

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 84 Session of  
2015INTRODUCED BY WHEATLEY, DAVIDSON, DEASY AND MURT,  
JANUARY 21, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 21, 2015

## 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 nomination of candidates, requiring drug  
12 screening for candidates for certain elective public offices.

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

15 Section 1. Section 913 of the act of June 3, 1937 (P.L.1333,  
16 No.320), known as the Pennsylvania Election Code, amended or  
17 added June 28, 1947 (P.L.1055, No.451), August 13, 1963  
18 (P.L.707, No.379), December 2, 1976 (P.L.1221, No.269), July 21,  
19 1979 (P.L.189, No.63) and October 8, 2004 (P.L.807, No.97), and  
20 repealed in part December 12, 1984 (P.L.968, No.190), is amended  
21 to read:

22 Section 913. Place and Time of Filing Nomination Petitions;  
23 Drug Screening Results and Drug Screening Certificates of

1 Compliance; Filing Fees.--(a) Nomination petitions in the case  
2 of candidates for the office of President of the United States,  
3 United States Senator, Representative in Congress and for all  
4 State offices, including senators, representatives and judges of  
5 courts of record, for the office of delegate or alternate  
6 delegate to National party conventions, and for the office of a  
7 member of a State or National committee, shall be filed with the  
8 Secretary of the Commonwealth. Nomination petitions in all other  
9 cases shall be filed with the county boards of election of the  
10 respective counties. Nomination petitions for candidates for any  
11 office to be voted for by the electors of any city, borough,  
12 township, ward or school district which is situate in two or  
13 more counties, shall be filed with the county board of the  
14 county in which the major number of the registered electors of  
15 such city, borough, township, ward or school district reside.  
16 Immediately after the last day for such candidates to withdraw  
17 and after they have cast lots for their position on the ballots  
18 or ballot labels, the said county board shall certify to the  
19 county board of each other county involved a list of the names,  
20 addresses and occupations of the candidates so filing nomination  
21 petitions for each party, together with the order in which their  
22 names are to appear upon the primary ballots or ballot labels,  
23 and such other county board shall prepare the primary ballots or  
24 ballot labels to be used in the portion of such city, borough,  
25 township, ward or school district situate in such county  
26 accordingly. In addition to nomination petitions, all candidates  
27 for any State, county, city, borough, incorporated town,  
28 township, ward, school district, poor district or election  
29 district office, party office or party delegate or alternate  
30 shall file drug screening results and drug screening

1 certificates of compliance with the location in which the  
2 nomination petitions are to be filed under this subsection.

3 (b.1) Each person filing any nomination petition shall pay  
4 for each petition, at the time of filing, a filing fee to be  
5 determined as follows, and no nomination petition shall be  
6 accepted or filed, unless and until drug screening results and a  
7 drug screening certificate of compliance are filed for the  
8 person, if applicable, and until such filing fee is paid by a  
9 certified check or money order or also by cash when filed with  
10 the county board. All moneys paid on account of filing fees  
11 shall be transmitted by the county board to the county treasurer  
12 and shall become part of the General Fund. Certified checks or  
13 money orders in payment of filing fees shall be made payable to  
14 the Commonwealth of Pennsylvania or to the county, as the case  
15 may be, and shall be transmitted to the State Treasurer or to  
16 the county treasurer and shall become part of the General Fund.  
17 There shall be no fee for filing drug screening results or drug  
18 screening certificates of compliance.

19 1. If for the office of President of the United States, or  
20 for any public office to be filled by the electors of the State  
21 at large, the sum of two hundred dollars (\$200.00).

22 2. If for the office of Representative in Congress, the sum  
23 of one hundred fifty dollars (\$150.00).

24 3. If for the office of judge of a court of record,  
25 excepting judges to be voted for by the electors of the State at  
26 large, the sum of one hundred dollars (\$100.00).

27 4. If for the offices of Senator or Representative in the  
28 General Assembly, for any office to be filled by the electors of  
29 an entire county, for the office of district councilman in a  
30 city of the first class and for any office other than school

1 district office to be filled by the electors of an entire city,  
2 the sum of one hundred dollars (\$100.00), except as provided in  
3 paragraph 4.1.

4 4.1. If for nonschool board offices for any third class city  
5 official, the sum of twenty-five dollars (\$25.00).

