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HOW TO RUN FOR POLITICAL OFFICE

A MANUAL OF ELECTIVE POLITICS
FOR PHILADELPHIA

Second edition



Prepared as a public service by
The Committee of Seventy
1420 Walnut Street, Suite 910
Philadelphia, Pennsylvania 19102
(215) 545-0104

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The Committee of Seventy is a non-partisan, non-profit organization of concerned citizens, founded in 1904 and dedicated to research, education, and concerted action in the interest of good government. It is funded solely by the contributions of Members and the generosity of people who share its concerns. For further information or answers to questions not specifically covered here, please contact

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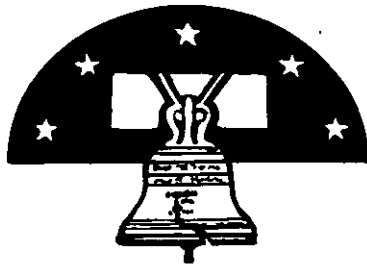
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Foreword

The right to vote is the most basic right in our democratic system. But when we want political change we can do more than just go to the polls to elect new public officials. We have the right to run for elective office ourselves. Philadelphians who want good government should know not only that they can run for public and political party office, but that they should. The purpose of this candidates' manual is to show you how to do it. So, if the people you elected to serve you aren't doing things you think they should, or are doing things you think they should not, don't just vote against them. *Run* against them!



1

Using This Book and Other Sources

Citizens who decide to run for office need official information, such as the responsibilities and duties of the office; the qualifications necessary to hold the office; and the legal requirements for seeking the office. They also need unofficial information, those unwritten rules and practices which are often just as important to their chances of success.

This manual was written to provide that information. Nevertheless, no single source can tell you everything; and a written source like this cannot always keep pace with Election Code amendments and court decisions which may change the rules from time to time.

So the best advice to candidates is to start by reading this manual. From there, you should seek the assistance of trusted and experienced advisors to help you run your campaign properly and effectively. Finally, you should consult the various agencies which can offer you helpful advice and assure that both your official and unofficial information is accurate and up-to-date.

For this kind of help you can contact us, the Committee of Seventy, at Suite 910, 1420 Walnut Street, Philadelphia, Pennsylvania 19102 (215-545-0104). Or you can contact the following agencies:

for local offices

Philadelphia County Board of Elections
Room G-5, City Hall Annex
Filbert & Juniper Streets
Philadelphia, Pa. 19107
(215) 686-3469

for state offices

The Department of State
Bureau of Elections
State Office Building
Harrisburg, Pennsylvania 17120
(717) 787-5280

From this manual and these sources you can find out everything you need to know to campaign with the assurance that you are meeting the requirements of the law. The rest is up to you.

2

Choosing the Office: Job Descriptions and Required Information

Introduction

Every one of the offices described in this manual is an important office. Each, however, has different responsibilities and serves different constituencies. The Judge of Elections in your division is responsible to its 600 to 800 voters for the conduct of a fair election; the Governor of Pennsylvania serves over 11 million citizens of the Commonwealth as its chief executive. Each office also has its own required qualifications: for example, Inspectors of Elections must be 18 years old; the Mayor of Philadelphia must be 25. Finally, each office described in the manual serves a particular geographic area; this is a factor which should be carefully weighed when choosing one's target. The strength of a personal reputation or following will be maximized in a smaller area such as a local district for the Pennsylvania House of Representatives. On the other hand, a larger district may mean greater ability to make things happen. An individual State Senator, for example, is more powerful than a State Representative because Senators are fewer in number and serve larger districts. It may be wise to start out with a campaign for local office before seeking city-wide or state-wide positions. But this is a personal choice for each candidate to make. The information provided below should help in the making of that choice.

You should also know that only two out of all the offices described in this manual require that a person have special training. These are the Attorney General and District Attorney, who must be lawyers. Every other position described here is

open to any citizen who meets the particular age and residency requirements. (This manual does not include judicial offices.)

POLLING PLACE OFFICES IN PHILADELPHIA

It may come as a surprise to many people, but your neighborhood polling place officials—the Judge of Elections, and the Majority and Minority Inspectors — are elected officials. There are more than 1,700 election divisions in Philadelphia, and each one has its own polling place officials who are elected by the voters residing in that particular division. The 4-year term of office for these officials runs concurrently with those of the District Attorney and City Controller, so they stand for election in alternating “municipal” elections, that is, in 1981, 1985, 1989, etc.¹ (Note: In general, elections are a two-part process, beginning with a primary election in the spring and concluding with an election in November. The elections in odd-numbered years are known as “municipal” elections because their major focus is on local officials.² Elections in even-numbered years are known as “general” elections because they focus on national and state candidates.³ The difference between primary and November elections is discussed in Chapter 3.)

Newcomers to the political process should especially consider serving as polling place officials, for a number of reasons. First, these jobs are among the most important of all: there is no more important service an elected official can render than to protect the public's right to an honest election, and this is what the Judge and Inspectors are there for. Second, since most election divisions have fewer than 800 registered electors in them, a candidate without great resources or an established reputation still can contact virtually all of the people who might vote for him or her. Third, these positions can be a good start into political life since they provide an opportunity to meet additional voters in the neighborhood and to demonstrate one's ability as a public servant. Fourth, these jobs make only a modest demand upon one's time, requiring only a few days work each year. Finally, election board officials are paid for their work.⁴

All Judges and Inspectors of Elections must meet these qualifications:⁵

1. They must be registered to vote in the division where they hold office. (Obviously, this means they must reside in the division as well.)

2. They must be at least 18 years old.
3. They must resign any federal, state, or city job at least 2 months before they stand for election.

Once they are elected, these officials must successfully complete a short training program in the operation of voting machines and in the general conduct of their polling place.⁶ The responsibilities of the division election board officers are listed below.

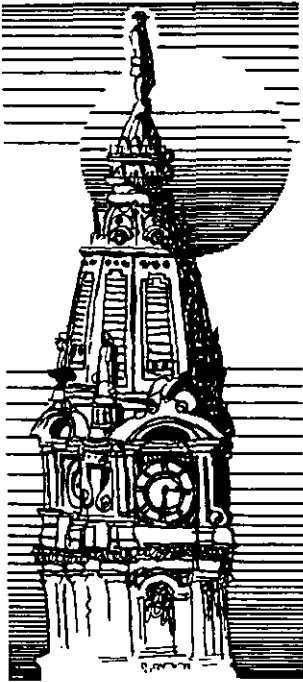
Judge of Elections

The Judge of Elections is the head of the election board in a given division and supervises the conduct of the polling place at every election. Thus, he or she is responsible for making sure that only registered voters vote, that fraud and mistakes are prevented, and that a true and correct report of the returns is made at the end of the day.⁷ Good Judges make voting a pleasant and rewarding experience for their neighbors and insure that every candidate on the ballot is fairly treated.

Inspectors of Elections

There is only one race for inspector in a municipal election: the winner becomes the "Majority" Inspector, and the second-place finisher, the "Minority" Inspector.⁸ Working under the Judge, they form a bipartisan election board. On election day, one usually checks voters against their registration documents while the other prepares voter certificates authorizing each voter to cast a ballot.

A final comment about election officers: so long as you are serving as an election officer, you are not eligible to be elected to any other city, state, or federal office.⁹ (You are eligible to be re-elected on the election board, in any capacity.¹⁰) You may, however, run for a *party* office such as committeeperson at the same time that you serve as an election official.¹¹ You may also be a committeeperson and an election official at the same time.¹²



CITY OFFICES IN PHILADELPHIA

Before embarking upon a campaign for city office, a candidate should realize that there are two major restrictions on almost all of those offices. First, they are exclusive; if you hold a city office, you can't hold any other public office — city, state or federal, elected or appointed.¹³ Second, once you win an office in Philadelphia, you cannot run for any other public office without resigning from the one you hold.¹⁴ Obviously, you need not resign from office in order to run for re-election. These restrictions apply to every elected city officer, except the Register of Wills.¹⁵ The individual offices will have their own special restrictions, as you will see.

City Administrative Offices

This group of officers performs important administrative functions for Philadelphia's government. All are elected to 4-year terms at the same municipal election as the Mayor, that is, in 1983, 1987, 1991, etc.¹⁶ To be qualified to serve as City Commissioner, a citizen must be at least 25 years old prior to his or her election, a qualified elector, and a resident of the city for at least 3 years immediately preceding his or her election.¹⁷ To be qualified to serve as Register of Wills, Clerk of Quarter Sessions, or Sheriff, a citizen must be at least 18 years old¹⁸ and a resident of the city.¹⁹

City Commissioner

All of Pennsylvania's 67 counties were at one time governed by their County Commissioners. Philadelphia, however, since the 1951 adoption of its Home Rule Charter, has been governed by the Mayor and City Council. The Charter retains the Commissioners,²⁰ and legislation enacted by City Council requires them to serve as the city's Board of Elections and Registration Commission, responsible for the conduct of all elections in the city

and for the registration of voters.²¹ They receive and file election documents and campaign finance reports; they train election officials; they certify the official returns for the city; and they maintain all voter registration records.²² The three Commissioners form a bipartisan board in performing these important duties under the Election Code since, by law, no party may fill more than two of the three positions.²³

Register of Wills

The Register of Wills is the chief administrative officer of the Orphans' Court Division of the Court of Common Pleas.²⁴ He or she is in charge of the probate of wills, the settlement of estates and the collection of inheritance taxes.²⁵ The Register also maintains the records of the Orphans' Court and is responsible for the marriage license section of the Court.²⁶

Clerk of Quarter Sessions

The Court of Quarter Sessions of the Peace used to be a special court which had jurisdiction over certain categories of crimes. Today it is merged into the Common Pleas Court but the Clerk's office remains.²⁷ The Clerk keeps all records of the Common Pleas system, collects fines and bail, and safeguards evidence submitted to the Courts.²⁸

Sheriff

Although the police department is the chief law enforcement agency in the city, the Sheriff's Office serves as the enforcement arm of the Courts. In the criminal courts, the Sheriff's deputies guard and transport persons on trial, conduct convicted persons to prison, and provide courtroom security.²⁹ In the civil courts, the deputies serve complaints, subpoenas and court orders; they also carry out court orders, such as for the public sale of property, or the control of picketing and demonstrations.³⁰

Public Watchdogs

The next pair of offices is responsible for what one might call the "security" of our citizens: the City Controller for financial, the District Attorney for physical security. Their jobs are those of public watchdogs in the areas where they serve. Both these offices are filled for 4-year terms³¹ at municipal elections midway through the term of the Mayor, that is, in 1981, 1985, 1989, etc.

City Controller

The City Controller is the chief auditor of Philadelphia's financial affairs. The Charter requires the Controller to conduct

annual audits of every city officer and agency, and it authorizes him or her to make recommendations throughout city government for improved efficiency and economy.³² Since the Controller is not elected at the same time as the Mayor and Council, he or she can be an effective independent watchdog over city finances, thereby performing a useful service to every citizen-taxpayer.

District Attorney

The District Attorney is the attorney for the people in the criminal courts of Philadelphia. The "D.A." and his or her Assistant District Attorneys investigate and prosecute violations of state law within Philadelphia's boundaries, from indictment to final appeal.³³

The District Attorney must be at least 21 years old and a resident of the city for at least one year.³⁴ He or she must also have been admitted to the practice of law in Pennsylvania by the State Supreme Court for at least 2 years.³⁵

Legislative and Executive Offices

The last pair of city offices carries out the major legislative and executive functions of city government. Each has its own special qualifications which will be set forth below. All of these officers serve 4-year terms³⁶ and are elected in the same municipal election, that is, in 1983, 1987, 1991, etc.

City Councilmember

Philadelphia's City Council is the legislative branch of city government.³⁷ It enacts all ordinances of the city from annual budgets and construction projects to taxes and zoning. The Mayor, of course, is empowered to veto legislation; however, a two-thirds majority of Council can override that veto.³⁸

City Council is composed of 7 "at-large" members who represent, and are elected by, the entire city electorate, and 10 "district" members who serve the citizens within a specific geographical area (councilmanic district) of the city.³⁹ The Home Rule Charter provides that no single party may nominate more than 5 at-large candidates and the voters may only vote for 5 candidates, so minority party representation in Council is guaranteed.⁴⁰

Every member of Council must be at least 25 years old and have been a city resident for at least one year.⁴¹ District members must, in addition, be and remain residents of the district in which they are elected.⁴²

Mayor

The Mayor is the chief executive of the city and the head of city government.⁴³ The Mayor is responsible for the administration of the city and the enforcement of state and local law within its boundaries,⁴⁴ and is assisted by a 4-member cabinet, which includes the City Solicitor, City Representative, Finance Director, and Managing Director.⁴⁵ Through these appointees, the Mayor prepares city budgets, operates the police and fire departments, collects taxes, and performs countless other city services. The Mayor also has a legislative role in the power to veto bills passed by Council (subject to a 2/3 majority which may override a veto).⁴⁶

To serve as Mayor of Philadelphia, a citizen must be at least 25 years old and a resident of the city for 3 years.⁴⁷

STATE OFFICES IN PENNSYLVANIA

Many of the governmental services we Philadelphians receive, the laws we obey and the taxes we pay are controlled by the state government in Harrisburg. Some of the offices in the state government are elected from local districts throughout the state; others are elected on a state-wide basis by all Pennsylvania voters. Each of them has an impact upon life in Philadelphia and should be considered by prospective candidates.

The Pennsylvania General Assembly

The General Assembly is the legislative branch of state government,⁴⁸ much as City Council is for Philadelphia. Thus, it writes the laws for the entire Commonwealth of Pennsylvania, subject to the Governor's veto power.⁴⁹ Positions in the General Assembly are conceived as part-time offices, although many legislators devote full-time attention to the job. Members of the General Assembly meet in legislative sessions at the state office complex in Harrisburg for the conduct of official business. Many members also operate local offices within their "home" district.

The General Assembly is divided into two chambers: the House of Representatives and the Senate. House members are more numerous—there are 203 of them⁵⁰—and are elected from smaller districts. (As of early 1981, Philadelphia is served by 34 Representatives,⁵¹ but that number will be reduced once the boundaries of the legislative districts are redrawn to reflect population changes.) In contrast, there are only 50 Senate seats,⁵² which therefore serve larger districts. (Philadelphia includes 9

Senatorial Districts as of early 1981;⁵³ this number will also be reduced.) Further descriptions are provided below.

State Representatives

A member of the House serves a local constituency of approximately 58,000 citizens as their legislative representative in Harrisburg. The House must, of course, approve all legislation if it is to be finally enacted into law. Members are elected for 2-year terms⁵⁴ at every general election,⁵⁵ that is, in 1982, 1984, 1986, etc.

A representative must be at least 21 years old, a 4-year resident of Pennsylvania, and a one-year resident of the district in which elected.⁵⁶ While serving as a representative, the incumbent must maintain district residence and may not hold any other paying office of the federal or state government.⁵⁷

State Senators

State Senators, since there are fewer of them with larger constituencies (approximately 236,000 citizens), generally exercise more political power than Representatives. Their legislative functions, however, are very similar to those of Representatives. Approval of the Senate is required to enact Pennsylvania's laws.⁵⁸ State Senators are elected to 4-year terms.⁵⁹ Half the Senators, those representing even-numbered districts, is elected in the same general election as the Governor, that is, in 1982, 1986, 1990, etc. The other half, from odd-numbered districts, is elected midway between gubernatorial races, that is, in 1984, 1988, 1992, etc.⁶⁰

A State Senator must be at least 25 years old, a 4-year Pennsylvania resident, and a one-year resident of the senatorial district.⁶¹ Like their counterparts in the House, the Senators must remain district residents throughout their terms and may not hold paying federal or state offices other than their senatorial offices.⁶²

State Fiscal Offices

Two officers are elected on a state-wide basis to manage the financial affairs of state government. These are the State Treasurer and the State Auditor General. Both serve 4-year terms⁶³ and are elected midway between gubernatorial elections, that is, in 1984, 1988, 1992, etc. The qualifications for both these offices are the same: neither requires an accounting degree or CPA certification; both require the office-holder simply be a qualified Pennsylvania voter, that is, a citizen at least 18 years old and residing in Pennsylvania.⁶⁴

State Treasurer

The Treasurer is the chief administrator of all funds of the Commonwealth, responsible for their collection, investment and disbursement.⁶⁵ From a Harrisburg office, the Treasurer keeps the books and pays the bills for the Commonwealth in accordance with the taxing and spending decisions of the General Assembly and the Governor.

