

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1825 Session of  
2017

INTRODUCED BY MASSER, MILLARD, PICKETT, WARD, MILNE, A. HARRIS  
AND WHEELAND, SEPTEMBER 26, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 26, 2017

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 determination and certification of Statewide and  
13 countywide parties, for municipal clerks and party chairmen  
14 to furnish information as to offices to be filled, for  
15 Secretary of the Commonwealth to notify county board of  
16 certain nominations to be made, for manner of signing  
17 nomination petitions and time of circulating, for place and  
18 time of filing nomination petitions and filing fees, for  
19 setting aside nominations of candidates and for objections to  
20 nomination petitions and papers.

21 The General Assembly of the Commonwealth of Pennsylvania  
22 hereby enacts as follows:

23 Section 1. Sections 901, 904, 905, 908, 913(d), 922.1 and  
24 977 of the act of June 3, 1937 (P.L.1333, No.320), known as the  
25 Pennsylvania Election Code, are amended to read:

26 Section 901. Determination and Certification of State-wide  
27 and County-wide Parties.--(a) The Secretary of the Commonwealth

1 shall determine which organizations are political parties within  
2 the State, within the meaning of section 801(a) of this act, and  
3 not later than the [thirteenth] fourteenth Tuesday preceding  
4 each primary shall transmit to each county board a list of said  
5 political parties which shall be entitled to nominate candidates  
6 at primaries.

7 (b) Each county board shall determine which organizations  
8 are political parties within the county, within the meaning of  
9 section 801(b), and not later than the [thirteenth] fourteenth  
10 Tuesday preceding each primary shall transmit to the Secretary  
11 of the Commonwealth a list of said political parties which shall  
12 be entitled to nominate candidates at primaries in said county.

13 Section 904. Municipal Clerks and Party Chairmen to Furnish  
14 Information as to Offices to Be Filled.--To assist the  
15 respective county boards in ascertaining the offices to be  
16 filled, it shall be the duty of the clerks or secretaries of the  
17 various cities, boroughs, towns, townships and school districts,  
18 with the advice of their respective solicitors, on or before the  
19 [thirteenth] fourteenth Tuesday preceding the Municipal primary,  
20 to send to the county boards of their respective counties a  
21 written notice setting forth all city, borough, town, township  
22 and school district offices to be filled in their respective  
23 subdivisions at the ensuing municipal election, and for which  
24 candidates are to be nominated at the ensuing primary. It shall  
25 also be the duty of the chairman of the State committee of each  
26 political party to forward to the Secretary of the Commonwealth  
27 and to the respective county boards, on or before the  
28 [thirteenth] fourteenth Tuesday preceding the General primary, a  
29 written notice setting forth the number of delegates and  
30 alternate delegates to the National convention of such party who

1 are to be elected in the State at large at the ensuing primary,  
2 and the number of such delegates and alternate delegates who are  
3 to be elected at said primary in such county, or in any district  
4 within such county, or of which it forms a part. The said notice  
5 shall also set forth the number of members of the National  
6 committee, if any, who, under the National party rules, are to  
7 be elected at the said primary in the State at large, and the  
8 number of members of the State committee to be elected at the  
9 said primary in such county, or in any district, or part of a  
10 district within such county. It shall also be the duty of the  
11 chairman of the county committee and, in cases where a city is  
12 coextensive with a county, the chairman of the city committee of  
13 each party, on or before the thirteenth Tuesday preceding the  
14 General primary, to send to the county board of such county a  
15 written notice setting forth all party offices to be filled in  
16 the county at the ensuing primary.

17 Section 905. Secretary of the Commonwealth to Notify County  
18 Board of Certain Nominations to Be Made.--On or before the  
19 [thirteenth] fourteenth Tuesday preceding each primary, the  
20 Secretary of the Commonwealth shall send to the county board of  
21 each county a written notice designating all the offices for  
22 which candidates are to be nominated therein, or in any district  
23 of which such county forms a part, or in the State at large, at  
24 the ensuing primary, and for the nomination to which candidates  
25 are required to file nomination petitions in the office of the  
26 Secretary of the Commonwealth, including that of President of  
27 the United States; and shall also in said notice set forth the  
28 number of presidential electors, United States Senators,  
29 Representatives in Congress and State officers, including  
30 senators, representatives and judges of courts of record, to be

1 elected at the succeeding November election by a vote of the  
2 electors of the State at large, or by a vote of the electors of  
3 the county, or of any district therein, or of any district of  
4 which such county forms a part.

