

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 252 Session of 2009

INTRODUCED BY FOLMER, M. WHITE, BROWNE, EARLL, FERLO,
WONDERLING, PICCOLA, BOSCOLA AND BAKER, FEBRUARY 19, 2009

REFERRED TO STATE GOVERNMENT, FEBRUARY 19, 2009

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 party organization, further providing for
12 definition of political parties and political bodies; and, in
13 nomination of candidates, further providing for nominations
14 by minor political parties and for nominations by political
15 bodies.

16 The General Assembly finds and declares as follows:

17 (1) The Commonwealth's election laws hinder the entry
18 into the electoral process of independent candidates, thereby
19 limiting the electoral choices available to voters of this
20 Commonwealth.

21 (2) The political system of the Commonwealth should be
22 electorally inclusive in order to promote the broadest range
23 of issue discussion and candidate selection.

24 (3) Enhanced ballot access for all candidates will

1 ensure a more democratic election process.

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

4 Section 1. Section 801(a) of the act of June 3, 1937 (P.L.
5 1333, No.320), known as the Pennsylvania Election Code, amended
6 December 22, 1971 (P.L.613, No.165), is amended to read:

7 Section 801. Definition of Political Parties and Political
8 Bodies.--

9 (a) Any party or political body, one of whose candidates at
10 the general election next preceding the primary polled in each
11 of at least ten counties of the State not less than two per
12 centum of the largest entire vote cast in each of said counties
13 for any elected candidate, and polled a total vote in the State
14 equal to at least two per centum of the largest entire vote cast
15 in the State for any elected candidate, or that has twenty-one
16 days prior to the date of the primary election, registered in
17 the name of that party a number of voters equal to at least five
18 one-hundredths of one per centum of the total number of voters
19 registered in the entire State as of December 31 of the year
20 immediately preceding the primary election is hereby declared to
21 be a political party within the State, and shall nominate all
22 its candidates for any of the offices provided for in this act,
23 and shall elect its delegates and alternate delegates to the
24 National convention as party rules provide. State committee
25 members, and also such party officers, including members of the
26 National committee, as its rules provide, shall be elected by a
27 vote of the party electors, in accordance with the provisions of
28 this act and party rules.

29 * * *

30 Section 2. Section 912.2(a) and (b) of the act, added

1 February 19, 1986 (P.L.29, No.11), are amended to read:

2 Section 912.2. Nominations by Minor Political Parties.--(a)
3 Notwithstanding any other provision in this act to the contrary,
4 minor political parties shall nominate all of their candidates
5 for the offices to be filled at the ensuing November election
6 pursuant to section 903 in accordance with the [requirements of
7 section 951, other than subsection (e) (6) and (7) thereof, and
8 section 954, and shall obtain the required signatures during the
9 same time frame available to political bodies.] provisions of
10 this act and the minor political party rules, and shall notify
11 the Secretary of the Commonwealth in writing of the candidates
12 at least eight weeks in advance of the municipal or general
13 election. Minor political parties shall be subject to the
14 provisions of this act applicable to political parties with
15 respect to special elections, voter registration forms,
16 substituted nominations and all other purposes except as
17 otherwise expressly provided in this section. "Minor political
18 party" shall mean a political party as defined in section 801(a)
19 or (b) whose State-wide registration is less than fifteen per
20 centum of the combined State-wide registration for all State-
21 wide political parties as of the close of the registration
22 period immediately preceding the most recent November election.
23 The Secretary of the Commonwealth shall prescribe forms or, if
24 there is insufficient time, make appropriate conforming changes
25 in existing forms to carry out the purposes of this section.

26 [(b) All nomination papers circulated and filed pursuant to
27 this section shall specify--(1) the name or appellation of the
28 minor political party which the candidates nominated thereby
29 represent and, in the case of electors for President and Vice
30 President of the United States, the names of the candidates for

1 President and Vice President of such minor political party; (2)
2 the name of each candidate nominated therein, his profession,
3 business or occupation, if any, and his place of residence with
4 street and number, if any; and (3) the office for which such
5 candidate is nominated. No words shall be used in any nomination
6 paper to designate the name or appellation of the minor
7 political party represented by the candidate's name in such
8 nomination paper which are identical with or deceptively similar
9 to the words used for a like purpose by any minor political
10 party which has already filed nomination papers for the same
11 office. Any petition to set aside a nomination paper on account
12 of the name or appellation used therein, or involving the right
13 of the signers thereof to use such name or appellation, or on
14 any other account, shall be decided as in the case of other
15 petitions to set aside nomination papers, in the manner provided
16 by this article.]

17 * * *

18 Section 3. Section 951(b) of the act, amended December 22,
19 1971 (P.L.613, No.165), is amended to read:

20 Section 951. Nominations by Political Bodies.--* * *

21 (b) Where the nomination is for any office to be filled by
22 the electors of the State at large, the number of qualified
23 electors of the State signing such nomination paper shall be at
24 least equal to [two per centum of the largest entire vote cast
25 for any elected candidate in the State at large at the last
26 preceding election at which State-wide candidates were voted
27 for. In the case of all other nominations, the number of
28 qualified electors of the electoral district signing such
29 nomination papers shall be at least equal to two per centum of
30 the largest entire vote cast for any officer, except a judge of

1 a court of record, elected at the last preceding election in
2 said electoral district for which said nomination papers are to
3 be filed, and shall be not less than the number of signers
4 required for nomination petitions for party candidates for the
5 same office. In cases where a new electoral district shall have
6 been created, the number of qualified electors signing such
7 nomination papers, for candidates to be elected at the first
8 election held after the creation of such district, shall be at
9 least equal to two per centum of the largest vote cast in the
10 several election districts, which are included in the district
11 newly created, for any officer elected in the last preceding
12 election.] the number of signers required under section 912.1.

13 * * *

14 Section 4. This act shall take effect immediately.