State Auditor General

The Auditor General is responsible for overseeing the finances of every department and agency of state government.⁶⁶ This office has the power to conduct annual audits of each department and special audits when the Auditor General thinks them necessary. This power extends down to any local governmental organization which either collects or receives state funds.⁶⁷ The Auditor General's office is located in Harrisburg.

State Executive Offices

The executive power of state government in Pennsylvania rests with the Governor and Lieutenant Governor.⁶⁸ In essence, they operate the state government, enforce its laws and provide its services to citizens.

Candidates for these positions compete for their 4-year terms⁶⁹ midway between Presidential elections, that is 1982, 1986, 1990. The two offices are filled by means of paired candidacies, so a voter may not choose a candidate for Governor from one political organization and a candidate for Lieutenant Governor from another.⁷⁰ This is the same way we choose a U.S. President and Vice President.

To hold either office, a citizen must be at least 30 years old and have resided within the Commonwealth for 7 years (unless non-residence resulted from federal or state government service).⁷¹ No other state or federal office may be held by one in either of these positions.⁷²

Governor

The Governor is the Commonwealth's chief executive officer,⁷³ and, in part through his or her cabinet, controls all state departments and agencies. The Governor's legislative authority includes the preparation of state budgets,⁷⁴ the proposal of legislation to the General Assembly, and the power to veto legislation (subject to the override of a 2/3 majority in each General Assembly chamber⁷⁵). The law enforcement role includes com-

manding both the State Police and the Pennsylvania National Guard.⁷⁶ The Governor also has the power to grant pardons and reprieves to convicted criminals.⁷⁷

Lieutenant Governor

The primary responsibility of the Lieutenant Governor is much the same as the Vice President of the United States. He or she is there to take over the Governor's office in the event that the elected Governor is unable to complete the term, for whatever reason.⁷⁸ The Lieutenant Governor's constitutional duty in the meantime is to preside over the State Senate.⁷⁹ It should also be borne in mind, however, that as a member of the leadership team, the Lieutenant Governor can be an important source of advice and assistance for the Governor in both policy formation and administration. These roles will, however, largely depend upon the responsibility and scope of authority which the Governor permits.

State Law Enforcement Office

State Attorney General

The Attorney General is the chief law enforcement officer of the Commonwealth.⁸⁰ The duties of this office include prosecuting state officials and employees charged with crimes involving the performance of their official duties, prosecuting indictments returned by investigating grand juries, and, in some instances, standing in for district attorneys in local criminal matters.⁸¹ The Attorney General also furnishes legal advice to the Governor and heads of the Commonwealth's agencies concerning the exercise of their official powers, and represents the Commonwealth in actions brought by or against it.⁸²

This official was appointed by the Governor (with the advice and consent of the Senate) until 1980, when the Attorney General was chosen by a statewide election for the first time. The 4-year term of office⁸³ (1984, 1988, 1992, etc.) runs concurrently with those of the State Auditor General and State Treasurer, midway between gubernatorial elections. To be eligible for the office of Attorney General, one must be a member of the bar of the Supreme Court of Pennsylvania.⁸⁴ Additionally, one must meet eligibility requirements identical to those which apply to the Governor and Lieutenant Governor. That is, one must be a United States citizen and at least 30 years old, and one must have resided in the Commonwealth for the 7 years preceding one's election (un-



less nonresidence resulted from federal or state government service).⁸⁵ No other state or federal office may be held by an Attorney General.⁸⁶

PARTY OFFICES: CITY, STATE, NATIONAL

The political system in this country is most often described as a two-party system. Although both our city and the country as a whole have seen very active third, and even fourth, parties throughout their history, still the historic dominance of two major parties' is a fact of our political life. And these two parties — Democratic and Republican — are the only ones which currently operate a complete system of local, state and national offices.

Each of the offices described here — except that of ward leader — is filled by popular vote at primary elections.⁸⁷ To be a party official, a citizen must be registered in that party as a voter, be at least 18 years old, and be a resident of the geographical area which the office serves.⁸⁸

City Divisional Committeepeople

The division (often called a "precinct" elsewhere) is the smallest political unit of the city, normally comprising between 600 and 800 registered voters.⁸⁹ Both of the parties' organizations start at this "grassroots" level with the party office of "committeeperson." The registered voters of each party in a division elect a pair of these representatives for 2-year terms at every general primary,⁹⁰ that is, in 1982, 1984, 1986, etc.

The responsibilities of these two people run both up the party ladder and down. Their job is to transmit up to the leadership the opinions of the party members in their division (their neighbors) so that those at the top can stay in touch with those views and adapt accordingly. The party leadership in turn reaches down to the grassroots level via these people to seek out new voters and get them registered in their party; to provide any services to their voters which the party or its elected officials have access to; and, to "get out the vote" at every election in support of party candidates. So, committeepople work year-round both for the party and for their neighbors in their division. It is an important job, one which does a lot to make our government truly representative of the people. Good committeepople are valuable assets in a division, and at this neighborhood level, they can make a good start for themselves in local politics.

City Ward Leaders

The second political unit into which the city is divided is the ward. Each ward is a collection of divisions, generally 25 to 30 of them.⁹¹ In 1965, the city was reorganized into its current alignment of 66 wards.⁹² Each ward is represented by a Republican and Democratic ward leader, who are elected by their party's committeepople from the ward's divisions.⁹³ That election takes place every 2 years shortly after the committee offices are filled in the primary.⁹⁴

The ward leaders form each party's policy-making organization at the city-wide level, which is generally known as the city committee.⁹⁵ They also elect the party chairperson for the city who speaks on the party's behalf, and supervises its full-time office and operations. Each city committee also selects ("endorses") candidates for organizational support among those competing for its party nomination in the primary, fills vacancies when nominated candidates are unable to run in any final elec-

tion, and nominates candidates for special elections to fill vacancies in public offices.

State Committeemembers

The two major parties also operate a committee structure at the state level to make state-wide party policy, coordinate county activities, and endorse state-wide candidates for party nomination. Members of state committees are elected by the registered voters of the party every 2 years in the general primary,⁹⁶ that is, in 1982, 1984, 1986, etc. In Philadelphia, both the Democratic and Republican state committees apportion seats on a senatorial district basis.⁹⁷

A member of a state committee must be at least 18 years old and a registered voter in the particular party.⁹⁸ Both parties also enforce certain additional requirements with respect to past party loyalty.⁹⁹ Those rules vary considerably and are subject to change from time to time. An interested citizen should contact his or her city committee or the Committee of Seventy to make sure of the qualifications currently in effect for the state committee of either party.

Delegates to the National Party Convention

Both major parties hold national conventions at least every 4 years in order to nominate party candidates for President and Vice President of the United States. These conventions are held in the summer just before each Presidential general election, that is, in 1984, 1988, 1992, etc., and they are dramatic, often spectacular events which dominate the news headlines and our evening television screens when they are taking place.

The nomination of the party's national standard-bearer is only the most visible part of the work which these delegates perform. They also draw up the party's official platform which expresses its proposals and policies as a national organization, and set and amend party rules. All of these decisions shape the party's future far beyond the convention itself, and the convention delegates are the decision-makers.

There has been, in recent years, an expansion of opportunities for citizens to become convention delegates. These positions were once largely controlled by elected officials and local party organizations. Today, the great majority is elected by the general public and any citizen can offer himself or herself on the primary ballot in the spring just before the convention. Publicly

elected delegates represent the United States Congressional District in which they reside and are elected by voters of that district from their party. The selection rules of the party, however, can be complicated and are subject to change from time to time. They may contain filing requirements with earlier deadlines than those specified in the Election Code. Note, however, that Pennsylvania law requires that parties certify their rules for the selection of convention delegates and transmit them to the Secretary of the Commonwealth 30 days before the first day on which delegate nomination petitions may be circulated.¹⁰⁰ This means that those rules should be publicly available from the Secretary of State's office in late December of the year before the convention, and prospective candidates should contact that office then. In the meantime they can get current information from one of these sources:

- The Committee of Seventy
- The city committee of their party
- The campaign office of the Presidential candidate they expect to support as convention delegates.

These delegate positions offer an exciting and rewarding chance to participate in the national politics of one's party. With each new convention, more citizens are taking the initiative to campaign for them.

A NOTE ABOUT GOVERNMENT EMPLOYEES AND POLITICS

Before you decide whether or not to run for office, and before you ask friends for their help, you should be aware that most government employees are severely restricted in the extent to which they can become involved in an election. The exact scope of the restriction varies considerably, depending upon the particular government agency one works for, and depending upon one's job. Detailed explanations are best obtained from the public agency involved, and one should definitely obtain this information before running for elective office. As an introduction, here are a few general rules applicable to many — but not all — employees of the federal government, the Commonwealth of Pennsylvania, or the City of Philadelphia:

First, many government employees are prohibited from running for public or party office in partisan elections. All elections in Pennsylvania to elect officials are partisan. This prohibition (like the two described below) applies, for example, to all court employees.¹⁰¹

Second, many government employees are also prohibited from becoming involved in partisan campaign-related activities, such as making speeches, organizing rallies, soliciting votes, distributing literature, or serving as a candidate's campaign finance chairperson.¹⁰²

Third, many government employees are prohibited from actively participating in partisan politics at any time, regardless of whether or not they are personally seeking office or directly supporting someone else's candidacy. Thus, such employees cannot take part in the activities of party committees, either as elected officials (such as committeeperson) or simply as members.¹⁰³ Of course, voting, being a member of a political party or body, and the expressing of one's personal opinions are permitted.

This list is not meant to be complete and no government employee should rely on it alone. The potential penalties for ignoring these and similar restrictions are serious: a government employee who violates a legal prohibition against partisan political activity runs the risk of losing his or her job, being fined, and, in some instances, of being criminally prosecuted.¹⁰⁴ So, if you work for any public employer, you definitely should consult with the appropriate individuals in your agency before you begin running for any of the offices described in this book. Remember, too, that even if you are free to run for office, those of your friends who are government employees may not be free to help you.

The exact nature of the laws establishing these prohibitions should be kept clearly in mind. They are conditions of employment, or limitations on what one can do if one wishes to remain a government employee. But they are not part of the Pennsylvania Election Code and they have nothing to do with one's eligibility to run for elected office. In other words, a candidate cannot be denied a place on the ballot simply because he or she is a public employee and is violating terms of employment by running for office. Certainly, such an individual may lose his or her job (and may even be subject to criminal prosecution), but this will not be a result required by the Election Code. All of this means that if a government employee does run for elected office despite a job-related prohibition, the remedy is to report this fact to the candidate's supervisor, so that the candidate may be required either to cease campaigning or resign his or her position. The remedy is not to challenge the candidate's right to run for elected office under the Election Code.

3

Deciding How to Run: Options Available to Candidates

Introduction

Any citizen who makes the initial decision to become a candidate for elected office must next choose the form of candidacy he or she will pursue. This chapter describes the various methods of conducting a campaign that are available to a candidate. Candidates for *public* office (that is, any of the state, city, or polling place offices described in Chapter 2) have three alternatives from which to choose. Candidates for *party* office have two alternatives. The best advice for anyone about to make such a choice is to know the pros and cons of each alternative before choosing.

PUBLIC OFFICE: THE TRIPLE OPTION

The three options available to a candidate for public office are (1) to go onto the primary ballot in order to compete for a party's nomination; (2) to bypass the primary (and political parties) by only appearing on the final election ballot; or (3) to conduct a write-in candidacy at either the primary or final election without having one's name appear on the ballot. The options are somewhat exclusive, however. An unsuccessful primary contestant is not permitted to become an independent candidate on the November ballot for any office¹ but could try for the same or any other office in November as a write-in candidate.²

The most commonly practiced strategy is to enter the primary and place one's name on the ballot—usually of either the Democratic or Republican Party—to capture a party nomination

for the final election. You need not be a registered voter in the party whose nomination you seek.³ The winner in the primary will appear on the November ballot as the only official candidate of that party for that office. This is how nominations are won for every public office but those of U.S. President and Vice President, who are nominated by vote of national convention delegates.

The obvious advantage of this option is that, if you win the nomination, you will most likely secure not just the official support of the party, but also the backing of the party's personnel and financial resources to help you to victory in November. Of course, you also gain the public recognition which comes with being the candidate of a major party and, in most elections, it is one of the two major party nominees who prevails.

One disadvantage of this option, however, lies in the fact that party primaries are not usually completely open contests. While the primary decides whom the party officially nominates, one candidate in the primary usually has the endorsement of the organization. This advantage can be very difficult for other candidates to overcome. But the history of both local and state politics is full of examples of upset victories by outsiders over endorsed contestants in party primaries. Very often, the citizen-candidate's assessment of his or her chances is better than that of the party professionals. He or she should, therefore, not be deterred from this option just because party "regulars" support someone else.

The second option for candidates is to skip the party primary altogether and place their names on the final election ballot in November to compete — as independents — against the party nominees and other independents. A place on the November ballot is thereby secured without having to compete in the primary.

A candidate considering this second option must make sure that he or she is eligible for it: one cannot run as an independent candidate and at the same time be a registered, enrolled member of a political party. The deadline for ending one's registration and enrollment with a party is 31 days before the *primary* election, and one must remain unaffiliated until the November election is held. A candidate who does not meet this requirement will not be allowed on the November ballot as an independent.⁴

There are three principal advantages to the independent option. First, a candidate can avoid depletion of campaign resources in a primary contest. Second, a candidate can await the primary's results before deciding whether to throw his or her hat into the ring (since the documents for independents need not be filed until the second Friday after the spring primary⁵). Third, in some cases, the independent route provides a greater likelihood that one's name will appear on the November ballot than the primary option. For example, a candidate who concludes that he or she is extremely likely to lose in the primary may prefer to concentrate on getting on the November ballot. This is a matter more within the candidate's control, for he or she must simply secure the required number of signatures, and file the necessary papers (see Chapter 4).

The disadvantages have to do, once again, with our two-party system; in fact, most elections are won by Democratic or Republican Party nominees. Thus, the November independent will confront at least two official party nominees who can be expected to receive all the support their organizations can muster. The independent may have to assemble a similar organization, or else rely on public recognition and approval while running on his or her name alone. There may also be other independents entered in the race to complicate the picture. Finally, the number of qualifying signatures which an independent candidate must gather in order to get on the November ballot often substantially exceeds the number required of a candidate seeking a ballot position for the same office in the primary. (This disadvantage is not uniform for all offices: in terms of the total numbers of signatures required, it is most substantial in statewide elections, and often is very slight in local (divisional) elections. The exact requirements are discussed in Chapter 4.)

The third option for candidates for public office — write-in candidacy — can be attempted at either the primary or final election, or both. In this format, the candidate's name does not appear at all on the official ballot, but voters are asked to write the candidate's name on the paper ballot portion of the voting machine. The advantage of this option is that it allows you "two bites of the apple," that is, to try for success in both the primary and, failing that, the final election. It also requires no filing of nomination documents before the election takes place, and so is the most flexible option. (Some write-in candidates must, how-

ever, file the financial documents discussed in Chapters 5 and 6.)

The disadvantages of the write-in approach are very serious. First, there is the political task of achieving enough public support so that voters will ignore the names already printed on the ballot. Those names are sure to be widely publicized by their organizations; the write-in candidate may have to do the same. Second, there is the educational task of teaching voters how to write your name in on the ballot. The operation of the voting machine levers alone is often confusing to many people; your supporters will have to push back the metal slide on the face of the machine which corresponds to the office you seek and carefully enter a reasonably accurate version of your name on the exposed paper ballot. (Note that to be successful in a write-in primary campaign a candidate must not only outpoll all opponents, but also get at least as many voters as the number of signatures which are required on a nominating petition for the same office — see Table 1.⁶)

Needless to say, the write-in campaign is almost never successful except in races, such as those at the division level, where an office can be captured with a minimal number of votes.

PARTY OFFICE: THE DOUBLE OPTION

There are only two options available to a candidate for party office. These are (1) to place one's name on the primary ballot, or (2) to conduct a write-in campaign in the primary election. Contests for party offices are completely decided in the primary, and hence the alternative of running as an independent in November does not apply.

