accepted or filed, unless and until such filing fee is paid by a

1 certified check or money order or also by cash when filed with
2 the county board. All moneys paid on account of filing fees
3 shall be transmitted by the county board to the county treasurer
4 and shall become part of the General Fund. Certified checks or
5 money orders in payment of filing fees shall be made payable to
6 the Commonwealth of Pennsylvania or to the county, as the case
7 may be, and shall be transmitted to the State Treasurer or to
8 the county treasurer and shall become part of the General Fund.

9 1. If for the office of President of the United States, or
10 for any public office to be filled by the electors of the State
11 at large, the sum of two hundred dollars (\$200.00).

12 2. If for the office of Representative in Congress, the sum
13 of one hundred fifty dollars (\$150.00).

14 3. If for the office of judge of a court of record,
15 excepting judges to be voted for by the electors of the State at
16 large, the sum of one hundred dollars (\$100.00).

17 4. If for the offices of Senator or Representative in the
18 General Assembly, for any office to be filled by the electors of
19 an entire county, for the office of district councilman in a
20 city of the first class and for any office other than school
21 district office to be filled by the electors of an entire city,
22 the sum of one hundred dollars (\$100.00), except as provided in
23 paragraph 4.1.

24 4.1. If for nonschool board offices for any third class city
25 official, the sum of twenty-five dollars (\$25.00).

26 6. If for the office of delegate or alternate delegate to
27 National party convention, or member of National committee or
28 member of State committee, the sum of twenty-five dollars
29 (\$25.00).

30 7. If for the office of constable, the sum of ten dollars

1 (\$10.00).

2 8. If for the office of district councilman in a city of the
3 second class or the office of district justice, the sum of fifty
4 dollars (\$50.00).

5 (b.2) A filing fee shall not be paid for a nomination
6 petition for any public office for which no compensation is
7 provided by law, nor for any nomination petition for any public
8 officer in any borough, town or township nor any party officer
9 except as provided above nor for any nomination petition for
10 judge of election or inspector of elections.

11 (b.3) A filing fee shall not be charged to any individual
12 who files a declaration of candidacy for nomination and pays a
13 declaration fee, in lieu of filing a nomination petition.

14 (c) The filing fees herein provided for shall not be
15 refunded in the event of the withdrawal of any candidate named
16 in any petition, or for any other cause whatsoever.

17 (d) All nomination petitions and declarations of candidacy
18 for nomination shall be filed on or before the tenth Tuesday
19 prior to the primary.

20 (e) The office in which a nomination petition or declaration
21 of candidacy for nomination is filed shall issue to the person
22 filing the nomination petition or declaration of candidacy for
23 nomination a receipt containing the date and time of filing, the
24 name of the candidate and the office for which he is a
25 candidate.

26 (f) Each person filing any nomination petition or
27 declaration of candidacy for nomination for public office shall
28 be given a statement composed by the Secretary of the
29 Commonwealth setting forth his duties under law to file pre-
30 election and post-election campaign finance reports, and the

1 penalties for nonfiling. Each person filing shall also be given
2 a form to file expenses if the amount received or expended or
3 liabilities incurred shall exceed the sum of two hundred fifty
4 dollars (\$250), and a form containing a sworn statement that the
5 amount received or expended or liabilities incurred do not
6 exceed the sum of two hundred fifty dollars (\$250), with written
7 instructions prepared by the Secretary of the Commonwealth.
8 Within three weeks after such candidate has filed, the
9 appropriate supervisor shall mail the same forms and
10 instructions to such candidate by first class mail.

11 Petitions and declarations of candidacy for nomination to be
12 filed in the office of the Secretary of the Commonwealth shall
13 be received in said office not later than 5 o'clock P.M. on the
14 last day for filing same, and all petitions and declarations to
15 be filed with any county board of elections shall be received in
16 said office not later than the ordinary closing hour of said
17 office on the last day for filing same.

