
PRIMARY ELECTION DATES

IN PENNSYLVANIA:

AN ANALYSIS OF PROPOSALS FOR CHANGE

**REPORT OF THE TASK FORCE
AND ADVISORY COMMITTEE
ON PRIMARY ELECTION DATES**

General Assembly of the Commonwealth of Pennsylvania
JOINT STATE GOVERNMENT COMMISSION
108 Finance Building
Harrisburg, Pennsylvania 17120
November 2000

The release of this report should not be construed as an indication that the members of the Executive Committee of the Joint State Government Commission endorse all of the report's findings, recommendations or conclusions.

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The Joint State Government Commission was created by act of July 1, 1937 (P.L.2460, No.459) as amended, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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TO THE MEMBERS OF THE GENERAL ASSEMBLY:

The Joint State Government Commission is pleased to present this report on the feasibility of adopting a September general and municipal primary and the desirability of moving the presidential primary to earlier in the year.

This report was ably guided by the deliberations of an advisory committee of public officials, academic experts, representatives of municipal organizations and other interested citizens; their names are listed in this report. I extend the thanks of the General Assembly to them for their valuable and thoughtful assistance. In addition, this report benefited greatly from the generous assistance of many other individuals from this Commonwealth and its sister states who were contacted by staff for information and advice.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "Roger A. Madigan".

Roger A. Madigan
Chairman



CONTENTS

Executive Summary	1
Narrative of Study Procedure	5
Adoption of a September Primary	7
The Presidential Primary	35
Bibliography	49
Appendices	53
Appendix A	
Senate Resolution 98	55
Appendix B	
Dates of Statewide Primary Elections	57
Appendix C	
Election Calendar for 2000 with Citations to the Pennsylvania Election Code.....	61
Appendix D	
Resolution.....	81

EXECUTIVE SUMMARY

Pursuant to 1999 Senate Resolutions 8 and 98, the staff of the Joint State Government Commission, under the direction of the Advisory Committee on Primary Election Dates, examined two issues pertaining to the scheduling of primary elections in this Commonwealth: whether to hold the general and municipal primaries in non-presidential years in September, and whether to change the presidential primary in order to respond to front loading, as other states have done.

September Primary

Our research has uncovered no demonstrable benefits to moving the primary to September. While it has been claimed that a September primary would increase voter turnout and decrease campaign costs incurred by candidates, the statistical evidence does not support that conclusion. An argument can be made that September primaries help challengers because they permit a more coherent campaign, but the proposed schedule may help incumbents by giving challengers little time to campaign as the party standard-bearer. Virtually all of the comment received by staff from officials in our sister states with experience running the September primary has enumerated a host of problems and difficulties, and most of these officials have urged us not to adopt it.

Serious disadvantages are foreseeable from adopting a calendar that allows only 70 days between the primary and the election. Among other consequences, adoption of the September primary will:

- substantially increase public election costs;
- leave insufficient time for the proper resolution of primary recounts and contests;
- disrupt the healing process within parties after a contested primary;
- require closure of registration for up to two months before the general election;
- complicate and delay the delivery of absentee ballots, potentially disenfranchising military and overseas voters;

- impose substantial additional burdens on election officials, thereby increasing the probability of errors in ballot preparation;
- leave insufficient time for the preparation of ballots where certification of nomination is delayed by pending court challenges; and
- reduce flexibility in scheduling referendums for constitutional and other ballot questions.

In response to these considerations, the task force and advisory committee recommend that Pennsylvania not adopt a September primary, but continue to hold a single spring primary for the major party nominations to all offices.

Because low and declining voter turnout in this Commonwealth remains an issue of deep concern, the task force further recommends a study to describe the causes of this phenomenon and to recommend measures to improve electoral participation.

Presidential Primary

The system for selecting nominees for President of the United States has evolved into a procedure that many believe is flawed and ripe for reform. While encouraging popular participation in some states and allowing the national parties to arrive at an early selection, the present nomination system often denies meaningful participation to voters in Pennsylvania and many other states. In addition, critics believe this system limits voter choice to well-financed and well-known candidates and, despite its protracted length, favors a remarkably hasty decision.

After considering the best response Pennsylvania can make to this national issue, the task force and advisory committee make the following two recommendations:

- 1) The General Assembly should consider the adoption of a resolution calling on the national parties to agree on a proposal to reform the presidential nominating process and urging the legislatures of other states to adopt similar resolutions.**
- 2) In presidential years, as in other years, the primary for all offices should take place on a single date.**

Furthermore, the task force believes that the present presidential primary election system fails to afford Pennsylvania's voters an amount of influence fairly proportional to its population. Rather than requiring each individual state to address this issue on its own, it would be preferable for the national parties to agree on a proposal that may enable every state to have a meaningful influence on at least some presidential nominations. Should no equitable national solution be forthcoming, the task force believes the General Assembly must consider repositioning its primary to allow its citizens a voice in the selection of the candidates for the nation's most powerful office.

NARRATIVE OF STUDY PROCEDURE

The task force created by 1999 Senate Resolutions 8 and 98¹ hereby reports its findings and recommendations to the General Assembly in response to those resolutions. This bipartisan task force created an advisory committee to guide the study. It studied the following issues:

- the feasibility of changing general and municipal primary elections to September;
- the timing of presidential primary elections;
- the possibility of separating presidential primary elections from primary elections for nominations to other public offices; and
- the costs to state and county governments to make the change and the potential such a change could have on reducing campaign finance costs.

The Joint State Government Commission staff coordinated and supported the study.

The task force convened its organizational meeting on August 17, 1999. It was noted that Senate Resolution 8 set the deadline for its report as September 1, 1999, which did not permit enough time to study the issues presented. The committee submitted a recommendation that “no change be made in the timing of the 2000 [p]rimary election because of the potential of serious complications with requirements of both major national parties.” The task force further requested that the reporting date be extended to September 1, 2000.

The task force held a public hearing on December 6, 1999. Testimony was heard from witnesses representing the views of Commonwealth and local governmental executives and election officials, the judiciary, and political parties and candidates.

In connection with the issues relating to the September primary, Commission staff surveyed county election officials within the Commonwealth, with the assistance of the County Commissioners Association of Pennsylvania. Material was obtained from the hearing of the House State Government

¹Senate Resolution 98 is set forth in Appendix A.

Committee on April 28, 1999, where legislation adopting a March presidential primary and a September general and municipal primary had been considered.² The Commission staff consulted election officials from Connecticut, Florida, Massachusetts and New York, as well as Pennsylvania. Commission staff personally interviewed Jane Carroll, election director of Broward County, Florida, in order to obtain a detailed understanding of the methods used in a large September primary state. Staff also interviewed R. Doug Lewis, executive director of The Election Center, and a nationally recognized expert on election technology and procedure. The statistical material in this report was generated from the aforementioned survey and data gathered by the United States Census Bureau and the Federal Election Commission. Commission staff researched relevant history, statutes, testimony offered pursuant to consideration of related legislation, practice and political science.

The advisory committee that directed the study consisted of 24 members comprising interested members of the public.³ Earl Keller, Commissioner of Cumberland County, served as chairman of the committee. The advisory committee held formal meetings on March 10, 2000; May 10, 2000; and September 14, 2000. As a result of its deliberations, the committee adopted a set of recommendations for consideration by the task force. The task force met on October 10, 2000, and November 14, 2000, to consider these recommendations, and adopted the recommendations presented in this report.

²1999 House Bill 653.

³With respect to the issues regarding the presidential primary, comments and recommendations made by members of the advisory committee reflect their personal views and not necessarily those of the organizations to which they are affiliated.