The difference between campaigning for public office and campaigning for party office highlights the dual purpose which primary elections serve. With respect to public offices (for example, the Mayor or State Senators), primaries allow the voters of each party to nominate the candidate who will represent their party in the final November election. Independent and write-in candidates for public office will also compete in November against the party nominees. But in the case of party offices, each party conducts a separate contest in the primary to determine its own internal officials — and the final winners are determined in that election. Thus, primaries represent one step in the election of *public* officials, but are the only — and final — occasion for electing party officials.

Since candidates for party office run only in the primary, obviously they are limited to choosing between running on the primary ballot or running as write-in candidates. In general, very little can be said in favor of the write-in alternative. The disadvantages are severe: as noted above, it can be very difficult to convince voters to disregard the names already printed on the ballot, and to teach them to properly record a write-in vote. Further, to win, a write-in candidate for party office must gain at least as many votes as the number of signatures required on a nominating petition for the office in question⁷ (as well as exceed the vote total of all opponents). Write-in candidacies do occasionally succeed, however (notably at the local division level), and certainly should be considered if one's attempt to secure a position on the ballot fails. Of course, if one does not decide to run until the deadline for getting on the ballot has passed, the write-in alternative is all that remains.

Several important final comments should be made with respect to the campaigning options available to candidates for public or party office. First, success in any of the formats will largely depend on the public recognition of a candidate's name and reputation. If that recognition is widespread, then the advantages of any option may outweigh the disadvantages. Second, public recognition will be maximized in small, local elections where a campaign in any format is more likely to be successful. Thus, even a write-in candidacy may be a good choice if the circumstances are right, and the choice a candidate makes must be a careful one.

INTRODUCTION TO CHAPTERS FOUR, FIVE, & SIX

The next three chapters describe procedures which candidates must follow and forms which they must prepare in conducting their campaigns. Candidates must be sure of painstaking accuracy in observing the requirements described in these chapters—especially with respect to the preparation and filing of necessary documents. All three chapters should be reviewed together in order to obtain an overall understanding of the documents which candidates will have to prepare, and the deadlines for filing them.

4

Getting on the Ballot: Petitions and Papers

Introduction

All candidates who wish to appear on the ballot must file what are known as "nomination petitions" or "nomination papers." Many candidates must also file along with their nomination petitions or papers an affidavit stating that they have filed a "Statement of Financial Interests." This chapter focuses on the preparation and filing of nomination petitions and papers. Chapter 5 describes how to prepare and file the Statement of Financial Interests.

A place on the official ballot is obviously not a concern for the write-in candidate, who hopes to succeed without one. (Write-in candidates may have to file Statements of Financial Interests.) Primary contestants and independents who do wish to appear on the ballot, however, must take great care in preparing and filing their nomination petitions or papers, lest they fall from the race before it begins.

At the outset, a candidate should be aware of the distinction between nomination petitions and nomination papers. Nomination *petitions* are documents which one must file to secure a ballot position in a *primary* election.¹ Thus, if you wish to be chosen as a party's nominee for a public office (such as Mayor or Polling Place Official), you must file a nomination petition in order to get on the primary ballot. Similarly, you must file a nomination petition if you wish to be elected to a party office, such as Committeeperson. Nomination *papers*, on the other hand, are documents which must be filed if you decide to seek public office by running as an independent on the November ballot.² Both of these terms are described more fully throughout this chapter; for

now, one should bear in mind that the filing requirements for getting on the ballot are in some respects different, depending upon whether one will be filing nomination petitions or nomination papers.

Before conducting a signature drive for a nomination petition or paper, a candidate should review the legal requirements of the Election Code which govern these documents. The candidate should also know that pre-printed forms of both petitions and papers are available, and that the use of these forms will make full compliance with the law a much simpler task. Each signature sheet of a nomination petition form, for example, incorporates a separate circulator's affidavit on its reverse side. Candidates for local offices (including both public and party offices) can pick up these forms at the Board of Elections; forms for state offices are available from the Bureau of Elections of the Department of State in Harrisburg. Candidates for national convention delegates are governed by separate regulations and should contact the Committee of Seventy, the city or state committee of their party, or the presidential candidate whom they expect to support for information about procedures and documents.

NOMINATION PETITIONS FOR PRIMARY ELECTION BALLOT POSITION

A candidate who wishes to secure a position on the primary ballot must file a properly completed nomination petition.³ A nomination petition is just what the name suggests: it is a document signed by registered electors of a particular party by which they petition the County Board of Elections to print a certain candidate's name upon the official primary ballot. The Election Code requires specific numbers of voters' signatures depending upon the office which the candidate seeks (see Table 1).⁴ Each of these voters must be registered in the party whose primary the candidate is entering and each must reside in the district which the office represents.⁵

There are additional regulations which must be followed concerning the circulation of the petition and the documents which must accompany it when it is filed. These regulations are much the same for both primary and independent candidates and are set out on page 30.

Time deadlines are very important in the preparation of these documents, and they are strictly enforced. The law allows only 3 weeks for candidates to complete and file nomination petitions.

The period begins on the 13th Tuesday before the primary, usually in late January or early February, and no signatures may be collected before then.⁶ Three weeks later, on the 10th Tuesday before the primary, petitions must be filed.⁷

Table 1
Number of Signatures Needed
for Nomination Petitions

<u>Polling Place Offices</u>	
Judge of Elections	10
Inspector of Elections	5
<u>City Offices</u>	
Register of Wills	1,000
Clerk of Quarter Sessions Court	1,000
Sheriff	1,000
City Commissioner	1,000
City Controller	1,000
District Attorney	1,000
District Councilmember	750
Councilmember At-Large	1,000
Mayor	1,000
<u>State Offices</u>	
State Representative	300
State Senator	500
State Treasurer	1,000*
State Auditor General	1,000*
Governor	2,000**
Lieutenant Governor	1,000*
State Attorney General	1,000*
<u>Party Offices</u>	
City Divisional Committeeperson	10
State Committeemember	100
District Delegate to the National Party Convention	250

* These must include 100 signatures from each of at least 5 counties.

** These must include 100 signatures from each of at least 10 counties.

NOMINATION PAPERS FOR INDEPENDENT CANDIDATES; THE POLITICAL BODY

An independent candidate must secure a position on the official ballot in the November election by filing a properly completed nomination "paper."⁸ "Papers" are similar to "petitions" in that they are a collection of signatures of registered voters residing in the particular district which the office represents, asking that a person's name be printed on the official ballot for the November election as a candidate for a specific office.⁹ Unlike nomination petitions, however, nomination papers may be signed by voters from any party, as well as by voters who are registered non-partisan.¹⁰

Time deadlines are as important in the preparation of nomination papers as they are for petitions. The period for completing and filing nomination papers begins on the tenth Wednesday before the primary; no signatures may be collected before then.¹¹ On the second Friday after the primary, nomination papers must be filed.¹²

The number of valid signatures which must be entered on nomination papers is fixed by a formula in the Election Code, and is different than the number required for nomination petitions. If you are a candidate for a statewide office (Governor or State Attorney General, for example), the formula requires that you first look to the most recent past election at which candidates for *any* statewide office — either the office you seek or any other — were elected. Next, the formula requires that you gather signatures equal to at least two percent (2%) of the largest vote cast for any elected statewide candidate in that election.¹³

If you seek an office which represents a particular geographical area within Pennsylvania, you must look to the most recent past election at which candidates (not including judges) seeking to represent that same area were elected. The formula requires that you gather signatures equal to at least two percent (2%) of the largest vote cast for *any* candidate elected from the same area for any office except judge.¹⁴ For example, an independent candidate for City Controller would use the City as the relevant geographical area (or "election district"), and would measure 2% of the winner's total vote in the municipal election 2 years before from the races for Mayor, for the city administrative offices, or for any of the 7 at-large City Council seats (whichever was highest). Independent candidates for the General Assembly or

for district City Council seats would use the figures from the last election in which the seat they seek was filled, since those districts are not used in other public elections. Whatever the office a candidate seeks, however, he or she should contact either the Bureau of Elections of the Department of State (for state offices) or the Philadelphia Board of Elections (for all other offices) to get the specific number of required signatures based upon their official returns, rather than rely upon any unofficial estimates.

This 2% requirement may not present a serious obstacle to a Judge of Elections candidate since turnout in most divisions is such that he or she will rarely need more than 10 or 15 signatures on a nomination paper. However, a city-wide candidate, measuring against turnouts in the hundreds of thousands, may need 5 or 10 thousand signatures. This requirement indicates the Election Code's intention to permit only serious contenders to enter the electoral process as independents. It also illustrates one of the ways in which our laws help preserve the two-party system by discouraging independent candidates and organizations in major races.

The Political Body

The citizens who sign the papers of independent candidates make up what the Election Code terms a "political body."¹⁵ The Code does not permit candidates to get on the ballot for a general election entirely on their own. They must appear as the candidate either of a party or of a political body. This political body, moreover, is permitted to nominate more than one candidate with a single nomination paper so that it can enter a complete slate of candidates for every office being contested at a given election.¹⁶ Final approval of a filed nomination paper is technically an official recognition of the political body supporting a candidate.

Thus, in addition to the other filing requirements, a nomination paper must designate a name for the political body, which will appear on the November ballot.¹⁷ The name must not be deceptively similar to that of a party or body already on the ballot, and it cannot be longer than three words.¹⁸ Many political bodies supporting a single candidate simply designate themselves by the name of their candidate (for example, "Smith for Mayor" or "Citizens for Jones"). The nomination paper must also name three to five registered voters who reside in the particular district as the "committee" of the organization.¹⁹ These persons are empowered to fill vacancies in the political body's slate of candi-

dates in the event a vacancy occurs before the final election.²⁰

Voters and candidates who are interested in independent political action via political bodies should keep in mind the potential which this hybrid organization has as a force for change in the city. While they are usually formed to advance an individual candidate or a small slate of candidates in a single election, political bodies can become full-fledged political parties if they achieve and maintain a sufficient voter turnout for their candidates.²¹ Thus, a political body can become a county-wide party if, in a municipal or general election, the number of votes for one of its candidates equals at least 5% of the largest vote cast for any elected candidate in the county.²² Or, it can become a state-wide party if, at a general election, one of its candidates (a) receives in each of at least 10 counties at least 2% of the largest vote cast in each county for any elected candidate, and (b) receives at least 2% of the largest vote cast in the state for any elected candidate.²³

Once a "body" becomes a "party," either county- or state-wide, its access to the ballot increases. As a party, it is permitted to use the primary election process to select its candidates.²⁴ (Primaries are available only to political parties.) This means that candidates seeking the new party's nomination can file nomination petitions, with their lower signature requirements, and can be elected at the primary to represent the party on the November ballot. Candidates for the new party's nomination will be entitled to a position on the primary voting machine ballot just like the position allotted to candidates for nomination by the Democratic and Republican Parties.²⁵ Moreover, in the November election, the new party will be entitled to an exclusive row or column for its candidates, in contrast to political bodies which can be required on crowded ballots to share their rows or columns with other political bodies.²⁶

This status as a party is not permanent, however. For a county-wide party, it lasts through the next general or municipal election, at which time the new party must capture once again the voting percentages described above, or lose party status.²⁷ For a state-wide party, party status lasts through the next general election (that is, for 2 years, since general elections occur only in even-numbered years), when the minimum vote totals must be achieved once again.²⁸ The Consumer Party is an example of a political body which gained county-wide party status in Phila-

delphia in 1976 and which has retained its party status, at least through the 1981 elections. The "McCarthy '76" party is an example of a political body which gained, and subsequently lost, state-wide party status.



A political body need not rise to this level of strength to make its presence felt. A group of citizens in a single neighborhood can come together for change by taking advantage of the Election Code provisions which allow political bodies to nominate a complete slate of candidates for every local office being filled.²⁹ By this strategy, a citizens' group can broaden its field without trying for city-wide influence immediately, and rely upon its neighborhood network of support to get behind several candidates in a coalition effort. This is the political body at its best on the local level, and it represents the true concept of "independent" candidacies.

HOW TO COMPLETE NOMINATION PETITIONS AND PAPERS: CIRCULATION AND ACCOMPANYING DOCUMENTS

The legal requirements for nomination petitions and papers are the most detailed which the candidate will encounter throughout a campaign. They are concerned with two areas: the contents of the petition or paper, and the form and content of certain affidavits which must accompany the petition or paper. The requirements are similar for petitions and papers; any dissimilarities will be pointed out in the text below. The most important advice for a candidate to follow is to make sure, if he or she does not personally take the petition or paper around for signatures, that those who do ("circulators") are carefully instructed about what they must do.

Before circulators are dispatched to gather signatures, each should be advised of the specific date upon which to begin, and warned that no signature entered before that date will be valid. For nomination petitions, the first circulation day is the thirteenth Tuesday before the primary; for nomination papers, the first circulation day is the tenth Wednesday before the primary.³⁰ The last circulation day is the last day on which the petition or paper can be filed—the tenth Tuesday before the primary for petitions and the second Friday after the primary for papers.³¹

Circulators must be sure that the document they circulate completely identifies its purpose in accordance with the law. Thus the pre-printed form petitions or papers indicate:³²

- the election district which the office serves;
- the candidate's name, residence and occupation;
- the party or political body concerned;

- the election day; and,
- the office sought.

Next, circulators should be sure before they permit a person to sign that the person is qualified: that he or she is a resident of the particular district served by the office and is registered to vote, and, in the case of a nomination petition, that the potential signer is registered in the party whose nomination the candidate seeks.³³ (Signers of nomination papers can belong to any party or be registered non-partisan.³⁴) Circulators should then make sure the signer enters his or her signature, residence, occupation and date of signing legibly and accurately.

Three additional precautions must be taken by the circulators in the overall conduct of their work. First, since affidavits by the circulators must accompany each individual signature sheet of a petition or paper, no two circulators should handle the same sheet. Second, no sheet for an office covering more than one county should be used in two counties.³⁵ Third, circulators should be aware that there is a limit to how many petitions and papers a registered elector can sign for the same office. For offices where only one person will be elected (Mayor or District Councilmember, for example), an individual can sign only one nomination petition and one nomination paper.³⁶ Where two or more persons are to be elected to the same office (City Commissioners, for example), an individual can sign nomination petitions for as many candidates as he or she could vote for in the upcoming election; he or she also can sign the same number of nomination papers.³⁷

Finally, some helpful hints are in order for candidates and circulators to help insure that a petition or paper will be determined to have the appropriate number of valid signatures. First, the petition or paper should include a healthy margin for error, that is, a sufficient excess of signatures over the number required to insure that a subsequent striking of any invalid signatures does not jeopardize its validity. A good rule of thumb would be to secure at least twice the required number of signatures. Note here that the law does not place any upper limit on the number of signatures which can be gathered.³⁸

Second, the best way to insure that your signers are qualified is to canvass from door to door within the district to cover the residence qualification, and to follow the voter registration "street lists" to cover registration qualifications. The street lists are lists

of every registered voter in a division indicating address and party affiliation. They are available for any division in the city at the Board of Elections in City Hall Annex. The county boards of each county in the state provide similar lists of voters in their jurisdictions.

Now, with these documents completed, candidates and their circulators must prepare the affidavits which accompany them when filed. Each circulator must complete one affidavit for every individual sheet of a petition or paper which he or she circulated.³⁹ This process includes signing the affidavit under oath (before a notary public). Each circulator's affidavit must set forth:⁴⁰

1. That the circulator is a qualified voter of the particular district. In the case of a party nomination petition, the circulator must also set forth that he or she is registered with the party whose nomination this candidate seeks.
2. That the circulator's residence — city, borough, or township, along with street and number — is as stated.
3. That the signers of the petition or paper signed with full knowledge of its contents.
4. That the signers' respective residences are correctly stated therein.
5. That all of the signers reside in the county named in the affidavit.
6. That each signer signed on the date set opposite his or her name.
7. That, to the best of the circulator's knowledge and belief, the signers are qualified voters of the particular district (and members of the party in the case of a party nomination petition).

