

A Guide to Nominating Petitions for Candidates Seeking Major Party Nomination

In Pennsylvania, candidates circulate nominating petitions to place their names on the springtime primary ballot. Each office requires a certain number of valid signatures. Pennsylvania has various strict requirements governing the collection of signatures. (Different rules apply for candidates who are not running for nomination in a major party. This summary doesn't discuss those requirements.)

This guide summarizes the rules. If the rules aren't followed, it all too easy to get kicked off the ballot by the board of elections or by challenges funded by your opponents.

When you file, you will need four things under state law: ○ a candidate's affidavit, ○ the nominating petitions with signatures, ○ a statement of financial interest and ○ a certified check or money order with the filing fee. (The statement of financial interest is covered in *A Candidate's Guide to Statements of Financial Interest: Or how you can get thrown off the ballot without really trying.*) Local jurisdictions (if you're running for local office) may require additional materials.

The Mechanics:

The Pennsylvania Secretary of State generates the required forms. (25 P.S. § 2867) You **must** use the official form.

Where do you get the forms? You can get them from your lawyer or from the Secretary of State's office (federal and state offices, including judge) or your county Board of Elections (everybody else). The current practice is that the Department of State designs petition forms for federal offices and for state offices (which includes judges) while county boards of election do the petition forms for local offices.

What do you need to file? In brief, filling out the official forms correctly and honestly is all that you need to do – easier said than done. The rules, however, are complex. Consulting a lawyer is always best.

A candidate submits a sworn (notarized) affidavit along with the sheets of voter signatures. 25 P.S. § 2870. The Pennsylvania Department of State or the Board of Elections provides the form, depending on the office you are running

for. **Use the form.** The candidate's affidavit must state, among other things, the candidate's name as he or she is *registered* to vote, the candidate's address, election district, the office sought, that the candidate is eligible for that office, and that the candidate is aware of their financial reporting requirements. There is a space to state how you wish your name to appear on the ballot (e.g., "Tom Wolf" instead of "Thomas Westerman Wolf"). There are special requirements for the affidavits associated with certain offices, like judge, state party committee, and so on. 25 P.S. § 2870. The official forms take care of this.

Tip: For state offices and state-wide races, the Pennsylvania Department of State has a web tool that will generate PDF petitions at his link: <https://www.pavoterservices.state.pa.us/Pages/officesurvey.aspx>. In Philadelphia, you have to go to the Board of Elections to get the forms.

Tip: It is a good idea for the campaign to complete the top part of the petition for before distributing them to canvassers. If a candidate relies on the *canvassers*, the canvassers can screw it up.

Tip: Make a copy of your candidate affidavit and the accompanying petition **before** you file them. Copy **both** sides.

Tip: Keep track of who has your petitions and follow up with telephone calls thanking them for helping you, asking how it is going, and reminding them to turn them in.

When can signatures be collected: Petitions can be circulated and signed from the 13th Tuesday before the primary election to the 10th Tuesday before the primary election. 25 P.S. § 2868. The Secretary of State's website will list what dates these are. The rules for collecting signatures are below. They are complicated. They must be followed.

***** FOR 2015, THOSE DATES ARE FEBRUARY 17 & MARCH 10 *****

Where to file: For President, U.S. Congress, the Pennsylvania legislature, judges (including Common Pleas judges), and national party delegates and state or national party committee membership, the affidavit and petitions are filed with the Department of State. Everyone else files with the relevant county board of elections (if more than one county is involved, the county with the majority of voters is the one to file in). 25 P.S. § 2873. They must be filed by 5:00 PM the day of election. **Do NOT be late.** Showing up at 4:00 PM on the due date is not smart.

If your petition is to be filed with the State, you have to go to Harrisburg. State petitions are filed at the Bureau of Commissions, Elections and Legislation, Commonwealth Keystone Building, Room 125, Plaza Level, 400 North Street, Harrisburg, PA17120.

For Philadelphia races, petitions are filed at the Philadelphia County Board of Elections at City Hall Room 142. For local races in other counties, contact your county government to find out where you file if you are in other counties.

How many signatures and what's the filing fee? Different numbers of signatures are required for different offices. 25. P.S. §§ 2872.1, 2873. The table below summarizes the required number of signatures for common offices in Commonwealth and its two largest cities. There are a differing signature requirements for various offices in the multiple classes of counties, municipalities, boroughs, school districts and so on in the state. These are omitted here for brevity.

The filing fee must be paid by certified check or money order.

