

POLITICAL BODY - 2021

NOMINATION PAPER GENERAL INSTRUCTIONS SHEET (DSBE PB)

FOR THE SPECIAL ELECTION TO BE HELD MAY 18, 2021 REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 59TH DISTRICT IN THE COUNTIES OF WESTMORELAND AND SOMERSET

PLEASE READ CAREFULLY

In addition to political party nominations made at primaries, the Election Code permits political bodies to nominate candidates for public offices by filing political body nomination papers. Political body nomination papers should not be used to nominate political party candidates for the primary or to nominate minor political party candidates.

- 1. INSTRUCTIONS FOR COMPLETING PREAMBLE (Section A):** *Name of Political Body* -- All nomination papers must specify the name of the Political Body which the candidate(s) represent. Such name cannot be more than three (3) words and cannot use words identical with, or deceptively similar to, any words used in the name of an existing political party, or of any political body which has already filed nomination papers for the same office(s). *County of Signers* – Nomination papers may be on one or more sheets (each copy of the two-sided form is considered a “sheet”). However, different sheets must be used for signers residing in different counties. Insert the county of residence (only one) of the electors signing each sheet.
- 2. INSTRUCTIONS FOR COMPLETING CANDIDATE INFORMATION (Section B):** The name of each candidate, and his/her occupation and place of residence must be listed. The correct title of the office which each such candidate is seeking must be indicated with the appropriate district number. NOTE: More than one candidate may be nominated by one set of nomination papers, provided that all the signers are eligible to vote for all offices for which such nominations are made.
- 3. DISAFFILIATION:** The Election Code provides that no person “who is a registered and enrolled member of a party (shall) be eligible to be the candidate of a political body for a special election.” 25 P.S. § 2911.1.
- 4. INSTRUCTIONS FOR COMPLETING COMMITTEE TO FILL VACANCIES (Section C):** A committee of three (3) to five (5) persons must be listed on the nomination papers in the spaces provided. The names of the committee members must be listed on each page of the nomination paper. This committee is empowered to nominate persons to fill a vacancy in the nomination should it occur. The Pennsylvania Election Code does not specify the qualifications of the members of this committee.
- 5. CIRCULATION OF NOMINATION PAPERS:** The circulation period begins on January 12, 2021 and ends on March 29, 2021.
- 6. SIGNERS:** Signers must be qualified, registered electors of the Commonwealth and of all electoral districts referred to in the nomination paper sheet they have signed. Each signer must personally sign his/her name, insert his/her printed name, place of residence and the date of signing. (NOTE: The name of the City, Borough or Township must be given, as well as the street address, if any. The date of signing may be expressed in words or numbers, e.g. – January 12, 2021 or 1/12/21.) As a result of a federal district court order, the Secretary of the Commonwealth is **not enforcing the prohibition on signing more nomination papers than there are persons to be elected and offices to be filled** found in section 951(c) of the Pennsylvania Election Code, 25 P.S. § 2911(c), to nomination papers filed by the Green Party and the Libertarian Party. *See Green Party of Pa. v. Aichele*, 89 F. Supp. 3d 723 (E.D. Pa. 2015). Because having different nomination requirements for different political bodies raises equal protection concerns under both the Federal and State Constitutions, and because other political bodies would likely be able to obtain relief similar to that already afforded to the *Green Party* plaintiffs, **the Secretary has decided to apply the reasoning of the Green Party decision to all nomination papers submitted by political bodies.**
- 7. NUMBER OF SIGNERS:** As a result of a federal district court order, the Secretary of the Commonwealth is **not enforcing the two percent calculation contained in Section 951(b) of the Pennsylvania Election Code, 25 P.S. § 2911(b), for offices to be filled by the voters of the entire State** to nomination papers filed by the Constitution Party, the Green Party and the Libertarian Party. *See Constitution Party of Pa. v. Cortés*, No. 12-2727 (E.D. Pa. June 30, 2016). Rather, candidates for all statewide offices must gather 2,500 signatures, except for the offices of President of the United States, United States Senator, or Governor, which require 5,000 signatures. Additionally, all candidates for offices other than President and U.S. Senator must gather at least 250 signatures from each of five counties. Because having different nomination requirements for different political bodies raises equal protection concerns under both the Federal and State Constitutions, and because other political bodies would likely be able to obtain relief similar to that already afforded to the *Constitution Party* plaintiffs, **the Secretary has decided to apply the new signature requirements to all nomination papers for all political bodies for statewide candidates.** However, notwithstanding the decision of the Secretary of the Commonwealth to apply the lower signature requirement to all nomination papers for all political bodies for statewide candidates, it remains possible that individual qualified electors may file objections to nomination papers in court on the basis that the federal court order does not expressly apply to statewide political body candidates other than the three political bodies who brought the litigation. In the event that objections to a nomination paper were filed by a qualified elector, the court would determine on its own authority whether to enforce the signature requirement imposed by section 951(b). **The number of signatures required on nomination papers to be filed by candidates of political bodies for the Special Election for the 59th Legislative District is 644.**
- 8. STATEMENT OF CIRCULATOR:** *Every* sheet of the nomination paper must have the "Statement of Circulator" filled in and signed *after* all signatures have been obtained. Recent amendments to section 951(d) of the Pennsylvania Election Code, 25 P.S. § 2911(d), have eliminated the **in-state residency requirement** and the **affidavit requirement** for circulators of nomination papers for all political bodies.
- 9. ASSEMBLING NOMINATION PAPERS:** When more than one page is used, they must be fastened or bound together, and each page must be numbered consecutively.
- 10. CANDIDATE'S AFFIDAVIT AND ETHICS STATEMENT:** Each candidate for public

office must sign and submit *one* CANDIDATE'S AFFIDAVIT per set of nomination papers. The CANDIDATE'S AFFIDAVIT is a separate form and may be obtained from the **Bureau of Commissions, Elections and Legislation, Room 210 North Office Building, Harrisburg, PA 17120**. Act 2020-15, signed into law on April 20, 2020, allows a candidate to sign an unsworn statement and submit it with the petition packet instead of completing a notarized candidate's affidavit. The unsworn statement will be available for download on the Department's Running for Office web page. Each candidate for public office must submit with their nomination papers a copy of the Statement of Financial Interests required to be filed with the State Ethics Commission. The original copy of the Statement of Financial Interests must be filed with the State Ethics Commission.

11. FILING FEES:

- a) For Representative in the General Assembly – \$100.00.
- b) The filing fee for offices specified in (a) must be presented with the nomination paper and must be made by CERTIFIED CHECK or MONEY ORDER payable to the Commonwealth of Pennsylvania. A separate filing fee must be submitted for each candidate named in the nomination paper.

12. TIME AND PLACE TO FILE: Nomination papers for all offices listed in 10 (a) are filed in the office of the Secretary of the Commonwealth, at Room 210 North Office Building, Harrisburg, PA 17120, and must be filed by 5:00 P.M. on the deadline to file nomination papers.