

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 678 Session of 2017

INTRODUCED BY LAWRENCE, BAKER, R. BROWN, V. BROWN, D. COSTA, DeLUCA, DUNBAR, FLYNN, GABLER, HEFFLEY, KAUFFMAN, MILLARD, MURT, NEILSON, READSHAW, TALLMAN AND WARD, MARCH 2, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 2, 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 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 bodies
 16 and for examination of nomination petitions, certificates and
 17 papers and return of rejected nomination petitions,
 18 certificates and papers.

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.