ADOPTION OF A SEPTEMBER PRIMARY

As part of its mandate under Senate Resolutions 8 and 98, the staff of the Joint State Government Commission under the direction of the Advisory Committee on Primary Election Dates researched the issue of the feasibility of moving the general and municipal primaries to September.⁴

While the advantages of the September primary for Pennsylvania are debatable and unproven, the advisory committee saw the disadvantages as much more concrete and demonstrable. As a result, the committee recommended against the adoption of a September primary. In this part the report details the considerations that led to that conclusion. It must be noted, however, that remarkably little research was found on this issue in the political science literature. For this reason, the analysis must rely heavily on the opinions of experienced individuals.

The September Primary in Other States

Some guidance as to whether a September primary would be suitable for this Commonwealth may be found by considering the experience of the states that hold primaries in that month. Appendix B shows the dates of the presidential and state primaries in the fifty states from 1996 through 2000. Fifteen states regularly hold a September statewide primary at some time during their election cycle: Arizona, Connecticut, Delaware, Florida, Hawaii, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New York, Rhode Island, Vermont, Washington and Wisconsin.⁵ Of the September primary states, Florida and New York are larger in population than Pennsylvania; Maryland, Massachusetts,

⁴Under present law the general and municipal primaries are held on the third Tuesday in May, except that in years when the presidential election takes place, the primary is held the fourth Tuesday in April. Act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, §§ 603 and 604; 25 P.S. §§ 2753 and 2754 (West 1994 & Supp. 2000). Due to conflict with religious holidays, the primary for the year 2000 was held on April 4, pursuant to an amendment to Election Code § 603. Act of November 24, 1999 (P.L.543, No.51). (The Pennsylvania Election Code is hereinafter referred to as the Election Code.)

⁵The primaries noted in Appendix B include all presidential primaries, primaries for nominations to statewide offices and primaries for local offices where all local primaries in the state were held on the same date.

Washington and Wisconsin each has about half the Commonwealth's population; and the remaining states are smaller.

Of these states, only Connecticut and Washington held September primaries every year, while New York has held a September primary every year except 1997. Twelve of these states held September primaries in even-numbered years and no primaries in odd-numbered years. Pennsylvania has held a primary every year since at least 1906.⁶

Most of the states with September primaries have used that schedule for more than 20 years. Approximate dates of adoption of a September primary are as follows: Arizona (1912); Connecticut (1955); Delaware (1976); Florida (1970); Hawaii (1980); Maryland (1965); Massachusetts (at least since 1932); Minnesota (at least since 1981); Nevada (1917); New Hampshire (1910); New York (1974); Rhode Island (1948); Vermont (1916); Washington (1908); and Wisconsin (1906). Conversely, five states have moved their primaries for state offices to earlier in the year: Idaho (August to May, 1980); Kentucky (August to May, 1984); Nebraska (August to May, 1958); Texas (July to May, 1960; May to March, 1990); and West Virginia (August to May, 1960).⁷

States that hold primaries in September have various provisions that accommodate a shortened election cycle. Paperwork handled by election officials is reduced by using alternatives to petitions. In Florida, a candidate may obtain a place on the ballot by paying a qualifying fee of 6 percent of the annual salary of the office sought in lieu of a nominating petition.⁸ Unnecessary primaries are eliminated. In New York, the party committee can nominate statewide candidates at its caucus. A prospective nominee who is not chosen may appear on the primary ballot only if he or she receives at least 25 percent of the party committee vote and petitions for a primary within seven days of the caucus.⁹ Uncontested primaries are not held.¹⁰ To speed up the vote count, Florida requires appointment of an additional election board in precincts serving more than 1,000 voters.¹¹ Another response is to sanction election officials to ensure that ballots are counted promptly. Under Florida law, if a county's returns are not received by the Department of State within seven days after the election, the offending county's returns are not included in the statewide tabulation and its election officials are fined \$200 each for each day the returns are late, payable exclusively from their personal funds.¹²

⁶Act of February 17, 1906 (P.L.36, No.10).

⁷In 1980, 1982 and 1984, the West Virginia primary was held in June. Council of State Governments, *Book of the States* (Lexington, Ky., various years).

⁸Fla. Stat. Ann §§ 99.061 and 99.092 (West Supp. 2000).

⁹N.Y. Elec. Law § 6-104 (Consol. 1986).

¹⁰N.Y. Elec. Law § 4-118 (Consol. 1986).

¹¹Fla. Stat. Ann. § 102.012 (West Supp. 2000).

¹²Fla. Stat. Ann. §§ 102.111 and 102.112 (West Supp. 2000).

Election officials from other states have overwhelmingly voiced disapproval of the September primary. At the request of Commission staff, R. Doug Lewis, executive director of The Election Center, an international service association of election and voter registration officials, confidentially surveyed election officials in these states. Officials in thirteen of these states advised that Pennsylvania should not adopt a September primary. The following are representative of the comments received from them:

“No time to insure the integrity of the election between the primary and the general.”

“Ballot accuracy is made extremely difficult.”

“No time for the public to get to know and scrutinize the candidates.”

“No time for candidates to regroup their campaigns and develop new themes for the general.”

“Litigation disrupts the process and court ordered changes have *huge* financial, manpower, and time impacts.”

“Recounts in important races in the primary become almost impossible to do before the general.”

“Late primaries disenfranchise military and overseas voters (not enough time to get the ballots distributed and back).”

“You have to get highly automated . . . there is no margin for error.”

“We burn employees out . . . two major elections in a short period with enormous stress . . . It is a miracle if we don’t botch something major.”

“A late primary is a disaster.”¹³

As a result of similar problems, the association of election directors in New York has for 20 years submitted formal requests to that state’s legislature to move its primary back to May.¹⁴

¹³E-mail from R. Doug Lewis to Commission staff, March 1, 2000.

¹⁴Daniel DeFrancesco, Testimony before the Task Force on Primary Election Dates (Harrisburg, Pa., December 6, 1999). Mr. DeFrancesco is executive director of the New York City Board of Elections and legislative chairman of the New York State Election Commissioners Association.

Florida law requires a September primary and a runoff primary when no candidate receives a majority of the vote in the initial round. It is therefore common for three elections to be held in ten weeks. Florida election officials contacted by the Commission indicated that they would not object to a September primary if they did not have to hold the runoff.¹⁵ Florida is a fair comparison to this Commonwealth because it also has a large population; however, Florida has some advantages over Pennsylvania in terms of holding its elections. The Sunshine State has only about 5,000 precincts, as opposed to 9,392 for Pennsylvania.¹⁶ Also, the turnout in Florida is usually lower than in this Commonwealth. In any event, the relative success of the September primary in Florida is outweighed by the problems reported in a majority of other states.

Possible Advantages of September Primary

Effect on turnout. Among the claims advanced on behalf of a September primary is that it would increase voter turnout. It is certainly conceivable that reducing the time between the primary and the general election would encourage voters to concentrate their attention on politics during late summer and early fall, rather than making voters contend with a nearly year-round electoral process.

Whether September primaries actually do encourage turnout in the general election is an empirical question that can be approached by analysis of election data. Analysis of the data on elections for United States Congress fails to show any significant correlation between voter turnout and the number of days between the primary and the general election. Congressional election data is the most complete set that is readily available.

A systematic way of testing whether a late primary is likely to improve turnout is to run a statistical regression between the time interval in days between the primary and the general election and the turnout rate as a percentage of voting age population (VAP) in each state for several elections. A statistically significant relation between the time interval and the turnout rates would show a robust negative coefficient between voter turnout and the number of days between the primary and the general election—in other words, that higher turnout correlates with a smaller number of days between the primary and the general election.

