

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2090 Session of 2024

INTRODUCED BY WAXMAN, MADSEN AND MAYES, MARCH 8, 2024

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 8, 2024

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 dates of elections and primaries and special
 12 elections, further providing for special elections for United
 13 States Senator and nominations and for nominations for
 14 special election for Representative in Congress, Senator and
 15 Representative in the General Assembly and member of council
 16 or legislative body of cities, boroughs, towns and townships;
 17 and, in nominations of candidates, further providing for
 18 number of signers required for nomination petitions of
 19 candidates at primaries, for nominations by minor political
 20 parties, for place and time of filing nomination petitions
 21 and filing fees and for nominations by political bodies,
 22 repealing provisions relating to filing fee and further
 23 providing for examination of nomination petitions,
 24 certificates and papers and return of rejected nomination
 25 petitions, certificates and papers and for vacancy in party
 26 nomination by failure to pay filing fee or for failure to
 27 file loyalty oath.

28 The General Assembly of the Commonwealth of Pennsylvania
 29 hereby enacts as follows:

30 Section 1. Sections 626 and 629 of the act of June 3, 1937
 31 (P.L.1333, No.320), known as the Pennsylvania Election Code, are

1 amended to read:

2 Section 626. Special Elections for United States Senator;
3 Nominations.--Whenever a vacancy shall occur in the office of
4 United States Senator, said vacancy shall be filled for the
5 unexpired term by the vote of the electors of the State at a
6 special election to be held at the time of the next general or
7 municipal election, occurring at least ninety (90) days after
8 the happening of such vacancy, and it shall be the duty of the
9 Governor to issue writs of election to the various county boards
10 of elections and to the Secretary of the Commonwealth within ten
11 (10) days after the happening of said vacancy. Candidates to
12 fill vacancies in the office of United States Senator shall be
13 nominated by political parties, in accordance with the party
14 rules relating to the filling of vacancies, by means of
15 nomination certificates, in the form prescribed in section 630
16 of this act; and by political bodies, by means of nomination
17 papers, in accordance with the provisions of sections [951, 952
18 and 954] 951 and 952 of this act. Said nomination certificates
19 and nomination papers shall be filed in the office of the
20 Secretary of the Commonwealth at least sixty (60) days prior to
21 the date of said special election. Until such time as said
22 vacancy shall be filled by an election as herein provided, the
23 Governor of the Commonwealth may make a temporary appointment to
24 fill said vacancy.

25 Section 629. Nominations for Special Election for
26 Representative in Congress, Senator and Representative in the
27 General Assembly and Member of Council or Legislative Body of
28 Cities, Boroughs, Towns and Townships.--Candidates to fill
29 vacancies in the offices of Representative in Congress, Senator
30 and Representative in the General Assembly and member of the

1 council or legislative body of any city, borough, town or
2 township shall be nominated by political parties, in accordance
3 with the party rules relating to the filling of vacancies, by
4 means of nomination certificates, in the form prescribed in
5 section 630 of this act; and by political bodies, by means of
6 nomination papers, in accordance with the provisions of sections
7 [951, 952 and 954] 951 and 952 of this act. Said nomination
8 certificates and nomination papers for the office of
9 Representative in Congress, Senator and Representative in the
10 General Assembly shall be filed in the office of the Secretary
11 of the Commonwealth not later than fifty (50) days prior to the
12 date of the special election, and for the office of member of
13 the council or legislative body of a city, borough, town or
14 township, in the office of the county board of elections wherein
15 such city, borough, town or township is situate, not later than
16 fifteen (15) days after the issuance of the writ of election.

17 Section 2. Sections 912.1, 912.2(a), 913 heading, (b.1),
18 (b.2) and (c) and 951(b) of the act are amended to read:

19 Section 912.1. Number of Signers Required for Nomination
20 Petitions of Candidates at Primaries.--Candidates for nomination
21 of offices as listed below shall present a nominating petition
22 containing at least as many valid signatures of registered and
23 enrolled members of the proper party as listed below:

24 (1) President of the United States: [~~Two~~] One thousand.

25 (2) United States Senate: [~~Two~~] One thousand.

26 (3) Governor: [~~Two~~] One thousand including at least [~~one~~
27 ~~hundred~~] fifty from each of at least ten counties.

28 (4) Lieutenant Governor: [~~One thousand~~] Five hundred
29 including at least [~~one hundred~~] fifty from each of at least
30 five counties.

1 (5) Treasurer: [One thousand] Five hundred including at
2 least [one hundred] fifty from each of at least five counties.

3 (6) Auditor General: [One thousand] Five hundred including
4 at least [one hundred] fifty from each of at least five
5 counties.

6 (7) Attorney General: [One thousand] Five hundred including
7 at least [one hundred] fifty from each of at least five
8 counties.

9 (8) Justice of the Supreme Court: [One thousand] Five
10 hundred including at least [one hundred] fifty from each of at
11 least five counties.

12 (9) Judge of the Superior Court: [One thousand] Five hundred
13 including at least [one hundred] fifty from each of at least
14 five counties.

15 (10) Judge of the Commonwealth Court: [One thousand] Five
16 hundred including at least [one hundred] fifty from each of at
17 least five counties.