18 Section 8. Section 914 of the act, amended July 11, 1980
19 (P.L.591, No.127), is amended to read:

20 Section 914. Withdrawal of Candidates.--Any of the
21 candidates for nomination or election at any primary may
22 withdraw his name as a candidate by a request in writing, signed
23 by him and acknowledged before an officer empowered to
24 administer oaths, and filed in the office in which his
25 nomination petition or declaration of candidacy for nomination
26 was filed. Such withdrawals, to be effective, must be received
27 in the office of the Secretary of the Commonwealth not later
28 than 5 o'clock P. M. on the fifteenth day next succeeding the
29 last day for filing nomination petitions and declarations of
30 candidacy for nomination in said office, and in the office of

1 any county board of elections, not later than the ordinary
2 closing hour of said office on the fifteenth day next succeeding
3 the last day for filing nomination petitions and declarations of
4 candidacy for nomination in said office. No name so withdrawn
5 shall be printed on the ballot or ballot labels. No candidate
6 may withdraw any withdrawal notice already received and filed,
7 and thereby reinstate his nomination petition or declaration of
8 candidacy for nomination.

9 Section 9. Section 915 of the act is amended to read:

10 Section 915. Casting of Lots for Position of Names Upon the
11 Primary Ballots or Ballot Labels; Notice to Candidates.--
12 Immediately after the last day fixed for filing of such
13 nomination petitions and declarations of candidacy for
14 nomination with them, the Secretary of the Commonwealth or the
15 county board, as the case may be, shall fix a day for the
16 casting of lots, in such manner as may be prescribed by the
17 Secretary of the Commonwealth, or county board, as the case may
18 be, for the position of names upon the primary ballots or ballot
19 labels. The Secretary of the Commonwealth shall give at least
20 two (2) days notice by mail of said date to all candidates whose
21 petitions or declarations of candidacy for nomination have been
22 received and filed in his office, and the county board shall
23 give at least two (2) days notice of said date by posting
24 thereof in a conspicuous place in its office, and by publication
25 once in at least two newspapers of general circulation published
26 in the county. All candidates may appear in person, or by agent
27 duly authorized by letter of attorney, signed and acknowledged
28 by an officer empowered to take acknowledgments. In the event of
29 any of said candidates not being present in person or by
30 representative at the time of casting of lots, it shall be the

1 duty of the Secretary of the Commonwealth or the county board,
2 as the case may be, to appoint some person to represent such
3 absentee. After said lots are cast, the Secretary of the
4 Commonwealth or the county board, as the case may be, shall
5 accordingly establish the order in which the names of said
6 candidates are to appear upon the primary ballots or ballot
7 labels, and certify the same for placing upon the official
8 primary ballots or ballot labels.

9 Section 10. Section 916 of the act, amended December 22,
10 1971 (P.L.613, No.165), is amended to read:

11 Section 916. Secretary of the Commonwealth to Furnish County
12 Boards with List of Candidates; Candidates to Be Notified.--The
13 Secretary of the Commonwealth, as soon as possible after the
14 last day fixed for the filing of nomination petitions and
15 declarations of candidacy for nomination with him, and after the
16 last day for the withdrawal of candidates filing such nomination
17 petitions and declarations of candidacy for nomination, and
18 after the candidates shall have cast lots for the position of
19 their names upon the primary ballots or ballot labels, shall
20 forward to the county board of each county a correct list of
21 candidates of each party for the various offices, in the order
22 in which they are to appear upon the official ballots or ballot
23 labels, with their respective residences, giving city, borough,
24 town or township, and post-office addresses as shown in their
25 affidavits; and shall also at the same time notify the said
26 candidates by mail that their names have been so certified to
27 said county boards. In the case of each candidate for delegate
28 or alternate delegate to a National party convention, the
29 Secretary of the Commonwealth shall certify as to whether such
30 candidate has included with his affidavit the statement provided

1 for in section 911 of this act and in cases where such candidate
2 has committed himself to a particular presidential preference,
3 the name of the presidential candidate to whom he is committed.

4 Section 11. Section 922.1 of the act, added June 2, 1965
5 (P.L.93, No.63), is amended to read:

6 Section 922.1. Setting Aside Nominations of Candidates.--

7 With respect to any office that was in existence on the
8 thirteenth Tuesday before the primary and for which nominations
9 were made at the primary [or], by nomination papers or by
10 declaration of candidacy for nomination under section 912.3,
11 whenever it shall appear that said office has been abolished in
12 accordance with any act of assembly or legal proceeding, the
13 county board of elections shall set aside all nominations made
14 for any such office and shall remove such office block affected,
15 if any, from the ballots or ballot labels for the ensuing
16 November election.