¹⁵Jane Carroll, election director of Broward County, Florida, commented that she would not recommend adoption of a September primary by other states. Telephone conversation with Commission staff, September 18, 2000.

¹⁶The Florida precinct number was supplied by the Division of Elections, Florida Department of State. The precinct number for Pennsylvania was supplied by the Association of Eastern Pennsylvania County Election Personnel and the Western Pennsylvania Election Personnel Association.

A set of such regressions was run for all 50 states for the congressional elections from 1982 through 1998 that did not coincide with presidential elections.¹⁷ The interval in days between the primary and the general election is the independent variable and the voter turnout rates for congressional candidates is the dependent variable. The results are set forth in Table 1 (congressional election of 1982), Table 2 (1986), Table 3 (1990), Table 4 (1994) and Table 5 (1998). The data in each of these tables is analyzed in the subtable entitled "Regression of Turnout and Time Interval" in terms of recognized measures of statistical significance. R^2 is the percentage of the variance in turnout that is explained by the variance in the date interval.¹⁸ In these results, between .0012% and .017% of the variation in turnout is explained by the date interval. The sign (positive or negative) of a reliable relationship should be consistent, whereas the five studies show three positive and two negative correlations. A related test of significance is the ratio of the X coefficient to the standard of error of the coefficient, called the *t* ratio. If the regression is significant, the absolute value of this ratio should be at least 2, but the ratios actually found range between 0.239 and 0.909.

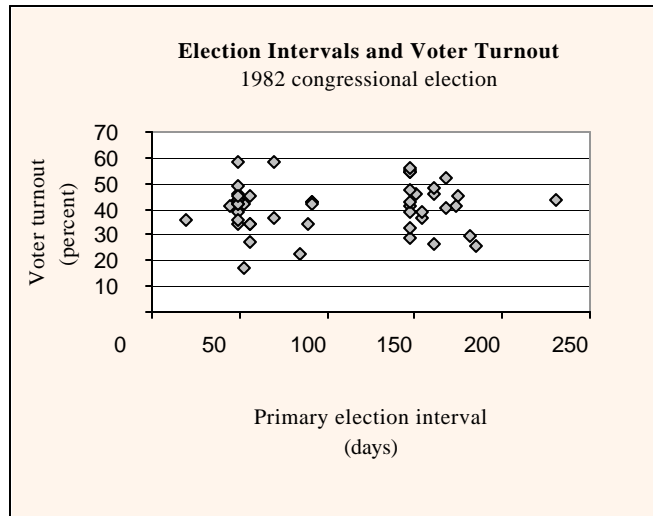
Applying these tests, it is evident that there is no reliable relationship between the number of days between the primary and the general election and the percentage voter turnout.

¹⁷Nonpresidential elections were used because many states hold congressional primaries concurrently with presidential primaries during presidential election years. In such states, turnout more likely reflects the level of interest in the presidential primary rather than the effect of the primary date.

¹⁸In 1982, for instance, only .0059% of the variance in turnout is explained by the variance in the date interval.

TABLE 1
 CONGRESSIONAL ELECTION TURNOUT RATES AND
 PRIMARY TO GENERAL ELECTION DATE INTERVALS BY STATE
 (1982)

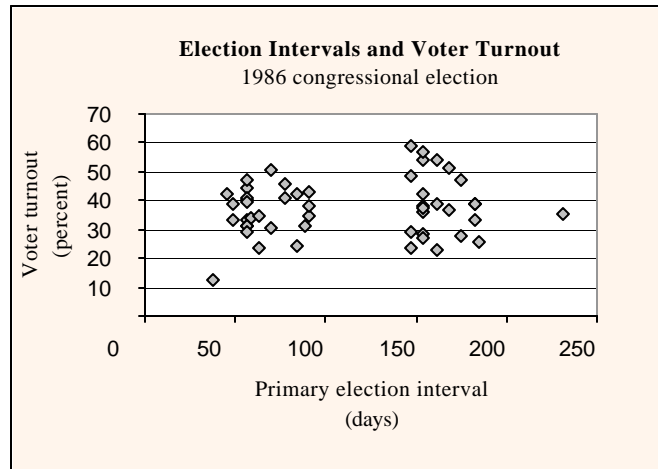
State	Primary to General Election Interval (Days)	Voter Turnout (%)	Regression of Turnout and Time Interval	
Alabama	56	34.0	Constant	39.6
Alaska	70	58.4	Standard Error of Estimate	9.1
Arizona	56	34.0	R2	0.0059
Arkansas	161	45.7	Number of Observations	50
California	147	41.3	X Coefficient	0.0127
Colorado	49	41.9	Standard Error of Coefficient	0.0238
Connecticut	56	45.4	T Ratio	0.534
Delaware	52	42.2		
Florida	56	27.3		
Georgia	84	22.3		
Hawaii	45	41.1		
Idaho	161	48.3		
Illinois	231	43.3		
Indiana	151	45.6		
Iowa	147	47.6		
Kansas	91	42.8		
Kentucky	161	26.4		
Louisiana	52	17.0		
Maine	147	54.5		
Maryland	49	34.4		
Massachusetts	49	43.4		
Michigan	91	42.9		
Minnesota	49	58.3		
Mississippi	154	36.2		
Missouri	91	42.0		
Montana	147	55.0		
Nebraska	175	45.1		
Nevada	19	35.9		
New Hampshire	49	38.5		
New Jersey	147	38.7		
New Mexico	174	41.5		
New York	49	35.6		
North Carolina	182	29.8		
North Dakota	147	54.2		
Ohio	147	42.5		
Oklahoma	70	36.5		
Oregon	168	52.0		
Pennsylvania	168	40.7		
Rhode Island	49	46.1		
South Carolina	147	28.5		
South Dakota	147	55.9		
Tennessee	89	34.5		
Texas	185	26.0		
Utah	49	49.3		
Vermont	49	43.3		
Virginia	147	32.8		
Washington	49	41.7		
West Virginia	154	38.5		
Wisconsin	49	42.1		
Wyoming	49	45.0		



SOURCE: Council of State Governments, *Book of the States* (Chicago and Lexington, Ky., various years), U.S. Census Bureau, *Census of Population* (various years); U.S. Congress, Clerk of the House, *Statistics of the Congressional Elections* (various years).

TABLE 2
 CONGRESSIONAL ELECTION TURNOUT RATES AND
 PRIMARY TO GENERAL ELECTION DATE INTERVALS BY STATE
 (1986)

