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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2719 Session of  
2020

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INTRODUCED BY LAWRENCE, BERNSTINE, DeLUCA, DUNBAR, GILLEN,  
F. KELLER, MENTZER, MURT, RYAN, SAYLOR AND ZIMMERMAN,  
JULY 30, 2020

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 30, 2020

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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 preliminary provisions, further providing for  
12 definitions; in dates of elections and primaries and special  
13 elections, further providing for affidavits of candidates;  
14 and, in nomination of candidates, further providing for  
15 affidavits of candidates, for nominations by political  
16 bodies, for examination of nomination petitions, certificates  
17 and papers and return of rejected nomination petitions,  
18 certificates and papers and for affidavits of candidates.

19 The General Assembly of the Commonwealth of Pennsylvania  
20 hereby enacts as follows:

21 Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,  
22 No.320), known as the Pennsylvania Election Code, is amended by  
23 adding subsections to read:

24 Section 102. Definitions.--The following words, when used in  
25 this act, shall have the following meanings, unless otherwise

1 clearly apparent from the context:

2 \*\*\*

3 (z.6) The words "controlled substance" shall mean a drug,  
4 substance or immediate precursor included in Schedule I of  
5 section 4 of the act of April 14, 1972 (P.L.233, No.64), known  
6 as "The Controlled Substance, Drug, Device and Cosmetic Act."

7 (z.7) The words "testing laboratory" shall mean a laboratory  
8 that is certified by the United States Department of Health and  
9 Human Services to conduct drug and specimen validity tests on  
10 urine specimens for Federal agencies.

11 Section 2. Sections 630.1, 910, 951(e), 976 first paragraph  
12 and 981.1 of the act are amended to read:

13 Section 630.1. Affidavits of Candidates.--Each candidate for  
14 any State, county, city, borough, incorporated town, township,  
15 school district or poor district office, or for the office of  
16 United States Senator or Representative in Congress, selected as  
17 provided in section 630 of this act, shall file with the  
18 nomination certificate an affidavit stating--(a) his residence,  
19 with street and number, if any, and his post-office address; (b)  
20 his election district, giving city, borough, town or township;  
21 (c) the name of the office for which he consents to be a  
22 candidate; (d) that he is eligible for such office; (e) that he  
23 will not knowingly violate any provision of this act, or of any  
24 law regulating and limiting election expenses and prohibiting  
25 corrupt practices in connection therewith; (f) unless he is a  
26 candidate for judge of a court of common pleas, the Philadelphia  
27 Municipal Court or the Traffic Court of Philadelphia, or for the  
28 office of school board in a district where that office is  
29 elective or for the office of justice of the peace, that he is  
30 not a candidate for the same office of any party or political

1 body other than the one designated in such certificate; (g) that  
2 he is aware of the provisions of section 1626 of this act  
3 requiring election and post-election reporting of campaign  
4 contributions and expenditures; [and] (h) that he is not a  
5 candidate for an office which he already holds, the term of  
6 which is not set to expire in the same year as the office  
7 subject to the affidavit[.]; and (i) in the case of a candidate  
8 for State office, that the candidate has undergone controlled  
9 substance testing conducted by a testing laboratory no more than  
10 thirty (30) days prior to the deadline for filing the affidavit.  
11 Each candidate for State office who submits an affidavit under  
12 this section shall append to the affidavit the controlled  
13 substance testing report.

14 Section 910. Affidavits of Candidates.--Each candidate for  
15 any State, county, city, borough, incorporated town, township,  
16 ward, school district, poor district, election district, party  
17 office, party delegate or alternate, or for the office of United  
18 States Senator or Representative in Congress, shall file with  
19 his nomination petition his affidavit stating--(a) his  
20 residence, with street and number, if any, and his post-office  
21 address; (b) his election district, giving city, borough, town  
22 or township; (c) the name of the office for which he consents to  
23 be a candidate; (d) that he is eligible for such office; (e)  
24 that he will not knowingly violate any provision of this act, or  
25 of any law regulating and limiting nomination and election  
26 expenses and prohibiting corrupt practices in connection  
27 therewith; (f) unless he is a candidate for judge of a court of  
28 common pleas, the Philadelphia Municipal Court or the Traffic  
29 Court of Philadelphia, or for the office of school director in a  
30 district where that office is elective or for the office of

1 justice of the peace that he is not a candidate for nomination  
2 for the same office of any party other than the one designated  
3 in such petition; (g) if he is a candidate for a delegate, or  
4 alternate delegate, member of State committee, National  
5 committee or party officer, that he is a registered and enrolled  
6 member of the designated party; (h) if he is a candidate for  
7 delegate or alternate delegate the presidential candidate to  
8 whom he is committed or the term "uncommitted"; (i) that he is  
9 aware of the provisions of section 1626 of this act requiring  
10 pre-election and post-election reporting of campaign  
11 contributions and expenditures; [and] (j) that he is not a  
12 candidate for an office which he already holds, the term of  
13 which is not set to expire in the same year as the office  
14 subject to the affidavit[.]; and (k) in the case of a candidate  
15 for State office, that the candidate has undergone controlled  
16 substance testing conducted by a testing laboratory no more than  
17 thirty (30) days prior to the deadline for filing the affidavit.  
18 Each candidate for State office who submits an affidavit under  
19 this section shall append to the affidavit the controlled  
20 substance testing report. In cases of petitions for delegate and  
21 alternate delegate to National conventions, the candidate's  
22 affidavit shall state that his signature to the delegate's  
23 statement, as hereinafter set forth, if such statement is signed  
24 by said candidate, was affixed to the sheet or sheets of said  
25 petition prior to the circulation of same. In the case of a  
26 candidate for nomination as President of the United States, it  
27 shall not be necessary for such candidate to file the affidavit  
28 required in this section to be filed by candidates, but the  
29 post-office address of such candidate shall be stated in such  
30 nomination petition.