17 Section 12. Section 951(a) of the act is amended to read:

18 Section 951. Nominations by Political Bodies.--(a) In
19 addition to the party nominations made at primaries, nomination
20 of candidates for any public office may also be made by
21 nomination papers signed by qualified electors of the State, or
22 of the electoral district for which the nomination is made, and
23 filed in the manner herein provided or by filing a declaration
24 of candidacy for election and paying the applicable declaration
25 fee under section 952.1. Such nomination papers and declarations
26 of candidacy for election shall be in form prescribed by the
27 Secretary of the Commonwealth, and no other forms than the ones
28 so prescribed shall be used for such purposes.

29 * * *

30 Section 13. The act is amended by adding a section to read:

Section 952.1. Declarations of Candidacy for Election.--(a)

The declaration of candidacy for election authorized under section 951 shall include the candidate's residence, with street and number, if any, and the candidate's post-office address; the candidate's election district, including the city, borough, town or township in which the election district is located; and the name of the office for which the individual consents to be a candidate and a signed statement of the candidate's intent to seek nomination or election to the office identified. The declaration of candidacy for election shall not be considered complete unless it is accompanied by a completed candidate affidavit required under subsection (c) and payment of the applicable declaration fee, determined in accordance with subsection (b).

(b) The dollar amount of the declaration fee to be paid by an individual who files a declaration of candidacy for election to a public office shall be equal to the minimum number of signatures of qualified electors that must be affixed to nomination papers submitted on behalf of any individual seeking nomination to the same public office at the same election under section 951.

(c) There shall be appended to each declaration of candidacy for nomination filed a candidate affidavit stating--(1) the election district in which the candidate resides; (2) the name of the office for which the individual consents to be a candidate; (3) that the candidate is eligible for such office; (4) that the candidate will not knowingly violate any provision of this act, or of any law regulating and limiting election expenses, and prohibiting corrupt practices in connection therewith; (5) that the candidate's name has not been presented

1 as a candidate by nomination petitions for any public office to
2 be voted for at the ensuing primary election, nor has the
3 candidate been nominated by any other nomination papers filed
4 for any such office; (6) that in the case where the individual
5 is a candidate for election at a general or municipal election,
6 the individual was not a registered and enrolled member of a
7 party thirty (30) days before the primary held prior to the
8 general or municipal election in that same year; (7) that, in
9 the case where the individual is a candidate for election at a
10 special election, the individual is not a registered and
11 enrolled member of a party; and (8) that the individual is not a
12 candidate for an office which the individual already holds, the
13 term of which is not set to expire in the same year as the
14 office subject to the affidavit.

15 Section 14. Section 953 of the act, amended or added
16 December 2, 1976 (P.L.1221, No.269), July 12, 1980 (P.L.649,
17 No.134) and March 3, 1982 (P.L.127, No.42), is amended to read:

18 Section 953. Place and Time of Filing Nomination Papers and
19 Declarations of Candidacy for Election.--

20 (a) Nomination papers and declarations of candidacy for
21 election for candidates for presidential electors, United States
22 Senators, Representatives in Congress, and State offices,
23 including senators, representatives and judges of courts of
24 record, shall be filed with the Secretary of the Commonwealth.
25 Nomination papers and declarations of candidacy for election for
26 all other candidates shall be filed with the county boards of
27 elections of the respective counties. Nomination papers and
28 declarations of candidacy for election for candidates for any
29 office to be voted for by the electors of any city, borough,
30 township, ward or school district which is situate in two or

1 more counties shall be filed with the county board of the county
2 in which the major number of the registered electors of such
3 city, borough, township, ward or school district reside.
4 Immediately after the last day for withdrawals of candidates
5 nominated by nomination papers or declarations of candidacy for
6 election, the said county board shall certify to the county
7 board of each other county involved a list of the names,
8 addresses and occupations of the candidates so nominated to be
9 voted for in two or more counties, together with the names or
10 appellations of the applicable political bodies [nominating
11 them].

12 (b) No nomination paper shall be circulated prior to the
13 tenth Wednesday prior to the primary, and no signature shall be
14 counted unless it bears a date affixed not earlier than the
15 tenth Wednesday prior to the primary nor later than the second
16 Friday subsequent to the primary.

17 (c) All nomination papers and declarations of candidacy for
18 election must be filed on or before the second Friday subsequent
19 to the primary.

20 (d) The office in which a nomination paper or declaration of
21 candidacy for election is filed shall issue to the person filing
22 the nomination paper or declaration of candidacy for election a
23 receipt containing the date and time of filing, the name of the
24 candidate and the office for which he is a candidate.

