

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 affidavits of candidates and for examination of
13 nomination petitions, certificates and papers, return of
14 rejected nomination petitions, certificates and papers.

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

17 Section 1. Sections 910 and 976 of the act of June 3, 1937
18 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
19 amended to read:

20 Section 910. Affidavits of Candidates.--Each candidate for
21 any State, county, city, borough, incorporated town, township,
22 ward, school district, poor district, election district, party
23 office, party delegate or alternate, or for the office of United

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

1 by said candidate, was affixed to the sheet or sheets of said
2 petition prior to the circulation of same. In the case of a
3 candidate for nomination as President of the United States, it
4 shall not be necessary for such candidate to file the affidavit
5 required in this section to be filed by candidates, but the
6 post-office address of such candidate shall be stated in such
7 nomination petition.

8 Section 976. Examination of Nomination Petitions,
9 Certificates and Papers; Return of Rejected Nomination
10 Petitions, Certificates and Papers.--When any nomination
11 petition, nomination certificate or nomination paper is
12 presented in the office of the Secretary of the Commonwealth or
13 of any county board of elections for filing within the period
14 limited by this act, it shall be the duty of the said officer or
15 board to examine the same. No nomination petition, nomination
16 paper or nomination certificate shall be permitted to be filed
17 if--(a) it contains material errors or defects apparent on the
18 face thereof, or on the face of the appended or accompanying
19 affidavits; or (b) it contains material alterations made after
20 signing without the consent of the signers; or (c) it does not
21 contain a sufficient number of signatures as required by law;
22 Provided, however, That the Secretary of the Commonwealth or the
23 county board of elections, although not hereby required so to
24 do, may question the genuineness of any signature or signatures
25 appearing thereon, and if he or it shall thereupon find that any
26 such signature or signatures are not genuine, such signature or
27 signatures shall be disregarded in determining whether the
28 nomination petition, nomination paper or nomination certificate
29 contains a sufficient number of signatures as required by law;
30 or (d) in the case of nomination petitions, if nomination

1 petitions have been filed for printing the name of the same
2 person for the same office, except the office of judge of a
3 court of common pleas[, the Philadelphia Municipal Court or the
4 Traffic Court of Philadelphia,] or the office of school director
5 in districts where that office is elective [or the office of
6 justice of the peace] upon the official ballot of more than one
7 political party; or (e) in the case of nomination papers, if the
8 candidate named therein has filed a nomination petition for any
9 public office for the ensuing primary, or has been nominated for
10 any such office by nomination papers previously filed; or (f) if
11 the nomination petitions or papers are not accompanied by the
12 filing fee or certified check required for said office; or (g)
13 in the case of nomination papers, the appellation set forth
14 therein is identical with or deceptively similar to the words
15 used by any existing party or by any political body which has
16 already filed nomination papers for the same office, or if the
17 appellation set forth therein contains part of the name, or an
18 abbreviation of the name or part of the name of an existing
19 political party, or of a political body which has already filed
20 nomination papers for the same office. The invalidity of any
21 sheet of a nomination petition or nomination paper shall not
22 affect the validity of such petition or paper if a sufficient
23 petition or paper remains after eliminating such invalid sheet.
24 The action of said officer or board in refusing to receive and
25 file any such nomination petition, certificate or paper, may be
26 reviewed by the court upon an application to compel its
27 reception as of the date when it was presented to the office of
28 such officer or board: Provided, however, That said officer or
29 board shall be entitled to a reasonable time in which to examine
30 any petitions, certificates or papers, and to summon and

1 interrogate the candidates named therein, or the persons
2 presenting said petitions, certificates or papers, and his or
3 their retention of same for the purpose of making such
4 examination or interrogation shall not be construed as an
5 acceptance or filing.

6 Upon completion of any examination, if any nomination
7 petition, certificate or paper is found to be defective, it
8 shall forthwith be rejected and returned to the candidate or one
9 of the candidates named therein, together with a statement of
10 the reasons for such rejection:

11 Provided further, That no nomination petition, nomination
12 paper or nomination certificate shall be permitted to be filed,
13 if the political party or political body referred to therein
14 shall be composed of a group of electors whose purposes or aims,
15 or one of whose purposes or aims, is the establishment, control,
16 conduct, seizure or overthrow of the Government of the
17 Commonwealth of Pennsylvania or the United States of America by
18 the use of force, violence, military measure or threats of one
19 or more of the foregoing. The authority to reject such
20 nomination petition, paper or certificate for this reason shall,
21 when filed with the Secretary of the Commonwealth, be vested in
22 a committee composed of the Governor, the Attorney General and
23 the Secretary of the Commonwealth, and when filed with any
24 county board of elections shall be vested in such board. If in
25 such case the committee or board, as the case may be, shall
26 conclude that the acceptance of such nomination petition, paper
27 or certificate should be refused, it shall within two days of
28 the filing of such nomination petition, paper or certificate fix
29 a place and a time five days in advance for hearing the matter,
30 and notice thereof shall be given to all parties affected

1 thereby. At the time and place so fixed the committee or board,
2 as the case may be, shall hear testimony, but shall not be bound
3 by technical rules of evidence. The testimony presented shall be
4 stenographically recorded and made a part of the record of the
5 committee or board. Within two days after such hearing the
6 committee or board, if satisfied upon competent evidence that
7 the said nomination petition, paper or certificate is not
8 entitled to be accepted and filed, it shall announce its
9 decision and immediately notify the parties affected thereby.
10 Failure to announce decision within two days after such hearing
11 shall be conclusive that such nomination petition, paper or
12 certificate has been accepted and filed. The decision of said
13 committee or board in refusing to accept and file such
14 nomination petition, paper or certificate may be reviewed by the
15 court upon an application to compel its reception as of the date
16 when presented to the Secretary of the Commonwealth or such
17 board. The application shall be made within two days of the time
18 when such decision is announced. If the application is properly
19 made, any judge of said court may fix a time and place for
20 hearing the matter in dispute, of which notice shall be served
21 with a copy of said application upon the Secretary of the
22 Commonwealth or the county board of elections, as the case may
23 be. At the time so fixed, the court, or any judge thereof
24 assigned for the purpose, shall hear the case de novo. If after
25 such hearing the said court shall find that the decision of the
26 committee or the board was erroneous, it shall issue its mandate
27 to the committee or board to correct its decision and to accept
28 and file the nomination paper, petition or certificate. From any
29 decision of the court an appeal may be taken within two days
30 after the entry thereof. It shall be the duty of the said court

1 to fix the hearing and to announce its decision within such
2 period of time as will permit the Secretary of the Commonwealth
3 or the county board of elections to permit the names of the
4 candidates affected by the court's decision to be printed on the
5 ballot, if the court should so determine.

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