Each of these affidavits must be attached to a corresponding signature sheet.⁴¹ (Some pre-printed signature sheets already have an unsigned circulator's affidavit on the reverse side.) All of the documents should be bound together, with the petition sheets numbered consecutively, beginning with number one, at the foot of each sheet.⁴²

This completed package of signature sheets and circulators' affidavits must be accompanied by a single affidavit taken by the nominated candidate.⁴³ The candidate's affidavit for a nomination *petition* must provide different information than that for a nomi-

nation *paper*.

For a nomination petition, the candidate's affidavit must set forth:⁴⁴

1. The candidate's residence, with street number and postal address.
2. The election district in which the candidate resides.
3. The office for which the candidate is filing.
4. That the candidate is eligible for the office to which nominated in the petition.
5. That the candidate will not knowingly violate any provision of the Election Code or any other law regulating or limiting election expenses or prohibiting corrupt practices in connection therewith.
6. That the candidate is not a candidate for nomination of any other party for this office.
7. That the candidate is aware of the requirement that pre- and post-election reports be filed concerning campaign contributions and expenditures.
8. If the candidate is seeking a party office (committeeperson or delegate, for example), that he or she is a registered and enrolled member of the designated party. (Note: candidates for delegate must provide additional information.)

Independent candidates filing nomination papers must file an accompanying affidavit which sets forth the following:⁴⁵

1. The election district in which the candidate resides.
2. The office for which the candidate is filing.
3. That the candidate is eligible for the office.
4. That the candidate will not knowingly violate any provision of the Election Code or any other law regulating or limiting election expenses or prohibiting corrupt practices in connection therewith.
5. That the candidate's name has not been presented by nomination *petition* as a candidate for any public office voted for in the primary at which the parties select his or her opponents; and that the candidate has not been nominated by any other nomination *papers* filed for any such office.
6. That the candidate was not (or will not be) a registered

and enrolled member of any political party within 30 days before the primary at which the parties select his or her opponents.

HOW TO FILE PETITIONS AND PAPERS

As a rule of thumb, nomination petitions and nomination papers are filed at the offices where the blank forms were originally obtained. Thus, petitions and papers for city, local party, and polling place offices must be filed with the County Board of Elections in City Hall Annex.⁴⁶ Petitions and papers for state public offices, and state party offices including national convention delegates, must be filed with the Secretary of the Commonwealth in Harrisburg.⁴⁷ Once again, the deadline for filing petitions is the tenth Tuesday before the primary.⁴⁸ The deadline for filing nomination papers is the second Friday after the primary.⁴⁹

Filing petitions or papers for many public and party offices also requires the payment of a filing fee.⁵⁰ The amount of the fee varies from office to office and from time to time. (Examples for 1981: a candidate for Judge of Elections or City Divisional Committeeperson is not required to pay a filing fee, a candidate for City Council or the General Assembly must pay \$25, and a candidate for Governor must pay \$50.⁵¹) The fee is payable at the office where one files by certified check or money order (payable to "The County of Philadelphia" or "The Commonwealth of Pennsylvania"), and, in Philadelphia, by cash.⁵² Personal checks may not be accepted.

Note: any candidate who must submit a Statement of Financial Interests (see Chapter 5) must file, along with his or her nomination petition or paper, an affidavit stating that the Statement of Financial Interests has been submitted.⁵³ In addition, certain local candidates expecting to receive and spend minimal amounts of money may wish to file an affidavit discussed in Chapter 6 which excuses them from having to submit detailed reports concerning their campaign finances; that affidavit must be filed along with their nomination petitions or papers.⁵⁴

FOLLOW-UP TO FILING

Once the last day for the filing of petitions and papers has passed, several other important deadlines approach. The first occurs 5 days after the filing deadline. This is the deadline for the request by a candidate for the listing of his or her occupation

or address on the ballot.⁵⁵ This additional identification is granted only where two candidates running for the same office have identical or similar names. This, of course, is not a common occurrence but when it happens, the affected candidates should make their requests to the office with which they originally filed.⁵⁶

The next deadline falls 7 days after the last filing date. This is the deadline for the filing of objections to a candidate's petition or paper.⁵⁷ Any registered voter, regardless of his or her party affiliation, who resides in the particular district in which the candidate is running may file objections.⁵⁸ This, of course, means that candidates may file objections against their opponents.⁵⁹ It is probably a good precaution for candidates to review the documents of their opponents just in case they fail to meet the required standards. Petitions and papers are public documents available for inspection by any interested citizen at the office where they are filed.

Voters or candidates who become involved in objection proceedings either by filing objections against another candidate or by having objections filed against them, should seek the advice of experienced legal counsel. Both the laws and procedures which govern objection proceedings are complicated matters. Also, these proceedings move forward very rapidly once they begin. An inexperienced participant may therefore jeopardize his or her chances for success without competent help.

Objections to petitions or papers must be filed in two places: first, with the office where the petitions or papers were originally filed and, second, with the court having jurisdiction over the matter. Thus, for local offices in the city, objections go to the County Board of Elections and to the Philadelphia Court of Common Pleas.⁶⁰ For state offices, they go to the Secretary of the Commonwealth and to the Commonwealth Court in Harrisburg.⁶¹

The law requires that the court conduct a hearing on the objections within 10 days after the last day for filing petitions and papers, and that it decide the objections, if possible, within 15 days after the last filing day.⁶² Candidates and objectors must be notified of the hearing and are permitted to appear when it is conducted.⁶³

Objections must relate to the statutory requirements previously discussed for petitions or papers. If, for example, the court decides to strike signatures as invalid (leaving an insufficient number of valid signatures), or finds that petitions were circulated in blank form for signatures, then the petitions or papers under

objection will be set aside and that candidate's name will be removed from the ballot.⁶⁴

There are two other occurrences which the candidate must be aware of with respect to his or her place on the ballot. These have to do with the physical printing of the ballot forms themselves. The first event is the candidates' drawing for ballot positions. This takes place shortly after the last filing day at the office where petitions and papers are filed — either that of the County Board of Elections or the Secretary of the Commonwealth. Many observers believe there is an advantage to higher positions among the numbered slots occupied by candidates for the same office. So the Code requires that each candidate be notified of and represented at the drawing of lots for positions so as to protect his or her right to a fair drawing. Candidates can attend in person or be represented by someone designated by the candidate's notarized statement.⁶⁵

With this matter concluded, candidates should await the printing of the official ballots. Not later than the Thursday before the election, specimen ballots must be made available for public inspection at the office of the County Board of Elections.⁶⁶ These large, usually pink sheets show for each division all of the candidates for election within that division, as well as the candidates' respective positions on the ballot. On the last Thursday before a primary election, each candidate is entitled to receive upon request three free specimen ballots for each election division where he or she will be voted for.⁶⁷ On the last Thursday before a November election, representatives of the county organization of each political party or body are entitled upon request to receive two free specimen ballots for each election division within the county where candidates of that party or body are to be voted for.⁶⁸ Specimens should be promptly picked up and checked for accuracy, so that any deficiencies can be cured before the following Tuesday's election.

A final note: this chapter applies to primary and November elections. There is another type of election — the special election⁶⁹ — which is held to fill untimely vacancies created by such events as the resignation or death of an elected official. The filing deadlines and other provisions applicable to special elections are not covered here, and a candidate seeking to run in such an election should contact the County Board, State Bureau of Elections, or (in Philadelphia) the Committee of Seventy to determine the appropriate requirements.

5

Filing the Statement of Financial Interests

Introduction

In addition to the nomination petitions and papers which all candidates must file to obtain a place on the ballot, many candidates for public office must also file what is known as a "Statement of Financial Interests." This statement is a pre-printed form which, when filled out by the candidate, is intended to reveal any potential conflicts which that candidate may bring to the elected office he or she is seeking. No candidate who is required to file the Statement can be placed on the ballot without first submitting an affidavit declaring that the disclosure statement has been filed.¹ Further, a victorious candidate who has not filed a required Statement will not be allowed to take office — this includes write-in candidates.² This chapter describes which candidates are required to file the Statement, how to obtain the pre-printed form which must be used to comply with the law, when and where to file the Statement, and what must be included in it.

WHO MUST FILE

The disclosure requirement applies to candidates for public office, with the exception of those seeking to become judge of elections or inspector of elections.³ Candidates for party office — such as committeeperson or national delegate — are exempt.⁴

There is considerable doubt whether or not *any* candidate who is an attorney licensed to practice in Pennsylvania or a judge in Pennsylvania can be required by law to file the Statement of Financial Interests, regardless of the office that candidate seeks.⁵ The law is changing rapidly in this area; candidates for public office who are lawyers or judges should check with the State

Ethics Commission (717-783-1610) or their County Board of Elections to determine whether or not they must file.

**WHERE TO OBTAIN FORMS;
WHEN AND WHERE TO FILE THEM**

Candidates must use the Statement of Financial Interests form prepared by the State Ethics Commission.⁶ The form is available from either the County Board of Elections (in Philadelphia, Room G-5, City Hall Annex, 19107) or the State Ethics Commission (Room 308, Finance Building, Harrisburg, PA 17120).

Candidates who will be filing nomination petitions or papers to secure a ballot position must file a Statement of Financial Interests with the appropriate offices (see below) prior to filing their nomination documents.⁷ Additionally, each candidate's nomination petition or paper must include an affidavit that he or she has filed the required Statement; without that affidavit, the petition or paper cannot be accepted.⁸

Write-in candidates may also be required to file a Statement: if such a candidate has announced his or her candidacy before the election, he or she must file a Statement within 15 days after making that declaration.⁹ A write-in candidate who does not declare his or her candidacy before an election must file a Statement only if he or she wins; the Statement must be filed within 15 days after the candidate is notified of his or her nomination or election.¹⁰

(Candidates who are elected to public office must continue filing Statements annually.¹¹ Each such Statement must be filed no later than May 1 of each year in which the official holds office.¹² A final Statement must be filed by May 1 after the official leaves his or her position.¹³)

The form itself divides into three copies. All candidates must file the original (white) copy with the Ethics Commission¹⁴ at the following address: The State Ethics Commission, P.O. Box 1179, Harrisburg, PA 17108. Candidates for state office (including candidates for the General Assembly) should file the second (yellow) copy with the County Board in the county where they reside. In Philadelphia, candidates for city office are currently filing their second copy with the Philadelphia County Board (Room 427 City Hall Annex). Such candidates, however, should check before filing that the County Board is still the appropriate recipient.¹⁵ The third (green) copy is for the candidate's own records.

INFORMATION REQUIRED TO BE DISCLOSED

Each Statement of Financial Interests must provide detailed information covering the prior calendar year.¹⁶ The financial information is not restricted to the candidate alone; rather, the candidate must also include the same information with respect to his or her spouse, and his or her dependent minor children.¹⁷ (The reference to "family" below is meant to include only those relatives.) It is essential that the information be accurate: the candidate must sign the Statement and false responses can constitute the crime of perjury.¹⁸ The following information must be provided:¹⁹

1. The name, address, and telephone number of the candidate; the office sought.
2. The candidate's occupation; the names and occupations of the candidate's family (spouse and minor dependent children).
3. Any direct or indirect interest held by the candidate or candidate's family in real estate which was:
 - a. sold or leased to Pennsylvania, or to any of its agencies or political subdivisions (including municipalities);
 - b. bought or leased from Pennsylvania or any of its agencies or political subdivisions; or
 - c. subject to condemnation proceedings by Pennsylvania or any of its agencies or political subdivisions.
4. The name and address of each creditor to whom the candidate or candidate's family owes \$5,000 or more, and the interest rate on each debt. It is not necessary to include the amount of the debts. Also, loans between family members and mortgages upon the principal residence of the candidate or candidate's spouse are excluded.
5. The name and address of every direct or indirect source of income to the candidate or candidate's family in excess of \$500. This provision includes employers and other sources of income, but confidential information protected by statute or professional ethics need not be disclosed. Dollar amounts are not required.
6. The name and address of every source from whom the candidate or candidate's family received gifts totalling more than \$200; the dollar value and circumstances of

each such gift. Gifts between relatives, commercial loans, political contributions (which are reported elsewhere), and testamentary bequests are excluded.

7. The source of all honoraria exceeding \$100 received by the candidate or candidate's family. The amount of each honorarium is not required.
8. Any office, directorship, or other employment which the candidate or family held in any business.
9. Any financial interest held by the candidate or candidate's family in any form of business for profit.

CONCLUSION

Running for public office these days makes one a public person. Because of the nature of the trust invested in elected office-holders, candidates' personal financial affairs are matters of legitimate public interest. No one running for elected office rightfully can expect to retain the degree of personal privacy to which ordinary citizens are entitled. The law in Pennsylvania reflects these considerations by requiring a Statement of Financial Interests from most candidates. Once filed, such Statements are public documents which must be available for public inspection and copying.²⁰

The requirement that candidates file Statements of Financial Interests is only part of a comprehensive Public Official and Employee Ethics Law²¹ which attempts to prevent public officials and employees from using their position to realize improper personal financial gain. The law also is designed (through the Statement and by other means) to bring to light and prevent both actual and apparent conflicts of interest. As its title suggests, it applies not only to candidates but to many elected and appointed officials and employees as well. For example, it prohibits anyone from offering anything of value to a candidate, public official, or public employee in order to influence his or her official action, and it prohibits candidates and public officials or employees from accepting such an offering.²² A complete description of the conduct which the law prohibits and of the classes of persons to whom it applies is beyond the scope of this manual. But candidates for public office have a particular responsibility to understand and observe the limitations on their conduct spelled out in the law.

6

Financing a Political Campaign

Introduction

Regardless of the office sought or the size of the campaign, almost all candidates will have to deal with campaign finances at some point during the race. Expenditures may be limited to a filing fee and receipts to a few dollars collected from concerned neighbors. Or, the campaign may spend money on a grand scale purchasing television ads, mass mailings, and literature, while soliciting funds from every available source. In either case, the candidate and his or her campaign organization must be familiar with the finance provisions of the Election Code and take care to obey them. These provisions cover five main subjects: organizing the campaign's finances, raising money, spending money, filing finance reports, and auditing finance reports. Under present law, the provisions apply to candidates for all of the *public* offices discussed in this book, with the exception of candidates for judge of elections or inspector of elections.¹ The provisions do not apply to candidates for *party* offices.²

The campaign finance forms which candidates and their political committees must file are available from the Bureau of Elections of the Department of State in Harrisburg (Room 305 North Office Building, 17120) or from local County Boards of Elections. In addition, there is also available an extremely useful *Manual for Candidates and Political Committees*. This manual describes campaign expense reporting laws and provides examples of recommended bookkeeping procedures. All candidates and political committees should consult it.

ORGANIZING THE CAMPAIGN'S FINANCES

The first decision a candidate must make about campaign financing is whether or not there will be any—that is, whether or not any money will be raised or spent on behalf of his or her candidacy. Obviously, candidates who neither spend nor raise campaign funds have little need to worry about the law in this area and no need for any campaign finance organization. Most candidates, however, will want to spend money to advance their causes, even if only out of their own pockets. Most, in fact, invest in themselves at least to the extent of paying the filing fee for their nomination petitions or papers. Ordinarily, though, candidates spend as much money as they raise, and raise as much as they can.

The candidate must next choose between personal control of all financing and delegation of control to what the Election Code calls a "Candidate's Political Committee."³ This is a group of persons formed on behalf of a specified candidate to receive contributions and make expenditures, and which is formally authorized by that candidate to do so.⁴ Two considerations should weigh heavily in making the decision whether to directly control or delegate the financial aspect of a campaign. First, all fund raising and spending must be conducted in accordance with the requirements of the Election Code. Second, the candidate's time and attention should be concentrated as much as possible on the campaign itself. If only a minimal amount of money is to be raised or spent, the candidate can personally meet the legal requirements without being too greatly distracted from campaign policy-making and public appearances. If, however, any substantial amounts are to be raised or spent, the burdens of Election Code compliance and money management should probably be delegated to a political committee under the direction of a carefully chosen treasurer. As this chapter sets forth, detailed reporting is required of any campaign which raises or spends more than \$250.⁵ This figure may provide a useful cut-off point beyond which a committee structure becomes a good choice, but each candidate must decide this based upon his or her own circumstances.