6 6. If for the office of delegate or alternate delegate to  
7 National party convention, or member of National committee or  
8 member of State committee, the sum of twenty-five dollars  
9 (\$25.00).

10 7. If for the office of constable, the sum of ten dollars  
11 (\$10.00).

12 8. If for the office of district councilman in a city of the  
13 second class or the office of district justice, the sum of fifty  
14 dollars (\$50.00).

15 (b.2) A filing fee shall not be paid for a nomination  
16 petition for any public office for which no compensation is  
17 provided by law, nor for any nomination petition for any public  
18 officer in any borough, town or township nor any party officer  
19 except as provided above nor for any nomination petition for  
20 judge of election or inspector of elections.

21 (c) The filing fees herein provided for shall not be  
22 refunded in the event of the withdrawal of any candidate named  
23 in any petition, or for any other cause whatsoever.

24 (d) All nomination petitions, drug screening results and  
25 drug screening certificates of compliance shall be filed on or  
26 before the tenth Tuesday prior to the primary.

27 (e) The office in which a nomination petition, drug  
28 screening results and drug screening certificate of compliance  
29 [is] are filed shall issue to the person filing the nomination  
30 petition, and drug screening results and drug screening

1 certificate of compliance, if applicable, a receipt containing  
2 the date and time of filing, the name of the candidate and the  
3 office for which he is a candidate.

4 (f) Each person filing any nomination petition, and drug  
5 screening results and a drug screening certificate of  
6 compliance, if applicable, for public office shall be given a  
7 statement composed by the Secretary of the Commonwealth setting  
8 forth his duties under law to file pre-election and post-  
9 election campaign finance reports, and the penalties for  
10 nonfiling. Each person filing shall also be given a form to file  
11 expenses if the amount received or expended or liabilities  
12 incurred shall exceed the sum of two hundred fifty dollars  
13 (\$250), and a form containing a sworn statement that the amount  
14 received or expended or liabilities incurred do not exceed the  
15 sum of two hundred fifty dollars (\$250), with written  
16 instructions prepared by the Secretary of the Commonwealth.  
17 Within three weeks after such candidate has filed, the  
18 appropriate supervisor shall mail the same forms and  
19 instructions to such candidate by first class mail.

20 Petitions, drug screening results and drug screening  
21 certificates of compliance to be filed in the office of the  
22 Secretary of the Commonwealth shall be received in said office  
23 not later than 5 o'clock P.M. on the last day for filing same,  
24 and all petitions, drug screening results and drug screening  
25 certificates of compliance to be filed with any county board of  
26 elections shall be received in said office not later than the  
27 ordinary closing hour of said office on the last day for filing  
28 same.

29 Section 2. The act is amended by adding sections to read:

30 Section 913.1. Drug Screening of Certain Candidates.--(a)

1 Candidates for any State, county, city, borough, incorporated  
2 town, township, ward, school district, poor district, election  
3 district, party office or party delegate or alternate shall  
4 submit, at their own expense, to a drug test no later than ten  
5 (10) days before submitting a nomination petition under section  
6 913.

7 Section 913.2. Drug Screening Certificate of Compliance.--

8 (a) Each candidate for any State, county, city, borough,  
9 incorporated town, township, ward, school district, poor  
10 district, election district, party office or party delegate or  
11 alternate shall file, at the time of filing a nomination  
12 petition under section 913, a drug screening certificate of  
13 compliance stating that such candidate has been tested for  
14 illegal drugs and prescription medication, which has not been  
15 prescribed for the candidate.

16 (b) The drug screening certificate of compliance shall  
17 include all of the following information:

18 (1) The name of the candidate.

19 (2) The home address of the candidate.

20 (3) The date the drug screening was administered.

21 (4) The name of the physician or health care facility that  
22 administered the drug screening.

23 (5) The address of the physician or health care facility  
24 that administered the drug screening.

25 (6) The license number of the physician or health care  
26 facility that administered the drug screening.

27 (7) A sworn statement that all of the information contained  
28 on the certificate of compliance is correct.

29 (8) The signature of the candidate.

30 (9) The signature of the physician or health care

1 practitioner who administered the drug screening.

