

## No. 434

## AN ACT

To amend the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, 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 commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing a system for the nomination of candidates to fill certain vacancies in public offices occurring under conditions for which said election code does not prescribe machinery.

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

Section 1. Article IX of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, 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 commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," is hereby amended by adding, after subdivision (d) thereof, a new subdivision containing eight new sections to read as follows:

(e) *Nominations to Fill Certain Vacancies*

*Section 993. Filling of Certain Vacancies in Public Office by Means of Nomination Certificates and Nomination Papers.—(a) In all cases where a vacancy shall occur for any cause in an elective public office, including that of judge of a court of record, at a time when such vacancy is required by the provisions of the Constitution or the laws of this Commonwealth to be filled at the ensuing election but at a time when nominations for such office cannot be made under any other provision of this act, nominations to fill such vacancies shall be made by political parties in accordance with party rules relating to the filling of vacancies by means of nomination certificates in the form prescribed in section nine hundred ninety-four of this act, and by political bodies by means of nomination papers in accordance with the provisions of sections nine hundred fifty-one, nine hun-*

"Pennsylvania Election Code."

Article IX, act of June 3, 1937, P. L. 1333, amended by adding, after subdivision (d) thereof, a new subdivision (e).

*dred fifty-two and nine hundred fifty-four of this act. No such nomination certificate shall nominate any person who has already been nominated by any other political party or by any political body for the same office unless such person is a candidate for the office of judge of a court of record. No such nomination papers shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of record.*

*(b) Said nomination certificates and nomination papers for State public offices and judges of courts of records shall be filed in the office of the Secretary of the Commonwealth at least forty-five (45) days prior to a general or municipal election, as the case may be. Nomination certificates and nomination papers for public offices in counties, cities, boroughs, towns, townships, wards and school districts and for the offices of aldermen and justices of the peace shall be filed in the office of the county board of elections at least forty-five (45) days prior to a municipal election.*

*(c) The provisions of this subdivision shall not be construed to apply to elective public offices for which a method is provided in this act for the holding of special elections to fill vacancies in certain public offices, or to the filling of vacancies in the office of presidential electors in accordance with the provisions of section nine hundred eighteen of this act. Nor shall the provisions of this subdivision be construed to apply to any public office for which, by the provisions of any statute, a vacancy is required to be filled at the next election appropriate to the office, if said vacancy occurs at any time within two (2) calendar months immediately preceding a general or municipal election, as the case may be.*

*Section 994. Number, Form and Requirements of Nomination Certificates to Fill Certain Vacancies.—(a) Each political party shall be entitled to nominate and to file nomination certificates in accordance with the provisions of section nine hundred ninety-three of this act for the purpose of supplying as many candidates as each elector will be entitled to vote for at the ensuing November election. Every nomination certificate for a November election required under the provisions of section nine hundred ninety-three of this act shall be in the form prescribed by the Secretary of the Commonwealth and shall set forth the following:*

- (1) The office and district, if any, for which it is filed;*
- (2) The cause of the vacancy;*
- (3) The rule or rules of the political party setting forth the provisions applicable to the nomination of a candidate or candidates to fill said vacancy;*

(4) That a quorum of the committee, caucus or convention as provided by the party rules duly convened and the names of those present at said meeting or their proxies that said persons are the duly appointed or elected members of said committee, caucus or convention;

(5) The name, residence and occupation of the candidate duly nominated at said meeting.

(b) Every such certificate of nomination shall be signed by the presiding officer and the secretary or secretaries of the committees, caucus or convention and shall be sworn or affirmed to by them before any officer qualified to administer oaths.

Section 995. Secretary of the Commonwealth or County Board of Elections to Examine Nomination Certificates and Nomination Papers to Fill Certain Vacancies; Review.—(a) It shall be the duty of the Secretary of the Commonwealth or the proper county board of elections, as the case may be, to examine as to legal sufficiency, in the manner and under the provisions of section nine hundred seventy-six of this act, all nomination certificates and nomination papers brought to his or its office for the purpose of filing for the nomination of candidates for a general or municipal election, as the case may be, in accordance with the provisions of section nine hundred ninety-three of this act, and if manifestly defective they shall not be filed.

(b) No such certificate of nomination or nomination paper shall be refused by the Secretary of the Commonwealth or the county board of elections except for a reason provided for in section nine hundred seventy-six of this act.

(c) The action of the Secretary of the Commonwealth or the county board of elections in refusing to accept and file any such certificate or paper may be reviewed by the court of common pleas of the proper county upon an application for mandamus to compel its reception and filing as of the date when it was brought to said office.

Section \*996. Objections to Certificates of Nomination and Nomination Papers Filed to Fill Certain Vacancies for a November Election; Hearing; Determination.—

(a) All certificates of nomination and nomination papers to fill certain vacancies in accordance with the provisions of section nine hundred ninety-three of this act which have been accepted and filed shall be deemed to be valid unless, within three (3) days next succeeding the last day for filing such certificates or papers, objections thereto are duly made in writing and filed in the court of common pleas of the county in which the nomination certificates or papers were filed and with the officer or

\* "896" in original.

