
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1196 Session of
2023

INTRODUCED BY LAWRENCE, FLICK, HEFFLEY, JOZWIAK, KRUPA AND
SMITH, MAY 19, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 19, 2023

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 preliminary provisions, further providing for
12 definitions; in dates of elections and primaries and special
13 elections, further providing for affidavits of candidates;
14 and, in nomination of candidates, further providing for
15 affidavits of candidates, for nominations by political
16 bodies, for examination of nomination petitions, certificates
17 and papers and return of rejected nomination petitions,
18 certificates and papers and for affidavits of candidates.

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

21 Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,
22 No.320), known as the Pennsylvania Election Code, is amended by
23 adding subsections to read:

24 Section 102. Definitions.--The following words, when used in
25 this act, shall have the following meanings, unless otherwise
26 clearly apparent from the context:

1 * * *

2 (z.7) The words "controlled substance" shall mean a drug,
3 substance or immediate precursor included in Schedule I of
4 section 4 of the act of April 14, 1972 (P.L.233, No.64), known
5 as "The Controlled Substance, Drug, Device and Cosmetic Act."

6 (z.8) The words "testing laboratory" shall mean a laboratory
7 that is certified by the United States Department of Health and
8 Human Services to conduct drug and specimen validity tests on
9 urine specimens for Federal agencies.

10 Section 2. Sections 630.1, 910, 951(e), 976 introductory
11 paragraph and 981.1 of the act are amended to read:

12 Section 630.1. Affidavits of Candidates.--Each candidate for
13 any State, county, city, borough, incorporated town, township,
14 school district or poor district office, or for the office of
15 United States Senator or Representative in Congress, selected as
16 provided in section 630 of this act, shall file with the
17 nomination certificate an affidavit stating--(a) his residence,
18 with street and number, if any, and his post-office address; (b)
19 his election district, giving city, borough, town or township;
20 (c) the name of the office for which he consents to be a
21 candidate; (d) that he is eligible for such office; (e) that he
22 will not knowingly violate any provision of this act, or of any
23 law regulating and limiting election expenses and prohibiting
24 corrupt practices in connection therewith; (f) unless he is a
25 candidate for judge of a court of common pleas, the Philadelphia
26 Municipal Court or for the office of school board in a district
27 where that office is elective or for the office of justice of
28 the peace, that he is not a candidate for the same office of any
29 party or political body other than the one designated in such
30 certificate; (g) that he is aware of the provisions of section

1 1626 of this act requiring election and post-election reporting
2 of campaign contributions and expenditures; [and] (h) that he is
3 not a candidate for an office which he already holds, the term
4 of which is not set to expire in the same year as the office
5 subject to the affidavit[.]; and (i) in the case of a candidate
6 for State office, that the candidate has undergone controlled
7 substance testing conducted by a testing laboratory no more than
8 thirty (30) days prior to the deadline for filing the affidavit.
9 Each candidate for State office who submits an affidavit under
10 this section shall append to the affidavit the controlled
11 substance testing report.

12 Section 910. Affidavits of Candidates.--Each candidate for
13 any State, county, city, borough, incorporated town, township,
14 ward, school district, poor district, election district, party
15 office, party delegate or alternate, or for the office of United
16 States Senator or Representative in Congress, shall file with
17 his nomination petition his affidavit stating--(a) his
18 residence, with street and number, if any, and his post-office
19 address; (b) his election district, giving city, borough, town
20 or township; (c) the name of the office for which he consents to
21 be a candidate; (d) that he is eligible for such office; (e)
22 that he will not knowingly violate any provision of this act, or
23 of any law regulating and limiting nomination and election
24 expenses and prohibiting corrupt practices in connection
25 therewith; (f) unless he is a candidate for judge of a court of
26 common pleas, the Philadelphia Municipal Court or for the office
27 of school director in a district where that office is elective
28 or for the office of justice of the peace that he is not a
29 candidate for nomination for the same office of any party other
30 than the one designated in such petition; (g) if he is a

1 candidate for a delegate, or alternate delegate, member of State
2 committee, National committee or party officer, that he is a
3 registered and enrolled member of the designated party; (h) if
4 he is a candidate for delegate or alternate delegate the
5 presidential candidate to whom he is committed or the term
6 "uncommitted"; (i) that he is aware of the provisions of section
7 1626 of this act requiring pre-election and post-election
8 reporting of campaign contributions and expenditures; [and] (j)
9 that he is not a candidate for an office which he already holds,
10 the term of which is not set to expire in the same year as the
11 office subject to the affidavit[.]; and (k) in the case of a
12 candidate for State office, that the candidate has undergone
13 controlled substance testing conducted by a testing laboratory
14 no more than thirty (30) days prior to the deadline for filing
15 the affidavit. Each candidate for State office who submits an
16 affidavit under this section shall append to the affidavit the
17 controlled substance testing report. In cases of petitions for
18 delegate and alternate delegate to National conventions, the
19 candidate's affidavit shall state that his signature to the
20 delegate's statement, as hereinafter set forth, if such
21 statement is signed by said candidate, was affixed to the sheet
22 or sheets of said petition prior to the circulation of same. In
23 the case of a candidate for nomination as President of the
24 United States, it shall not be necessary for such candidate to
25 file the affidavit required in this section to be filed by
26 candidates, but the post-office address of such candidate shall
27 be stated in such nomination petition.

