

## No. 165

## AN ACT

## SB 330

Amending the act of June 3, 1937 (P.L.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," changing the minimum number of signatures required for the nomination of State-wide candidates, prohibiting the certification of votes cast on irregular ballots in primaries for certain persons unless the number is equal to or greater than the number of signatures required on a nomination petition for the particular office, providing for selection of delegates and alternate delegates to National conventions, allowing for commitment to presidential candidates and further regulating State committees of political parties.

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

Section 1. Section 603, act of June 3, 1937 (P.L.1333), known as the "Pennsylvania Election Code," amended January 14, 1952 (P.L.1937), is amended to read:

Section 603. General Primary; Candidates to Be Nominated and Party Officers to Be Elected.—There shall be a General primary preceding each general election which shall be held on the third Tuesday<sup>1</sup> of May in all even-numbered years, except in the year of the nomination of a President of the United States, in which year the General primary shall be held on the fourth Tuesday of April. Candidates for all offices to be filled at the ensuing general election shall be nominated at the General primary. **[Delegates and alternate delegates to National party conventions, members of State committees and such other party committeemen and officers, including members of the National committee, as may be required by the rules of the several political parties to be elected by a vote of the party electors, shall be elected at the General primary.]** The vote for candidates for the office of<sup>2</sup> President of the United States, as provided for by this act, shall be cast at the General primary.

Section 2. Subsection (a) of section 801 of the act, amended July 28, 1941 (P.L.526), is amended to read:

Section 801. Definition of Political Parties and Political Bodies.—

(a) Any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said

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<sup>1</sup>"in" in original.  
<sup>2</sup>"the" in original.

counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate, is hereby declared to be a political party within the State, and shall nominate all its candidates for any of the offices provided for in this act, and shall elect its delegates and alternate delegates to the National convention *as party rules provide*. State [committeeman,] *committee members*, and also such party officers, including members of the National committee, as its rules provide, shall be elected by a vote of the party electors, in accordance with the provisions of this act *and party rules*.

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Section 3. Section 803 of the act is repealed.

Section 4. Section 804 of the act, amended March 2, 1945 (P.L.16), is amended to read:

Section 804. Organization of State Committee; Rules.—*Each political party shall be directed by a State committee, to be chosen in such a manner and for such a term of office as party rules may provide.* The members of the State committee [elected at the Spring primary] shall meet for organization not later than the sixth Wednesday following their election, at such hour and place as shall be designated by the State chairman of each political party. The State committee of each political party may make such rules for government of the party in the State, not inconsistent with law, as it may deem expedient; and may also revoke, alter or renew, in any manner not inconsistent with law, any present or future rules of such political party. No such rules shall be effective until a certified copy thereof has been filed in the office of the Secretary of the Commonwealth.

Section 5. Sections 808 and 809 of the act are repealed.

Section 6. The act is amended by adding two sections to read:

*Section 808.1. Selection of Delegates to National Conventions; Forwarding of Rules to Secretary of Commonwealth.—Delegates and alternate delegates to a National convention of a political party shall be apportioned, selected or elected in such manner as the rules of the party may provide. The secretary of any political party shall certify and forward to the Secretary of the Commonwealth a copy of the party rules at least thirty days prior to the first day on which nomination petitions may be circulated for the offices which are to be filled at the Spring primaries in the years in which candidates for the President of the United States are to be nominated.*

*Section 809.1. Delegate and Alternate Delegate Commitments; Authorization Required; Petitions.—(a) Whenever the rules of a party provide that a candidate for delegate or alternate delegate to a National convention of a political party may pledge his support to a presidential candidate, he shall be committed to support and vote for the nomination of that candidate as President as party rules provide, the notation of which shall be printed upon the ballot in accordance with section 1002 of this act.*