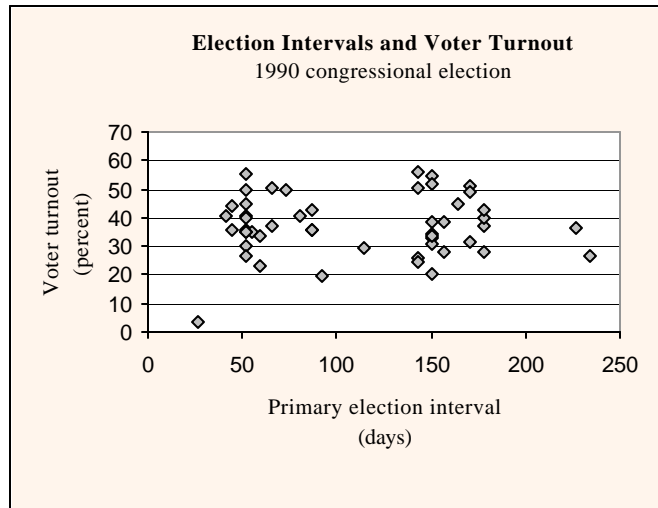
State	Primary to General Election Interval (Days)	Voter Turnout (%)	Regression of Turnout and Time Interval	
Alabama	154	37.9	Constant	34.7
Alaska	70	50.3	Standard Error of Estimate	9.6
Arizona	56	33.5	R2	0.0170
Arkansas	161	38.5	Number of Observations	50
California	154	35.9	X Coefficient	0.0236
Colorado	84	42.3	Standard Error of Coefficient	0.0259
Connecticut	56	40.1	T Ratio	0.909
Delaware	59	33.8		
Florida	63	23.4		
Georgia	84	24.0		
Hawaii	45	42.2		
Idaho	161	54.3		
Illinois	231	35.4		
Indiana	182	38.5		
Iowa	154	42.3		
Kansas	91	43.3		
Kentucky	161	23.2		
Louisiana	38	12.4		
Maine	147	48.2		
Maryland	56	31.5		
Massachusetts	49	33.4		
Michigan	91	34.7		
Minnesota	56	44.7		
Mississippi	154	28.7		
Missouri	91	37.9		
Montana	154	54.2		
Nebraska	175	47.4		
Nevada	63	35.0		
New Hampshire	56	31.1		
New Jersey	154	26.7		
New Mexico	154	37.1		
New York	56	29.0		
North Carolina	182	33.2		
North Dakota	147	58.6		
Ohio	182	38.8		
Oklahoma	70	30.3		
Oregon	168	51.0		
Pennsylvania	168	36.5		
Rhode Island	56	40.7		
South Carolina	147	29.2		
South Dakota	154	56.8		
Tennessee	89	31.0		
Texas	185	25.6		
Utah	77	40.9		
Vermont	56	46.9		
Virginia	147	23.7		
Washington	49	38.9		
West Virginia	175	28.0		
Wisconsin	56	39.3		
Wyoming	77	45.8		



SOURCE: Council of State Governments, *Book of the States* (Chicago and Lexington, Ky., various years); U.S. Census Bureau, *Census of Population* (various years); U.S. Congress, Clerk of the House, *Statistics of the Congressional Elections* (various years).

TABLE 3
 CONGRESSIONAL ELECTION TURNOUT RATES AND
 PRIMARY TO GENERAL ELECTION DATE INTERVALS BY STATE
 (1990)

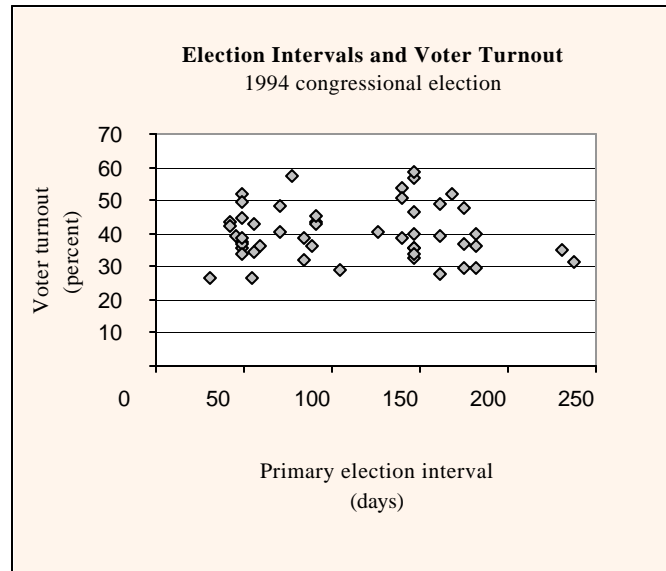
State	Primary to General Election Interval (Days)	Voter Turnout (%)	Regression of Turnout and Time Interval	
Alabama	150	34.0	Constant	36.4
Alaska	66	50.2	Standard Error of Estimate	10.6
Arizona	52	35.8	R2	0.0012
Arkansas	157	38.3	Number of Observations	50
California	150	32.9	X Coefficient	0.0064
Colorado	80	40.9	Standard Error of Coefficient	0.0270
Connecticut	52	40.9	T Ratio	0.239
Delaware	55	35.0		
Florida	59	23.4		
Georgia	114	29.1		
Hawaii	41	40.5		
Idaho	164	44.5		
Illinois	227	36.2		
Indiana	178	36.9		
Iowa	150	38.4		
Kansas	87	42.9		
Kentucky	157	27.9		
Louisiana	27	3.5		
Maine	143	56.0		
Maryland	52	30.0		
Massachusetts	45	44.1		
Michigan	87	35.5		
Minnesota	52	55.3		
Mississippi	150	20.1		
Missouri	87	35.5		
Montana	150	54.8		
Nebraska	171	50.9		
Nevada	59	33.7		
New Hampshire	52	34.8		
New Jersey	150	30.8		
New Mexico	150	33.4		
New York	52	26.8		
North Carolina	178	39.7		
North Dakota	143	50.6		
Ohio	178	42.4		
Oklahoma	66	37.1		
Oregon	171	49.2		
Pennsylvania	171	31.4		
Rhode Island	52	44.7		
South Carolina	143	25.9		
South Dakota	150	51.7		
Tennessee	92	19.5		
Texas	234	26.8		
Utah	52	40.1		
Vermont	52	49.7		
Virginia	143	24.4		
Washington	45	36.0		
West Virginia	178	27.8		
Wisconsin	52	34.7		
Wyoming	73	49.5		



SOURCE: Council of State Governments, *Book of the States* (Chicago and Lexington, Ky., various years); U.S. Census Bureau, *Census of Population* (various years); U.S. Congress, Clerk of the House, *Statistics of the Congressional Elections* (various years).

TABLE 4
 CONGRESSIONAL ELECTION TURNOUT RATES AND
 PRIMARY TO GENERAL ELECTION DATE INTERVALS BY STATE
 (1994)

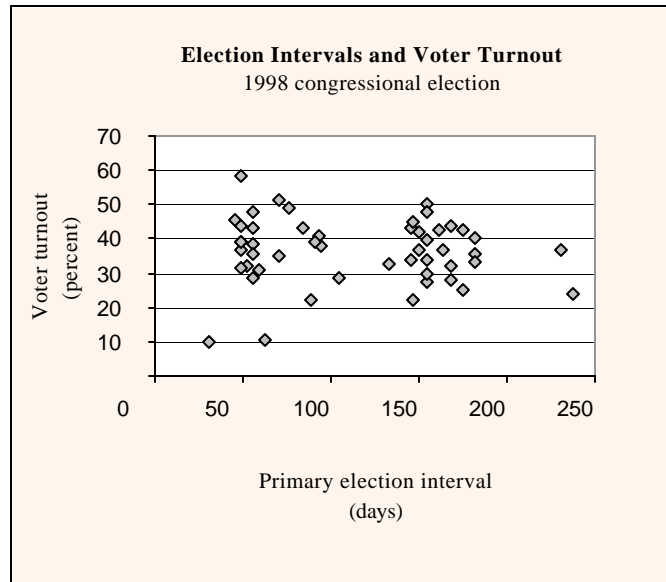
State	Primary to General Election Interval (Days)	Voter Turnout (%)	Regression of Turnout and Time Interval	
Alabama	147	35.5	Constant	40.8
Alaska	70	48.5	Standard Error of Estimate	8.2
Arizona	49	37.6	R2	0.0015
Arkansas	161	39.0	Number of Observations	50
California	147	35.9	X Coefficient	-0.0057
Colorado	84	38.9	Standard Error of Coefficient	0.0211
Connecticut	56	43.0	T Ratio	-0.272
Delaware	59	36.5		
Florida	54	26.3		
Georgia	105	29.0		
Hawaii	45	39.3		
Idaho	161	49.0		
Illinois	231	34.9		
Indiana	182	36.0		
Iowa	147	46.3		
Kansas	91	43.3		
Kentucky	161	27.5		
Louisiana	31	26.7		
Maine	140	54.0		
Maryland	49	35.9		
Massachusetts	42	43.3		
Michigan	91	43.0		
Minnesota	49	52.0		
Mississippi	147	32.6		
Missouri	91	45.2		
Montana	147	56.5		
Nebraska	175	47.9		
Nevada	56	34.6		
New Hampshire	49	36.7		
New Jersey	147	33.6		
New Mexico	147	39.6		
New York	49	33.8		
North Carolina	182	29.6		
North Dakota	140	50.4		
Ohio	182	39.7		
Oklahoma	70	40.5		
Oregon	168	51.6		
Pennsylvania	175	36.6		
Rhode Island	49	44.8		
South Carolina	84	31.7		
South Dakota	147	58.6		
Tennessee	89	36.2		
Texas	238	31.3		
Utah	126	40.5		
Vermont	49	49.3		
Virginia	140	38.4		
Washington	42	42.2		
West Virginia	175	29.3		
Wisconsin	49	38.6		
Wyoming	77	57.2		



