

No. 1979-63

AN ACT

SB 208

Amending the act of June 3, 1937 (P.L.1333, No.320), 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," further providing for the definition of "candidate," providing for a "no preference" vote, providing for membership of county boards of election and providing for voting machines at primary elections in cities of the first class, further providing for campaign finances and providing for certain refunds.

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

Section 1. Section 301, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," amended December 2, 1976 (P.L.1221, No.269) and subsection (b) amended June 1, 1978 (P.L.456, No.58), is amended to read:

Section 301. County Boards of Elections; Membership.—

(a) There shall be a county board of elections in and for each county of this Commonwealth, which shall have jurisdiction over the conduct of primaries and elections in such county, in accordance with the provisions of this act.

(b) In each county of the Commonwealth, the county board of elections shall consist of the county commissioners of such county ex officio, or any officials or board who are performing or may perform the duties of the county commissioners, who shall serve without additional compensation as such. Except in counties of the first class, in counties which have adopted home rule charters or optional plans the board of elections shall consist of the members of the county body which performs legislative functions unless the county charter or optional plan provides for the appointment of the board of elections. In either case, there shall be minority representation on the board. The county body which performs legislative functions shall in the case where the board does not contain minority representation appoint such representation from a list submitted by the county chairman of the minority party.

(c) [Whenever the members of the board of county commissioners are candidates for nomination or election to any public office or whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the county commissioners shall not sit as the county board of elections. The President Judge of the Court of Common Pleas shall

appoint judges to serve as the county board of elections or where an insufficient number of judges are present, the president judge shall appoint a reputable elector of the county to serve as a member, with the judges on the county board of elections.] *Whenever a member of the board of county commissioners is a candidate for nomination or election to any public office, the President Judge of the Court of Common Pleas shall appoint a judge or an elector of the county to serve in his stead. Whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the President Judge of the Court of Common Pleas shall appoint judges or electors of the county to serve in the stead of the county commissioners.*

Section 2. Section 913 of the act is amended by adding a subsection to read:

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.—* * *

(f) Each person filing any nomination petition for public office shall be given a statement composed by the Secretary of the Commonwealth setting forth his duties under law to file pre-election and post-election campaign finance reports, and the penalties for nonfiling. Each person filing shall also be given a form to file expenses if the amount received or expended or liabilities incurred shall exceed the sum of two hundred fifty dollars (\$250), and a form containing a sworn statement that the amount received or expended or liabilities incurred do not exceed the sum of two hundred fifty dollars (\$250), with written instructions prepared by the Secretary of the Commonwealth. Within three weeks after such candidate has filed, the appropriate supervisor shall mail the same forms and instructions to such candidate by first class mail.

Section 3. Section 952 of the act, amended June 19, 1939 (P.L.450, No.256), is amended to read:

Section 952. Contents of Nomination Papers; Restriction on Names; *Campaign Finances*.—All nomination papers shall specify—(a) The name or appellation of the political body which the candidates nominated thereby represent, expressed in not more than three words, and in the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President of such political body; (b) the name of each candidate nominated therein, his profession, business or occupation, if any; and his place of residence with street and number, if any; (c) the office for which such candidate is nominated; and (d) the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur. No words shall be used in any nomination paper to designate the name or appellation of the political body represented by the candidates named in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any existing political party as defined by section 801 of this act, or which contain part of the name or an abbreviation

of the name or part of the name of any existing political party; nor shall any words be used in any nomination paper to designate the name or appellation of the political body represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office nor which contain part of the name or an abbreviation of the name or part of the name of a political body which has already filed nomination papers for the same office. Any petition to set aside a nomination paper on account of the name or appellation used therein, or involving the right of the signers thereof to use such name or appellation shall be decided as in the case of other petitions to set aside nomination papers, in the manner provided by this article.

Each person filing any nomination paper for public office shall be given a statement composed by the Secretary of the Commonwealth setting forth his duties under law to file pre-election and post-election campaign finance reports, and the penalties for nonfiling. Each person filing shall also be given a form to file expenses if the amount received or expended or liabilities incurred shall exceed the sum of two hundred fifty dollars (\$250), and a form containing a sworn statement that the amount received or expended or liabilities incurred do not exceed the sum of two hundred fifty dollars (\$250), with written instructions prepared by the Secretary of the Commonwealth. Within three weeks after such candidate has filed, the appropriate supervisor shall mail the same forms and instructions to such candidate by first class mail.

Section 4. Section 1002 of the act is amended by adding a subsection to read:

Section 1002. Form of Official Primary Ballot.—

* * *

(d) At the written request of a State committee, filed with the party rules and on the deadline provided by section 808.1 of this act, a party may have a "no preference" column added to the list of candidates for the office of President of the United States at the primary election. The ballot position for "no preference" shall be drawn in the same manner as the other candidates for that office: Provided, however, That this position shall be drawn by the Secretary of the Commonwealth or his or her designee.

