

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1423 Session of 2021

INTRODUCED BY WHEATLEY AND KINSEY, MAY 14, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 14, 2021

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 and, in penalties, further providing for refusal to permit
 14 inspection of papers, for false signatures and statements in
 15 nomination petitions and papers and for nomination petitions,
 16 certificates and papers, destruction, fraudulent filing and
 17 suppression.

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

20 Section 1. Section 913 of the act of June 3, 1937 (P.L.1333,
 21 No.320), known as the Pennsylvania Election Code, is amended to
 22 read:

23 Section 913. Place and Time of Filing Nomination Petitions;
 24 Drug Screening Results and Drug Screening Certificates of
 25 Compliance; Filing Fees.--(a) Nomination petitions in the case
 26 of candidates for the office of President of the United States,

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

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

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

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

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

25 4. If for the offices of Senator or Representative in the
26 General Assembly, for any office to be filled by the electors of
27 an entire county, for the office of district councilman in a
28 city of the first class and for any office other than school
29 district office to be filled by the electors of an entire city,
30 the sum of one hundred dollars (\$100.00), except as provided in

1 paragraph 4.1.

2 4.1. If for nonschool board offices for any third class city
3 official, the sum of twenty-five dollars (\$25.00).

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

8 7. If for the office of constable, the sum of ten dollars
9 (\$10.00).

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

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

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

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

25 (e) The office in which a nomination petition [is], drug
26 screening results and drug screening certificate of compliance
27 are filed shall issue to the person filing the nomination
28 petition, and drug screening results and drug screening
29 certificate of compliance, if applicable, a receipt containing
30 the date and time of filing, the name of the candidate and the

1 office for which he is a candidate.

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

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

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

28 Section 913.1. Drug Screening of Certain Candidates.--A
29 candidate for any State, county, city, borough, incorporated
30 town, township, ward, school district, poor district, election

1 district, party office or party delegate or alternate shall
2 submit, at the candidate's own expense, to a drug test no later
3 than ten (10) days before submitting a nomination petition under
4 section 913.

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

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

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

16 (1) The name of the candidate.

17 (2) The home address of the candidate.

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

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

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

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

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

27 (8) The signature of the candidate.

28 (9) The signature of the physician or health care
29 practitioner who administered the drug screening.

30 Section 3. Sections 1803, 1804, 1813 and 1814 of the act are

1 amended to read:

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

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

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

15 Section 1813. False Signatures and Statements in Nomination
16 Petitions and Papers and Drug Screening Certificates of
17 Compliance.--If any person shall knowingly make a false
18 statement in any affidavit required by the provisions of this
19 act, to be appended to or to accompany a nomination petition
20 [or], a nomination paper or a drug screening certificate of
21 compliance, or if any person shall fraudulently sign any name
22 not his own to any nomination petition [or], nomination paper or
23 drug screening certificate of compliance, or if any person shall
24 fraudulently alter any nomination petition [or], nomination
25 paper or drug screening certificate of compliance without the
26 consent of the signers, he shall be guilty of a misdemeanor,
27 and, upon conviction thereof, shall be sentenced to pay a fine
28 not exceeding five hundred (\$500) dollars, or to undergo
29 imprisonment of not more than one (1) year, or both, in the
30 discretion of the court.

1 Section 1814. Nomination Petitions; Certificates and Papers;
2 Drug Screening Certificates of Compliance; Destruction;
3 Fraudulent Filing; Suppression.--Any person who shall falsely
4 make any nomination certificate or drug screening certificate of
5 compliance, or who shall wilfully deface or destroy any
6 nomination petition, nomination certificate [or], nomination
7 paper or drug screening certificate of compliance, or any part
8 thereof, or any letter of withdrawal, or who shall file any
9 nomination petition, nomination certificate [or], nomination
10 paper, drug screening certificate of compliance or letter of
11 withdrawal knowing the same, or any part thereof, to be falsely
12 made, or who shall suppress any nomination petition, nomination
13 certificate [or], nomination paper or drug screening certificate
14 of compliance, or any part thereof, which has been duly filed,
15 shall be guilty of a misdemeanor, and, upon conviction thereof,
16 shall be sentenced to pay a fine not exceeding one thousand
17 (\$1,000) dollars, or to undergo an imprisonment of not more than
18 one (1) year, or both, in the discretion of the court.

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