SOURCE: Council of State Governments, *Book of the States* (Chicago and Lexington, Ky., various years); U.S. Census Bureau, *Census of Population* (various years); U.S. Congress, Clerk of the House, *Statistics of the Congressional Elections* (various years).

TABLE 5
 CONGRESSIONAL ELECTION TURNOUT RATES AND
 PRIMARY TO GENERAL ELECTION DATE INTERVALS BY STATE
 (1998)

State	Primary to General Election Interval (Days)	Voter Turnout (%)	Regression of Turnout and Time Interval	
Alabama	150	36.9	Constant	37.6
Alaska	70	51.1	Standard Error of Estimate	9.6
Arizona	56	28.3	R2	0.0030
Arkansas	168	27.9	Number of Observations	50
California	154	33.8	X Coefficient	-0.0094
Colorado	84	43.0	Standard Error of Coefficient	0.0245
Connecticut	56	38.7	T Ratio	-0.381
Delaware	52	31.8		
Florida	63	10.7		
Georgia	105	28.7		
Hawaii	45	45.3		
Idaho	161	42.7		
Illinois	231	36.7		
Indiana	182	35.7		
Iowa	150	41.8		
Kansas	94	37.8		
Kentucky	164	36.8		
Louisiana	31	9.9		
Maine	146	43.3		
Maryland	49	38.8		
Massachusetts	49	36.8		
Michigan	93	41.1		
Minnesota	49	58.6		
Mississippi	154	27.4		
Missouri	91	38.9		
Montana	154	50.4		
Nebraska	175	42.7		
Nevada	59	31.2		
New Hampshire	56	35.7		
New Jersey	154	29.9		
New Mexico	154	39.8		
New York	49	31.4		
North Carolina	182	33.5		
North Dakota	147	44.7		
Ohio	182	40.2		
Oklahoma	70	34.9		
Oregon	168	43.9		
Pennsylvania	168	31.8		
Rhode Island	49	39.0		
South Carolina	146	33.7		
South Dakota	154	48.1		
Tennessee	89	22.2		
Texas	238	24.2		
Utah	133	32.9		
Vermont	56	48.0		
Virginia	147	22.2		
Washington	49	43.6		
West Virginia	175	25.0		
Wisconsin	56	43.2		
Wyoming	76	49.2		



SOURCE: Council of State Governments, *Book of the States*, (Chicago and Lexington, Ky. , various years); U.S. Census Bureau, *Census of Population* (various years); U.S. Congress, Clerk of the House, *Statistics of the Congressional Elections* (various years).

The observations for these five regressions are pooled in Table 6. Taken together, these results strongly suggest that there is virtually no relationship between the time interval of the primary to the election and the voter turnout rate.

TABLE 6
 POOLED REGRESSION ON
 CONGRESSIONAL ELECTIONS
 (1982-1998)

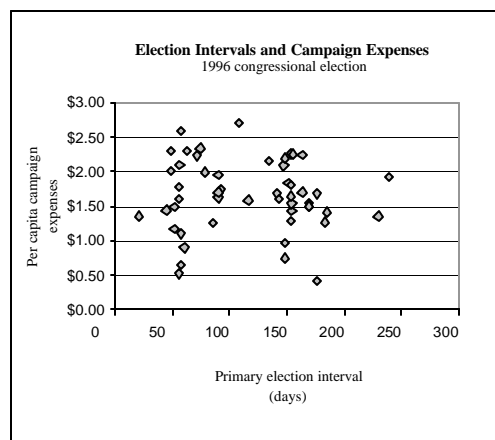
Regression of Turnout and Time Interval	
Constant	38.0
Standard Error of Estimate	9.5
R ²	0.0004
Number of Observations	250
X Coefficient	0.0035
Standard Error of Coefficient	0.0110
T Ratio	0.3201

Campaign costs. The hypothesis has been advanced that a shorter time period between the primary and the general election would decrease the campaign expenses incurred by the candidates and thereby reduce the influence of money on the political process. To determine whether this effect on campaign costs actually exists, the staff analyzed the campaign expenses as reported to the Federal Election Commission (FEC) by candidates vying for seats in the United States House of Representatives, which is the most complete set of such data available. To test the hypothesis, a regression was run between the average House seat campaign expenditure per capita for the 1996 and 1998 campaigns in each state as the dependant variable, and the elapsed time in days between the primary and the election as the independent variable. If the per capita campaign expenditures are consistently higher than the mean per capita expenditure in those states with longer than mean time intervals between the primary and general elections and, conversely, lower in states with shorter time intervals, then the regression coefficient should be positive and statistically significant.

Table 7 is based on data collected from the campaign expense reports compiled by the FEC through December 31, 1996. Table 8 shows the same data with respect to the congressional elections of 1998. In both cases, the results failed to show any statistically significant relationship between campaign spending and the election interval.

TABLE 7
CAMPAIGN EXPENDITURES FOR
HOUSE OF REPRESENTATIVES
(1996)