A further piece of advice is warranted here. The legal provisions on campaign financing can be understood by non-lawyers, but they are somewhat complicated. An experienced attorney should be sought if a campaign expects to raise or spend substantial amounts of money. The County Board of Elections or the

Committee of Seventy can answer many finance questions. But legal problems can best be avoided by prior planning of a campaign's finance program which draws on the advice of an attorney, accountant, or political fund raiser familiar with Pennsylvania law.

If a candidate does decide to set up a political committee, the first formal step that he or she must take is to authorize that committee to receive and disburse funds on behalf of his or her candidacy.⁶ This authorization must be done in writing on a form available from the Bureau of Elections in Harrisburg or the local County Board.⁷ Until that authorization exists, the candidate's political committee is prohibited from receiving any money on the candidate's behalf.⁸ Candidates for state office (such as Governor or State Senator) must file their completed authorization forms in two places: one copy must be filed with the Secretary of the Commonwealth (at the Bureau of Elections in Harrisburg) and the second must be filed with the County Board of Elections in the county where the candidate resides.⁹ Candidates for city office (such as City Commissioner or Mayor) must file their authorization forms with their local County Board of Elections.¹⁰ A candidate is free to authorize as many candidate's political committees as he or she sees fit.¹¹

(Note: This pattern of filing requirements — two places for state candidates, one place for local ones — applies to forms discussed throughout this chapter, whether they are prepared by the candidate or by his or her political committee.¹² Here is another way to remember where to file campaign finance forms: if the candidate must file his or her *nomination* petition or paper with the Secretary of the Commonwealth, then the campaign finance forms filed by that candidate and his or her political committee must be filed with both the Secretary and the candidate's local County Board. If, on the other hand, the candidate must file his or her nomination paper or petition with the local County Board, then the candidate's and his or her committee's campaign finance forms need only be filed locally.)

A candidate who sets up a political committee must also designate a "sole treasurer" as the individual responsible for receiving and disbursing the committee's funds.¹³ The reference to "sole treasurer" signifies that regardless of how many political committees a candidate sets up, they must all have the same treasurer. This requirement assures that full responsibility for the



financial affairs of all the candidate's political committees will rest with the same person. The sole treasurer may delegate his or her authority, in writing, to any number of assistant treasurers to receive and disburse moneys, but he or she retains legal responsibility for their actions.¹⁴

The candidate must also designate a chairman for each of his or her own political committees, although there can be a different chairman for each committee.¹⁵ Every political committee must have both a chairman and treasurer, for a political committee is prohibited from receiving any contribution or making any expenditure when there is a vacancy in either of these positions.¹⁶ To prevent interruptions in a political committee's activities, it is a good idea to designate automatic successors to these positions ahead of time in case of unexpected vacancies.¹⁷

Even if a candidate sets up a political committee, he or she may still raise and spend money personally.¹⁸ (Candidates who spend money on their campaign must make such expenditures from a separate campaign bank account.¹⁹) The better practice, however, is for candidates to channel as many financial transactions as possible through their political committees. In this manner, although candidates and political committees must both submit reports concerning their respective campaign finances,²⁰ candidates can reduce to a minimum the records which they personally will have to keep. Additionally, the overall financial condition of the campaign will be easier to evaluate.

Thus far, this section has described how a candidate should go about setting up his or her own political committee. A candidate should also be familiar with two other types of political committees which he or she may come in contact with. The first type is the regularly constituted party committee of any political party or body.²¹ Examples are the Democratic and Republican City Committees in Philadelphia. For primary elections, party committees cannot receive money on behalf of particular candidates without first being authorized in writing by those candidates; such authorization is not required for the November (or any other) election.²²

The second type is the Political Action Committee ("PAC"), which is any committee that receives contributions or makes expenditures on one or more candidates' behalf, but is neither a candidate's own political committee nor a regularly constituted party committee.²³ For example, a local organization of individ-

uals formed to provide financial support on an ongoing basis to candidates of their choice would constitute a PAC. Similarly, unincorporated associations (such as labor unions and social clubs) are required to set up separate segregated funds in order to make campaign contributions;²⁴ those funds — to which members of the association and others may contribute — are PACs. PACs cannot receive money on behalf of a particular candidate unless they first have written authorization from the candidate to do so.²⁵ A PAC does not require authorization to receive money which is given in general support of its work, even though that money may be spent to promote particular candidates' election.²⁶

Like candidates' own political committees, party committees and PACs must file campaign reports and observe legal restrictions on their campaign-related activities.²⁷ The precise rules applicable to party committees and PACs are beyond the scope of this book. As a candidate, your primary responsibility rests with your personal finances, and with your own political committee.

RAISING MONEY

Regardless of whether or not a candidate sets up a political committee, all campaign fund raising should be conducted with an eye toward legal compliance. The Election Code prohibits the acceptance of contributions of certain types and from certain sources, describes the proper procedure for accepting legal contributions, and requires detailed record-keeping of most contributions. These various provisions are discussed below. First, however, one should have a clear understanding of what is and is not a "contribution."

Identifying Contributions

The Election Code contains a lengthy definition of "contribution." As an introduction, it is important to recognize that contributions consist of more than just money: valuable things, such as equipment, supplies, advertising, and the services of paid-for personnel can also be contributions.²⁸ Furthermore, contributions include more than outright donations: loans, forgiven debts, and other transactions which benefit a campaign's coffers also fall within the definition.²⁹ For example, when a candidate lends his or her own money to his or her political committee, that loan is a contribution from the point of view of the committee (and an expense from the candidate's point of view). The following items are contributions:³⁰

1. Any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing that is made to a candidate or political committee for the purpose of (a) influencing any election in Pennsylvania or (b) paying debts which a candidate or political committee incurs before or after the election.
2. The purchase of tickets for fund raising events, such as dinners, luncheons, and rallies.
3. The granting of discounts or rebates which are not available to the general public.
4. The granting of discounts or rebates by television and radio stations and by newspapers, which are not extended on an equal basis to all candidates for the same office.
5. Payments provided for the benefit of the candidate. (For example, if an employer makes his or her clerical staff available to a candidate's campaign, but continues to pay the staff's salary, those salary payments are "for the benefit of the candidate" and are contributions.)
6. The receipt or use of anything of value by one political committee from another political committee.
7. Any return on investments by a political committee.

The following items are defined by the Election Code as *not* constituting contributions for the purpose of finance reporting requirements, even though they obviously benefit a candidate when they are donated to his or her campaign. Because they are deemed not to be contributions, they can be given to and received by a campaign without there being any need to file reports:³¹

1. The volunteering of personal services in any amount. (In other words, the time and effort which an individual personally gives to a campaign is not a "contribution," even though the campaign would have to pay to obtain such services from another source.)
2. The cost of operating a car owned or leased by the candidate or by his or her immediate family, and the cost of food and beverages for the candidate and his or her immediate family.
3. The cost of invitations, food, and beverages donated by

- an individual in the course of voluntarily holding a political event for a candidate — so long as the event is held in the individual's home or in a church or community room — up to a limit of \$250 per donating individual; also, the rental value of using the community room or church.
4. Lost profits when an individual vendor—not a corporation or unincorporated association — sells food or drink to a campaign at cost, up to a value of \$250 per vendor.
 5. Any unreimbursed expenses which an individual incurred on behalf of the candidate, up to \$250 per individual.
 6. The use of the candidate's personal residence, business or office space (unless the business or office is a corporation or unincorporated association); and the use of personal property which the candidate owns or leases, provided the value of using the personal property does not exceed \$1,000.
 7. The use of the personal residence or business or office space of a volunteer — other than a corporation or business association; and the use of personal property owned or leased by a volunteer, provided the value of using the personal property does not exceed \$250.

Although these items are not “contributions” for the purpose of finance reporting requirements, nevertheless there is a restriction on who can legally provide them to a campaign. Any organization which is prohibited from making a “contribution” is also prohibited from furnishing these items. Those organizations are described in the next subsection.³²

Prohibited Contributions

Understanding the definition of “contribution” enables the candidate or political committee to comply with the reporting requirements of the Election Code. That understanding by itself is not enough, however, for the law further provides that certain contributions are illegal.

The foremost target of Election Code prohibition is the contribution whose true origin is impossible or difficult to determine. Thus, it is unlawful for any candidate or political committee to disburse money received from an anonymous source; all such money must be turned over to the State Treasurer within 20 days of its receipt.³³ Similarly, cash contributions from any single source that total more than \$100 are also forbidden.³⁴ It is also

unlawful for any person to contribute funds which were given to him or her for that purpose by any other person, firm or corporation.³⁵ This last prohibition applies regardless of whose name the contribution ultimately is made in; each person making a contribution is required to do so only in his or her own name.³⁶

The second major Election Code prohibition bans campaign contributions from banks, corporations, and unincorporated associations.³⁷ (Unincorporated associations include such organizations as labor unions, social clubs, and neighborhood civic associations.) There are only two exceptions to this rule. The first allows corporations and unincorporated associations to set up separate political funds for the purpose of making campaign contributions, and to solicit voluntary donations to those funds from their own members and from others.³⁸ Organizations which form such funds may then contribute money from them to political campaigns.³⁹ The funds are political committees and have their own reporting requirements to meet.⁴⁰ The second exception allows corporations which are formed primarily for political purposes or as political committees to make campaign contributions or expenditures.⁴¹

None of the Election Code provisions prohibiting certain contributions prevents banks from loaning money to a campaign as an ordinary business transaction.⁴² Similarly, normal interest or dividends which are paid upon investments of a campaign's money are entirely proper.⁴³ Such loans, interest payments, or dividends are "contributions" which will have to be reported by the campaign.⁴⁴

Accepting Contributions

The acceptance of contributions by a candidate or (if there is one) his or her political committee triggers a number of record-keeping and reporting responsibilities. One of those is to keep accurate records which will enable the candidate or committee receiving the contribution to file legally required finance reports. The information which must be provided in those reports is described below, under "Filing Finance Reports." In addition, a candidate or political committee has other duties to perform once contributions are accepted.

First, each candidate (or his or her political committee) must keep a record of the names and addresses of each person from whom a contribution of over \$10 has been received.⁴⁵ This requirement is distinct from the finance *reporting* requirements.

The candidate or treasurer must keep this record, as well as all other information that must be *reported*, for 3 years after the filing of the reports.⁴⁶

Second, if the candidate does set up a political committee, once that committee receives contributions totalling \$250 or more, it must file a registration statement within 20 days after receiving that amount.⁴⁷ Political committees of candidates for state office (Governor or State Senator, for example) must file the statement with both the Secretary of the Commonwealth and the candidate's local County Board.⁴⁸ Political committees of candidates for local office (Mayor or City Councilmember, for example) must file the statement with the candidate's local County Board.⁴⁹ The statement must provide the following information:⁵⁰

1. The name, address(es), and phone number(s) of the political committee.
2. The name, address, and phone number of the committee's treasurer.
3. The name, address, and phone number of the committee's chairman.
4. The name, addresses, and relationships of any affiliated or connected organizations.
5. The name(s) and address(es) of the candidate(s) supported by the committee.
6. The bank(s), safety deposit box(es), and other repositories used by the committee, and their addresses.
7. The period during which the committee expects to operate.

Changes in this information must be reported to the appropriate office or offices within 30 days of the change.⁵¹

Third, particular care must be taken in the handling of "late" contributions. These are contributions which are received or pledged after the candidate or political committee has filed a final pre-election finance report, but before the date of the election.⁵² (This pre-election report is due not later than the 2nd Friday before the election and must provide information which is complete as of 15 days before the election; see "Filing Reports," below.) Every late contribution or pledge of \$500 or more must be reported within 24 hours of its receipt to the Secretary of the Commonwealth and the candidate's County Board (for candidates for state office and their committees) or to just the candi-

date's County Board (for candidates for local office and their committees).⁵³ The report must be made by telegram, mailgram, or in person, and it must be made by the candidate or the political committee's chairman or treasurer.⁵⁴ The reporting requirement would apply, for example, to a political committee which received a "late" contribution of \$500 or more from its candidate.

Finally, anyone who accepts a contribution on behalf of a candidate or political committee (at any time during the campaign) has an obligation to turn it over to the candidate or the committee's treasurer within 10 days of its receipt.⁵⁵

SPENDING MONEY

Restrictions on the spending of campaign funds are very specific. They cover two separate areas: first, the manner in which funds may be disbursed; second, the purposes for which they may be disbursed.

The candidate and (if there is a candidate's political committee) his or her "sole" treasurer are legally responsible for controlling the disbursement of campaign funds, and only they can authorize the campaign to spend money.⁵⁶ If the candidate has set up a political committee, all money received or disbursed by it must be done through its treasurer.⁵⁷ A treasurer, however, can delegate written authority to any number of assistant treasurers to receive and disburse money on behalf of the campaign.⁵⁸ In this fashion, campaign workers can be given the authority to disburse the funds needed for routine expenses, such as postage, telephones, and travel. Vouchers are required for all expenditures exceeding \$25; cancelled checks, receipts, bills, invoices and the like are acceptable as vouchers.⁵⁹ Finally, so that the candidate and political committee will be able to comply with their separate finance reporting requirements, an accurate record should be kept of every expenditure, detailing its amount, its purpose, the date it is made, and the name and address of the person to whom it is paid.

The purposes for which campaign funds are permitted to be spent are specifically listed in the Election Code, and none other than those listed below are legal.⁶⁰ Campaigns are allowed to pay for:

1. Printing and traveling; personal expenses related to traveling; stationery and postage; expressage, freight, telegraph, telephone, and public messenger service; advertising.

2. Rental of radio facilities and amplified systems.
3. Political meetings, demonstrations, and conventions; speakers for meetings; traveling expenses for speakers.
4. Rental, maintenance, and furnishing of campaign offices.
5. Employment of clerks, typists, stenographers, janitors, and messengers.
6. Transportation of voters to and from the polls.
7. Employment of the legally authorized number of poll watchers for election day.
8. Fees for legal counsel in connection with the election; fees incident to filing petitions or papers required by law.
9. Contributions to other political committees. (A political committee which receives more than \$250 in contributions must be registered before it can contribute to another political committee.)

At the end of a campaign, if a candidate or his or her political committee terminates its financial activity, any leftover funds may be used for any of the authorized expenditures listed above, or they may be returned on a pro-rata basis to contributors by the candidate or committee's treasurer.⁶¹

The following transactions are "expenditures" and therefore can only be carried out for one of the legal purposes listed above.⁶²

1. The payment, distribution, loan, or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election. (This includes the transfer of a candidate's own money to his or her committee: the candidate has made an expenditure.)
2. The payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees.
3. The providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office to be voted for in this Commonwealth.
4. The payment or providing of money or other valuable thing by any person other than a candidate or political committee to compensate any person for services rendered to a candidate or political committee.

As noted, vouchers (or copies of vouchers) of every expenditure exceeding \$25 must be retained by the candidate or committee's treasurer.⁶³ Although these vouchers are not required to be filed with the campaign reports, they must be kept available by the candidate or treasurer for public inspection and copying.⁶⁴ Any person may have access to and copy those vouchers by filing a written request with the office or offices where the campaign reports are filed.⁶⁵ The candidate or committee must either forward the vouchers (or copies) to the appropriate office or make them available to the requesting person.⁶⁶ The requesting person must pay the costs of copying and delivering the material.⁶⁷

FILING FINANCE REPORTS

This section describes the reporting requirements which candidates and their political committees must observe. Most candidates and political committees that receive or expend substantial amounts of money in conducting their campaigns must provide detailed information concerning their respective financial activities. Even candidates and committees with minimal financial activity are subject to reporting requirements, although the requirements are less demanding. This section describes who must file campaign finance forms, what forms must be filed, where and when to file them, and what information to include in them. The forms and instructions for completing them are available from the Secretary of the Commonwealth and County Boards of Elections.

Who Must File

Under present law, candidates for the position of Judge of Elections or Inspector of Elections, and candidates for all party offices are exempt from the filing requirements discussed in this section.⁶⁸ Such candidates, however, should check with their County Board before running for office to make sure that they are still exempt. All other candidates for elected public office — *and their political committees* — must file documents pertaining to their campaign finances.⁶⁹ Which type of documents must be filed, and when, depends upon the circumstances of the particular candidate or political committee.