Section 5. Subsection (a) of section 1104 of the act is amended to read:

Section 1104. Installation of Voting Machines.—(a) (1) If a majority of the qualified electors voting on the question shall vote in the affirmative, the county election board of the said county shall purchase for each election district of such county, city, borough or township, one or more voting machines, of a kind or kinds approved by the Secretary of the Commonwealth, as hereinafter provided, and of sufficient capacity to accommodate the names of a reasonable number of candidates for all public and party offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future election, and shall notify the Secretary of the Commonwealth, in writing, that they have done so.

The county election board shall provide machines in good working order, and shall preserve and keep them in repair. Voting machines of different kinds may be used for different districts in the same county, city, borough or township. In each election district in which voting machines are used, the county election board may provide one voting machine for each three hundred and fifty registered voters, or fraction thereof, therein, and shall provide one voting machine for each six hundred registered voters, or fraction thereof, therein: Provided, however, That the courts of quarter sessions, upon petition presented by either the county election board or by ten or more qualified electors of any such election district, may order that one additional voting machine be provided for any such election district, if the court shall be of the opinion that such additional voting machine shall be necessary in such district for the convenience of the voters and the public interests.

(2) In any city of the first class, whenever there shall be a number of candidates in a primary election so great as to require voting machines limited to the candidates of one political party, there shall be two voting machines of the same kind in any district for any party which has more than three hundred and fifty (350) registered voters in that district.

* * *

Section 6. Section 1110 of the act is amended by adding a subsection to read:

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

* * *

(1) At the written request of a State committee, filed with the party rules and on the deadline prescribed by section 808.1 of this act, a party may have a "no preference" column added to the list of candidates for the office of President of the United States at the primary election. The ballot position for "no preference" shall be drawn in the same manner as the other candidates for that office: Provided, however, That this position shall be drawn by the Secretary of the Commonwealth or his or her designee.

Section 7. Subsection (a) of section 1621 of the act, added October 4, 1978 (P.L.893, No.171), is amended to read:

Section 1621. Definitions.—As used in this article, the following words have the following meanings:

(a) The word "candidate" shall mean any individual who seeks nomination or election to public office, ***other than a judge of elections or inspector of elections***, whether or not such individual is nominated or elected. For the purpose of this article, an individual shall be deemed to be seeking nomination or election to such office if he has:

(1) Received a contribution or made an expenditure or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the individual has made known the specific office for which he or she will seek nomination or election at the time the contribution is received or the expenditure is made; or

(2) Taken the action necessary under the laws of the Commonwealth to qualify himself for nomination or election to such office.

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Section 8. Sections 1621 and 1626 of the act are amended by adding subsections to read:

Section 1621. Definitions.—As used in this article, the following words have the following meanings:

* * *

(l) The words "Political Action Committee" shall mean any political committee as defined in subsection (h) which receives contributions and makes expenditures to, or on behalf of, any candidate other than a candidate's own authorized political committees or the political committees of any State, county, city, borough, township, ward or other regularly constituted party committee of any political party or political body.

(m) The words "Candidate's Political Committee" shall mean any political committee formed on behalf of a specified candidate and authorized by said candidate.

Section 1626. Reporting by Candidate and Political Committees and other Persons.—

* * *

(i) An expenditure from a candidate's political committee to another political committee shall be reported as a contribution by the political committee receiving the contribution but need not be reported by the contributing candidate's political committee until the time required by law for that candidate's political committee to report: Provided, however, That if the amount of the contribution exceeds two hundred fifty dollars (\$250) to a single political committee or one thousand dollars (\$1,000) in aggregate contributions to more than one political committee for any primary, general or special election, then receipts and expenditures shall be reported by the contributing committee at the same time as required by law for the committee receiving same.

(j) All "Political Action Committees" shall report to the Secretary of the Commonwealth all expenditures to or made on behalf of, any State-wide candidate, candidate for the Pennsylvania House of Representatives, or candidate for the State Senate, in the same manner as indicated in this section as a candidate's political committee. This provision shall be in addition to any other filing and reporting provisions of this act which apply to such committees, their treasurers and chairmen.

Section 9. (a) No late filing fees shall be imposed under section 1632 for pre-election filings due for any primary or special election held through May 15, 1979. Late filing fees paid for any primary or special election held through May 15, 1979 shall be refunded after any candidate or committee in violation has filed the required post-primary or post-special election report. No late filing fee shall be imposed under section 1632, for the required post-primary election report for the primary election held May 15,

1979 where such post-primary election report is filed on or before July 16, 1979.

(b) Any pre-election late filing fees, collected for primary or special elections held on or before May 15, 1979 shall be refunded within 30 days.

Section 10. This act shall take effect immediately and the provisions of section 9 shall be retroactive to January 1, 1979.

APPROVED—The 21st day of July, A. D. 1979.

DICK THORNBURGH