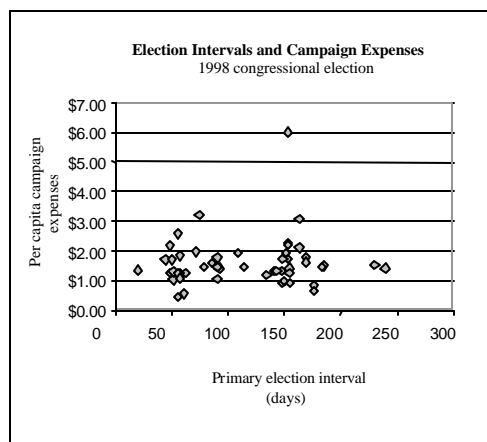
State	Campaign Expenses (1000's)	1997 Estimated Population	Expense Per Capita	Days Before Election	1996 Regression Results	
Alabama	\$7,941	4,319	\$1.84	151	Constant	\$1,705
Alaska	1,423	609	2.34	74	Standard Error of Estimate	\$525
Arizona	4,989	4,555	1.10	57	R	0.0020
Arkansas	4,244	2,523	1.68	141	Number of Observations	50
California	46,134	32,268	1.43	154	X Coefficient	-0.0004
Colorado	4,874	3,893	1.25	85	Standard Error of Coefficient	0.0014
Connecticut	5,779	3,270	1.77	55	T Ratio	0.31
Delaware	384	732	0.52	55		
Florida	13,027	14,654	0.89	60		
Georgia	20,286	7,486	2.71	108		
Hawaii	1,706	1,187	1.44	44		
Idaho	2,709	1,210	2.24	163		
Illinois	16,003	11,896	1.35	230		
Indiana	8,244	5,864	1.41	185		
Iowa	6,432	2,852	2.26	153		
Kansas	4,505	2,595	1.74	92		
Kentucky	6,641	3,908	1.70	163		
Louisiana	5,861	4,352	1.35	20		
Maine	2,579	1,242	2.08	147		
Maryland	5,979	5,094	1.17	51		
Massachusetts	12,310	6,118	2.01	48		
Michigan	15,859	9,774	1.62	90		
Minnesota	6,955	4,686	1.48	51		
Mississippi	4,184	2,731	1.53	154		
Missouri	10,551	5,402	1.95	90		
Montana	1,578	879	1.80	153		
Nebraska	2,780	1,657	1.68	176		
Nevada	3,855	1,677	2.30	62		
New Hampshire	2,466	1,173	2.10	56		
New Jersey	13,168	8,053	1.64	153		
New Mexico	2,228	1,730	1.29	153		
New York	29,048	18,137	1.60	55		
North Carolina	9,380	7,425	1.26	183		
North Dakota	1,405	641	2.19	148		
Ohio	17,875	11,186	1.60	143		
Oklahoma	7,393	3,317	2.23	71		
Oregon	5,018	3,243	1.55	169		
Pennsylvania	18,060	12,020	1.50	169		
Rhode Island	2,278	987	1.50	169		
South Carolina	2,798	3,760	0.74	148		
South Dakota	1,664	738	2.25	155		
Tennessee	9,140	5,368	1.70	90		
Texas	37,263	19,439	1.92	239		
Utah	4,438	2,059	2.16	134		
Vermont	1,523	589	2.59	57		
Virginia	6,479	6,734	0.96	148		
Washington	12,898	5,610	2.30	48		
West Virginia	768	1,816	0.42	176		
Wisconsin	8,492	5,170	0.64	57		
Wyoming	954	480	1.99	78		
Total	422,548	267,108	1.58	116		



SOURCE: Federal Election Commission, Financial Activity of House Campaigns through December 31, 1996. Available from <http://www.fec.gov/1996/states/> (accessed August 26, 1999).

TABLE 8
CAMPAIGN EXPENDITURES FOR
HOUSE OF REPRESENTATIVES
(1998)

State	Campaign Expenses (1000's)	1997 Estimated Population	Expense Per Capita	Days Before Election	1998 Regression Results	
Alabama	\$8,339	4,319	\$1.93	151	Constant	\$1,427
Alaska	1,956	609	3.21	74	Standard Error of Estimate	\$848
Arizona	5,260	4,555	1.15	57	R	0.0099
Arkansas	3,331	2,523	1.32	141	Number of Observations	50
California	45,543	32,268	1.41	154	X Coefficient	0.0015
Colorado	6,237	3,893	1.60	85	Standard Error of Coefficient	0.0022
Connecticut	8,469	3,270	2.59	55	T Ratio	0.68
Delaware	332	732	0.45	55		
Florida	8,050	14,654	0.55	60		
Georgia	14,357	7,486	1.92	108		
Hawaii	2,013	1,187	1.70	44		
Idaho	3,744	1,210	3.09	163		
Illinois	18,160	11,896	1.53	230		
Indiana	8,729	5,864	1.49	185		
Iowa	6,481	2,852	2.27	153		
Kansas	3,660	2,595	1.41	92		
Kentucky	8,205	3,908	2.10	163		
Louisiana	5,892	4,352	1.35	20		
Maine	1,651	1,242	1.33	147		
Maryland	5,232	5,094	1.03	51		
Massachusetts	7,576	6,118	1.24	48		
Michigan	14,110	9,774	1.44	90		
Minnesota	6,110	4,686	1.30	51		
Mississippi	3,435	2,731	1.26	154		
Missouri	9,564	5,402	1.77	90		
Montana	1,934	879	2.20	153		
Nebraska	1,352	1,657	0.82	176		
Nevada	2,086	1,677	1.24	62		
New Hampshire	1,441	1,173	1.23	56		
New Jersey	13,816	8,053	1.72	153		
New Mexico	10,377	1,730	6.00	153		
New York	22,323	18,137	1.23	55		
North Carolina	10,855	7,425	1.46	183		
North Dakota	1,097	641	1.71	148		
Ohio	14,758	11,186	1.32	143		
Oklahoma	6,530	3,317	1.97	71		
Oregon	5,732	3,243	1.77	169		
Pennsylvania	19,453	12,020	1.62	169		
Rhode Island	1,678	987	1.70	50		
South Carolina	3,394	3,760	0.90	148		
South Dakota	677	738	0.92	155		
Tennessee	5,614	5,368	1.05	90		
Texas	27,543	19,439	1.42	239		
Utah	2,479	2,059	1.20	134		
Vermont	633	589	1.07	57		
Virginia	6,550	6,734	0.97	149		
Washington	12,246	5,610	2.18	48		
West Virginia	1,145	1,816	0.63	176		
Wisconsin	9,441	5,170	1.83	57		
Wyoming	704	480	1.47	78		
Total	390,294	267,108	1.46	114		



SOURCE: Federal Election Commission, Financial Activity of House Campaigns 1997-98. Available from <http://www.fec.gov/1996/states/> (accessed August 24, 1999).

Other advantages of September primary. It has been suggested that the longer campaign season may contribute to negative attitudes toward the political process. No study was found linking favorable or unfavorable attitudes toward the political process and the timing of state primaries.

A September primary may also be more advantageous for challengers than the present calendar because the latter requires the candidate who has prevailed in the spring primary to reintroduce himself or herself to the voters in the fall. This break in continuity is avoided by a September primary. However, a September primary also gives a challenger less time to raise funds for the general election and campaign as the party standard-bearer than the present calendar. For these reasons, it may be no more favorable to challengers.

It has also been argued that a shorter campaign may encourage more and better qualified candidates to run for office, particularly local offices, since the candidate need not make as great a time commitment to the demands of running for office. The time when a candidate is running for office is one of considerable uncertainty in the candidate's life, and this period is considerably shortened under a September primary. There is evidence that the number of candidates running for local offices has declined since 1973.¹⁹ However, no studies or data have been found comparing the severity of this problem in different states.

Disadvantages of September Primary

Election costs. At both the Task Force's public hearing and the advisory committee meetings, election officials and representatives of the county commissioners argued that a September primary necessarily leads to higher public costs than a primary conducted under current law.²⁰ The ascertainment of results of the primary and the preparation for the general election take place over a period of at least 25 weeks under Pennsylvania's current election calendar; with a September primary, these tasks must be performed in nine or ten weeks. The difference can only be made up by a larger staff, more staff overtime, new and more expensive equipment, or some combination of these.

In response to a questionnaire developed by the staff in cooperation with the County Commissioners Association of Pennsylvania, election directors in 39 counties mentioned that additional staffing or other costs would be required. Joseph R. Passarella, election director of Montgomery County and current chair of the Association of Eastern Pennsylvania County Election Personnel, estimated that a September primary would increase the county's annual election costs by \$197,000, or over 46.7% of the county's budget for elections in 1999. Bob Lee,

¹⁹Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000), 42.

²⁰See Table 9 for election costs by county.