2 Section 3. Sections 1803, 1804, 1813 and 1814 of the act are  
3 amended to read:

4 Section 1803. Refusal to Permit Inspection of Papers;  
5 Destruction or Removal; Secretary of the Commonwealth.--Any  
6 Secretary of the Commonwealth, deputy, or employe of his office,  
7 who shall refuse to permit the public inspection or copying as  
8 authorized, except when in use in his office, by this act, of  
9 any return, nomination petition, drug screening certificate of  
10 compliance, certificate or paper, other petition, account,  
11 contract, report or any other document or record in his custody  
12 which, under the provisions of this act, is required to be open  
13 to public inspection; or who shall destroy or alter, or permit  
14 to be destroyed or altered, any such document or record during  
15 the period for which the same is required to be kept in his  
16 office; or who shall remove any such document or record from his  
17 office during said period, or permit the same to be removed,  
18 except pursuant to the direction of any competent court or any  
19 committee required to determine any contested primary or  
20 election, shall be guilty of a misdemeanor, and, upon conviction  
21 thereof, shall be sentenced to pay a fine not exceeding one  
22 thousand (\$1,000) dollars, or to undergo an imprisonment of not  
23 less than one (1) month nor more than two (2) years, or both, in  
24 the discretion of the court.

25 Section 1804. Refusal to Permit Inspection of Papers;  
26 Destruction or Removal; County Boards of Elections.--Any member,  
27 chief clerk or other employe of any county board of elections,  
28 who shall refuse to permit the public inspection or copying, as  
29 authorized by this act, of any general or duplicate return  
30 sheet, tally paper, affidavit, nomination petition, drug

1 screening certificate of compliance, certificate or paper, other  
2 petition, witness list, account, contract, report or any other  
3 document or record in the custody of such county board which,  
4 under the provisions of this act, is required to be open to  
5 public inspection; or who shall destroy or alter, or permit to  
6 be destroyed or altered, any such document or record during the  
7 period for which the same is required to be kept in the office  
8 of such county board; or who shall remove any such document or  
9 record from the office of such county board during said period,  
10 or permit the same to be removed, except pursuant to the  
11 direction of any competent court or any committee required to  
12 determine any contested primary or election, shall be guilty of  
13 a misdemeanor, and, upon conviction thereof, shall be sentenced  
14 to pay a fine not exceeding one thousand (\$1,000) dollars, or to  
15 undergo an imprisonment of not less than one (1) month nor more  
16 than two (2) years, or both, in the discretion of the court.

17 Section 1813. False Signatures and Statements in Nomination  
18 Petitions and Papers and Drug Screening Certificates of  
19 Compliance.--If any person shall knowingly make a false  
20 statement in any affidavit required by the provisions of this  
21 act, to be appended to or to accompany a nomination petition  
22 [or], a nomination paper or a drug screening certificate of  
23 compliance, or if any person shall fraudulently sign any name  
24 not his own to any nomination petition [or], nomination paper or  
25 drug screening certificate of compliance, or if any person shall  
26 fraudulently alter any nomination petition [or], nomination  
27 paper or drug screening certificate of compliance without the  
28 consent of the signers, he shall be guilty of a misdemeanor,  
29 and, upon conviction thereof, shall be sentenced to pay a fine  
30 not exceeding five hundred (\$500) dollars, or to undergo

1 imprisonment of not more than one (1) year, or both, in the  
2 discretion of the court.

3 Section 1814. Nomination Petitions; Certificates and Papers;

4 Drug Screening Certificates of Compliance; Destruction;

5 Fraudulent Filing; Suppression.--Any person who shall falsely

6 make any nomination certificate or drug screening certificate of  
7 compliance, or who shall wilfully deface or destroy any

8 nomination petition, nomination certificate [or], nomination

9 paper or drug screening certificate of compliance, or any part

10 thereof, or any letter of withdrawal, or who shall file any

11 nomination petition, nomination certificate [or], nomination

12 paper, drug screening certificate of compliance or letter of

13 withdrawal knowing the same, or any part thereof, to be falsely

14 made, or who shall suppress any nomination petition, nomination

15 certificate [or], nomination paper or drug screening certificate

16 of compliance, or any part thereof, which has been duly filed,

17 shall be guilty of a misdemeanor, and, upon conviction thereof,

18 shall be sentenced to pay a fine not exceeding one thousand

19 (\$1,000) dollars, or to undergo an imprisonment of not more than

20 one (1) year, or both, in the discretion of the court.

21 Section 4. This act shall take effect in 60 days.