

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1829 Session of 2019

INTRODUCED BY WHEATLEY, RABB, MURT, YOUNGBLOOD, READSHAW,
KIRKLAND, BURGOS, NEILSON AND KIM, SEPTEMBER 18, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 18, 2019

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

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

1 nomination petitions are to be filed under this subsection.

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

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

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

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

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

1 the sum of one hundred dollars (\$100.00), except as provided in
2 paragraph 4.1.

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

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

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

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

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

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

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

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

1 the date and time of filing, the name of the candidate and the
2 office for which he is a candidate.

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

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

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

29 Section 913.1. Drug Screening of Certain Candidates.--(a) A
30 candidate for any State, county, city, borough, incorporated

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

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

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

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

17 (1) The name of the candidate.

18 (2) The home address of the candidate.

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

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

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

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

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

28 (8) The signature of the candidate.

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

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

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

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

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

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

1 discretion of the court.

2 Section 1814. Nomination Petitions; Certificates and Papers;
3 Drug Screening Certificates of Compliance; Destruction;

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

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