What Form Must Be Filed

There are two basic types of campaign finance forms, a long version which requires detailed information and a short version which does not. One or the other must be filed each time a filing deadline comes due. The type that must be filed depends upon the level of financial activity of the candidate or political committee filing the form. In addition, there is a third form—an affidavit—which certain local candidates without political committees can file to be excused from filing the usual campaign finance forms.⁷⁰

The Campaign Expense Report and \$250-Statement

The first type of campaign finance form is the "Campaign Expense Report," a comprehensive record in which candidates and committees provide detailed information concerning contributions which they received, expenditures they made, and debts they incurred.⁷¹ There is, however, a minimum dollar threshold which must be reached before a candidate or candidate's political committee is required to file such a report. The threshold operates in the following manner: there are a number of reporting periods before and after an election.⁷² If, during a particular period, a candidate or political committee does not receive, expend, or incur liability in excess of \$250, then a Campaign Expense Report for that period is not required to be filed.⁷³ Instead, the candidate (or, if it is a committee, the committee's treasurer) must file the second type of campaign finance form, a brief sworn statement that the \$250 limit was not reached ("\$250-Statement").⁷⁴ No detailed financial information is required in a \$250-Statement. Each reporting period is considered separately; it is entirely possible that a candidate or committee may file a \$250-Statement for one period, while having to file a "Campaign Expense Report" for the next.

Remember, *both* candidates and their political committees must file their own Campaign Expense Reports or \$250-Statements, whichever is appropriate.⁷⁵ In other words, even if a candidate sets up a political committee, he or she must file documents pertaining to his or her personal receipts, expenses, or liabilities. It is simplest, therefore, for such a candidate to channel all financial activities through his or her committee; in this manner, only one detailed Campaign Expense Report — the committee's — will have to be filed each reporting period, and the candidate will need to submit only the \$250-Statement.

Optional Affidavit For Some Local Candidates

The Election Code excuses some candidates from having to file Campaign Expense Reports or the \$250-Statements. Local candidates (that is, city or county candidates) who do not set up political committees and who do not expect to receive, spend, or incur debts in excess of \$250 during any reporting period can elect to file a single affidavit along with their nomination petition or paper.⁷⁶ The affidavit must state that the candidate does not intend to receive contributions or make expenditures in excess of \$250 during any reporting period; that the candidate will keep (without having to file) records of contributions and expenditures; and that the candidate will file Campaign Expense Reports for any reporting period during which he or she receives contributions or spends in excess of \$250.⁷⁷ Of course, if such a candidate does exceed the \$250 limit, he or she must file the required Campaign Expense Report; however, unless the candidate again exceeds the \$250 limit in a subsequent reporting period, no additional report need be filed.⁷⁸

When to File

Optional Affidavit

Those candidates for city or county offices who are eligible to file the affidavit excusing them from having to submit Campaign Expense Reports or \$250-Statements must file that affidavit along with their nomination papers or petitions.⁷⁹ If they subsequently exceed the \$250 limit in any reporting period applicable to other local candidates, they must file Campaign Expense Reports for that period, and the filing deadline is that which applies to other local candidates.⁸⁰ Subsequent reports are not required unless the \$250 limit is exceeded once again.⁸¹

Campaign Expense Reports and \$250-Statements

Candidates who must file either Campaign Expense Reports or \$250-Statements must observe the following deadlines:

No later than the sixth Tuesday before the election, statewide candidates (that is, those for whom electors throughout Pennsylvania may vote) and their political committees must each file the first of two pre-election forms — either the Campaign Expense Report or the \$250-Statement, whichever is appropriate.⁶² The information filed on this date must be complete as of 50 days prior to the election.⁶³

No later than the second Friday before the election, statewide candidates and their political committees must file their second pre-election form.⁶⁴ By the same deadline, all other candidates (those seeking to serve in the General Assembly, and those seeking county or city offices) and their committees must file their first — and only — pre-election forms.⁶⁵ All Campaign Expense Reports filed on this date must be complete as of 15 days before the election.⁶⁶ For statewide candidates and their political committees, the forms need cover only the period not covered by the first filing.⁶⁷ Since all other candidates and committees will be filing for the first time, their forms must report on the entire period of activity up to the deadline. Of course, any candidate or committee not exceeding the \$250 limit for the relevant time period should file a \$250-Statement instead of a Campaign Expense Report.

No later than 30 days after the election, all candidates and their committees must file post-election Campaign Expense Reports or \$250-Statements.⁶⁸ These forms must be complete as of 20 days after the election; again, they must cover only the period not covered by prior filings.⁶⁹

Finally, candidates and political committees which have not formally terminated their campaigns must file annual reports no later than January 31, which must be complete as of December 31 of the prior year.⁹⁰ (Termination requires the filing of a form; this is discussed immediately below.) Annual reports need cover only the period not covered by prior filings.⁹¹ If the campaign has had some changes in its accounts since the previous period, but has not exceeded the \$250-threshold described above, then a \$250-Statement should be filed.⁹² Otherwise, the annual report must be a detailed Campaign Expense Report for the relevant period. Annual reports must be filed year after year until the last

such report shows no balance or debt in the account.⁹³

Instead of waiting to file an annual report, a candidate or political committee whose campaign has ended, and whose account shows a zero balance and no outstanding debts, may file a termination report.⁹⁴ If the account reaches zero balance and zero debt before the 30-day post-election form has been filed, the filing candidate or committee can designate that form a "termination" report or statement by marking the appropriate box on the form.⁹⁵ If the campaign achieves a zero balance and no debt sometime after the 30-day post election forms are filed (but before the Annual Report is due), the candidate or committee can then file a Campaign Expense Report (or \$250-Statement, whichever is appropriate) and designate the form as a termination filing.⁹⁶ Once a termination report or statement is filed, no annual report is required unless contributions are received or expenditures made after the time period covered by the termination form.⁹⁷ There is one final restriction: you cannot terminate by filing a \$250-Statement if you previously filed Campaign Expense Reports and your most recent Report showed debts of more than \$250; in that case, you must terminate by filing a Campaign Expense Report.⁹⁸

In using this exception, remember that it applies separately to candidates and their political committees. A candidate who channels all campaign finances through his or her committee will often be able to designate his or her own 30-day post-election form as a termination statement, and thus be excused from further filings; his or her committee will have its own reporting responsibilities, and may or may not have to file an annual report.

Candidates and political committees should be aware that there are penalties for failing to file required campaign finance forms. Candidates or committees who have not filed by the deadlines are subject to daily fines, up to a maximum total fine of \$250 for any single late report.⁹⁹ The fine is the personal responsibility of the candidate or committee's treasurer and cannot be paid from campaign funds.¹⁰⁰ Furthermore, no candidate may be deemed elected, or be sworn into office, or be paid for that position, until all of the campaign finance reports and statements concerning his or her campaign have been filed.¹⁰¹ This includes documents which must be filed by the candidate and by the treasurers of any political committees authorized by the candidate.¹⁰²

Where To File

Candidates for state offices (such as Governor or State Representative) and their political committees must file their completed forms in two places: one copy must be filed with the Secretary of the Commonwealth (Bureau of Elections, Room 305 North Office Building, Harrisburg 17120), and the second must be filed with the County Board of Elections in the county where the candidate resides.¹⁰³ Candidates for city office (such as City Commissioner or Mayor) and their political committees must file only one copy of the forms — with the candidate's local County Board of Elections.¹⁰⁴

Information Required in Campaign Expense Reports and \$250-Statements

Campaign Expense Reports must be very detailed. This is the main reason candidates and committees' treasurers should know the requirements before they begin raising and spending money, lest they find themselves unable fully to account for their operations after the election. The reports must include the following information:¹⁰⁵

1. The full name, mailing address, occupation, employer (if any) or the principal place of business (if self-employed) of each person whose total contributions during the reporting period exceed \$250 in value; the date and amount of each such contribution.
2. The full name and mailing address of each person whose total contributions in the reporting period exceed \$50 in value; and the date and amount of each such contribution.
3. The total sum of individual contributions made during the reporting period which are not reported under categories (1) or (2), above. (In other words, the sum of all contributions from individuals who contributed a total of \$50 or less.)
4. Every expenditure, the date made, the full name and address of the person to whom it was made, and its purpose.
5. All unpaid debts and liabilities, the nature and amount of each, the date incurred, and the full name and address of the person owed.

6. Any unexpended balance of contributions or other receipts carried forward from the previously filed report.

Each Campaign Expense Report must also contain a summary of this required information on a separate page.¹⁰⁶

\$250-Statements do not require detailed information concerning the filing candidate's or committee's campaign finances. Rather, they are sworn statements which need only state that the candidate or committee did not receive, expend, or incur liabilities in excess of \$250 (for the reporting period).¹⁰⁷

Before a campaign finance report is submitted, it must be signed and sworn to by the individual submitting it (that is, the candidate or the committee's treasurer).¹⁰⁸ Additionally, with respect to any authorized committee which is operating solely on a candidate's behalf, the committee's report must include an affidavit by the candidate that to the best of his or her knowledge the committee did not violate any campaign finance law.¹⁰⁹ These oaths should not be taken lightly. Any willfully false or misleading statement in a Campaign Expense Report or \$250-Statement constitutes perjury, and any person convicted for that crime is disqualified from holding public office in Pennsylvania.¹¹⁰

REVIEW OF ACCOUNTS: AUDITS AND PENALTIES

Campaign finance reports are public records which must be retained by the office(s) where they are filed for 5 years.¹¹¹ No later than the end of the second day after they are received by the appropriate office(s), any citizen may see the documents and purchase copies of them at cost.¹¹² And, if the documents do not appear to meet the requirements of the Election Code, they can and should be "audited."

Audit proceedings are initiated by a petition of 5 voters from the election district in which the candidate seeks or sought office.¹¹³ Petitions must be filed within 90 days of the last day for filing the campaign finance reports, although this limit can be waived when reports are filed late.¹¹⁴ With respect to finance reports which must be filed with the Secretary of the Commonwealth (those concerning candidates for state office and their committees), the petition should be presented in writing to the Commonwealth Court in Harrisburg.¹¹⁵ With respect to finance reports which are filed only with the candidate's local County Board (candidates for city and county office and their committees), the petition should be presented to the Court of Common

Pleas for the county in which that County Board is found.¹¹⁶

Campaign account audits are formal court proceedings intended to bring upon the public record the information which should have been disclosed in the first place, and to determine the legality of suspicious items in the account. If, as a result of the audit, the court determines that violations of the law were committed by any person, whether a candidate or not, it must certify this decision to the appropriate prosecuting official so that criminal proceedings against the violator can be begun.¹¹⁷ Additionally, if the audit shows that finance reports are false in any substantial manner, or that expenses were incurred in violation of the law, the filer of the report must pay the expenses of the audit; otherwise, the petitioners may be ordered to pay all or part of the audit's cost, at the discretion of the court.¹¹⁸

If, in the course of criminal proceedings, a court finds that a candidate willfully accepted contributions or made expenditures in violation of the law, the court must certify this fact to the Attorney General.¹¹⁹ If the candidate has not yet been elected, the Attorney General must institute judicial proceedings to have the candidate's name struck from the ballot. If the candidate has been elected, the Attorney General must institute proceedings to have the candidate removed from office.¹²⁰

In addition to the audit which can be required by 5 petitioning citizens, the Election Code provides for a random audit of some candidates after each election.¹²¹ Forty days after each election, the Secretary of the Commonwealth must select by public lottery 3% of all public offices for which candidates must file nomination petitions or papers with the Secretary.¹²² Thereafter, all candidates for the selected offices and their authorized political committees must be audited.¹²³ The auditors must report their findings to the Secretary of the Commonwealth — who must make those findings public (but not until after the November election in the case of primary election audits) — and to the Attorney General for the possible institution of criminal proceedings.¹²⁴

The penalties available for improper accounts are serious indeed, and they should provide more than enough encouragement for candidates to take special care both in their personal finance activities and in their choices of treasurers upon whom they will rely.

Going to the People

VOTER REGISTRATION DRIVES

Voter registration is one tool of an election campaign which too many candidates fail to use. Candidates often regret that failure after the election when they realize that many people who might have voted for them were not able to vote. These would-be voters may never have registered, or they may have lost their registrations by moving,¹ by marital or other name changes,² or by failure to vote for a two-year period.³ In a primary, they may be registered in a party other than the one whose nomination the candidate is seeking. In all of these cases, their votes are unavailable.

All of these problems can be solved by an effective registration drive. Depending on the size of the election district, registration drives should focus either on specific people or groups who have indicated support for the candidate, or on neighborhoods or larger geographic areas where support can be anticipated. At any level, however, the drive should make full use of up-to-date registration street lists available from the Board of Elections to find the citizens who should be targeted in the registration drive, either to be newly registered or for a change of party affiliation.

The Philadelphia Board of Elections provides several means of new voter registration. Citizens may register in person by filling out a Voter Registration Application at the registration office in City Hall Annex across from City Hall.⁴ Citizens may also register by mail, using the Voter Registration Application (VRA).⁵ Soon after this pre-addressed, postage-paid form is filled out and mailed, the applicant will receive either a registration card or instructions concerning any corrections or additions needed on the VRA for completion. VRAs are available throughout the city at libraries, state stores, and government offices; they may also be obtained from the Board of Elections or the Committee of

Seventy. A third method of registering is to appear in person before traveling registrars, who circulate throughout the city in the weeks preceding the close of registration. This method may not be available before every election, as it is up to the City Commissioners to implement.⁶

Change of party registration, name, or address can also be accomplished in person or by mail, using the VRA.⁷ The form includes a place to indicate the type of change being submitted.

Remember that to be effective in an upcoming election, a new or changed registration must be completed at least 30 days before the election.⁸ Candidates must therefore be sure that every potential registrant gets to an in-person registrar and that every VRA is received at the main registration office before that deadline.⁹

Campaign organizations can assist potential registrants in a wide variety of ways. Often, they may simply notify people who need to register or change party affiliation, or they may provide the transportation and even baby-sitting services to make the registrant's task as easy as possible. One of the most effective registration methods for new registrants is the systematic door-to-door canvass by which campaign workers can cover entire neighborhoods, assisting eligible residents in the preparation of individual VRAs. These VRAs can be both picked up from and hand-delivered in bulk to the main registration office in City Hall Annex. VRA canvassers should make sure each registrant fills out the VRA completely and accurately. Any person who gives assistance to the registrant in completing the VRA must provide his or her name and address in the appropriate box on the VRA.¹⁰

CONDUCTING THE CAMPAIGN: DISTRIBUTING LITERATURE, ADVERTISING, AND POSTING SIGNS

In the planning and conducting of an election campaign, a candidate is best served by relying on the judgment of trusted political advisors and his or her own instincts. The most important advice this manual can provide is to conduct a vigorous campaign and to conduct a fair campaign.

Pennsylvania law requires that certain information be included in campaign literature and advertising. Any advertisement or literature which advocates either the election or the defeat of a candidate must clearly indicate the person or organization responsible for its publication.¹¹ Specifically, if the material has been authorized by a candidate (or by a candidate's

political committee, or by the candidate's or committee's agents), it must clearly and conspicuously state this fact.¹² If the material has not been authorized by a candidate, his or her committee, or their agents, then it must clearly state the person or organization paying for it.¹³ In the case of such unauthorized material, if a political committee paid for it, the name of any affiliated or connected organization must also be provided.¹⁴ These rules apply to all types of advertising and campaign literature which have been paid for, whether printed, electronically broadcast, displayed on billboards, or otherwise disseminated.¹⁵

Before candidates post any campaign-related signs or stickers in Philadelphia, they should be aware that city ordinances regulate that activity. Before such items can be put up, a permit to do so must be obtained from the city's Department of Licenses and Inspections (in the Municipal Services Building, 15th St. & JFK Blvd., on the Concourse Level; 686-2490).¹⁶ A non-refundable fee and a refundable deposit or personal bond are required for the permit.¹⁷ The applicant for the permit will also be given official stamps which must be placed on the front of each item that is posted.¹⁸ If a substantial number of the signs or stickers which are posted have not been removed within 30 days after the election, as much of the deposit as is necessary will be used to pay for their removal.¹⁹

In addition to the permit requirement, candidates and their supporters must also observe various restrictions on when and where stickers and signs may be posted. Campaign signs may not be erected on public buildings or in public parks.²⁰ They may be erected on other public property provided that they are erected securely (but they cannot be nailed or stapled to trees); that they do not impair pedestrian or traffic safety; that they are not put up more than 45 days before the election; and that a substantial number of them are removed within 30 days after the election.²¹ There are also restrictions on how far a sign may project beyond a building, which vary according to the height and size of the sign and the building's location.²² Zoning restrictions may also apply.