5 Section 908. Manner of Signing Nomination Petitions; Time of  
6 Circulating.--Each signer of a nomination petition shall sign  
7 but one such petition for each office to be filled, and shall  
8 declare therein that he is a registered and enrolled member of  
9 the party designated in such petition: Provided, however, That  
10 where there are to be elected two or more persons to the same  
11 office, each signer may sign petitions for as many candidates  
12 for such office as, and no more than, he could vote for at the  
13 succeeding election. He shall also declare therein that he is a  
14 qualified elector of the county therein named, and in case the  
15 nomination is not to be made or candidates are not to be elected  
16 by the electors of the State at large, of the political district  
17 therein named, in which the nomination is to be made or the  
18 election is to be held. He shall add his residence, giving city,  
19 borough or township, with street and number, if any, and shall  
20 legibly print his name and add the date of signing, expressed in  
21 words or numbers: Provided, however, That if the said political  
22 district named in the petition lies wholly within any city,  
23 borough or township, or is coextensive with same, it shall not  
24 be necessary for any signer of a nomination petition to state  
25 therein the city, borough or township of his residence. No  
26 nomination petition shall be circulated prior to the  
27 [thirteenth] fourteenth Tuesday before the primary, and no  
28 signature shall be counted unless it bears a date affixed not  
29 earlier than the [thirteenth] fourteenth Tuesday nor later than  
30 the [tenth] eleventh Tuesday prior to the primary.

1 Section 913. Place and Time of Filing Nomination Petitions;  
2 Filing Fees.--\* \* \*

3 (d) All nomination petitions shall be filed on or before the  
4 [tenth] eleventh Tuesday prior to the primary.

5 \* \* \*

6 Section 922.1. Setting Aside Nominations of Candidates.--

7 With respect to any office that was in existence on the  
8 [thirteenth] fourteenth Tuesday before the primary and for which  
9 nominations were made at the primary or by nomination papers,  
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 977. Objections to Nomination Petitions and  
17 Papers.--All nomination petitions and papers received and filed  
18 within the periods limited by this act shall be deemed to be  
19 valid, unless, within seven days after the last day for filing  
20 said nomination petition or paper, a petition is presented to  
21 the court specifically setting forth the objections thereto, and  
22 praying that the said petition or paper be set aside. A copy of  
23 said petition shall, within said period, be served on the  
24 officer or board with whom said nomination petition or paper was  
25 filed. Upon the presentation of such a petition, the court shall  
26 make an order fixing a time for hearing which shall not be later  
27 than ten days after the last day for filing said nomination  
28 petition or paper, and specifying the time and manner of notice  
29 that shall be given to the candidate or candidates named in the  
30 nomination petition or paper sought to be set aside. On the day

1 fixed for said hearing, the court shall proceed without delay to  
2 hear said objections, and shall give such hearing precedence  
3 over other business before it, and shall finally determine said  
4 matter not later than fifteen (15) days after the last day for  
5 filing said nomination petitions or papers. In the event that  
6 the determination is appealed, the court shall make a final  
7 determination on the appeal no later than twenty-five (25) days  
8 after the last day for filing nomination petitions or papers. If  
9 the court shall find that said nomination petition or paper is  
10 defective under the provisions of section 976, or does not  
11 contain a sufficient number of genuine signatures of electors  
12 entitled to sign the same under the provisions of this act, or  
13 was not filed by persons entitled to file the same, it shall be  
14 set aside. If the objections relate to material errors or  
15 defects apparent on the face of the nomination petition or  
16 paper, the court, after hearing, may, in its discretion, permit  
17 amendments within such time and upon such terms as to payment of  
18 costs, as the said court may specify. In case any such petition  
19 is dismissed, the court shall make such order as to the payment  
20 of the costs of the proceedings, including witness fees, as it  
21 shall deem just. If a person shall sign any nomination petitions  
22 or papers for a greater number of candidates than he is  
23 permitted under the provisions of this act, if said signatures  
24 bear the same date, they shall, upon objections filed thereto,  
25 not be counted on any petition or paper and if they bear  
26 different dates, they shall be counted in the order of their  
27 priority of date, for only so many persons as there are  
28 candidates to be nominated or elected. The office of the  
29 Prothonotary of the Commonwealth Court and the office of the  
30 Secretary of the Commonwealth and the various offices of

1 prothonotary of the court of common pleas shall be open between  
2 the hours of eight-thirty o'clock A.M. and five o'clock P.M. on  
3 the last day to withdraw after filing nomination petitions and  
4 on the last day to file objections to nomination petitions.

5 Section 2. The amendment of sections 901, 904, 905, 908,  
6 913(d), 922.1 and 977 of the act shall apply to elections held  
7 after December 31, 2017.

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