*(b) No candidate for delegate or alternate delegate shall make a commitment unless he has obtained prior authorization to do so from the presidential candidate to whom he is pledging support. No candidate for delegate or alternate delegate shall be allowed to commit himself to any presidential candidate nor shall the Secretary of the Commonwealth cause any notation of commitment to be printed on any ballot unless the presidential candidate forwards notice to the Secretary of the Commonwealth, upon a form prescribed by the secretary, that he is a candidate for the nomination of President of the United States and that he authorizes delegates and alternate delegates to pledge their support and commit themselves to him. This notice must be received by the secretary at least fifteen days prior to the first day on which nomination petitions may be circulated for the offices which are to be filled at the Spring primaries in the years in which candidates for the President of the United States are to be nominated.*

*(c) Nomination petitions for delegates committed to particular presidential candidates shall bear the imprint of the seal of the Secretary of the Commonwealth and may be obtained only from the presidential candidate or his duly authorized representative who is certified by the Secretary of the Commonwealth as being authorized by the candidate to distribute nomination petitions bearing his name.*

Section 7. Section 907 of the act is amended to read:

Section 907. *Nomination Petitions to Be Filed.*—The names of candidates for nomination as President of the United States, and the names of all other candidates for party nominations, and for election as delegates, alternate delegates, members of committees and other party officers, shall be printed upon the official primary ballots or ballot labels of a designated party, upon the filing of separate nomination petitions in their behalf, in form prescribed by the Secretary of the Commonwealth, signed by duly registered and enrolled members of such party who are qualified electors of the State, or of the political district, as the case may be, within which the nomination is to be made or election is to be held. *Nomination petitions of delegates and alternate delegates to National conventions committed to support a particular presidential candidate must be signed by the particular presidential candidate to whom support is pledged before it can be certified by the Secretary of the Commonwealth.* The name of no candidate shall be placed upon the official ballots or ballot labels of a political party to be used at any primary, unless such petition shall have been filed in his behalf. In no event shall any person's name be printed upon the official ballots or ballot labels of any party for the office of delegate, alternate delegate, member of committee or other party officer, unless he is a duly registered and enrolled member of said party.

Section 8. Section 909 of the act, amended September 15, 1961 (P.L.1327), is amended to read:

Section 909. Petition May Consist of Several Sheets; Affidavit of Circulator.—Said nomination petition may be on one or more sheets, and different sheets must be used for signers resident in different counties. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one petition, and each sheet shall be numbered consecutively beginning with number one, at the foot of each page. *In cases of petitions for delegate or alternate delegate to National conventions, each sheet shall contain a notation indicating the presidential candidate to whom he is committed or the term “uncommitted.”* Each sheet shall have appended thereto the affidavit of the circulator of each sheet, setting forth—(a) that he or she is a qualified elector duly registered and enrolled as a member of the designated party of the State, or of the political district, as the case may be, referred to in said petition, unless said petition relates to the nomination of a judicial candidate in which event the circulator need not be a duly registered and enrolled member of the designated party; (b) his <sup>1</sup>residence, giving city, borough or township, with street and number, if any; (c) that the signers thereto signed with full knowledge of the contents of the petition; (d) that their respective residences are correctly stated therein; (e) that they all reside in the county named in the affidavit; (f) that each signed on the date set opposite his name; and (g) that, to the best of affiant’s knowledge and belief, the signers are qualified electors and duly registered and enrolled members of the designated party of the State, or of the political district, as the case may be.

Section 9. Section 910 of the act is amended to read:

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of record, that he is not a candidate for nomination for the same office of any party other than the one designated in such petition; **[and]** (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; *and (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term “uncommitted.”* In cases of

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<sup>1</sup>“resident” in original.

petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition.

Section 10. Section 911 of the act is amended to read:

Section 911. Statement of Candidates for Delegates to National Conventions.—Each candidate for election as delegate or alternate delegate to a National party convention may include, with his affidavit, the statement hereinafter set forth in this section; but his failure to include such statement shall not be a valid ground, on the part of the Secretary of the Commonwealth, for refusal to receive and file his nomination petition. Such statement, if signed, shall be signed on all the sheets of said petition, together with the date of signing and shall be in substantially the following form:

#### Delegate's Statement

I hereby declare to the voters of my political party in the (here insert "State of Pennsylvania," if a delegate or alternate delegate at large; otherwise, insert " District") that, if elected and in attendance as a delegate to the National convention of the party, I shall, with all fidelity, to the best of my judgment and ability, in all matters coming before the convention, support [**that candidate**] (*here insert name of presidential candidate*) for President of the United States [**who shall have received the highest number of votes cast in the** (here insert "State," if a delegate or alternate delegate at large; otherwise, insert " District") **by the voters of my party for said office at the ensuing primary,**] and shall use all honorable means within my power to aid in securing the nomination for such candidate for President.