*board with whom said nomination certificates or papers were filed. Any objections shall set forth specifically the matters objected to.*

*(b) Upon the filing of the objections, the court shall make an order fixing a time for hearing, which shall not be later than seven (7) days after the last day for filing nomination certificates or papers, and specifying the time and manner of notice that shall be given to the candidate named in the nomination certificate or paper objected to. On the day fixed for said hearing, the court shall proceed without delay to hear said objections and shall give such hearing precedence over any other business before it and shall finally determine said matter promptly.*

*Section 997. Withdrawals of Candidates Nominated to Fill Certain Vacancies at a November Election.—(a) Any person who has been nominated by any political party or political body to fill certain vacancies at a November election in accordance with the provisions of section nine hundred ninety-three of this act may withdraw his name from nomination by a request in writing signed by him and \*acknowledged before an officer qualified and empowered to administer oaths and filed in the office of the officer or board with whom the nomination certificate or nomination papers were filed within three (3) days next succeeding the last day for filing nomination certificates or papers. Such withdrawals to be effective must be received at the office of the Secretary of the Commonwealth not later than five (5) o'clock P. M. or at the county board of elections not later than the ordinary closing hour of its office on the last day for filing same.*

*(b) No name so withdrawn shall be printed on the ballot or ballot labels.*

*(c) No candidate may withdraw any withdrawal notice already received and filed and thereby reinstate his nomination.*

*Section 998. Substituted Nominations to Fill Certain Vacancies for a November Election.—(a) Any vacancy happening or existing in any party nomination made in accordance with the provisions of section nine hundred ninety-three of this act for a November election by reason of the death or withdrawal of any candidate may be filled by a substituted nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket, in the form prescribed by section nine hundred ninety-four of this act. But no substituted nomination certificate shall nominate any person who has already been nominated by any other political party or by any political*

\* "acknowledge" in original.

body for the same office, unless such person is a candidate for the office of judge of a court of record.

(b) In case of the death or withdrawal of any candidate nominated by a political body for an election, the committee named in the original nomination papers may nominate a substitute in his place by filing a substituted nomination certificate in the form and manner prescribed by section nine hundred eighty of this act. In the case of a vacancy caused by the death of any candidate, said nomination certificate shall be accompanied by a death certificate properly certified. No substituted nomination certificate shall nominate any person who has already been nominated by any political party or by any other political body for any office to be filled at the ensuing November election, unless such person is a candidate for the office of judge of a court of record.

(c) Substituted nomination certificates to fill vacancies caused by the withdrawal of candidates nominated for a November election in accordance with the provisions of section nine hundred ninety-three of this act shall be filed with the officer or board with whom the original nomination certificates or papers were filed not later than seven (7) days after the last day for filing the original nomination certificates or papers.

(d) Substituted nomination certificates to fill vacancies caused by the death of candidates nominated for a November election in accordance with the provisions of section nine hundred ninety-three of this act shall be filed in the office of the officer or board with whom the original nomination certificates or papers were filed at any time prior to the day in which the printing of ballots is started.

Section 999. *Objections to Substituted Nomination Certificates Filed to Fill Certain Vacancies for November Election.*—All substituted nomination certificates for a November election filed in accordance with the provisions of section nine hundred ninety-eight of this act may be objected to as provided in section nine hundred eighty-two of this act.

Section 999.1. *Candidates to Fill Certain Vacancies; Certification of Nominees by Secretary of the Commonwealth to County Election Boards.*—The Secretary of the Commonwealth shall certify, in accordance with section nine hundred eighty-four of this act, the names and residences of and parties \*or political bodies represented by all candidates whose nomination certificates or papers have been filed with him in accordance with the provisions of section nine hundred ninety-three or subdivision (e) of this act for a general or municipal election, as the case may be, and have not been found and declared invalid, and to be voted for in the county or any district or districts thereof.

\* "or" in original.

Section 2. The provisions of this act shall become effective on the first day of January, one thousand nine hundred fifty-four.

Act effective  
January 1, 1954.

APPROVED—The 26th day of August, A. D. 1953.

JOHN S. FINE

No. 435

AN ACT

To further amend section 2004 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by limiting to forty-four hours the work week of police officers, except in emergencies.

"The Third Class  
City Code."

Section 2004, act  
of June 23, 1931,  
P. L. 932, as  
reenacted,  
revised and  
amended by act  
of June 28, 1951,  
P. L. 662,  
further amended.

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

Section 1. Section 2004 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as reenacted, revised and amended by the act, approved the twenty-eighth day of June, one thousand nine hundred fifty-one (Pamphlet Laws 662), is hereby further amended to read as follows:

Section 2004. Hours of Service; Exceptions; Vacations.—No city shall employ or require any police officer to remain on duty for more than eight hours in any twenty-four consecutive hours, [or] *nor* more than [fifty-six] *forty-four* hours in any one week, unless in emergency cases for the suppression of riots or tumults or the preservation of the public peace: Provided, That for the duration of any war in which the United States is engaged, and six months thereafter, the hours of service may exceed the number hereinbefore provided as the maximum number of hours of service, and in such cases, council shall provide for the payment of extra compensation for any hours of service in excess of such maximum hours of service, at the same rate as paid for regular service. Nothing contained herein shall prevent any such city from requiring any such police officer to remain on duty or to work sixteen hours in any twenty-four consecutive hours, not more than one day each week, if required by a change in working hours or a change in shifts. Cities shall permit every member of the police department to have at least twenty-four consecutive hours of rest in every calendar week, except in emergency cases for the suppression of riots or tumults