Tip: Get *at least* twice as many signatures as you are required to collect. First, if signatures or entire pages are tossed, you'll need the extra signatures. Second, filing extra signatures lets your competitors know that you have your act in gear and can make you more credible in your fundraising. Cautious people will get three to five times as many signatures as required.

| Office | Signatures | Filing Fee |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------|
| President, Senator | 2,000 (with at least 100 from each of 10 counties) | \$200 |
| Governor | 2,000 (with at least 100 from each of 10 counties) | \$200 |
| Lt. Gov., Treas., AG, Auditor General, Judge/justice of Supreme, Superior and Commonwealth Courts | 1,000 (with at least 100 from each of 5 counties) | \$200 |

| Office | Signatures | Filing Fee |
|----------------------------------------------------------------|-------------------|-------------------|
| Representative in U.S. House | 1,000 | \$150 |
| State Senator | 500 | \$100 |
| State Rep. | 300 | \$100 |
| City-wide offices in Philadelphia | 1,000 | \$100 |
| City-wide offices in Pittsburgh | 500 | \$100 |
| County-wide offices in Bucks, Delaware and Montgomery Counties | 250 | \$100 |
| Local Judge (except Philadelphia) | 250 | \$100 |
| Local Judge (Philadelphia) ¹ | 1,000 | \$100 |
| District Council Seat, Philadelphia | 750 | \$100 |
| District Council Seat, Pittsburgh | 250 | \$50 |
| National Convention Delegate | 250 | \$25 |
| District Justice | 100 | \$50 |

Who can circulate petitions for a candidate? The smart choice is to make sure that everyone who circulates a petition is eligible to vote for the candidate in the primary (i.e., is registered in the candidate’s district and party.) The election law – as written – requires this. 25 P.S. § 2869. However, various court cases have confused things. In a case called *Morrill v. Weaver*, the court struck down a residency provision regarding petitions for putting independent and minor party candidates on the fall ballot. See 224 F. Supp. 2d 882 (E.D. Pa. 2002). In a case called *Villa v. Aichele*, No. 13-cv-6374 (E.D. Pa. 2013), the plaintiff challenged the district residency requirement for people circulating petitions for party primary candidates. The state of Pennsylvania recently settled this suite. In the settlement,

¹ There is no express provision addressing Philadelphia Judges. However, since these judges are elected on a city-wide basis, the provision for city-wide offices should apply to them.

the State and the counties agreed to stop enforcing the residency requirement on their petition forms. The full requirement, however, is still on the books. A private party can still try to enforce this requirement. They will likely lose, but you don't want the headache.

Requirements for Signatures (25 P.S. § 2868)

If the signatures don't meet the requirements summarized below, they will be struck and, if there are enough errors on a petition page, the whole page can get tossed – even all the pages circulated by that person may get tossed. If a candidate does not have enough valid signatures, then the candidate will not be placed on the ballot.

What are the requirements for signatures? Here they are:

1. The people who sign the petition must be able to vote for the candidate:
 - a. The signers must be registered to vote in the same party as the candidate. Democrats for Democrats, Republicans for Republicans. Independents/unaffiliated don't get to sign for primary nominations.
 - b. The signers must be registered where they can vote for the candidate – in the candidate's district unless the candidate is running for state-wide.
 - c. All the signers must all live in the same county, even if the candidate's district covers more than one county. (Separate sheets must be used for different counties for a multi-county district.)
2. No signatures can be signed before the start date or after the end date. The candidate must tell these dates to the circulators. The petitions must be turned in to the campaign on or before the end date. Petitions can't be filed late.

The candidate must tell the canvassers when to start gathering signatures and when to stop.

3. Signers can only sign nominating papers for the same number of candidates as they can vote for.

If there is one available position for the fall election, a signer can only sign one petition. If two available positions, a signer can sign petitions for two candidates. If three, then three, and so on. For example, the Democrats

nominate five candidates to run for at-large council seats in Philadelphia. A signer can sign up to five petitions for at-large council candidates. But they can't sign any more than five petitions.

If someone signs more petitions than allowed, the first signature(s) is (are) allowed and the later ones are disallowed. If signatures have the same date, they are both tossed. (25 P.S. § 2937)

4. The signer must complete the entire line – including printed name, registered address and the date of signing. The entire line **must** be in the signer's handwriting. No one but the signer can fill it in – not the canvasser, not the signer's family or friend. Nobody but the signer. Each space must be completed. No ditto marks or "same."
5. The signer must list the address where he is *registered* to vote. This can be different from the address where they live sometimes. Make sure the signer uses their registered address.
6. The signer must know what he is signing – a petition to put candidate X on the primary ballot for office Y. If a potential signer hesitates, the canvasser can tell them that they are just putting the candidate on the ballot, not supporting the candidate or pledging to vote for the candidate.
7. The person collecting signatures must complete information on the form about themselves. Be sure they complete it honestly and accurately. It is best to have them complete it with campaign staff or with the notary who will notarize the petition.
8. The person collecting signatures will sign the pages that they have collected ... but **only** in front of a notary. Don't let them sign before. The notary needs to see the canvasser signing the petition. The best practice is to have a notary available at the campaign office to notarize the petitions as they arrive. When a full-time notary is unavailable to staff the campaign office, a common practice is to have a "petition return party," inviting the canvassers to turn in their petitions and have them notarized.

Tip: It is best to review the petitions for quality control when they are being turned in or immediately afterward. Submitting severely defective petitions can call the entire signature gathering effort into question.

Tip: Be careful with paid signature collectors, especially if they are paid by the signature. This will give them an incentive to fudge in order to add extra signatures. If paid in relation to signatures or pages completed, pay them by the

valid signature, so that you won't have to pay them for pages of blank signatures. Alternatively, they could be paid hourly and supervised.