TABLE 9
SELECTED DATA REGARDING
PENNSYLVANIA ELECTIONS

County	Estimated Primary Election Expenses	1997 Estimated Population	Estimated Per Capita Expenses	1999 Registered Voters	Estimated Expenses Per Registered Voter	Number of Precincts	Registered Voters Per Precinct
Adams	\$47,696	85,754	\$0.56	45,000	\$1.06	51	882
Allegheny	n.d.	1,280,624	n.d.	875,387	n.d.	1,309	669
Armstrong	50,000	73,572	0.68	41,492	1.21	74	561
Beaver	233,000	185,682	1.25	112,000	2.08	129	868
Bedford	62,289	49,253	1.26	28,240	2.21	42	672
Berks	127,980	354,057	0.36	199,808	0.64	180	1,110
Blair	188,271	130,923	1.44	69,347	2.71	97	715
Bradford	40,277	62,292	0.65	34,804	1.16	61	571
Bucks	414,533	582,633	0.71	365,766	1.13	298	1,227
Butler	268,330	169,197	1.59	99,499	2.70	84	1,185
Cambria	125,000	157,419	0.79	89,100	1.40	165	540
Cameron	7,428	5,719	1.30	3,413	2.18	10	341
Carbon	31,445	58,844	0.53	32,453	0.97	47	690
Centre	105,411	132,993	0.79	81,862	1.29	85	963
Chester	306,495	416,541	0.74	264,501	1.16	218	1,227
Clarion	31,244	41,820	0.75	22,500	1.39	42	536
Clearfield	87,858	80,656	1.09	44,426	1.98	71	626
Clinton	39,317	36,885	1.07	18,821	2.09	37	509
Columbia	81,717	64,230	1.27	34,705	2.35	57	609
Crawford	54,574	89,322	0.61	49,348	1.11	67	737
Cumberland	109,881	207,852	0.53	125,378	0.88	96	1,306
Dauphin	150,000	245,793	0.61	150,000	1.00	147	1,020
Delaware	204,325	543,010	0.38	326,805	0.63	406	805
Elk	31,068	34,911	0.89	19,132	1.62	34	563
Erie	259,267	279,401	0.93	169,193	1.53	153	1,106
Fayette	66,554	145,036	0.46	81,059	0.82	105	772
Forest	17,650	4,910	3.59	3,064	5.76	9	340
Franklin	65,417	127,373	0.51	68,778	0.95	75	917
Fulton	13,000	14,457	0.90	7,845	1.66	13	603
Greene	32,678	42,210	0.77	22,827	1.43	44	519
Huntingdon	49,204	45,172	1.09	24,734	1.99	58	426
Indiana	57,016	89,182	0.64	44,538	1.28	68	655
Jefferson	32,408	46,567	0.70	25,151	1.29	52	484
Juniata	17,704	21,898	0.81	11,897	1.49	20	595
Lackawanna	n.d.	210,464	n.d.	140,639	n.d.	239	588
Lancaster	265,571	454,063	0.58	247,228	1.07	225	1,099
Lawrence	74,458	95,442	0.78	53,374	1.40	106	504
Lebanon	50,000	117,216	0.43	64,800	0.77	56	1,157
Lehigh	139,710	297,703	0.47	175,438	0.80	145	1,210
Luzerne	230,000	317,560	0.72	166,965	1.38	315	530
Lycoming	50,311	118,405	0.42	60,792	0.83	86	707
McKeen	35,564	46,806	0.76	23,002	1.55	42	548
Mercer	100,000	122,045	0.82	71,465	1.40	100	715
Mifflin	19,271	47,176	0.41	23,012	0.84	30	767
Monroe	56,623	122,531	0.46	71,530	0.79	54	1,325
Montgomery	422,250	712,466	0.59	484,338	0.87	404	1,199
Montour	15,500	17,971	0.86	10,000	1.55	15	667
Northampton	108,700	257,289	0.42	155,000	0.70	140	1,107
Northumberland	127,414	95,100	1.34	48,783	2.61	94	519
Perry	55,651	44,164	1.26	23,384	2.38	33	709
Philadelphia	3,696,000	1,451,372	2.55	947,402	3.90	1,681	564
Pike	23,509	39,108	0.60	27,490	0.86	16	1,718
Potter	n.d.	17,160	n.d.	10,860	n.d.	34	319
Schuylkill	213,805	151,256	1.41	84,944	2.52	167	509
Snyder	26,136	38,279	0.68	17,996	1.45	25	720
Somerset	41,283	80,255	0.51	47,591	0.87	68	700
Sullivan	12,108	6,103	1.98	4,405	2.75	15	294
Susquehanna	30,297	42,085	0.72	24,059	1.26	43	560
Tioga	31,796	41,613	0.76	24,298	1.31	44	552
Union	20,386	41,774	0.49	17,027	1.20	26	655
Venango	47,423	58,067	0.82	32,960	1.44	49	673
Warren	37,162	44,228	0.84	27,008	1.38	33	818
Washington	225,656	205,807	1.10	133,000	1.70	184	723
Wayne	28,816	45,387	0.63	25,780	1.12	37	697
Westmoreland	209,299	374,673	0.56	229,777	0.91	306	751
Wyoming	22,233	29,387	0.76	17,292	1.29	30	576
York	200,000	370,518	0.54	212,170	0.94	146	1,453
Total or Average	10,025,969	12,019,661	0.83	7,296,682	1.37	9,392	777

n.d. No data.

SOURCES: Replies to survey from the County Commissioners of Pennsylvania, September, 1999; Association of Eastern Pennsylvania County Election Personnel and Western Pennsylvania Election Personnel Association, Pennsylvania Election Officials, August, 1999.

Jr., voter registration administrator for the Philadelphia City Commissioners, estimated this increase at \$1,020,000 or 27.6% of the city's 1999 election budget.²¹

Disruption of election procedures. A chronological list of steps in the election process as required by the Election Code is presented in Appendix C. Of particular importance are the steps between the primary and the general election. The most important of these are the canvassing and computation of primary returns; determination of recounts and contests; receipt of nomination papers from independent political parties; preparation of general election ballots; delivery of absentee ballots; and delivery of voting apparatus and materials to polling places. Under present law these procedures are performed within a period of about 25 weeks in non-presidential years, or 28 weeks in presidential years.²² A September primary would give these officials at most ten weeks to do them.²³

In addition to the tasks specifically mentioned in the Election Code, a number of other tasks must be completed in order to hold an election. In districts that use mechanical or electronic voting machines,²⁴ the machines must be locked for 20 to 25 days pending certification of the results of the primary.²⁵ The average time to strip down lever voting machines from a previous vote and prepare them for the next vote is nine weeks, which would be nearly the entire period between the primary and the general election. This would leave no time for such tasks as repair of the machines or replacement of worn parts. Nor would there be time to deliver these machines, which weigh 850 pounds, from the warehouse to the polling place; if the machines are kept at a warehouse, delivery can be expected to take two weeks.²⁶ Delivery is not necessary if the machines are stored at the polling place, but that procedure requires machine preparation to take place on site rather than at a central location. In Philadelphia, according to its voting registration director, preparation for the general election under the present, more

²¹Joseph R. Passarella, Bob Lee, Jr., Testimony before the Task Force on Primary Election Dates (Harrisburg, Pa., December 6, 1999). The Philadelphia City Commissioners constitute the city's board of elections.

²²Due to the one-time amendment to the Election Code, this period was 31 weeks in 2000.

²³In most years, the interval between first Tuesday in September and Election Day (i.e., the first Tuesday after the first Monday in November) is nine weeks. However under calendar arrangements 6 (as in 1999 or 2010) and 12 (as in 1976 or 2004), this interval is eight weeks. See *The World Almanac and Book of Facts, 2000* (Mahwah, N.J.: World Almanac Publishers, 1999), 328-29. For reasons discussed later in the report, if a September primary were adopted, it may be advisable to schedule it the week after Labor Day, even though this will usually reduce the time interval by one or two weeks.

²⁴Of the 67 counties in the Commonwealth, 21 use lever voting machines exclusively and five others use them along with paper ballots. These 26 counties account for about 65% of registered voters. Memorandum from Anne K. Pizzoli, voter registration coordinator, to Election Commissioner Dick Filling, May 1, 1998.