25 (e) For the primary election in the year 1982, the time
26 schedule relating to circulating and filing of nominating
27 petitions, filing of objections, and casting of lots for
28 position on the ballot or ballot labels for the Office of
29 Representative in Congress shall be delayed twenty-one (21) days
30 from the times otherwise specified in this act and the time for

1 withdrawal of candidates for such office shall be delayed
2 fourteen (14) days from the time otherwise specified in this
3 act.

4 Section 15. Section 954 of the act, amended September 11,
5 1959 (P.L.877, No.351), is amended to read:

6 Section 954. Filing Fee.--(a) The same filing fee shall be
7 paid for each candidate nominated by a nomination paper as
8 required in section 913 for the filing of nomination petitions
9 by candidates for nomination to the same office. Each nomination
10 paper nominating a candidate or a group of candidates for office
11 shall be accompanied by a certified check or money order drawn
12 in the proper amount to cover the filing fees for each candidate
13 nominated therein but in no case less than the sum of five
14 dollars (\$5.00), and payable to the Commonwealth of Pennsylvania
15 or to the county, as the case may be. All fees so received by
16 the Secretary of the Commonwealth or the county election board
17 shall be transmitted to the State Treasurer or to the county
18 treasurer, as the case may be, and shall become part of the
19 General Fund.

20 (b) A filing fee shall not be charged to any individual who
21 files a declaration of candidacy for election and pays a
22 declaration fee, in lieu of filing nomination papers.

23 Section 16. Section 976 of the act, amended July 28, 1941
24 (P.L.526, No.213) and February 19, 1986 (P.L.29, No.11) and
25 repealed in part April 28, 1978 (P.L.202, No. 53), is amended to
26 read:

27 Section 976. Examination of Nomination Petitions,
28 Certificates [and], Papers, Declarations; Return of Rejected
29 Nomination Petitions, Certificates [and], Papers, Declarations
30 of Candidacy for Nomination and Declarations of Candidacy for

1 Election.--When any nomination petition, nomination certificate
2 [or], nomination paper, declaration of candidacy for nomination
3 or declaration of candidacy for election is presented in the
4 office of the Secretary of the Commonwealth or of any county
5 board of elections for filing within the period limited by this
6 act, it shall be the duty of the said officer or board to
7 examine the same. No nomination petition, nomination paper [or],
8 nomination certificate, declaration of candidacy for nomination
9 or declaration of candidacy for election shall be permitted to
10 be filed if--(a) it contains material errors or defects apparent
11 on the face thereof, or on the face of the appended or
12 accompanying affidavits; or (b) in the case of a nomination
13 petition, nomination paper or nomination certificate, it
14 contains material alterations made after signing without the
15 consent of the signers; or (c) in the case of a nomination
16 petition, nomination paper or nomination certificate, it does
17 not contain a sufficient number of signatures as required by
18 law; Provided, however, That the Secretary of the Commonwealth
19 or the county board of elections, although not hereby required
20 so to do, may question the genuineness of any signature or
21 signatures appearing thereon, and if he or it shall thereupon
22 find that any such signature or signatures are not genuine, such
23 signature or signatures shall be disregarded in determining
24 whether the nomination petition, nomination paper or nomination
25 certificate contains a sufficient number of signatures as
26 required by law; or (d) in the case of nomination petitions or
27 declarations of candidacy for nomination, if nomination
28 petitions have been filed or a declaration of candidacy for
29 nomination has been filed for printing the name of the same
30 person for the same office, except the office of judge of a

