

POLITICAL BODY

NOMINATION PAPER GENERAL INSTRUCTIONS SHEET (DSBE PB)

FOR THE SPECIAL ELECTION TO BE HELD MARCH 12, 2019 REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 114TH DISTRICT IN THE COUNTY OF LACKAWANNA

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:** Any person who is a registered and enrolled member of a political party during any period of time beginning with thirty (30) days before the primary and extending through the General Election is not eligible to be the candidate of a political body in the General Election held in the same year.
- 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 2, 2019 and ends on January 22, 2019.
- 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 2, 2019 or 1/2/19.) 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**, 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 114th Legislative District is 316.**

For all other nominations, the minimum number of signatures required is two percent of the largest entire vote cast for any officer (except a judge of a court of record) elected at the last preceding election held in the same electoral district, but it may not be less than the number required for nomination petitions for political party candidates for the same office (exceptions to this rule apply to new electoral districts.) The Bureau of Commissions, Elections and Legislation will furnish the figures for all offices for which nomination papers are filed with the Secretary of the Commonwealth. For other offices, consult your County Board of Elections.

- 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. As a result of the same federal district court order mentioned above, the Secretary of the Commonwealth **is not enforcing the in-state residency requirement or the affidavit requirement**, in section 951(d) of the Pennsylvania Election Code, 25 P.S. § 2911(d), to circulators of nomination papers for the Green Party and the Libertarian Party. *See Green Party of Pa. v. Aichele*, 89 F. Supp. 3d 723 (E.D. Pa. 2015). Again, 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 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**. Each candidate for public office, except President and Vice-President of the United States, United States Senator and Representative in Congress, 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. Nomination papers for local offices are filed in the office of the County Board of Elections.