18 (11) For any other office to be filled by the vote of the
19 electors of the State at large or for any other party office to
20 be elected by the electors of the State at large: [One thousand]
21 Five hundred including at least [one hundred] fifty from each of
22 at least five counties.

23 (12) Representative in Congress: [One thousand] Five
24 hundred.

25 (13) Senator in the General Assembly: [Five hundred] Two
26 hundred fifty.

27 (14) Representative in the General Assembly: [Three hundred]
28 One hundred fifty.

29 (15) Public or party offices to be filled by a vote of the
30 electors in counties of the first class at large: [One thousand]

1 Five hundred.

2 (16) Public or party offices to be filled by a vote of the
3 electors in counties of the second class at large: [Five
4 hundred] Two hundred fifty.

5 (17) Public or party offices to be filled by a vote of the
6 electors in cities of the first class at large: [One thousand]
7 Five hundred.

8 (18) Public or party offices to be filled by a vote of the
9 electors in counties of the second class A at large: [Two
10 hundred fifty] One hundred twenty-five.

11 (19) Public or party offices to be filled by a vote of the
12 electors in counties of the third class at large: [Two hundred
13 fifty] One hundred twenty-five.

14 (20) Public or party offices to be filled by a vote of the
15 electors in counties of the fourth class at large: [Two hundred
16 fifty] One hundred twenty-five.

17 (21) Public or party offices to be filled by a vote of the
18 electors in cities of the second class at large: [Two hundred
19 fifty] One hundred twenty-five.

20 (22) Public or party offices to be filled by a vote of the
21 electors in cities of the second class A at large: [One hundred]
22 Fifty.

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

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

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

1 Fifty.

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

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

8 (28) Office of judge of any court of record other than a
9 Statewide court or a court in a county of the first or second
10 class: [Two hundred fifty] One hundred twenty-five.

11 (29) District delegate or alternate district delegate to a
12 National party convention: [Two hundred fifty] One hundred
13 twenty-five.

14 (30) Member of State committee: [One hundred] Fifty.

15 (31) Office of district council member in a city of the
16 first class: [Seven hundred fifty] Three hundred seventy-five.

17 (31.1) Office of district council member in a city of the
18 second class: [One hundred] Fifty.

19 (32) Office of magisterial district judge: [One hundred]
20 Fifty, but only for a candidate's primary election when the
21 candidate does not already hold the office of magisterial
22 district judge. A sitting magisterial district judge elected to
23 the office shall not be required to file a nominating petition
24 under this section to run for the office of magisterial district
25 judge but may instead file a certificate of nomination for
26 reelection specifying the intent to seek reelection to the
27 office. If a sitting magisterial district judge files a
28 certificate of nomination for reelection, the sitting
29 magisterial district judge may not challenge the nominating
30 petition of another candidate for magisterial district judge.

1 (33) Office of judge of election: [Ten] Five.

2 (34) Inspector of elections: [Five] Three.

3 (35) School director: [Ten] Five.

4 (36) All other public and party offices: [Ten] Five.

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
12 the same time frame available to political bodies. Minor
13 political 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 * * *

27 Section 913. Place and Time of Filing Nomination Petitions[;
28 Filing Fees].--* * *

29 [(b.1) Each person filing any nomination petition shall pay
30 for each petition, at the time of filing, a filing fee to be

1 determined as follows, and no nomination petition shall be
2 accepted or filed, unless and until such filing fee is paid by a
3 certified check or money order or also by cash when filed with
4 the county board. All moneys paid on account of filing fees
5 shall be transmitted by the county board to the county treasurer
6 and shall become part of the General Fund. Certified checks or
7 money orders in payment of filing fees shall be made payable to
8 the Commonwealth of Pennsylvania or to the county, as the case
9 may be, and shall be transmitted to the State Treasurer or to
10 the county treasurer and shall become part of the General Fund.

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

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

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

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

26 4.1. If for nonschool board offices for any third class city
27 official, the sum of twenty-five dollars (\$25.00).

28 6. If for the office of delegate or alternate delegate to
29 National party convention, or member of National committee or
30 member of State committee, the sum of twenty-five dollars

1 (\$25.00).

2 7. If for the office of constable, the sum of ten dollars
3 (\$10.00).

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

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

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 * * *

17 Section 951. Nominations by Political Bodies.--* * *

18 [(b) Where the nomination is for any office to be filled by
19 the electors of the State at large, the number of qualified
20 electors of the State signing such nomination paper shall be at
21 least equal to two per centum of the largest entire vote cast
22 for any elected candidate in the State at large at the last
23 preceding election at which State-wide candidates were voted
24 for. In the case of all other nominations, the number of
25 qualified electors of the electoral district signing such
26 nomination papers shall be at least equal to two per centum of
27 the largest entire vote cast for any officer, except a judge of
28 a court of record, elected at the last preceding election in
29 said electoral district for which said nomination papers are to
30 be filed, and shall be not less than the number of signers

1 required for nomination petitions for party candidates for the
2 same office. In cases where a new electoral district shall have
3 been created, the number of qualified electors signing such
4 nomination papers, for candidates to be elected at the first
5 election held after the creation of such district, shall be at
6 least equal to two per centum of the largest vote cast in the
7 several election districts, which are included in the district
8 newly created, for any officer elected in the last preceding
9 election.]