1 court of common pleas, the Philadelphia Municipal Court or the
2 Traffic Court of Philadelphia, or the office of school director
3 in districts where that office is elective or the office of
4 justice of the peace upon the official ballot of more than one
5 political party; or (e) in the case of nomination papers or
6 declarations of candidacy for election, if the candidate named
7 therein has filed a nomination petition or a declaration of
8 candidacy for nomination for any public office for the ensuing
9 primary, or has been nominated for any such office by nomination
10 papers previously filed; or (f) if the nomination petitions or
11 papers are not accompanied by the filing fee or certified check
12 required for said office; or (f.1) if the declaration of
13 candidacy for nomination or the declaration of candidacy for
14 election is not accompanied by the required declaration fee as
15 determined under section 912.3 or 952.1; or (g) in the case of
16 nomination papers or a declaration of candidacy for election,
17 the appellation set forth therein is identical with or
18 deceptively similar to the words used by any existing party or
19 by any political body which has already filed nomination papers
20 or by any candidate who has filed a declaration of candidacy for
21 election for the same office, or if the appellation set forth
22 therein contains part of the name, or an abbreviation of the
23 name or part of the name of an existing political party, or of a
24 political body which has already filed nomination papers for the
25 same office. The invalidity of any sheet of a nomination
26 petition or nomination paper shall not affect the validity of
27 such petition or paper if a sufficient petition or paper remains
28 after eliminating such invalid sheet. The action of said officer
29 or board in refusing to receive and file any such nomination
30 petition, certificate [or], paper, declaration of candidacy for

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

13 Upon completion of any examination, if any nomination
14 petition, certificate [or], paper, declaration of candidacy for
15 nomination or declaration of candidacy for election is found to
16 be defective, it shall forthwith be rejected and returned to the
17 candidate or one of the candidates named therein, together with
18 a statement of the reasons for such rejection:

19 Provided further, That no nomination petition, nomination
20 paper [or], nomination certificate, declaration of candidacy for
21 nomination or declaration of candidacy for election shall be
22 permitted to be filed, if the political party or political body
23 referred to therein shall be composed of a group of electors
24 whose purposes or aims, or one of whose purposes or aims, is the
25 establishment, control, conduct, seizure or overthrow of the
26 Government of the Commonwealth of Pennsylvania or the United
27 States of America by the use of force, violence, military
28 measure or threats of one or more of the foregoing. The
29 authority to reject such nomination petition, paper [or],
30 certificate, declaration of candidacy for nomination or

1 declaration of candidacy for election for this reason shall,
2 when filed with the Secretary of the Commonwealth, be vested in
3 a committee composed of the Governor, the Attorney General and
4 the Secretary of the Commonwealth, and when filed with any
5 county board of elections shall be vested in such board. If in
6 such case the committee or board, as the case may be, shall
7 conclude that the acceptance of such nomination petition, paper
8 [or], certificate, declaration of candidacy for nomination or
9 declaration of candidacy for election should be refused, it
10 shall within two days of the filing of such nomination petition,
11 paper [or], certificate, declaration of candidacy for nomination
12 or declaration of candidacy for election fix a place and a time
13 five days in advance for hearing the matter, and notice thereof
14 shall be given to all parties affected thereby. At the time and
15 place so fixed the committee or board, as the case may be, shall
16 hear testimony, but shall not be bound by technical rules of
17 evidence. The testimony presented shall be stenographically
18 recorded and made a part of the record of the committee or
19 board. Within two days after such hearing the committee or
20 board, if satisfied upon competent evidence that the said
21 nomination petition, paper [or], certificate, declaration of
22 candidacy for nomination or declaration of candidacy for
23 election is not entitled to be accepted and filed, it shall
24 announce its decision and immediately notify the parties
25 affected thereby. Failure to announce decision within two days
26 after such hearing shall be conclusive that such nomination
27 petition, paper [or], certificate, declaration of candidacy for
28 nomination or declaration of candidacy for election has been
29 accepted and filed. The decision of said committee or board in
30 refusing to accept and file such nomination petition, paper

1 [or], certificate, declaration of candidacy for nomination or
2 declaration of candidacy for election may be reviewed by the
3 court upon an application to compel its reception as of the date
4 when presented to the Secretary of the Commonwealth or such
5 board. The application shall be made within two days of the time
6 when such decision is announced. If the application is properly
7 made, any judge of said court may fix a time and place for
8 hearing the matter in dispute, of which notice shall be served
9 with a copy of said application upon the Secretary of the
10 Commonwealth or the county board of elections, as the case may
11 be. At the time so fixed, the court, or any judge thereof
12 assigned for the purpose, shall hear the case de novo. If after
13 such hearing the said court shall find that the decision of the
14 committee or the board was erroneous, it shall issue its mandate
15 to the committee or board to correct its decision and to accept
16 and file the nomination paper, petition [or], certificate,
17 declaration of candidacy for nomination or declaration of
18 candidacy for election. From any decision of the court an appeal
19 may be taken within two days after the entry thereof. It shall
20 be the duty of the said court to fix the hearing and to announce
21 its decision within such period of time as will permit the
22 Secretary of the Commonwealth or the county board of elections
23 to permit the names of the candidates affected by the court's
24 decision to be printed on the ballot, if the court should so
25 determine.

