

DECIDING TO RUN FOR OFFICE

(Methods for Gaining Access to the Ballot and Qualification Requirements)

Deciding to Run for Office

A prospective candidate for public office should determine if he or she can afford the commitment of time, money and energy necessary to run for public office. A prospective candidate must also make sure that he or she is qualified to hold the office being sought.

The Two Methods for Gaining Access to the November Ballot

There are two methods by which a candidate may gain access to the November ballot: 1) gaining access to a political party's primary ballot and winning that party's nomination; and 2) gaining direct access to the November ballot by means of nomination papers, which are filed by minor political parties and political bodies.

What is a Political Party?

Statewide:

A **statewide political party** is any party or political body, one of whose candidates at the general election preceding the primary polled at least 2% of the largest entire vote cast for any elected candidate in each of at least tn counties, and polled a total statewide vote of at least 2% of the largest entire vote cast in the State for any elected candidate.

Countywide:

A **countywide political party** is any party or political body, one of whose candidates at either the general or municipal election preceding the primary polled at least 5% of the largest entire vote cast for any elected candidate in the county.

What is a Political Body?

A political body is any party or body that does not qualify as a political party, as defined in the preceding section.

Breakdown of Parties (Political Parties and Minor Political Parties)

Political Party: A qualified political party whose statewide registration is equal to at least 15% of the combined statewide registration for all statewide political parties as of the close of registration for the most recent November election.

Minor Political Party: A qualified political party whose statewide registration is less than 15% of the combined statewide registration for all statewide political parties as of the close of registration for the most recent November election.

Breakdown of State-level Public Offices

Candidates are nominated and elected for the following state-level offices in the General Election years (even-numbered years) appropriate to the office they seek:

<u>OFFICE</u>	<u>ELECTION YEARS</u>
President of the United States	2008, 2012, 2016, 2020
United State Senator	2010, 2012, 2016, 2018
Governor	2010, 2014, 2018, 2022
Lieutenant Governor	2010, 2014, 2018, 2022
Attorney General	2008, 2012, 2016, 2020
Auditor General	2008, 2012, 2016, 2020
State Treasurer	2008, 2012, 2016, 2020
Representative in Congress	2008, 2010, 2012, 2014
Senator in the General Assembly (Even-numbered Districts)	2010, 2014, 2018, 2022
(Odd-numbered Districts)	2008, 2012, 2016, 2020
Representative in the General Assembly	2008, 2010, 2012, 2014

Candidates are nominated and elected to the following state-level judicial offices in Municipal Election years (odd-numbered years):

Justice of the Supreme Court
Judge of the Superior Court
Judge of the Commonwealth Court
Judge of a court of common pleas
Judge of the Philadelphia Municipal Court

Vacancies in judicial offices are ascertained prior to the start of the nomination petition circulation and filing period.

Qualifications a Candidate Must Meet to Hold a Public Office

The qualifications to hold public office vary depending on the office a candidate is seeking.

NOTE: For information regarding the qualifications a candidate must meet to hold a local public office, a prospective candidate should contact the appropriate county board of elections.

General information about local elective office is also contained in the Department of Community and Economic Development's publication entitled *Elective Office in Local Government*.

A copy of the publication can be viewed online at www.newpa.com

Ineligibility by Criminal Convictions

Article II, Section 7 of the Constitution of the Commonwealth of Pennsylvania provides that any person convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime is ineligible to hold any office of trust or profit in the Commonwealth.

What First-time Candidates Should Know

A prospective candidate who has not run for public office previously should pay close attention to the instructions provided with the various forms necessary to gain ballot access.

In addition, a first-time candidate should become familiar with the Campaign Finance Reporting Law, which is posted on the Department of State's website at www.dos.state.pa.us/campaignfinance

A prospective candidate should also understand the commitment of time and energy necessary to run a successful campaign for public office.

GETTING ON THE BALLOT...(What a Candidate Must File to Access the Ballot)

Filing Fees and Signature Requirements for Nomination Petitions

Signature requirements vary depending on the office for which the nomination petition is being circulated.

The Candidates Affidavit

Each candidate must file with his or her nomination petition or nomination paper an affidavit setting forth information about the candidate, including the candidate's residence, election district and the name of the office the candidate is seeking.

The Statement of Financial Interests

The Statement of Financial Interests is a form that must be filed with the State Ethics Commission, which requires the filer to set forth information regarding the filer's sources of income. A copy of the completed Statement of Financial Interests must also accompany the nomination petition of a candidate for state, county or local public office.

Nomination Petitions and Nomination Papers; Filing Deadlines

A nomination petition is filed by a candidate seeking access to a **primary ballot**. Nomination papers

are filed by candidates of
minor political parties and political bodies
for the purpose of gaining access to the ballot in a November election.

