

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1137 Session of  
2009

INTRODUCED BY BENNINGHOFF, BARRAR, BOYD, CREIGHTON, HUTCHINSON,  
ROAE, SCAVELLO, K. SMITH AND SWANGER, MARCH 27, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 27, 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," 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  
34 papers.

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

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

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

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

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

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

11 alternate delegates, members of committees and other party

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

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

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

15 Secretary of the Commonwealth, signed by duly registered and

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

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

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

19 Nomination petitions of delegates and alternate delegates to

20 National conventions committed to support a particular

21 presidential candidate must be signed by the particular

22 presidential candidate to whom support is pledged before it can

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

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

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

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

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

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

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

30 delegate, alternate delegate, member of committee or other party

officer, unless he is a duly registered and enrolled member of said party.

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

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

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

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

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

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

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

Section 910. Affidavits of Candidates.--Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition or declaration of candidacy for nomination his affidavit stating--(a) his residence, with street and number, if any, and his post-office address; (b) his

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

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

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

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

18 Delegate's Statement

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

29 . . . . .

30 (Signature of candidate for delegate or alternate delegate, and

1 date of signing.)

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

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

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

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

17 (2) United States Senate: Two thousand.

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

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

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

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

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

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

30 (9) Judge of the Superior Court: One thousand including at

1 least one hundred from each of at least five counties.

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

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

9 (12) Representative in Congress: One thousand.

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

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

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

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

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

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

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

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

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

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

electors in cities of the second class A at large: One hundred.

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

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

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

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

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

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

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

(30) Member of State committee: One hundred.

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

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

(32) Office of district justice: One hundred.

(33) Office of judge of election: Ten.

(34) Inspector of elections: Five.

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

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

Section 912.2. Nominations by Minor Political Parties.--(a) (1) Notwithstanding any other provision in this act to the contrary, minor political parties shall nominate all of their



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

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

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

24 \* \* \*

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

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

nomination and paying the declaration fee required under this  
section. The declaration of candidacy for nomination 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 nomination shall not be considered complete unless it is  
accompanied by a completed candidate affidavit and payment of  
the applicant declaration fee, as follows:

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

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

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

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

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

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

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

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

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

(10) Judge of the Commonwealth Court, the sum of one  
thousand dollars (\$1,000.00).

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

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

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

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

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

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

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

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

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

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

29    (21) Public or party offices to be filled by a vote of the  
30 electors in cities of the second class at large, the sum of two

1 hundred fifty dollars (\$250.00).

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

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

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

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

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

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

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

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

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

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

30 (32) Office of district council member in a city of the

second class, the sum of one hundred dollars (\$100.00).

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

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

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

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

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

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

Section 913. Place and Time of Filing Nomination Petitions and Declarations of Candidacy for Nomination; Filing Fees.--(a) Nomination petitions and declarations of candidacy for nomination in the case of candidates for the office of President of the United States, United States Senator, Representative in Congress and for all State offices, including senators,

1 representatives and judges of courts of record, for the office  
2 of delegate or alternate delegate to National party conventions,  
3 and for the office of a member of a State or National committee,  
4 shall be filed with the Secretary of the Commonwealth.

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

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

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

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

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

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

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

23 4.1. If for nonschool board offices for any third class city  
24 official, the sum of twenty-five dollars (\$25.00).

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

29 7. If for the office of constable, the sum of ten dollars  
30 (\$10.00).

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

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

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

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

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

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

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



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

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

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

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

1 closing hour of said office on the fifteenth day next succeeding  
2 the last day for filing nomination petitions and declarations of  
3 candidacy for nomination in said office. No name so withdrawn  
4 shall be printed on the ballot or ballot labels. No candidate  
5 may withdraw any withdrawal notice already received and filed,  
6 and thereby reinstate his nomination petition or declaration of  
7 candidacy for nomination.

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

9 Section 915. Casting of Lots for Position of Names Upon the  
10 Primary Ballots or Ballot Labels; Notice to Candidates.--

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

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

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

10 Section 916. Secretary of the Commonwealth to Furnish County  
11 Boards with List of Candidates; Candidates to Be Notified.--The  
12 Secretary of the Commonwealth, as soon as possible after the  
13 last day fixed for the filing of nomination petitions and  
14 declarations of candidacy for nomination with him, and after the  
15 last day for the withdrawal of candidates filing such nomination  
16 petitions and declarations of candidacy for nomination, and  
17 after the candidates shall have cast lots for the position of  
18 their names upon the primary ballots or ballot labels, shall  
19 forward to the county board of each county a correct list of  
20 candidates of each party for the various offices, in the order  
21 in which they are to appear upon the official ballots or ballot  
22 labels, with their respective residences, giving city, borough,  
23 town or township, and post-office addresses as shown in their  
24 affidavits; and shall also at the same time notify the said  
25 candidates by mail that their names have been so certified to  
26 said county boards. In the case of each candidate for delegate  
27 or alternate delegate to a National party convention, the  
28 Secretary of the Commonwealth shall certify as to whether such  
29 candidate has included with his affidavit the statement provided  
30 for in section 911 of this act and in cases where such candidate

1 has committed himself to a particular presidential preference,  
2 the name of the presidential candidate to whom he is committed.

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

5 Section 922.1. Setting Aside Nominations of Candidates.--  
6 With respect to any office that was in existence on the  
7 thirteenth Tuesday before the primary and for which nominations  
8 were made at the primary [or], by nomination papers or by  
9 declaration of candidacy for nomination under section 912.3,  
10 whenever it shall appear that said office has been abolished in  
11 accordance with any act of assembly or legal proceeding, the  
12 county board of elections shall set aside all nominations made  
13 for any such office and shall remove such office block affected,  
14 if any, from the ballots or ballot labels for the ensuing  
15 November election.

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

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

28 \* \* \*

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

30 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 as a candidate by nomination petitions for any public office to

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

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

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

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

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

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

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

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

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

1 fourteen (14) days from the time otherwise specified in this  
2 act.

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

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

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

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

26 Section 976. Examination of Nomination Petitions,  
27 Certificates [and], Papers, Declarations; Return of Rejected  
28 Nomination Petitions, Certificates [and], Papers, Declarations  
29 of Candidacy for Nomination and Declarations of Candidacy for  
30 Election.--When any nomination petition, nomination certificate



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

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

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

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

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

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

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

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

28 Section 977. Objections to Nomination Petitions and Papers,   
29 and Declarations.--All nomination petitions and papers, and all  
30 declarations of candidacy for nomination and declarations of

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

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

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

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

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

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

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

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

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



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