Stickers — which are much harder to remove than signs — cannot be placed on public or private property without the permission of the owner, even if a permit has been obtained.²³

Candidates should check with the Department of Licenses and Inspections if they have questions about the location of their signs.

Getting Out the Vote: Election Day Itself

Election Day should witness the climax of a candidate's efforts to win office. Much of the attention and planning should go into the staffing of polling places in the candidate's election district with well-trained members of the campaign organization.

In both the primary and November elections, each candidate is permitted two "poll watchers" at every polling place where his or her name appears on the ballot.¹ Additionally, in the November election, each political party or political body is permitted three poll watchers in every election district in which the candidates of the party or body are voted for.² Watchers may be residents of the division in which the polling place is located or they may be non-residents, in which case they must be residents of the municipality in which the division is located.³ Thus, non-resident watchers in Philadelphia must reside in Philadelphia.

In order to enter the polling place a watcher must have a "Watcher's Certificate" issued by the Board of Elections.⁴ Several weeks before the election, the campaign organization should prepare two lists of watchers. For resident watchers' certificates, a separate list is submitted directly to the Board with a request that it issue certificates.⁵ The non-resident list is submitted to the Court of Common Pleas by means of a petition for certificates.⁶ After its review, the court will order the Board to issue non-resident certificates.⁷ Both lists should identify every proposed watcher by name, address and ward, and indicate the division where he or she will serve (non-resident petitions should also indicate the ward and division where each resides and set forth that each is a registered elector of Philadelphia, a law-abiding citizen and a person of good repute).⁸

Only one watcher per candidate and (in the November election) one watcher per organization can be inside the polling place at any time while the polls are open.⁹ Nevertheless, maintaining

a full team of watchers is important to the success of a campaign. Inside the polling place, the watcher is entitled to observe everything that goes on and can, by his or her mere presence, insure that polling place officials conduct a fair election and report an accurate return. Watchers should, therefore, know the law and report any violations to the Judge of Elections. If the Judge fails to act, the watcher should notify the County Board of Elections or call the Committee of Seventy. The watcher may also challenge the right of any person coming in to vote who the watcher believes is not eligible.¹⁰

The watcher inside the polling place also plays a crucial role in getting out the vote. The law permits a watcher to keep a list of voters as voting goes on through the day.¹¹ A good idea is to provide each watcher-team with a street list for its division. They should be instructed to review the list with organization members familiar with the neighborhood to identify known or likely supporters of the candidate. Then they should check the list against a telephone book and enter the phone numbers of these voters on the street list. On Election Day, the "inside" watcher marks off voters' names as they come in to vote, providing an up-to-date report to the outside watchers or the other campaign workers on those voters they should call or visit to assist them in coming out to vote.

The watchers who are outside the polling place should remain available to relieve the "inside" watcher so as to insure that the polling place is never left unattended. In the meantime, they should be making the indicated phone calls or visits to voters and arranging for them to get to the polls; they should also be distributing literature and talking to arriving voters about their candidate.

At the close of voting, all watchers are permitted inside the polling place to witness the opening of the machines and the preparation of the official returns for the division.¹² This is a critical part of the watcher's job. Every watcher-team should prepare its own complete set of returns for its division, relying not on the counts from the election board, but on personal observation of the counters at the back of each machine. These returns should be delivered to the campaign headquarters and checked against the official returns. Watcher returns are one of the best protections not just against the rare case of vote fraud, but against the more common case of clerical error. Needless to say, in a close contest, this kind of protection is essential.

9

Aftermath: Victory and Defeat; Contest and Recount

With the passing of Election Day, the campaign comes to a close, and the unofficial results are announced shortly thereafter. The winner can then await either the official nomination of the party in whose primary he or she was victorious or, if the office itself has been won, a certificate of election to office. The loser should analyze not just campaign strategies but also the programs and policies which he or she offered the voters as a candidate to see where all of these can be improved. If, however, an unsuccessful candidate believes the official result is not a true one, due to either fraud or mistake, he or she should consider the prompt initiation of contest or recount proceedings to invalidate that result.

An election contest is the remedy which should be sought by a candidate who believes the result was brought about by fraud or illegal conduct. Recount is the appropriate remedy for the incorrect tabulation of votes. Neither of these remedies, however, should be attempted unless the candidate and his or her organization are prepared to support their suspicions with evidence of a fraudulent or mistaken count, and to commit the resources — especially time and money — which may be necessary for success.

The cost and complexity of contests and recounts will depend upon the office for which the election was conducted and upon the circumstances of the dispute.¹ In a recount, for example, a candidate must post a deposit of \$50 for each division

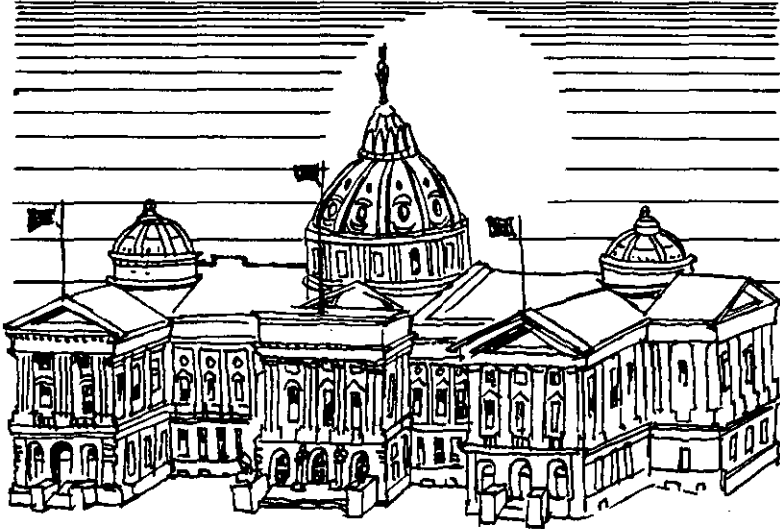
whose results are claimed to be in error.² And the cost of a recount which proves unnecessary may be entirely charged to the requesting candidate.³ Meanwhile, the Election Code provisions for the conduct of these proceedings and the need to gather supporting evidence may demand the services of experienced counsel. The best service of counsel will be to assist the candidate in considering all of the options and their political consequences before making a decision to seek a contest or recount.

Defeated candidates should not be deterred from seeking such remedies for legitimate reasons, however. And every candidate should know that the provisions of the Election Code are supported by criminal penalties as a means of punishing and deterring violators. A conviction for the willful violation of the Election Code may, depending upon the provision, mean a deprivation of the right to vote for up to four years,⁴ permanent exclusion from future candidacy for public office,⁵ fines of up to \$1,000, and imprisonment of up to one year.⁶ These are substantial penalties and represent the judgment of our lawmakers that an attempt to interfere with the right to vote in free, fair elections is a very serious crime.



A Final Word

This manual attempts to provide you with the information you need to run for any of the offices described. You may find that the process is not as difficult as you previously thought. In any event, a number of organizations are available to assist you, as you can see. Once again, the rest is up to you — and the voters.



References

Chapter 2. Choosing the Office: Job Descriptions and Required Information

1. Title 25 of Purdon's Pennsylvania Statutes Annotated, § 2671. (Pa. statutes will be cited hereafter as _____ P.S. § _____.)
2. 25 P.S. § 2602(j).
3. 25 P.S. § 2602(h).
4. 25 P.S. § 2682, as amended, 1976.
5. 25 P.S. § 2672.
6. 25 P.S. § 2684.
7. 25 P.S. § 2677.
8. 25 P.S. § 2671.
9. 25 P.S. § 2672.
10. *Id.*
11. *Id.*
12. *Id.*
13. Note: City officials generally can hold the following positions: notary public, any office in the military or naval service of the United States or Commonwealth of Pennsylvania, or any ex officio office held by virtue of another office or position.
Phila. Home Rule Charter, Adopted by the Electors April 17, 1951, § 8-301. (The Home Rule Charter will be cited hereafter as Phila. H.R.C. § _____. The Charter may also be found at 351 Pa. Code §§ 1.1-100 et seq.)
14. Phila. H.R.C. § 10-107(5).
15. *Walsh v. Tate*, 282 A.2d 284, 444 Pa. 229 (1971), PA. CONST. Schedule to Art. 5, § 16(y).
16. 25 P.S. § 2752; 17 P.S. § 1439; Phila. Code § 2-112(1).
17. Phila. Code § 2-112(2).
18. Both the Phila. Home Rule Charter and the "First Class City Code" (53 P.S. §§ 12101, et seq.) are silent as to an age requirement for these offices. However, the County Code, 16 P.S. § 413, states that the age requirement for holding county office is 18; although this code does not apply to First Class Counties such as Philadelphia (16 P.S. § 102), presumably this would also be the minimum age for holding office in Philadelphia.
19. 53 P.S. § 12195.
20. Phila. H.R.C. § A-100(a).
21. Phila. Code § 2-112(4).
22. 25 P.S. § 623-4, as amended, 1976; 25 P.S. § 2642, as amended, 1955.
23. Phila. Code § 2-112(1).
24. PA. CONST., Schedule to Art. 5, § 16(n).
25. 20 P.S. § 901, 72 P.S. § 2381, as amended, 1972.
26. PA. CONST., Schedule to Art. 5, § 16(n).
27. PA. CONST., Schedule to Art. 5, § 16(l), (l).
28. Phila. Common Pleas and Municipal Court Rules, 440(c), 441 B(4)(f), 442 B(4)(f), 520(A), 600(C), 700, 810, 920.
29. Though not codified in the Home Rule Charter or First Class Cities Code, these are traditional roles of the Sheriff. See Pa. Law Encyclopedia, Sheriffs and Constables, § 81 (1960).
30. PA. Rules of Civil Procedure, 3101-3249.
31. 53 P.S. §§ 12421, 13152; PA. CONST., Art. 9, §§ 4, 13; Phila. H.R.C. § 3-401.
32. Phila. H.R.C. §§ 6-400 through 6-405.
33. 16 P.S. § 9952.
34. 16 P.S. §§ 7701, 7702; PA. Supreme Court Rules, 12A.
35. 16 P.S. §§ 7701, 7702; PA. Supreme Court Rules, 12A, 13.
36. Phila. H.R.C. §§ 3-200, 2-100.
37. Phila. H.R.C. § 1-101.
38. Phila. H.R.C. § 2-202.
39. Phila. H.R.C. § 2-100.
40. Phila. H.R.C. § 2-101.
41. Phila. H.R.C. § 2-103.
42. *Id.*
43. Phila. H.R.C. § 4-100.
44. *Id.*
45. Phila. H.R.C. § 3-102.
46. Phila. H.R.C. § 2-202.
47. Phila. H.R.C. § 3-300.
48. PA. CONST., Art. 2, § 1.
49. PA. CONST., Art. 4, § 15; Art. 3, § 1.
50. PA. CONST., Art. 2, § 16.
51. Map published by the Secretary of the Commonwealth, after 1972 Reapportionment, pursuant to PA. CONST., Art. 2, § 17(h).
52. PA. CONST., Art. 2, § 16.
53. Map published by the Secretary of the Commonwealth, after 1972 Reapportionment, pursuant to PA. CONST., Art. 2, § 17(h).
54. PA. CONST., Art. 2, § 3.
55. PA. CONST., Art. 2, § 2; 25 P.S. § 2751, as amended, 1978.
56. PA. CONST., Art. 2, § 5.
57. PA. CONST., Art. 2, §§ 5, 6.
58. PA. CONST., Art. 3, § 4.
59. PA. CONST., Art. 2, § 3.
60. 25 P.S. § 2220, added 1964.
61. PA. CONST., Art. 2, § 5.
62. PA. CONST., Art. 2, §§ 5, 6.
63. PA. CONST., Art. 4, § 18.
64. Absent a specific age and residence requirement for these offices, it is presumed that to hold either office, one must be a qualified elector, i.e., 18 years of age and a resident of Pennsylvania.
65. 71 P.S. § 66, as amended, 1975; 321; 72 P.S. §§ 301-312; 1501-1503.
66. 72 P.S. §§ 401, 402, as amended, 1971; 403.
67. *Id.*
68. PA. CONST., Art. 4, §§ 1, 2, 4.
69. PA. CONST., Art. 4, §§ 3, 4.
70. PA. CONST., Art. 4, § 4.
71. PA. CONST., Art. 4, § 5.

72. PA. CONST., Art. 4, § 8.
73. PA. CONST., Art. 4, § 2.
74. PA. CONST., Art. 8, § 12.
75. PA. CONST., Art. 4, § 15.
76. PA. CONST., Art. 4, § 7.
77. PA. CONST., Art. 4, § 9, as amended, 1975.
78. PA. CONST., Art. 4, § 13.
79. PA. CONST., Art. 4, § 4.
80. Act 164 of 1980 § 206(a), Purdon's Pennsylvania Legislative Service, Vol. 4 (1980).
81. Act 164 of 1980 § 205(a)(1), (a)(7), (c), Purdon's Pa. Leg. Serv., Vol. 4 (1980).
82. Act 164 of 1980 § 204(a)(1), (c), Purdon's Pa. Leg. Serv., Vol. 4 (1980).
83. PA. CONST., Art. 4, § 4.1.
84. PA. CONST., Art. 4, § 5.
85. *Id.*
86. PA. CONST., Art. 4, § 6.
87. 25 P.S. §§ 2834, 2837, 2838.1, as amended, 1974.
88. 25 P.S. §§ 2832, 2870, as amended, 1974.
89. 25 P.S. § 2702.
90. Rules of the Republican Party of the City and County of Philadelphia, revised, 1966 (hereafter cited as *Repub. City Rules*), Art. 1; Rules of the Democratic Party of the City and County of Philadelphia (hereafter cited as *Dem. City Rules*), Rule III, Art. 2, § A; Rules of the Democratic Party of the Commonwealth of Pennsylvania, as filed in 1979 (hereafter cited as *Dem. State Rules*), Rule V, § 1(a).
91. 1979 Annual Report of the City Commissioners to the People of Philadelphia.
92. 1965 Report of the Ward Realignment Commission.
93. *Repub. City Rules*, Rule III, Art. 2, Sec. A; *Dem. City Rules*, Rule II, Art. 3, Sec. A; Rule III, Art. 1.
94. *Repub. City Rules*, Rule III, Art. 2, Secs. A, B; *Dem. City Rules*, Rule III, Art. 1, Sec. A.
95. *Dem. City Rules*, Rule II, Art. 3, Sec. A; *Repub. City Rules*, Rule II, Arts. 1, 2.
96. 25 P.S. §§ 2834, 2753; Rules of the Republican Party of the Commonwealth of Pennsylvania, as filed in 1979 (hereafter cited as *Repub. State Rules*), Rule 2.3(d); *Dem. State Rules*, Rule II, Sec. 2.
97. *Repub. State Rules*, Rule 2.3; *Dem. State Rules*, Rule II, Sec. 2.
98. *Repub. State Rules*, Rule 2.2; *Dem. State Rules*, Rule I, Sec. 2.
99. *Id.*
100. 25 P.S. § 2838.1.
101. 5 Code of Federal Regulations § 733.122; 71 P.S. § 741.904; Phila. H.R.C. § 10-107(4), (5); Directive of Pa. Court Administrator, approved in *In re Prohibition of Political Activities by Court-Appointed Employees*, 473 Pa. 554, 375 A.2d 1257 (1977).
102. *Id.*
103. *Id.*
104. 5 United States Code Annotated § 7325; 71 P.S. § 741.906; Phila. H.R.C. §§ 10-107(6), 10-109.