Nomination petitions must be circulated and filed between the 13th
Tuesday and the 10th
Tuesday preceding the primary.

Nomination papers must be circulated and filed between the 10th Wednesday preceding the
primary and August 1st of
each year.

The Nomination Petition

Each page of a nomination petition contains three basic components: 1) the Preamble; 2) the Signatures of Electors; and 3) the Affidavit of Circulator.

The Preamble:

The preamble is the portion of the nomination petition page where information about the candidate is inserted. The preamble includes the office for which the candidate seeks nomination, the name of the candidate, the candidate's occupation, the candidate's residence and the party affiliation of the signers.

Signatures of Electors:

Each person who signs a nomination petition must insert the following information about himself or herself: 1. Signature; 2. Printed name; 3. Address of residence, including street and number, if any; and 4.

The date on which he or she signed the nomination petition

The Affidavit of Circulator:

Each nomination petition page must include the duly executed affidavit of the person who circulated the nomination petition (the circulator). The circulator of the nomination petition page must swear or affirm the following:

- 1. That the circulator is a qualified elector of the Commonwealth or of the district, as the case may be.
- 2. That the circulator is a duly registered and enrolled member of the political party designated in the nomination petition;
- 3. That the circulator's address of residence is as set forth in items 4 and 5 of the affidavit;
- 4. That the signers of the nomination petition page signed with the full knowledge of the contents of the nomination petition;
- 5. That the signers' residences are correctly stated on the nomination petition page;
- 6. That each signer signed on the date that the signer inserted next to his or her signature, name and address of residence; and
- 7. That, to the best of the circulator's knowledge and belief the signers are qualified electors, who are duly registered and enrolled in the political party designated in the petitions and are residents in the County set forth in item 1 of the affidavit.

The Nomination Paper

Each page of a nomination paper contains four basic components: 1) the Preamble; 2) Candidate Information; 3) the Signatures of Electors; and 4) the Affidavit of Qualified Elector.

Each page of a nomination paper submitted by a **political body**

must also contain a fifth component – the names and addresses of the political body's Committee to Fill Vacancies.

The Committee to Fill Vacancies must be composed of at least three and no more than five persons.

The members of the committee are empowered to fill a vacancy in the nomination should one occur for any reason.

The Preamble: □□□□□□□□□□

The Preamble in a nomination paper page contains the name of the minor political party or political body and the county of signers.

Candidate Information:

This portion of the nomination paper page contains the names, addresses and occupations of the candidates being nominated in the nomination paper. A single nomination paper page can contain the names of more than once candidate, provided that the signers of the nomination paper page are qualified to vote for all of the candidates named in the nomination paper page.

For example, a nomination paper page could contain the name of a candidate for United States Senator, Governor, Lt. Governor, Representative in Congress and Representative in the General Assembly, so long as the signers of the nomination paper page are qualified to vote for each of the candidates named.

Signatures of Electors:

Each person who signs a nomination paper must insert the following information about himself or herself:

1. Signature;
2. Printed name;
3. Address of residence, including street and number, if any; and

4. The date on which he or she signed the nomination petition

Affidavit of Qualified Elector:

Each nomination paper page must include the duly executed affidavit of a qualified elector, who circulated the nomination paper (the qualified elector). The qualified elector must swear or affirm the following:

1. That he or she is a qualified elector of the Commonwealth;
2. That the qualified elector's address of residence is as set forth in items 4 and 5 of the affidavit;
3. That the signers of the nomination paper page signed with full knowledge of the contents of the nomination paper;
4. That the signer's residences are correctly stated on the nomination paper page;
5. That the signers all reside in the county specified in item 1 of the affidavit;
6. That each signer signed on the date that the signer inserted next to his or her signature, name and address of residence; and
7. That to the best of the qualified elector's knowledge and belief the signers are qualified electors of the electoral districts designated in the nomination paper page.

Filing Fees and Signature Requirements for Nomination Papers

The filing fees for minor political party and political body candidates who file nomination papers are the same as those for candidates who file nomination petitions.

Candidates filing nomination papers (minor political party and political body candidates) must obtain signatures from qualified registered electors of the district in an amount equal to at least 2% of the largest entire vote cast for an elected candidate at the last election within the district. The number of signatures required may not be less than the number of signatures required for party candidates for the same office.

For example, a candidate for statewide office must obtain signatures equal to 2% of the largest vote cast for an elected candidate at the last statewide election, while a candidate for a countywide office must obtain signatures equal to 2% of the largest vote cast for an elected candidate at the last countywide election.

NOTE: *Specific signature requirements for nomination papers will be provided at the time a candidate receives an official packet of nomination paper forms and instructions.*

Challenges to Nomination Petitions and Nomination Papers

Typically, an individual can challenge the validity of a nomination petition or nomination paper within seven days of the filing deadline for nomination petitions or nomination papers.