26 Section 17. Section 977 of the act, amended February 13,
27 1998 (P.L.72, No.18) and repealed in part April 28, 1978
28 (P.L.202, No.53), is amended to read:

29 Section 977. Objections to Nomination Petitions and Papers,
30 and Declarations.--All nomination petitions and papers, and all

1 declarations of candidacy for nomination and declarations of
2 candidacy for election received and filed within the periods
3 limited by this act shall be deemed to be valid, unless, within
4 seven days after the last day for filing said nomination
5 petition [or], paper or declaration, a petition is presented to
6 the court specifically setting forth the objections thereto, and
7 praying that the said petition [or], paper or declaration of
8 candidacy be set aside. A copy of said petition shall, within
9 said period, be served on the officer or board with whom said
10 nomination petition [or], paper, or declaration of candidacy was
11 filed. Upon the presentation of such a petition, the court shall
12 make an order fixing a time for hearing which shall not be later
13 than ten days after the last day for filing said nomination
14 petition [or], paper, or declaration of candidacy, and
15 specifying the time and manner of notice that shall be given to
16 the candidate or candidates named in the nomination petition
17 [or], paper, or declaration of candidacy sought to be set aside.
18 On the day fixed for said hearing, the court shall proceed
19 without delay to hear said objections, and shall give such
20 hearing precedence over other business before it, and shall
21 finally determine said matter not later than fifteen (15) days
22 after the last day for filing said nomination petitions or
23 papers. If the court shall find that said nomination petition
24 [or], paper, or declaration of candidacy is defective under the
25 provisions of section 976, or, in the case of a nomination
26 petition or paper, does not contain a sufficient number of
27 genuine signatures of electors entitled to sign the same under
28 the provisions of this act, or was not filed by persons entitled
29 to file the same, it shall be set aside. If the objections
30 relate to material errors or defects apparent on the face of the

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

21 Section 18. Section 978.1 of the act, amended August 13,
22 1963 (P.L.707, No. 379) and repealed in part April 28, 1978
23 (P.L.202, No.53), are amended to read:

24 Section 978.1. Vacancy in Party Nomination by Failure to Pay
25 Filing Fee or for Failure to File Loyalty Oath.--(a) Every
26 person nominated at any primary election as the candidate of any
27 political party for any office, other than a borough, town,
28 township, school district or poor district office, or the office
29 of justice of the peace, or constable, who has not paid the
30 filing fee required by section nine hundred thirteen of this

1 act, as amended, for the filing of a nomination petition for
2 such office, or who has not filed the loyalty oath required by
3 section 14, act of December 22, 1951 (P.L.1726), known as the
4 "Pennsylvania Loyalty Act," as last amended June 19, 1961
5 (P.L.446), shall pay the amount of such fee to and file such
6 oath with the Secretary of the Commonwealth, or the county board
7 of elections, as the case may be, at least eighty-five (85) days
8 previous to the day of the general or municipal election at
9 which such candidate's name would appear on the ballot.

10 (b) Any candidate whose declaration of candidacy for
11 nomination or declaration of candidacy for election has been
12 accepted by the Secretary or the county board under section 976,
13 who has not filed the loyalty oath required by section 14 of the
14 act of December 22, 1951 (P.L.1726, No.463), known as the
15 "Pennsylvania Loyalty Act," shall file such oath with the
16 Secretary of the Commonwealth, or the county board of elections,
17 as the case may be, at least eighty-five (85) days previous to
18 the day of the general or municipal election at which such
19 candidate's name would appear on the ballot.

20 (c) Failure to pay such fee or file such oath within the
21 time herein prescribed shall result in a vacancy in such party
22 nomination. Such vacancy shall be filled in the manner
23 hereinafter provided for the filling of such vacancies happening
24 by reason of the death or withdrawal of any candidate.

25 Section 19. Section 983 of the act is amended to read:

26 Section 983. Preservation of Nomination Petitions,
27 Certificates and Papers and Declarations.--All nomination
28 petitions, certificates [and], papers, declarations of candidacy
29 for nomination and declarations of candidacy for election shall
30 be preserved in the offices where they have been filed for a

1 period of at least two years.

2 Section 20. This act shall take effect in 60 days.