

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 821**      Session of  
2007

INTRODUCED BY CORMAN, FOLMER, PICCOLA, WAUGH AND VANCE,  
MAY 2, 2007

REFERRED TO STATE GOVERNMENT, MAY 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 defining political parties and political  
12 bodies; and repealing provisions relating to nominations by  
13 minor political parties.

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

16 Section 1. Section 801(a) and (b) of the act of June 3, 1937  
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
18 amended July 28, 1941 (P.L.526, No.213) and December 22, 1971  
19 (P.L.613, No.165), are amended to read:

20 Section 801. Definition of Political Parties and Political  
21 Bodies.--

22 (a) Any party or political body[, one of whose candidates at  
23 the general election next preceding the primary polled in each

1 of at least ten counties of the State not less than two per  
2 centum of the largest entire vote cast in each of said counties  
3 for any elected candidate, and polled a total vote in the State  
4 equal to at least two per centum of the largest entire vote cast  
5 in the State for any elected candidate,] whose State-wide  
6 registration is at least equal to five one-hundredths of one per  
7 centum of the total number of State-wide registered voters as of  
8 the close of the registration period immediately preceding the  
9 most recent November election is hereby declared to be a  
10 political party within the State, and shall nominate all its  
11 candidates for any of the offices provided for in this act, and  
12 shall elect its delegates and alternate delegates to the  
13 National convention as party rules provide. State committee  
14 members, and also such party officers, including members of the  
15 National committee, as its rules provide, shall be elected by a  
16 vote of the party electors, in accordance with the provisions of  
17 this act and party rules.

18 (b) Any party or political body[, one of whose candidates at  
19 either the general or municipal election preceding the primary  
20 polled at least five per centum of the largest entire vote cast  
21 for any elected candidate in any county,] whose county-wide  
22 registration is at least equal to one-tenth of one per centum of  
23 the total number of county-wide registered voters as of the  
24 close of the registration period immediately preceding the most  
25 recent November election is hereby declared to be a political  
26 party within said county; and shall nominate all its candidates  
27 for office in such county and in all political districts within  
28 said county, or of which said county forms a part, and shall  
29 elect such party officers as its rules provide shall be elected  
30 therein, by a vote of the party electors, in accordance with the

1 provisions of this act.

2 \* \* \*

3 Section 2. Section 912.2 of the act, added February 19, 1986  
4 (P.L.29, No.11), is repealed:

5 [Section 912.2. Nominations by Minor Political Parties.--(a)  
6 Notwithstanding any other provision in this act to the contrary,  
7 minor political parties shall nominate all of their candidates  
8 for the offices to be filled at the ensuing November election  
9 pursuant to section 903 in accordance with the requirements of  
10 section 951, other than subsection (e)(6) and (7) thereof, and  
11 section 954, and shall obtain the required signatures during the  
12 same time frame available to political bodies. Minor political  
13 parties shall be subject to the provisions of this act  
14 applicable to political parties with respect to special  
15 elections, voter registration forms, substituted nominations and  
16 all other purposes except as otherwise expressly provided in  
17 this section. "Minor political party" shall mean a political  
18 party as defined in section 801(a) or (b) whose State-wide  
19 registration is less than fifteen per centum of the combined  
20 State-wide registration for all State-wide political parties as  
21 of the close of the registration period immediately preceding  
22 the most recent November election. The Secretary of the  
23 Commonwealth shall prescribe forms or, if there is insufficient  
24 time, make appropriate conforming changes in existing forms to  
25 carry out the purposes of this section.

26 (b) All nomination papers circulated and filed pursuant to  
27 this section shall specify--(1) the name or appellation of the  
28 minor political party which the candidates nominated thereby  
29 represent and, in the case of electors for President and Vice  
30 President of the United States, the names of the candidates for

1 President and Vice President of such minor political party; (2)  
2 the name of each candidate nominated therein, his profession,  
3 business or occupation, if any, and his place of residence with  
4 street and number, if any; and (3) the office for which such  
5 candidate is nominated. No words shall be used in any nomination  
6 paper to designate the name or appellation of the minor  
7 political party represented by the candidate's name in such  
8 nomination paper which are identical with or deceptively similar  
9 to the words used for a like purpose by any minor political  
10 party which has already filed nomination papers for the same  
11 office. Any petition to set aside a nomination paper on account  
12 of the name or appellation used therein, or involving the right  
13 of the signers thereof to use such name or appellation, or on  
14 any other account, shall be decided as in the case of other  
15 petitions to set aside nomination papers, in the manner provided  
16 by this article.

17 (c) Each person filing any nomination paper for public  
18 office shall be given a statement composed by the Secretary of  
19 the Commonwealth setting forth his duties under law to file pre-  
20 election and post-election campaign finance reports and the  
21 penalties for nonfiling. Each person filing any nomination paper  
22 for public office shall be given a form to file expenses if the  
23 amount received or expended or liabilities incurred shall exceed  
24 the sum of two hundred fifty dollars (\$250), and a form  
25 containing a sworn statement that the amount received or  
26 expended or liabilities incurred do not exceed the sum of two  
27 hundred fifty dollars (\$250), with written instructions prepared  
28 by the Secretary of the Commonwealth. Within three weeks after  
29 such candidate has filed, the appropriate supervisor shall mail  
30 the same forms and instructions to such candidate by first class

1 mail.]

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