10 * * *

11 Section 3. Section 954 of the act is repealed:

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

26 Section 4. Sections 976 and 978.1 of the act are amended to
27 read:

28 Section 976. Examination of Nomination Petitions,
29 Certificates and Papers; Return of Rejected Nomination
30 Petitions, Certificates and Papers.--When any nomination

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

1 papers are not accompanied by the filing fee or certified check
2 required for said office;] or (g) in the case of nomination
3 papers, the appellation set forth therein is identical with or
4 deceptively similar to the words used by any existing party or
5 by any political body which has already filed nomination papers
6 for the same office, or if the appellation set forth therein
7 contains part of the name, or an abbreviation of the name or
8 part of the name of an existing political party, or of a
9 political body which has already filed nomination papers for the
10 same office. The invalidity of any sheet of a nomination
11 petition or nomination paper shall not affect the validity of
12 such petition or paper if a sufficient petition or paper remains
13 after eliminating such invalid sheet. The action of said officer
14 or board in refusing to receive and file any such nomination
15 petition, certificate or paper, may be reviewed by the court
16 upon an application to compel its reception as of the date when
17 it was presented to the office of such officer or board:
18 Provided, however, That said officer or board shall be entitled
19 to a reasonable time in which to examine any petitions,
20 certificates or papers, and to summon and interrogate the
21 candidates named therein, or the persons presenting said
22 petitions, certificates or papers, and his or their retention of
23 same for the purpose of making such examination or interrogation
24 shall not be construed as an acceptance or filing.

25 Upon completion of any examination, if any nomination
26 petition, certificate or paper is found to be defective, it
27 shall forthwith be rejected and returned to the candidate or one
28 of the candidates named therein, together with a statement of
29 the reasons for such rejection:

30 Provided further, That no nomination petition, nomination

1 paper or nomination certificate shall be permitted to be filed,
2 if the political party or political body referred to therein
3 shall be composed of a group of electors whose purposes or aims,
4 or one of whose purposes or aims, is the establishment, control,
5 conduct, seizure or overthrow of the Government of the
6 Commonwealth of Pennsylvania or the United States of America by
7 the use of force, violence, military measure or threats of one
8 or more of the foregoing. The authority to reject such
9 nomination petition, paper or certificate for this reason shall,
10 when filed with the Secretary of the Commonwealth, be vested in
11 a committee composed of the Governor, the Attorney General and
12 the Secretary of the Commonwealth, and when filed with any
13 county board of elections shall be vested in such board. If in
14 such case the committee or board, as the case may be, shall
15 conclude that the acceptance of such nomination petition, paper
16 or certificate should be refused, it shall within two days of
17 the filing of such nomination petition, paper or certificate fix
18 a place and a time five days in advance for hearing the matter,
19 and notice thereof shall be given to all parties affected
20 thereby. At the time and place so fixed the committee or board,
21 as the case may be, shall hear testimony, but shall not be bound
22 by technical rules of evidence. The testimony presented shall be
23 stenographically recorded and made a part of the record of the
24 committee or board. Within two days after such hearing the
25 committee or board, if satisfied upon competent evidence that
26 the said nomination petition, paper or certificate is not
27 entitled to be accepted and filed, it shall announce its
28 decision and immediately notify the parties affected thereby.
29 Failure to announce decision within two days after such hearing
30 shall be conclusive that such nomination petition, paper or

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

25 Section 978.1. Vacancy in Party Nomination [by Failure to
26 Pay Filing Fee or] for Failure to File Loyalty Oath.--Every
27 person nominated at any primary election as the candidate of any
28 political party for any office, other than a borough, town,
29 township, school district or poor district office, or the office
30 of justice of the peace, or constable, [who has not paid the

1 filing fee required by section nine hundred thirteen of this
2 act, as amended, for the filing of a nomination petition for
3 such office, or] who has not filed the loyalty oath required by
4 section 14, act of December 22, 1951 (P.L.1726), known as the
5 "Pennsylvania Loyalty Act," as last amended June 19, 1961
6 (P.L.446), shall [pay the amount of such fee to and] file such
7 oath with the Secretary of the Commonwealth, or the county board
8 of elections, as the case may be, at least eighty-five (85) days
9 previous to the day of the general or municipal election at
10 which such candidate's name would appear on the ballot. Failure
11 to [pay such fee or] file such oath within the time herein
12 prescribed shall result in a vacancy in such party nomination.
13 Such vacancy shall be filled in the manner hereinafter provided
14 for the filling of such vacancies happening by reason of the
15 death or withdrawal of any candidate.

16 Section 5. The amendment or repeal of sections 626, 629,
17 912.1, 912.2(a), 913 heading, (b.1), (b.2) and (c), 951(b), 954,
18 976 and 978.1 of the act shall apply to the first primary
19 election held after January 1, 2025, and each election held
20 thereafter.

21 Section 6. This act shall take effect immediately.