

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 256 Session of 2009

INTRODUCED BY DePASQUALE, BARRAR, BOYD, CREIGHTON, FLECK,
GOODMAN, GROVE, HESS, HORNAMAN, JOSEPHS, MCGEEHAN,
McILVAINE SMITH, MENSCH, MOUL, MURT, STERN, SWANGER AND
VULAKOVICH, FEBRUARY 5, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 5, 2009

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 special elections for
12 United States Senator and nominations.

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

15 Section 1. Section 626 of the act of June 3, 1937 (P.L.1333,
16 No.320), known as the Pennsylvania Election Code, amended August
17 13, 1963 (P.L.707, No.379), is amended to read:

18 Section 626. Special Elections for United States Senator;
19 Nominations.--Whenever a vacancy shall occur in the office of
20 United States Senator, said vacancy shall be filled for the
21 unexpired term by the vote of the electors of the State at a
22 special election to be held at the time of the next general or

1 municipal election, occurring [at least] not more than one
2 hundred twenty (120) nor less than ninety (90) days after the
3 happening of such vacancy, and it shall be the duty of the
4 Governor to issue writs of election to the various county boards
5 of elections and to the Secretary of the Commonwealth within ten
6 (10) days after the happening of said vacancy. The Governor
7 shall call for a special election on a date other than the next
8 general or municipal election if the general or municipal
9 election is scheduled more than one hundred twenty (120) days
10 after the happening of such vacancy, which election shall occur
11 not more than one hundred twenty (120) nor less than ninety (90)
12 days after the happening of such vacancy. A special election may
13 not be held less than forty-five (45) days immediately preceding
14 or forty-five (45) days next succeeding a general or municipal
15 election. If, in order to meet the one hundred twenty (120)day
16 requirement, the date of a special election would occur less
17 than forty-five (45) days immediately preceding or forty-five
18 (45) days next succeeding a general or municipal election, the
19 special election shall occur the first Tuesday after the forty-
20 fifth day following the general or municipal election.

21 Candidates to fill vacancies in the office of United States
22 Senator shall be nominated by political parties, in accordance
23 with the party rules relating to the filling of vacancies, by
24 means of nomination certificates, in the form prescribed in
25 section 630 of this act; and by political bodies, by means of
26 nomination papers, in accordance with the provisions of sections
27 951, 952 and 954 of this act. Said nomination certificates and
28 nomination papers shall be filed in the office of the Secretary
29 of the Commonwealth at least sixty (60) days prior to the date
30 of said special election. Until such time as said vacancy shall

1 be filled by an election as herein provided, the Governor of the
2 Commonwealth may make a temporary appointment to fill said
3 vacancy.

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