Chapter 3. Deciding How to Run: Options Available to Candidates

1. *Baronett v. Tucker*, Pa. Commonwealth, 365 A.2d 179 (1976); 25 P.S. § 2911(e)(5).
2. 25 P.S. § 2911(e)(5). There is no statutory prohibition against write-in candidates who have been unsuccessful in a primary running again in the general election as write-in candidates.
3. Only if running for party office does one need to be a registered and enrolled member of the designated party. 25 P.S. § 2870(g), as amended, 1974.
4. Act 134 of 1980 §§ 2, 3, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. §§ 2911(e), 2911.1).
5. Act 134 of 1980 § 4, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2913(c)).
6. 25 P.S. § 3155, as amended, 1971.
7. *Id.*

Chapter 4: Getting on the Ballot: Petitions and Papers

1. 25 P.S. § 2867, as amended, 1971.
2. 25 P.S. § 2911(a).
3. 25 P.S. § 2867, as amended, 1971.
4. 25 P.S. § 2872, as amended, 1978. NOTE: The Election Code requirement that candidates for the office of State Treasurer, State Auditor-General, State Attorney General, Lieutenant Governor, and Governor secure at least 100 signatures in each of five counties has been declared unconstitutional in a recent federal court case. *Elliot v. Shapp*, No. 76-1277 (E.D. PA., filed Oct. 28, 1976).
5. 25 P.S. § 2868, as amended, 1963.
6. *Id.*
7. 25 P.S. § 2873(d), as amended, 1963.
8. 25 P.S. § 2911(a).
9. 25 P.S. §§ 2911(c); 2912, as amended, 1979.
10. 25 P.S. § 2911(c).
11. Act 134 of 1980 § 4, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2913(b)).
12. Act 134 of 1980 § 4, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2913(c)).
13. 25 P.S. § 2911(b), as amended, 1971.
14. 25 P.S. § 2911(b), as amended, 1971; *Moore v. Osser*, 427 Pa. 24, 233 A.2d 579 (1967).
15. 25 P.S. § 2831, as amended, 1971.
16. 25 P.S. § 2911(c), (d).
17. 25 P.S. § 2912, as amended, 1979.
18. *Id.*
19. *Id.*
20. *Id.*
21. 25 P.S. § 2831(a), as amended, 1971; (b).
22. 25 P.S. § 2831(b).
23. 25 P.S. § 2831(a), as amended, 1971.
24. *Id.*
25. 25 P.S. § 3010(e).
26. 25 P.S. § 3010(h), as amended, 1971.
27. 25 P.S. § 2831(b).
28. 25 P.S. § 2831(a), as amended, 1971.
29. 25 P.S. § 2911(c), (d).

30. 25 P.S. § 2868, as amended, 1963; Act 134 of 1980 § 4, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2913(b)).
31. 25 P.S. §§ 2868, as amended, 1963; 2873(d), as amended, 1963; Act 134 of 1980 § 4, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2913(b), (c)).
32. 25 P.S. § 2868, as amended, 1963; 2912, as amended, 1979.
33. 25 P.S. § 2868, as amended, 1963.
34. 25 P.S. § 2911(c).
35. 25 P.S. §§ 2869, as amended, 1971; 2911(d).
36. 25 P.S. §§ 2868, as amended, 1963; 2911(c).
37. *Id.*
38. 25 P.S. §§ 2868, 2869, 2911(b), all as amended, 1971.
39. 25 P.S. §§ 2869, as amended, 1971; 2911(d).
40. *Id.*
41. *Id.*
42. *Id.*
43. Act 127 of 1980 § 2, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2870); Act 134 of 1980 § 2, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2911(e)).
44. Act 127 of 1980 § 2, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2870).
45. Act 134 of 1980 § 2, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2911(e)).
46. 25 P.S. §§ 2873(a), 2913(a).
47. *Id.*
48. 25 P.S. § 2873(d), as amended, 1963.
49. Act 134 of 1980 § 4, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2913(c)).
50. 25 P.S. §§ 2873(b), as amended, 1963; 2914.
51. *Id.*
52. *Id.*
53. 65 P.S. § 404(b), added 1978.
54. Act 127 of 1980 § 7, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246.1).
55. 25 P.S. § 2965.
56. *Id.*
57. 25 P.S. § 2937, as amended, 1974.
58. *Independence Party Nomination*, 208 Pa. 108, 57 A. 344 (1904).
59. *Petition of Hill*, 65 Lack. Jur. 220 (1965).
60. 25 P.S. § 2937, as amended, 1974.
61. *Id.*
62. *Id.*
63. *Id.*
64. 25 P.S. §§ 2936, 2937, both as amended, 1974.
65. 25 P.S. § 2875.
66. 25 P.S. § 2968(a).
67. 25 P.S. § 2968(b).
68. 25 P.S. § 2968(c).
69. 25 P.S. § 2602(v).

Chapter 5. Filing the Statement of Financial Interests

1. 65 P.S. § 404(b), added 1978.
2. 65 P.S. § 404(d), added 1978; 51 Pa. Code § 4.2(c), (d).
3. 65 P.S. § 404(b), added 1978; 51 Pa. Code § 1.1:

4. *Id.*

5. See, e.g., PA. CONST., Art. 5, § 10(a), (c); *Ballou v. State Ethics Commission*, Pa. Cmwith. 424 A.2d 983 (1981) (holding that the ethical conduct of attorneys is the sole responsibility of the State Supreme Court, and that attorneys serving as public officials are not subject to the financial disclosure provisions of the State Ethics Act); *Kremer v. State Ethics Commission*, Pa. Cmwith. 424 A.2d 968 (1981) (holding that the requirement that judges file Statements of Financial Interests is unconstitutional). These cases have been appealed.

6. 65 P.S. § 405(a), added 1978.

7. 51 Pa. Code § 4.2(a), (b).

8. 65 P.S. § 404(b), added 1978; 51 Pa. Code § 4.2(e).

9. An announced write-in candidate is one who personally makes it known that he or she is running for office or who does not disavow the actions of any group supporting his or her election. 51 Pa. Code § 1.1. If a write-in candidate announces his or her candidacy less than 15 days before the election, he or she must file the Statement of Financial Interests within half the time between the declaration of candidacy and the election. 51 Pa. Code § 4.2(c).

10. 51 Pa. Code § 4.2(d).

11. 51 Pa. Code § 4.4(a), (b). Incumbent and former state officials who are not candidates must file their annual Statements with the Ethics Commission and the agency in which they hold office. 51 Pa. Code § 4.4. Incumbent and former city officials who are not candidates file their annual Statements only with their governmental body. 51 Pa. Code § 4.4. In Philadelphia, city officials presently file their Statements with the Department of Records, Room 166 City Hall.

12. 51 Pa. Code § 4.4(a), (b).

13. 51 Pa. Code § 4.4(d).

14. 65 P.S. § 404(e), added 1978; Pa. Code § 4.2(a-d).

15. The law requires that a candidate for state or countywide public office file the second copy with the County Board in which the candidate resides. 65 P.S. § 404(e)(1), added 1978. A candidate for "local office" must file the second copy with the governing authority of the political subdivision in which he or she is a candidate. 65 P.S. § 404(e)(2), added 1978. If candidates for city office in Philadelphia are required in the future to observe the "local office" filing requirement, they should file their second copy with the Department of Records, Room 166 City Hall.

16. 65 P.S. § 405(b), added 1978.

17. 65 P.S. §§ 402, 405(b), both added 1978.

18. 65 P.S. § 405(a), added 1978.

19. 65 P.S. § 405(b), (c), added 1978; Pa. Code §§ 5.3-5.16.

20. 65 P.S. § 404(f), added 1978.

21. 65 P.S. §§ 401-414, added 1978.

22. 65 P.S. § 403(b), added 1978.

Chapter 6. Financing a Political Campaign

1. 25 P.S. § 3241(a), as amended, 1979.

2. *Id.*

3. 25 P.S. § 3241(m), as amended, 1979.

4. 25 P.S. § 3241(h), (m), as amended, 1979.

5. 25 P.S. § 3246(a), as amended, 1979.

6. 25 P.S. §§ 3242(b), 3243, both added 1978.

7. 25 P.S. § 3243, added 1978.

8. *Id.*

9. 25 P.S. § 3251, added 1978.

10. *Id.*

11. 25 P.S. § 3242(b), added 1978.

12. 25 P.S. § 3251, added 1978.
13. 25 P.S. § 3242(b), added 1978.
14. 25 P.S. § 3242(a), (b), added 1978.
15. 25 P.S. § 3242(a), added 1978.
16. *Id.*
17. 4 Pa. Code § 176.5(b).
18. 25 P.S. § 3242(b), added 1978.
19. 4 Pa. Code § 176.5(a)(1-2).
20. 25 P.S. § 3246(a), as amended, 1979.
21. See 25 P.S. § 3241(l), as amended, 1979.
22. 25 P.S. § 3243, added 1978.
23. 25 P.S. § 3241(l), as amended, 1979.
24. 25 P.S. § 3253(a), (c), as amended, 1978.
25. 25 P.S. § 3243, added 1978.
26. *Id.*
27. 25 P.S. § 3246(a), (j), as amended, 1979; see generally, 25 P.S. §§ 3241-3260b.
28. 25 P.S. § 3241(b), as amended, 1979; Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3241(k)).
29. 25 P.S. § 3241(b), as amended, 1979.
30. *Id.*
31. Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3241(k)).
32. Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3241(k)); 25 P.S. § 3253, as amended, 1979.
33. 25 P.S. § 3254(b), as amended, 1978.
34. 25 P.S. § 3254(c), as amended, 1978.
35. 25 P.S. § 3254(a), as amended, 1978.
36. *Id.*
37. 25 P.S. § 3253(a), as amended, 1978.
38. 25 P.S. § 3253(c), as amended, 1978.
39. *Id.*
40. 25 P.S. § 3253(c), as amended, 1978; 3246(a), as amended, 1979.
41. 25 P.S. § 3253(a), as amended, 1978.
42. Act 127 of 1980 § 9, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3253(b)).
43. *Id.*
44. Act 127 of 1980 § 9, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3253(b)); 25 P.S. § 3241(b), as amended, 1979.
45. Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3242(c)).
46. *Id.*
47. 25 P.S. § 3244(a), added 1978.
48. 25 P.S. §§ 3244(a), 3251, both added 1978.
49. *Id.*
50. 25 P.S. § 3244(b), added 1978.
51. 25 P.S. § 3244(c), added 1978.
52. Act 128 of 1980 § 8, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3248).
53. *Id.*
54. *Id.*
55. 25 P.S. § 3242(d), added 1978.
56. 4 Pa. Code § 176.5(e).
57. 25 P.S. § 3242(a), added 1978.
58. 25 P.S. § 3242(b), added 1978.
59. Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246(c)); 4 Pa. Code § 177.2(c).
60. Act 127 of 1980 § 10, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3254.1); 25 P.S. § 3244(d), added 1978.
61. 25 P.S. § 3250, added 1978.
62. 25 P.S. § 3241(d), as amended, 1979.
63. Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246(c)).
64. *Id.*
65. *Id.*
66. *Id.*
67. *Id.*
68. 25 P.S. § 3241(a), as amended, 1979.
69. 25 P.S. § 3246(a), as amended, 1979.
70. 25 P.S. § 3246(a), as amended, 1979; Act 127 of 1980 § 7, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246.1).
71. 25 P.S. § 3246(a), (b), as amended, 1979.
72. Act 128 of 1980 § 8, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246(d)).
73. 25 P.S. § 3246(a), as amended, 1979; Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246(h)).
74. 25 P.S. § 3246(a), as amended, 1979.
75. *Id.*
76. Act 127 of 1980 § 7, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246.1).
77. *Id.*
78. *Id.*
79. *Id.*
80. *Id.*
81. *Id.*
82. Act 128 of 1980 § 8, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246(d)).
83. *Id.*
84. *Id.*
85. *Id.*
86. *Id.*
87. Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246(h)).
88. 25 P.S. § 3246(e), as amended, 1979.
89. 25 P.S. § 3246(e), as amended, 1979; Act 127 of 1980 § 6, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3246(h)).
90. Act 127 of 1980 § 8, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3247(a)).
91. *Id.*
92. *Id.*
93. *Id.*
94. *Id.*
95. *Id.*
96. *Id.*
97. *Id.*
98. *Id.*
99. Act 127 of 1980 § 8, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3252(a)).
100. *Id.*
101. 25 P.S. § 3252(b), as amended, 1979.
102. *Id.*
103. 25 P.S. § 3251, added 1978.
104. *Id.*
105. 25 P.S. § 3246(b), as amended, 1979.
106. 25 P.S. § 3246(f), as amended, 1979.
107. 25 P.S. § 3246(a), as amended, 1979.
108. 25 P.S. § 3249(a), added 1978.
109. *Id.*
110. 25 P.S. § 3249(b), (c), added 1978.

- 111. 25 P.S. § 3259, added 1978.
- 112. *Id.*
- 113. 25 P.S. § 3256(a), added 1978.
- 114. 25 P.S. § 3256(a), added 1978; *In re Friends of McErean*, 431 Pa. 334, 246 A.2d 341 (1968).
- 115. 25 P.S. § 3256(a), added 1978.
- 116. *Id.*
- 117. 25 P.S. § 3256(b), added 1978.
- 118. 25 P.S. § 3256(a), added 1978.
- 119. 25 P.S. § 3257, added 1978.
- 120. *Id.*
- 121. Act 127 of 1980 § 11, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3255(b), (c)).
- 122. Act 127 of 1980 § 11, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3255(b)).
- 123. Act 127 of 1980 § 11, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3255(c)).
- 124. Act 127 of 1980 § 11, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 3255(e)); 25 P.S. § 3255(f), added 1978.
- 15. 25 P.S. § 3258(a), added 1978.
- 16. Phila. Code § 10-1203(1).
- 17. Phila. Code § 10-1203(3), (4).
- 18. Phila. Code § 10-1203(4).
- 19. Phila. Code § 10-1203(4)(b).
- 20. Phila. Code § 10-1202(4).
- 21. Phila. Code § 10-1202(3), (4).
- 22. Phila. Code, Chapter 14-1900.
- 23. Phila. Code § 10-1202(1).

Chapter 8. Getting Out the Vote: Election Day Itself

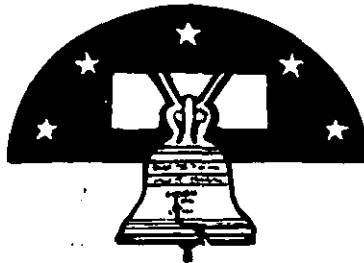
- 1. Act 134 of 1980 § 1, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2687(a)).
- 2. *Id.*
- 3. 25 P.S. § 2687(b), as amended, 1963.
- 4. *Id.*
- 5. *Id.*
- 6. *Id.*
- 7. *Id.*
- 8. *Id.*
- 9. Act 134 of 1980 § 1, Purdon's Pa. Leg. Serv., Vol. 3 (1980) (to be codified at 25 P.S. § 2687(a)); 25 P.S. § 2687(b), as amended, 1963.
- 10. 25 P.S. § 2687(b), as amended, 1963.
- 11. *Id.*
- 12. *Id.*

Chapter 7. Going to the People

- 1. 25 P.S. §§ 623-21, as amended, 1972; 2811, as amended, 1974.
- 2. 25 P.S. § 623-4(b), as amended, 1976.
- 3. 25 P.S. § 623-40, as amended, 1976.
- 4. 25 P.S. §§ 623-17, 623-20, both as amended, 1976.
- 5. 25 P.S. § 623-19.1, added 1976.
- 6. 25 P.S. § 623-17, as amended, 1976.
- 7. 25 P.S. §§ 623-29(a), 623-30(a), both as amended, 1976; 623-20.3(b)(20), added 1976.
- 8. 25 P.S. §§ 623-17(a), 623-30(b), both as amended, 1976; 623-20.3(e), added 1976.
- 9. 25 P.S. §§ 623-17(a), 623-30(b), both as amended, 1976; 623-19.1(a)(3), added 1976.
- 10. See Box 9 of Voter Registration Application in use in 1981.
- 11. 25 P.S. § 3258(a), added 1978.
- 12. 25 P.S. § 3258(a)(1), added 1978.
- 13. 25 P.S. § 3258(a)(2), added 1978.
- 14. *Id.*

Chapter 9. Aftermath: Victory and Defeat; Contest and Recount

- 1. 25 P.S. §§ 3261-3477, as amended.
- 2. 25 P.S. §§ 3261(b), 3262(a)(1).
- 3. 25 P.S. §§ 3261(e), 3262(b)(2).
- 4. 25 P.S. § 3552.
- 5. 25 P.S. § 3551.
- 6. 25 P.S. § 3550.



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