

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 317 Session of
2007INTRODUCED BY RAFFERTY, ERICKSON, CORMAN, O'PAKE, COSTA, WAUGH
AND BROWNE, MARCH 9, 2007

AS AMENDED ON THIRD CONSIDERATION, JUNE 4, 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 AFFIDAVIT OF CIRCULATOR AND <—
12 FOR filing fees and certificates of filing.

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

15 ~~Section 1. Section 1632(a) and (b) of the act of June 3,~~ <—
16 ~~1937 (P.L.1333, No.320), known as the Pennsylvania Election~~
17 ~~Code, amended or added October 4, 1978 (P.L.893, No.171) and~~
18 ~~July 11, 1980 (P.L.591, No.127), are amended to read:~~

19 SECTION 1. SECTION 909 OF THE ACT OF JUNE 3, 1937 (P.L.1333, <—
20 NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, AMENDED
21 FEBRUARY 19, 1986 (P.L.29, NO.11), IS AMENDED TO READ:

22 SECTION 909. PETITION MAY CONSIST OF SEVERAL SHEETS;

1 AFFIDAVIT OF CIRCULATOR.--SAID NOMINATION PETITION MAY BE ON ONE
2 OR MORE SHEETS, AND DIFFERENT SHEETS MUST BE USED FOR SIGNERS
3 RESIDENT IN DIFFERENT COUNTIES. IF MORE THAN ONE SHEET IS USED,
4 THEY SHALL BE BOUND TOGETHER WHEN OFFERED FOR FILING IF THEY ARE
5 INTENDED TO CONSTITUTE ONE PETITION, AND EACH SHEET SHALL BE
6 NUMBERED CONSECUTIVELY BEGINNING WITH NUMBER ONE, AT THE FOOT OF
7 EACH PAGE. IN CASES OF PETITIONS FOR DELEGATE OR ALTERNATE
8 DELEGATE TO NATIONAL CONVENTIONS, EACH SHEET SHALL CONTAIN A
9 NOTATION INDICATING THE PRESIDENTIAL CANDIDATE TO WHOM HE IS
10 COMMITTED OR THE TERM "UNCOMMITTED." EACH SHEET SHALL HAVE
11 APPENDED THERETO THE AFFIDAVIT OF THE CIRCULATOR OF EACH SHEET,
12 SETTING FORTH--(A) THAT HE OR SHE IS A QUALIFIED ELECTOR DULY
13 REGISTERED AND ENROLLED AS A MEMBER OF THE DESIGNATED PARTY OF
14 THE STATE, OR OF THE POLITICAL DISTRICT, AS THE CASE MAY BE,
15 REFERRED TO IN SAID PETITION, UNLESS SAID PETITION RELATES TO
16 THE NOMINATION OF A CANDIDATE FOR THE OFFICE OF SCHOOL DIRECTOR
17 IN A DISTRICT WHERE THAT OFFICE IS ELECTIVE, FOR A COURT OF
18 COMMON PLEAS, FOR THE PHILADELPHIA MUNICIPAL COURT [OR]_ FOR THE
19 TRAFFIC COURT OF PHILADELPHIA OR FOR [JUSTICE OF THE PEACE]
20 MAGISTERIAL DISTRICT JUDGE, IN WHICH EVENT THE CIRCULATOR NEED
21 NOT BE A DULY REGISTERED AND ENROLLED MEMBER OF THE DESIGNATED
22 PARTY; (B) HIS RESIDENCE, GIVING CITY, BOROUGH OR TOWNSHIP, WITH
23 STREET AND NUMBER, IF ANY; (C) THAT THE SIGNERS THERETO SIGNED
24 WITH FULL KNOWLEDGE OF THE CONTENTS OF THE PETITION; (D) THAT
25 THEIR RESPECTIVE RESIDENCES ARE CORRECTLY STATED THEREIN; (E)
26 THAT THEY ALL RESIDE IN THE COUNTY NAMED IN THE AFFIDAVIT; (F)
27 THAT EACH SIGNED ON THE DATE SET OPPOSITE HIS NAME; AND (G)
28 THAT, TO THE BEST OF AFFIANT'S KNOWLEDGE AND BELIEF, THE SIGNERS
29 ARE QUALIFIED ELECTORS AND DULY REGISTERED AND ENROLLED MEMBERS
30 OF THE DESIGNATED PARTY OF THE STATE, OR OF THE POLITICAL

1 DISTRICT, AS THE CASE MAY BE.

2 SECTION 2. SECTION 1632(A) AND (B) OF THE ACT, AMENDED OR
3 ADDED OCTOBER 4, 1978 (P.L.893, NO.171) AND JULY 11, 1980
4 (P.L.591, NO.127), ARE AMENDED TO READ:

5 Section 1632. Late Filing Fee; Certificate of Filing.--

6 (a) A late filing fee for each report or statement of
7 expenditures and contributions which is not filed within the
8 prescribed period shall be imposed as follows. Such fee shall be
9 [ten dollars (\$10)] twenty dollars (\$20) for each day or part of
10 a day ~~excluding Saturdays, Sundays and holidays~~ that a report <—
11 is overdue for the first ten (10) days. An additional fee of
12 [ten dollars (\$10)] fifty dollars (\$50) is due for each [of the
13 first six (6) days] additional day that a report is overdue
14 after the initial ten-day period. The maximum fee payable with
15 respect to a single report is [two hundred fifty dollars (\$250)]
16 one thousand dollars (\$1,000). A supervisor shall receive an
17 overdue report or statement even if any late filing fee due has
18 not been paid but the report or statement shall not be
19 considered filed until all fees have been paid upon the receipt
20 by the supervisor of an overdue report. No further late filing
21 fees shall be incurred notwithstanding the fact that the report
22 or statement is not considered filed. The late filing fee is the
23 personal liability of the candidate or treasurer of a political
24 committee and cannot be paid from contributions to the candidate
25 or committee, nor may such fee be considered an expenditure. A
26 report or statement of expenditures and contributions shall be
27 deemed to have been filed within the prescribed time if the
28 letter transmitting the report or statement which is received by
29 the supervisor is transmitted by first class mail and is
30 postmarked by the United States Postal Service on the day prior

1 to the final day on which the report or statement is to be
2 received: Provided, That this sentence shall not be applicable
3 to the reporting requirements contained in section 1628.

4 (b) No person may be a candidate for a public office until
5 all reports and statements of contributions and expenditures
6 required to be filed by any person who was previously a
7 candidate for public office and any treasurer of any committee
8 authorized by such person for the previous candidacy have been
9 filed and all fines paid. No person shall be deemed elected to a
10 public office under the laws of this Commonwealth or enter upon
11 the duties thereof, or receive any salary or emoluments
12 therefrom until all of the reports and statements of
13 contributions and expenditures required to be filed by any
14 candidate and treasurers of committees authorized by such
15 candidate and due before the person may take office, have been
16 filed. No candidate may be sworn in until the appropriate
17 supervisor certifies that all required reports have been filed,
18 and no official of the Commonwealth or any of its political
19 subdivisions may issue a commission or administer an oath of
20 office until that official has received this certification. No
21 certification shall be issued until the supervisor has received
22 post election reports of any candidate and treasurer of
23 committees authorized by such candidate.

24 * * *

25 Section ~~2~~ 3. This act shall take effect in 60 days.

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