Most challenges focus on the validity of individual signatures on a nomination petition or nomination paper. Typically, signatures are challenged on the basis that the signer was not qualified to sign the candidate's nomination petition or nomination paper, or the information provided by the signer is illegible. On some occasions, the validity of a signature is challenged on the basis that the signer's handwriting or signature does not match that contained in the signer's registration record.

Most other challenges are based on the accuracy of the information provided by the candidate on the Candidate's Affidavit or Statement of Financial Interests.

Casting Lots to Determine Ballot Position for the Primary

After the last day for filing nomination petition, the Secretary of the Commonwealth must fix a day for the casting of lots for the purpose of determining the position of names on the primary ballots. The casting of lots is traditionally conducted at the Bureau of Elections.

Each candidate is given the opportunity to draw a number to determine his or her position on the primary ballot. The candidate who draws the lower number receives the higher position on the primary ballot.

If a candidate will not be present at the ballot position lottery, the candidate may authorize a proxy to draw the candidate's lot(s) on his or her behalf. A neutral observer will draw the candidate's lot if neither the candidate nor the candidate's duly authorized proxy is present.

The Candidate List

After the last day for candidates who have filed nomination petitions to withdraw and after the candidates have cast lots for position on the primary ballot, the Secretary of the Commonwealth must forward a list of statewide candidates of each party to the various county boards of elections.

A candidate of a minor political party or political body will have his or her name placed on the November ballot upon acceptance of his or her nomination paper by the Department of State or the County Board of Elections, as the case may be, unless the nomination paper is judicially set aside as a result of a successful challenge to the candidate's nomination paper.

Ballot Access for Candidates Seeking a Party Office

In addition to selecting nominees for public offices, registered and enrolled members of political parties elect their respective party officers at primaries, in accordance with party rules.

Candidates for State-level party offices (Delegate to the National Convention, Alternate Delegate to the National Convention, and Member of State Committee) must also file nomination petitions in the office of the Secretary of the Commonwealth in order to gain ballot access.

Delegate and Alternate Delegate to the National Convention:

Both the Democratic Party and the Republican Party currently apportion delegates and alternate delegates to their respective conventions by Congressional District.

Depending upon the rules of a political party, candidates for the offices of Delegate and Alternate Delegate to the National Convention may be required to commit themselves to support a particular candidate seeking the party's nomination for the office of President of the United States.

The respective presidential candidates to whom they are committed must authorize committed delegate candidates and committed alternate delegate candidates. Committed delegate candidates and committed alternate delegate candidates must also complete the Delegate or Alternate Delegate Statement appearing on the front of the Committed Delegate nomination petition form.

Note: *In the most recent presidential election, the Democratic Party rules provided for committed delegates and committed alternate delegates.*

If the rules of a political party do not require delegate and alternate delegate candidates to commit themselves to a particular candidate for the office of President of the United States, the authorization and Delegate Statement are not required.

NOTE: *In the most recent presidential election, the Republican Party rules did not provide for committed delegates.*

Member of State Committee:

If a candidate for President of the United States receives his or her party's nomination at the National Convention, the candidate must certify to the Secretary of the Commonwealth within 30 days of being nominated, the names, residences and post office addresses of the party's nominees for the office of Presidential Elector. The nominee for the office of President of the United States fills any vacancies in the office of Presidential Elector in the same manner as the original nominations were made.

Candidates of minor political parties and political bodies for the office of President of the United States must be nominated by nomination papers filed on their behalf in the office of the Secretary of the Commonwealth. Each page of the nomination papers must contain the names and addresses of the minor party's or political body's nominees for the office of Presidential Elector.

CAMPAIGN FINANCE REPORTING

Who Must File Campaign Finance Reports/Statements?

Campaign finance reports/statements must be filed by candidates for public office setting forth information regarding contributions received and expenditures made for the purpose of influencing the outcome of an election. A candidate may also authorize a committee to accept contributions and make expenditures on the candidate's behalf.

The committee must have a chairperson and a treasurer, who may not be the same person.

Each candidate and each authorized political committee must file reports of receipts and expenditures, if the amount received or expended or liabilities incurred exceeds \$250.

Otherwise, the candidate or the treasurer of the authorized political committee may file the statement in lieu of the reports.

Candidates are required to file a campaign finance report/statement that is separate from the report/statement filed by their authorized political committee.

Information regarding campaign finance reporting, including a copy of the Campaign Finance Reporting Law, reporting forms and reporting deadlines is available on the Department of State's website at www.dos.state.pa.us/campaignfinance.

Where are Campaign Finance Reports Filed?