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

29 (e) There shall be appended to each nomination paper offered
30 for filing an affidavit of each candidate nominated therein,

1 stating--(1) the election district in which he resides; (2) the
2 name of the office for which he consents to be a candidate; (3)
3 that he is eligible for such office; (4) that he will not
4 knowingly violate any provision of this act, or of any law
5 regulating and limiting election expenses, and prohibiting
6 corrupt practices in connection therewith; (5) that his name has
7 not been presented as a candidate by nomination petitions for
8 any public office to be voted for at the ensuing primary
9 election, nor has he been nominated by any other nomination
10 papers filed for any such office; (6) that in the case where he
11 is a candidate for election at a general or municipal election,
12 he was not a registered and enrolled member of a party thirty
13 (30) days before the primary held prior to the general or
14 municipal election in that same year; (7) that, in the case
15 where he is a candidate for election at a special election, he
16 is not a registered and enrolled member of a party; [and] (8)
17 that he is not a candidate for an office which he already holds,
18 the term of which is not set to expire in the same year as the
19 office subject to the affidavit[.]; and (9) in the case of a
20 candidate for State office, that the candidate has undergone
21 controlled substance testing conducted by a testing laboratory
22 no more than thirty (30) days prior to the deadline for filing
23 the affidavit. Each candidate for State office who submits an
24 affidavit under this section shall append to the affidavit the
25 controlled substance testing report.

26 Section 976. Examination of Nomination Petitions,
27 Certificates and Papers; Return of Rejected Nomination
28 Petitions, Certificates and Papers.--When any nomination
29 petition, nomination certificate or nomination paper is
30 presented in the office of the Secretary of the Commonwealth or

1 of any county board of elections for filing within the period
2 limited by this act, it shall be the duty of the said officer or
3 board to examine the same. No nomination petition, nomination
4 paper or nomination certificate shall be permitted to be filed
5 if--(a) it contains material errors or defects apparent on the
6 face thereof, or on the face of the appended or accompanying
7 affidavits; or (b) it contains material alterations made after
8 signing without the consent of the signers; or (c) it does not
9 contain a sufficient number of signatures as required by law;
10 Provided, however, That the Secretary of the Commonwealth or the
11 county board of elections, although not hereby required so to
12 do, may question the genuineness of any signature or signatures
13 appearing thereon, and if he or it shall thereupon find that any
14 such signature or signatures are not genuine, such signature or
15 signatures shall be disregarded in determining whether the
16 nomination petition, nomination paper or nomination certificate
17 contains a sufficient number of signatures as required by law;
18 or (d) in the case of nomination petitions, if nomination
19 petitions have been filed for printing the name of the same
20 person for the same office, except the office of judge of a
21 court of common pleas, the Philadelphia Municipal Court or the
22 office of school director in districts where that office is
23 elective or the office of justice of the peace upon the official
24 ballot of more than one political party; or (e) in the case of
25 nomination papers, if the candidate named therein has filed a
26 nomination petition for any public office for the ensuing
27 primary, or has been nominated for any such office by nomination
28 papers previously filed; or (f) if the nomination petitions or
29 papers are not accompanied by the filing fee or certified check
30 required for said office; or (g) in the case of nomination

1 papers, the appellation set forth therein is identical with or
2 deceptively similar to the words used by any existing party or
3 by any political body which has already filed nomination papers
4 for the same office, or if the appellation set forth therein
5 contains part of the name, or an abbreviation of the name or
6 part of the name of an existing political party, or of a
7 political body which has already filed nomination papers for the
8 same office[.]; or (h) in the case of a candidate for State
9 office, if the nomination petitions, papers or certificates are
10 not accompanied by a controlled substance testing report, as
11 required under sections 630.1, 910, 951 and 981.1. The
12 invalidity of any sheet of a nomination petition or nomination
13 paper shall not affect the validity of such petition or paper if
14 a sufficient petition or paper remains after eliminating such
15 invalid sheet. The action of said officer or board in refusing
16 to receive and file any such nomination petition, certificate or
17 paper, may be reviewed by the court upon an application to
18 compel its reception as of the date when it was presented to the
19 office of such officer or board: Provided, however, That said
20 officer or board shall be entitled to a reasonable time in which
21 to examine any petitions, certificates or papers, and to summon
22 and interrogate the candidates named therein, or the persons
23 presenting said petitions, certificates or papers, and his or
24 their retention of same for the purpose of making such
25 examination or interrogation shall not be construed as an
26 acceptance or filing.

27 * * *

28 Section 981.1. Affidavits of Candidates.--Each candidate for
29 any State, county, city, borough, incorporated town, township,
30 ward, school district, poor district or election district

1 office, or for the office of United States Senator or
2 Representative in Congress, selected as provided in sections 979
3 and 980 of this act, shall file with the substituted nomination
4 certificate an affidavit stating--(a) his residence, with street
5 and number, if any, and his post-office address; (b) his
6 election district, giving city, borough, town or township; (c)
7 the name of the office for which he consents to be a candidate;
8 (d) that he is eligible for such office; (e) that he will not
9 knowingly violate any provision of this act, or of any law
10 regulating and limiting election expenses and prohibiting
11 corrupt practices in connection therewith; (f) unless he is a
12 candidate for judge of a court of common pleas, the Philadelphia
13 Municipal Court or for the office of school board in a district
14 where that office is elective or for the office of justice of
15 the peace, that he is not a candidate for the same office of any
16 party or political body other than the one designated in such
17 certificate; (g) that he is aware of the provisions of section
18 1626 of this act requiring election and post-election reporting
19 of campaign contributions and expenditures; [and] (h) that he is
20 not a candidate for an office which he already holds, the term
21 of which is not set to expire in the same year as the office
22 subject to the affidavit[.]; and (i) in the case of a candidate
23 for State office, that the candidate has undergone controlled
24 substance testing conducted by a testing laboratory no more than
25 thirty (30) days prior to the deadline for filing the affidavit.
26 Each candidate for State office who submits an affidavit under
27 this section shall append to the affidavit the controlled
28 substance testing report.

29 Section 3. This act shall take effect in 180 days.