1 Section 951. Nominations by Political Bodies.--\* \* \*

2 (e) There shall be appended to each nomination paper offered  
3 for filing an affidavit of each candidate nominated therein,  
4 stating--(1) the election district in which he resides; (2) the  
5 name of the office for which he consents to be a candidate; (3)  
6 that he is eligible for such office; (4) that he will not  
7 knowingly violate any provision of this act, or of any law  
8 regulating and limiting election expenses, and prohibiting  
9 corrupt practices in connection therewith; (5) that his name has  
10 not been presented as a candidate by nomination petitions for  
11 any public office to be voted for at the ensuing primary  
12 election, nor has he been nominated by any other nomination  
13 papers filed for any such office; (6) that in the case where he  
14 is a candidate for election at a general or municipal election,  
15 he was not a registered and enrolled member of a party thirty  
16 (30) days before the primary held prior to the general or  
17 municipal election in that same year; (7) that, in the case  
18 where he is a candidate for election at a special election, he  
19 is not a registered and enrolled member of a party; [and] (8)  
20 that he is not a candidate for an office which he already holds,  
21 the term of which is not set to expire in the same year as the  
22 office subject to the affidavit[.]; and (9) in the case of a  
23 candidate for State office, that the candidate has undergone  
24 controlled substance testing conducted by a testing laboratory  
25 no more than thirty (30) days prior to the deadline for filing  
26 the affidavit. Each candidate for State office who submits an  
27 affidavit under this section shall append to the affidavit the  
28 controlled substance testing report.

29 Section 976. Examination of Nomination Petitions,  
30 Certificates and Papers; Return of Rejected Nomination

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

1 any such office by nomination papers previously filed; or (f) if  
2 the nomination petitions or papers are not accompanied by the  
3 filing fee or certified check required for said office; or (g)  
4 in the case of nomination papers, the appellation set forth  
5 therein is identical with or deceptively similar to the words  
6 used by any existing party or by any political body which has  
7 already filed nomination papers for the same office, or if the  
8 appellation set forth therein contains part of the name, or an  
9 abbreviation of the name or part of the name of an existing  
10 political party, or of a political body which has already filed  
11 nomination papers for the same office[.]; or (h) in the case of  
12 a candidate for State office, if the nomination petitions,  
13 papers or certificates are not accompanied by a controlled  
14 substance testing report, as required under sections 630.1, 910,  
15 951 and 981.1. The invalidity of any sheet of a nomination  
16 petition or nomination paper shall not affect the validity of  
17 such petition or paper if a sufficient petition or paper remains  
18 after eliminating such invalid sheet. The action of said officer  
19 or board in refusing to receive and file any such nomination  
20 petition, certificate or paper, may be reviewed by the court  
21 upon an application to compel its reception as of the date when  
22 it was presented to the office of such officer or board:  
23 Provided, however, That said officer or board shall be entitled  
24 to a reasonable time in which to examine any petitions,  
25 certificates or papers, and to summon and interrogate the  
26 candidates named therein, or the persons presenting said  
27 petitions, certificates or papers, and his or their retention of  
28 same for the purpose of making such examination or interrogation  
29 shall not be construed as an acceptance or filing.

30 \* \* \*

1 Section 981.1. Affidavits of Candidates.--Each candidate for  
2 any State, county, city, borough, incorporated town, township,  
3 ward, school district, poor district or election district  
4 office, or for the office of United States Senator or  
5 Representative in Congress, selected as provided in sections 979  
6 and 980 of this act, shall file with the substituted nomination  
7 certificate an affidavit stating--(a) his residence, with street  
8 and number, if any, and his post-office address; (b) his  
9 election district, giving city, borough, town or township; (c)  
10 the name of the office for which he consents to be a candidate;  
11 (d) that he is eligible for such office; (e) that he will not  
12 knowingly violate any provision of this act, or of any law  
13 regulating and limiting election expenses and prohibiting  
14 corrupt practices in connection therewith; (f) unless he is a  
15 candidate for judge of a court of common pleas, the Philadelphia  
16 Municipal Court or the Traffic Court of Philadelphia, or for the  
17 office of school board in a district where that office is  
18 elective or for the office of justice of the peace, that he is  
19 not a candidate for the same office of any party or political  
20 body other than the one designated in such certificate; (g) that  
21 he is aware of the provisions of section 1626 of this act  
22 requiring election and post-election reporting of campaign  
23 contributions and expenditures; [and] (h) that he is not a  
24 candidate for an office which he already holds, the term of  
25 which is not set to expire in the same year as the office  
26 subject to the affidavit[.]; and (i) in the case of a candidate  
27 for State office, that the candidate has undergone controlled  
28 substance testing conducted by a testing laboratory no more than  
29 thirty (30) days prior to the deadline for filing the affidavit.  
30 Each candidate for State office who submits an affidavit under



1 this section shall append to the affidavit the controlled  
2 substance testing report.

3 Section 3. This act shall take effect in 180 days.