
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **408** Session of
1961

INTRODUCED BY MESSRS. HAYS, SEYLER AND SESLER,
MARCH 14, 1961.

REFERRED TO COMMITTEE ON ELECTIONS, MARCH 14, 1961.

AN ACT

Amending the act of June 3 1937 (P L 1333) entitled "An act concern-
ing elections including general municipal special and primary elec-
tions the nomination of candidates primary and election expenses
and election contests creating and defining membership of county
boards of elections imposing duties upon the Secretary of the
Commonwealth courts county boards of elections county com-
missioners imposing penalties for violation of the act and codify-
ing revising and consolidating the laws relating thereto and re-

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through
is to be omitted from bill.
Underscoring indicates new matter added to existing law. [Brackets] indicate matter
stricken from existing law.

pealing certain acts and parts of acts relating to elections" providing for bipartisan election of all elected school directors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 Section 910 act of June 3 1937 (P L 1333) known as the
2 "Pennsylvania Election Code" is amended to read
3 Section 910 Affidavits of Candidates Each candidate for any State
4 county city borough incorporated town township ward school district
5 poor district election district party office party delegate or alternate or
6 for the office of United States Senator or Representative in Congress
7 shall file with his nomination petition his affidavit stating (a) his resi-
8 dence with street and number if any and his post-office address (b) his
9 election district giving city borough town or township (c) the name of
10 the office for which he consents to be a candidate (d) that he is eligible
11 for such office (e) that he will not knowingly violate any provision of this
12 act or of any law regulating and limiting nomination and election ex-
13 penses and prohibiting corrupt practices in connection therewith (f)
14 unless he is a candidate for judge of a court of record or for the office of
15 school director in a district where that office is elective that he is not a
16 candidate for nomination for the same office of any party other than the

1 one designated in such petition and (g) if he is a candidate for a dele-
2 gate or alternate delegate member of State committee National com-
3 mittee or party officer that he is a registered and enrolled member of the
4 designated party In cases of petitions for delegate and alternate dele-
5 gate to National conventions the candidate's affidavit shall state that his
6 signature to the delegate's statement as hereinafter set forth if such
7 statement is signed by said candidate was affixed to the sheet or sheets
8 of said petition prior to the circulation of same In the case of a candidate
9 for nomination as President of the United States it shall not be necessary
10 for such candidate to file the affidavit required in this section to be
11 filed by candidates but the post-office address of such candidate shall be
12 stated in such nomination petition

13 Section 2 The first paragraph of section 976 of the act amended
14 June 28 1947 (P L 1038) and July 6 1947 (P L 1358) is amended to
15 read

16 Section 976 Examination of Nomination Petitions Certificates and
17 Papers Return of Rejected Nomination Petitions Certificates and Papers
18 When any nomination petition nomination certificate or nomination
19 paper is presented in the office of the Secretary of the Commonwealth or
20 of any county board of elections for filing within the period limited by

1 this act it shall be the duty of the said officer or board to examine the
2 same No nomination petition nomination paper or nomination certificate
3 shall be permitted to be filed if (a) it contains material errors or defects
4 apparent on the face thereof or on the face of the appended or accom-
5 panying affidavits or (b) it contains material alterations made after sign-
6 ing without the consent of the signers or (c) it does not contain a suffi-
7 cient number of signatures as required by law Provided [however] That
8 the Secretary of the Commonwealth or the county board of elections
9 although not hereby required so to do may question the genuineness of
10 any signature or signatures appearing thereon and if he or it shall there-
11 upon find that any such signature or signatures are not genuine such
12 signature or signatures shall be disregarded in determining whether the
13 nomination petition nomination paper or nomination certificate contains
14 a sufficient number of signatures as required by law or (d) in the case of
15 nomination petitions if nomination petitions have been filed for print-
16 ing the name of the same person for the same office except the office
17 of judge of a court of record or the office of school director in districts
18 where that office is elective upon the official ballot of more than one
19 political party or (e) in the case of nomination papers if the candidate

1 named therein has filed a nomination petition for any public office for
2 the ensuing primary or has been nominated for any such office by
3 nomination papers previously filed or (f) if the nomination petitions or
4 papers are not accompanied by the filing fee or certified check required
5 for said office or (g) in the case of nomination papers the appellation
6 set forth therein identical with or deceptively similar to the words used
7 by any existing party or by any political body which has already filed
8 nomination papers for the same office or if the appellation set forth
9 therein contains part of the name or an abbreviation of the name or
10 part of the name of an existing political party or of a political body
11 which has already filed nomination papers for the same office The in-
12 validity of any sheet of a nomination petition or nomination paper shall
13 not affect the validity of such petition or paper if a sufficient petition or
14 paper remains after eliminating such invalid sheet The action of said
15 officer or board in refusing to receive and file any such nomination
16 petition certificate or paper may be reviewed by the court of common
17 pleas of the proper county upon an application for a writ of mandamus
18 to compel its reception as of the date when it was presented to the office
19 of such officer or board Provided [however] That said officer or board
20 shall be entitled to a reasonable time in which to examine any petitions

