GENERAL GUIDELINES
FOR NOMINATION PETITIONS/PAPERS

A Nomination Petition is filed by a candidate seeking placement on 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.

Timelines for Circulating and Filing

The first day to circulate Nomination Petitions is the 13th Tuesday before the primary.

Nomination Petitions must be filed between the 13th Tuesday and the 10th Tuesday before the Election.

The first day to circulate nomination papers is the 10th Wednesday before the primary.

Nomination papers filed by candidates of minor political parties and political bodies for the purpose of gaining access to the ballot in a November Election must be filed between the 10th Wednesday before the primary and August 1st of each year.

Petition to Set Aside A Nomination Petition

Individuals who wish to file a petition to set aside a Nomination Petition must follow the legal requirements found at 25 P.S. § 2937.

The Statute requires:

(1) The petition must be filed by 5 p.m. within seven (7) days after the deadline for filing the nomination petition. Failure to file within this deadline is a fatal defect.

(2) The petition must give detailed specifics of what is being challenged.

(3) The petition must contain a request that the nomination petition be set aside.

(4) The petition in addition to being filed in the Prothonotary's office by the deadline must be served on the office in which the original Nomination Petition was filed by the 5 p.m. deadline. For statewide offices the petition must be served on the Secretary of the Commonwealth. For local offices the petition must be served on the Berks County Board of Elections. Failure to serve the challenge petition on the Board of Elections or the Secretary of the Commonwealth renders the petition void.

In order to file a petition to set aside a nomination petition a person must:

(1) be registered to vote in the district holding the primary election; and

(2) be a member of the political party to which the Nomination Petition pertains.

The Rules of Civil and Appellate Procedure are not applicable to a challenge to a Nomination Petition or paper.

The petition to set aside a nomination petition must be specific enough to give notice to the candidate of the errors claimed so that the candidate is in a position to present a defense. Failure to give specific page, line number and reason for challenge to a particular signature shall be a fatal defect to the challenge.

Most challenges to nomination petitions focus on the validity of signatures on the petition.

When challenging signatures the most common challenges to a signature on a petition are:

(1) The elector improperly used ditto marks.

(2) Elector not registered to vote

(3) Elector not registered to vote at the address listed on the petition

(4) Elector signed more petitions than allowed by law

(5) Elector not a qualified elector of the appropriate political party

(6) Signatures and other information on the petition are not sufficiently legible so as to verify the registration

(7) Duplicate signatures – elector signed the same petition multiple times

(8) The handwriting does not match the signature on the official registration record

(9) Petition was signed outside the permissible time limits for circulating petitions

(10) The signature is missing other required information such as printed name, address or date of signing.

(11) The elector did not sign his/her name

Please note this list is not an extensive list of all appropriate challenges that may be made to signatures contained on a nomination petition.

In addition to challenges to signatures a nomination petition may also be challenged for the following reason:

(1) The circulator's affidavit is defective

(2) The candidate's affidavit is defective

(3) Challenge to candidate's Statement of Financial Interest

Note the Petition challenge must outline specific reasons why the affidavits and/or Statement of Financial Interest is defective.

The above listing is not an exhaustive list of all appropriate challenges that may be made to a nomination petition.

PETITIONS TO SET ASIDE NOMINATION PAPERS

Individuals who wish to file a petition to set aside a Nomination Paper must follow legal requirements found at 25 P.S. § 2937

The procedure for filing a challenge to Nomination Papers is similar to the procedures outlined above for Nomination Petitions. The following important distinctions are emphasized:

(1) A candidate filing nomination papers must swear or affirm that "he was not a candidate by nomination petition for any public office to be voted for at the ensuing primary, nor has he been nominated by any other nomination papers filed for any such office. In addition the candidate must swear or affirm that he was not a registered or enrolled member of a party 30 days before the primary.

(2) Nomination Papers may be signed by members of any party as well as registered non-partisans.

(3) A challenge to nomination papers may be made by any registered elector of the district.

Samples of Previously filed Petitions to challenge nomination petitions/papers are available in the Berks County Election Services Offices. Additional information on challenges to nomination petitions/papers can be found in several Pennsylvania Bar Institute Publications available in the law library.

Please note the information contained in this packet should not be construed as legal advice. The Berks County Board of Elections strongly encourages any individual seeking to file a petition challenging the nomination petition/paper of a candidate to review 25 P.S. § 2937 and consult an attorney prior to filing any legal documents. The legal requirements for these challenges are complicated and best handled by an attorney knowledgeable in the Election Code. Any mistake in failing to comply with the Election Code may result in the challenge petition being dismissed with no ability to refile the challenge.