Campaign finance reports/statements for candidates and their authorized committees must be filed in the office where the candidate must file his or her nomination petition, nomination paper or nomination certificate.

Important Notice: *All candidates and their authorized committees, who must file campaign finance reports/statements with the Department of State, must also file copies of their campaign finance reports/statements with the county in which the candidate resides.*

□□□□□□□□□□ Candidates seeking federal office do not have to file campaign finance reports/statement with the Department of State. These candidates must file their reports/statements with the Federal Election Commission.

For more information regarding campaign finance reporting by candidates for federal office, you can log onto the Federal Election Commission's (FEC) website at www.fec.gov, or contact the FEC's information office toll free at 1-800-424-9530.

Organizing a Campaign Committee

What officers should a candidate include on a campaign committee? □ What do they do?

A political committee must have a chairperson and a treasurer, who may not be the same person. No contributions can be received and no expenditures can be made when there is a vacancy in either of these two offices.

The treasurer of a committee is responsible for receiving and disbursing funds on behalf of the candidate(s). The treasurer of a committee may delegate authority, in writing, to assistant treasurers to receive and disburse funds collected on behalf of the

candidate(s). The treasurer of a committee is responsible for filing campaign finance reports/statements and keeping records.

The chairperson of a committee is primarily responsible for managing the day-to-day activities of the committee.

Campaign Committee Finances *The legalities of finances and contributions (Definition, acceptance of and prohibited contributions)*

□□□□□□□□□□□□ A “contribution” is defined as any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing, to a candidate or political committee for the purpose of influencing an election or for paying debts incurred by or for a candidate or committee.

It is unlawful for a bank, corporation or unincorporated association, except those corporations formed primarily for political purposes or as a political committee, to make a contribution or expenditure to or for a candidate or for any political purpose, except in connection with a question to be voted on by the electors of the Commonwealth. It is also unlawful for any candidate or committee to knowingly accept or receive such a contribution.

ELECTION DAY

Electioneering

No person, including a candidate, may electioneer or solicit votes when inside a polling place. All persons, except those persons authorized or be inside the polling place (election officers, clerks, machine inspectors, overseers, watchers, persons in the course of voting, persons lawfully giving assistance to voters, and peace and police officers), must remain at least ten (10) feet from the polling place during the progress of voting.

Watchers

Each candidate may appoint two watchers for each election district (polling place) in which the candidate’s name appears on the ballot. However, only one watcher for each candidate may be present in the polling place at any one time.

Candidates interested in appointing watchers should contact the appropriate county board of elections for information about submitting the names of watchers and obtaining certificates for those watchers.

Qualifications of watchers:

□□□□□□□□□□ Each watcher appointed to serve in an election district must be a registered voter of the county in which the election district is located.

In order to serve as a watcher, a person must receive from the appropriate county board of elections a Watcher’s Certificate, which the watcher must present when requested to do so.

Rights of Watchers:

When a watcher is not serving in the election district for which the watcher was appointed, the watcher may serve in any other election district in the county in which the watcher is registered to vote.

Watchers may be present in the polling place from the time the election officers meet prior to the opening of the polls until the time that voting is complete and the district register and voting check list is locked and sealed, provided that they remain outside the “enclosed space” (the area in which the voting compartments are located).

A watcher is permitted to keep a list of voters and is entitled to challenge the qualifications of a voter in the manner provided by Law. Watchers should take care to issue challenges in good faith.

The Pennsylvania Election Code does not authorize wholesale or frivolous challenges, which are intended to intimidate voters

AFTER THE PRIMARY OR ELECTION

Unofficial Election Night Returns

Unofficial election returns received on Election Night from the various county boards of elections are available on the county's website on the night of any primary or election. A candidate also has the option of placing watchers in the various precincts within the candidate's district to collect returns immediately after the close of polls.

Computation and Canvass of Election Returns

The various county boards of elections begin the official computation and canvass of election returns at 9:00 AM on the third day following each primary and election.

Each candidate is entitled to be present in person or by attorney in fact at any proceeding before the county board of elections when matters affecting the candidate are being heard, including any computation or canvass of returns affecting the candidate.

The candidate or the candidate's attorney is entitled to examine ballots, subject to reasonable safeguards, and to raise objections regarding such ballots. All questions regarding the counting of ballots will be decided by the county board of elections, subject to appeal filed with the appropriate court of common pleas.

NOTE: *Appeals from decisions of a county board of elections regarding the computation or canvassing of returns must be made within two (2) days after the board's decision is made.*

Post-election Campaign Finance Reporting Obligations

Please note that candidates must file both pre-election and post-election campaign finance reports. A candidate is not deemed to be elected to a public office until the candidate or the candidate's authorized committee(s) has filed all of the reports and statements of contributions and expenditures required to be filed, which are due before the candidate may take office.