.....  
(Signature of candidate for delegate or alternate delegate, and date of signing.)

On the ballots or ballot labels used at a primary, after or under the name of each candidate for delegate or alternate delegate to a National party convention, shall appear the words [**"Promises to support popular choice of party in the** (here insert "State," if a delegate or alternate delegate at large; otherwise, insert " District") for President, **"or" Does not promise to support popular choice of party in the** (here insert "State," if a delegate or alternate delegate at large; otherwise, insert " District") for President,"] **"committed to** (*here insert name of presidential candidate*)" or **"uncommitted"** according to whether the candidate included, or failed to include, the above statement with his affidavit.

Section 11. Section 916 of the act is amended to read:

Section 916. Secretary of the Commonwealth to Furnish County Boards with List of Candidates; Candidates to Be Notified.—The Secretary of the Commonwealth, as soon as possible after the last day fixed for the filing of nomination petitions with him, and after the last day for the withdrawal of candidates filing such nomination petitions, and after the candidates shall have cast lots for the position of their names upon the primary ballots or ballot labels, shall forward to the county board of each county a correct list of candidates of each party for the various offices, in the order in which they are to appear upon the official ballots or ballot labels, with their respective residences, giving city, borough, town or township, and post-office addresses as shown in their affidavits; and shall also at the same time notify the said candidates by mail that their names have been so certified to said county boards. In the case of each candidate for delegate or alternate delegate to a National party convention, the Secretary of the Commonwealth shall certify as to whether such candidate has included with his affidavit the statement provided for in section 911 of this act *and in cases where such candidate has committed himself to a particular presidential preference, the name of the presidential candidate to whom he is committed.*

Section 12. Subsection (b) of section 951 of the act, amended September 11, 1959 (P.L.877), is amended to read:

Section 951. Nominations by Political Bodies.—\* \* \*

(b) Where the nomination is for any office to be filled by the electors of the State at large, the number of qualified electors of the State signing such nomination paper shall be at least equal to **[one-half of one] two** per centum of the largest entire vote cast for any elected candidate in the State at large at the last preceding election at which State-wide candidates were voted for. In the case of all other nominations, the number of qualified electors of the electoral district signing such nomination papers shall be at least equal to two per centum of the largest entire vote cast for any officer, except a judge of a court of record, elected at the last preceding election in said electoral district for which said nomination papers are to be filed, and shall be not less than the number of signers required for nomination petitions for party candidates for the same office. In cases where a new electoral district shall have been created, the number of qualified electors signing such nomination papers, for candidates to be elected at the first election held after the creation of such district, shall be at least equal to two per centum of the largest vote cast in the several election districts, which are included in the district newly created, for any officer elected in the last preceding election.

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Section 13. Subsection (a) of section 1002 of the act, amended August 13, 1963 (P.L.707), is amended to read:

Section 1002. Form of Official Primary Ballot.—(a) At primaries separate official ballots shall be prepared for each party which shall be in substantially the following form:

Official ..... Primary Ballot.

(Name of Party)

.....District,.....Ward, City of.....,

County of....., State of Pennsylvania

.....Primary election held on the.....day of....., 19.....

Make a cross (X) or check (✓) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write, print or paste his name in the blank space provided for that purpose. Mark ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink in fountain pen or ball point pen. Use the same pencil or pen for all markings you place on the ballot.

President of the United States.

(Vote for one)

John Doe  
Richard Roe  
John Stiles

United States Senator.

(Vote for one)

John Doe  
Richard Roe  
John Stiles

Governor.

(Vote for one)

John Doe  
Richard Roe  
John Stiles

Representative in Congress.....District.