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

6 * * *

7 Section 3 Subsection (a) of section 993 and subsections (a) and (b)
8 of section 998 of the act added August 26 1953 (P L 1479) are amended
9 to read

10 Section 993 Filling of Certain Vacancies in Public Office by Means
11 of Nomination Certificates and Nomination Papers (a) In all cases where
12 a vacancy shall occur for any cause in an elective public office including
13 that of judge of a court of record at a time when such vacancy is re-
14 quired by the provisions of the Constitution or the laws of this Common-
15 wealth to be filled at the ensuing election but at a time when nominations
16 for such office cannot be made under any other provision of this act
17 nominations to fill such vacancies shall be made by political parties in
18 accordance with party rules relating to the filling of vacancies by means
19 of nomination certificates in the form prescribed in section nine hundred

1 ninety-four of this act and by political bodies by means of nomination
2 papers in accordance with the provisions of sections nine hundred fifty-
3 one nine hundred fifty-two and nine hundred fifty-four of this act No
4 such nomination certificate shall nominate any person who has already
5 been nominated by any other political party or by any political body for
6 the same office unless such person is a candidate for the office of judge
7 of a court of record or the office of school director in districts where that
8 office is elective No such nomination papers shall nominate any person
9 who has already been nominated by any political party or by any other
10 political body for any office to be filled at the ensuing November election
11 unless such person is a candidate for the office of judge of a court of rec-
12 ord or the office of school director in districts where that office is elective

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14 Section 008 Substituted Nominations to Fill Certain Vacancies for
15 a November Election (a) Any vacancy happening or existing in any party
16 nomination made in accordance with the provisions of section nine
17 hundred ninety-three of this act for a November election by reason of the
18 death or withdrawal of any candidate may be filled by a substituted
19 nomination made by such committee as is authorized by the rules of the
20 party to make nominations in the event of vacancies on the party ticket

1 in the form prescribed by section nine hundred ninety-four of this act
2 But no substituted nomination certificate shall nominate any person
3 who has already been nominated by any other political party or by any
4 political body for the same office unless such person is a candidate for the
5 office of judge of a court of record or for the office of school director
6 in districts where that office is elective

7 (b) In case of the death or withdrawal of any candidate nominated
8 by a political body for an election the committee named in the original
9 nomination papers may nominate a substitute in his place by filing a
10 substituted nomination certificate in the form and manner prescribed by
11 section nine hundred eighty of this act In the case of a vacancy caused
12 by the death of any candidate said nomination certificate shall be ac-
13 companied by a death certificate properly certified No substituted nomina-
14 tion certificate shall nominate any person who has already been nomi-
15 nated by any political party or by any other political body for any office
16 to be filled at the ensuing November election unless such person is a
17 candidate for the office of judge of a court of record or for the office of
18 school director in districts where that office is elective

19 * * *

1 Section 4 Section 1004 of the act is amended to read
2 Section 1004 Form of Ballots Printing Ballots Stubs Numbers
3 From the lists furnished by the Secretary of the Commonwealth under
4 the provisions of sections 915 and 984 and from petitions and papers
5 filed in their office the county election board shall print the official pri-
6 mary and election ballots in accordance with the provisions of this act
7 Provided [however] That in no event shall the name of any person con-
8 senting to be a candidate for nomination for any one office except the
9 office of judge of a court of record or the office of school director in
10 districts where that office is elective be printed as a candidate for such
11 office upon the official primary ballot of more than one party All ballots
12 for use in the same election district at any primary or election shall be
13 alike They shall be at least six inches long and four inches wide and
14 shall have a margin extending beyond any printing thereon They shall be
15 printed with the same kind of type (which shall not be smaller than the
16 size known as "brevier" or "eight point body") upon white paper of uni-
17 form quality without any impression or mark to distinguish one from

1 another and with sufficient thickness to prevent the printed matter from
2 showing through Each ballot shall be attached to a stub and all the
3 ballots for the same election district shall be bound together in books of
4 fifty in such manner that each ballot may be detached from its stub and
5 removed separately The ballots for each party to be used at a primary
6 shall be bound separately The stubs of the ballots shall be consecutively
7 numbered and in the case of primary ballots the number shall be pre-
8 ceded by an initial or abbreviation designating the party name The num-
9 ber and initial or abbreviation which appears upon the stub shall be
10 printed in the upper right hand corner of the back of the ballot separated
11 from the remainder of the ballot by a diagonal perforated line so pre-
12 pared that the upper right hand corner of the back of the ballot con-
13 taining the number may be detached from the ballot before it is de-
14 posited in the ballot box

15 Section 5 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1961.

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Governor