(Vote for one)

John Doe  
Richard Roe  
John Stiles

Delegates at Large to National Convention.

(Vote for.....)

John Doe

**[(Promises to support popular choice of party in the State for President.)]**

*(Committed to Jeremiah Smith)*

John Stiles

**[(Does not promise to support popular choice of party in the State for President.)] *(Uncommitted)***

Delegate to National Convention.....District.

(Vote for.....)

John Doe

[(Promises to support popular choice of party in..... District for President.)] (*Committed to Jeremiah Smith*)

John Stiles

[(Does not promise to support popular choice of party in.....District for President.)] (*Uncommitted*)

Senator in the General Assembly.....District.

(Vote for one)

John Doe

Richard Roe

John Stiles

Member of State Committee.

(Vote for one)

John Doe

Richard Roe

John Stiles

Party Committeemen.

(Vote for.....)

John Doe

Richard Roe

John Stiles

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Section 14. Subsection (h) of section 1110 of the act, amended April 24, 1947 (P.L.68), is amended to read:

Section 1110. Form of Ballot Labels on Voting Machines.—

\* \* \*

(h) The names of all candidates of a political party shall appear in the same row or column, and *except in cases of names of presidential commitments of nominees for delegate or alternate delegate to political party National conventions* no other names shall appear in the same row or column, to the left or top of which shall be a straight party lever, by means of which an elector may, in one operation, vote for all the candidates of that political party for every office to be voted for. *Where the names of the delegate or alternate delegate and the presidential candidate he is supporting shall both appear, the print size of the name of the delegate or alternate delegate shall be equal to the size of the name of the particular presidential candidate to whom he is committed, or in the case where he is uncommitted, the word "uncommitted" shall appear in the same size print.* The names of such candidates shall be arranged under or opposite the title of the office for which they are candidates, and shall appear in the order of the votes obtained by the candidate for Governor of the party nominated at the last gubernatorial election, beginning with the party obtaining the highest number of votes:



Provided, however, That in the case of parties or bodies not represented on the ballot at the last gubernatorial election, the names of the candidates of such parties shall be arranged alphabetically, according to the party or body name. The names of all candidates of a political body shall appear in the same row or column, and, if the number of parties and bodies permits, each political body shall be entitled exclusively to a separate row or column, with a straight party lever. If, however, the number of political parties and political bodies renders it impossible or impracticable to so arrange the political bodies, in such case said bodies shall not be entitled to a separate row or column and a straight party lever, but shall be listed by political appellations on the first left hand or top row, with the designating letter and number of the ballot label where their candidates may be found, together with the political appellations of other political bodies, whose candidates may be interspersed on the same row or column. Subject to the aforesaid limitations, the form and arrangement of ballot labels, as to the placing thereon of political bodies, shall be within the discretion of the county board.

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Section 15. Section 1405 of the act, amended March 13, 1968 (Act No. 17), is amended to read:

Section 1405. Manner of Computing Irregular Ballots.—The county board, in computing the votes cast at any primary or election, shall compute and certify votes cast on irregular ballots exactly as such names were written, stamped, affixed to the ballot by sticker, or deposited or affixed in or on receptacles for that purpose, and as they have been so returned by the election officers. *In the primary the Secretary of the Commonwealth shall not certify the votes cast on irregular ballots for any person for a National office including that of the President of the United States, United States Senator and Representative in Congress; or for any State office including that of Governor and Lieutenant Governor, Auditor General, State Treasurer, Senator and Representative in the General Assembly, justices and judges of courts of record or for any party office including that of delegate or alternate delegate to National conventions and member of State committee unless the total number of votes cast for said person is equal to or greater than the number of signatures required on a nomination petition for the particular office.* In the primary the county board shall not certify the votes cast on irregular ballots for any person for a *justice of the peace, constable, National, State, county, city, borough, town, township, ward, school district, election or local party office* unless the total number of votes cast for said person is equal to or greater than the number of signatures required on a nomination petition for the particular office.

Section 16. This act shall take effect immediately.

APPROVED—The 22nd day of December, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 165.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

*Secretary of the Commonwealth.*