²⁵Passarella, Lee, Testimony.

²⁶Pizzoli.

extended calendar requires the staff to work from Labor Day to Thanksgiving, “seven days a week, ten to twelve hours per day, vacations prohibited.”²⁷

In the counties that use electronic voting systems, the process of clearing the system and preparing for the next election is also time-consuming. Mr. Passarella presented a detailed time line to the task force as follows: five weeks to remove ballots, clear machines, test and repair; two weeks to recharge batteries; four weeks to hang ballots and program machines; and one week to deliver them to the polling places. Each of these steps must be completed before the next can begin.²⁸

Under punch card, optical scan and paper ballot systems, the major delay between elections is the printing of the ballot, a process which usually takes about three weeks.²⁹

The burden of preparing for elections in Pennsylvania is compounded by the large number of our municipalities and the need to prepare many variations of the ballot.³⁰ This is particularly true for municipal primaries and elections, because each precinct elects its own party committee members and judges and inspectors of elections. In municipal elections, the number of ballot configurations roughly equals the number of precincts.

Several witnesses commented that working on a compressed schedule increases the likelihood of error in the preparation of the ballots. Ballots must be carefully proofread in order that the proper names and offices appear on the ballot in each precinct. Many counties outsource ballot printing to private contractors, which saves costs but requires careful preparation of the sample to the printer and proofing of the ballot forms that the printer returns to the county.

Recounts and contests. In order for the public to be assured that the elections are performed fairly and accurately, all states allow court challenges to elections including primary nominations. In Pennsylvania, there are two procedures available for this purpose. As its name suggests, a recount seeks review of the result of an election on the grounds that the ballots have not been accurately counted. A contest seeks to overturn the election on other grounds,

²⁷Lee, Testimony.

²⁸Passarella, Testimony. Five counties use electronic voting systems, representing about 13.3% of registered voters. The sequential nature of the steps was verified by Mr. Passarella to the staff.

²⁹Pizzoli. The combined number of counties using these three systems is 35, representing about 22.5% of registered voters.

³⁰Pennsylvania comprises 3,136 local municipalities (including school districts) and 9,392 precincts. Pennsylvania ranks fourth in number of political subdivisions (counties, municipalities and school districts), behind Illinois, Ohio and Texas. U.S. Census Bureau, *Statistical Abstract of the United States: 1999*, 119th ed. (Washington, D.C.: Bernan Press, 1999), 309.

most frequently defects in the ballot, mechanical failure of a voting device, or polling place errors that permit voting by unqualified persons.³¹

A *recount* petition must be filed with the appropriate court within five days of the computational canvass of the county. The petition must be filed and sworn to by three qualified electors of the election district. If fraud or error is found upon the initial recount, the interested parties have another five days to request a recount in other election districts.³² A candidate cannot be certified as nominee while the time for filing a recount continues or while a recount or appeal from a recount is pending.³³

In almost all cases, election *contests* must be filed with the appropriate court within 20 days after the election.³⁴ Local recounts and contests may be appealed to the Commonwealth Court, although the grounds for review are limited.³⁵ Recounts and contests regarding federal or statewide office, other than those involving the Governor and Lieutenant Governor, are tried before the Commonwealth Court.

While clearly necessary to ensure honest and accurate election results, the procedures for judicial review extend the process of ascertaining the results of the primary. “[C]ourt challenges pose the greatest concern in getting ballots ready on time.”³⁶ In order to preserve the election record to ensure these contests can be fairly decided, voting machines must be locked down for 20 days after the primary.³⁷ Primary challenges can take two to four months to resolve.³⁸ In 1999, Commonwealth Court was still receiving appeals from common pleas decisions of challenges to the May primary in October. The decisions in these cases can be further appealed to the Supreme Court.³⁹

Under present election practice, the ballot for any affected precinct can not be certified until any outstanding recounts or contests are resolved, including appeals. With a primary in April or May, this rule rarely creates any serious

³¹Pennsylvania Bar Institute, *Election Law in Pennsylvania* (n.p.: 1999), 376.

³²Election Code §§ 1701-1703; 25 P.S. §§ 3261-3263.

³³Election Code §§ 1404(f), 1407(b); 25 P.S. §§ 3154(f), 3157(b).

³⁴Election Code §§ 1711, 1756; 25 P.S. §§ 3291, 3456. Petitions for contest of elections for Governor and Lieutenant Governor must be presented to the Senate within ten days of the date that body first convenes after the gubernatorial election. Election Code § 1713; 25 P.S. § 3313.

³⁵*Chase Appeal*, 389 Pa. 538, 547 (1957) (recounts); *Ellwood City Borough's Contested Election*, 286 Pa. 257, 260 (1926) (contests); 42 Pa.C.S. § 762(a)(4)(C) (1998).

³⁶Dick Filling, Testimony before the Task Force on Primary Election Dates, (Harrisburg, Pa., December 6, 1999). Mr. Filling is the commissioner of elections of Pennsylvania.

³⁷Election Code § 1230; 25 P.S. § 3070.

³⁸Filling, Lee, Testimony.

³⁹Ron Darlington, Testimony before the Task Force on Primary Election Dates, (Harrisburg, Pa., December 6, 1999); 42 Pa.C.S. §§ 723 and 724. Mr. Darlington is the executive administrator of the Commonwealth Court.

difficulty with respect to major parties, because there is almost always enough time to resolve the primary challenge and certify the ballot. With a September primary, the certification rule would frequently be unworkable.⁴⁰ An obvious alternative would be to hold the election at the usual time for all certified nominees, plus a special election for the offices where one or more nominees could not be determined in time. Frequent resort to special elections is undesirable, as it is expensive and creates confusion among the electors.

If a challenge succeeds in ousting the unofficial nominee, the ballot may have to be reconstituted in order to comply with the court decision. This can mean that many or all of the procedures for creating the ballot may have to be repeated. How much time this may take depends on the voting method in use in the particular county and the capabilities of outside vendors. For punch card voting systems, this takes as little as three to four working days; and optical scan voting systems may be ready in seven to ten days if the out-of-state vendor is not unduly burdened by requests from other states and has sufficient quantities of the special paper and ink needed to make the optical scan ballots. Electronic voting systems take about two weeks to reprogram, and paper ballots take about one week to reprint. Most heavily impacted would be lever voting machine counties, where most or all of the nine week tear-down, reprogramming and ballot label insertion process would have to be redone.⁴¹

Absentee ballots. Further difficulties are raised by absentee ballots, particularly with regard to federal elections.⁴² In response to the suggestion by the Federal Voting Assistance Program (FVAP) of the Department of Defense, Pennsylvania, along with other states, requires that absentee ballots be mailed to remote overseas voters 70 days and to other federal absentee voters 45 days in advance of the general election.⁴³ A September primary makes strict compliance with this requirement impossible with respect to remote overseas voters, as absentee ballots would need to be sent out before the primary took place. Compliance with respect to the other federal absentees would also be impossible without changes to existing law, as ballots would need to be sent out 18 days after the primary, which is before the time for filing a challenge has elapsed under the Election Code. Of course, the disposition of recounts or challenges would cause further delays.

⁴⁰Because political bodies need not file petitions until August 1, election officials can be hard pressed to certify ballots in time under the present calendar.

⁴¹Pizzoli.

⁴²Pennsylvania statutory law relating to absentee ballots is found at Election Code § 1301 et seq.; 25 P.S. § 3146.1 et seq. The principal federal law relating to absentee ballots is the Uniformed and Overseas Citizens Absentee Voting Act, Pub.L. 99-410, § 101 et seq.; 42 U.S.C.A. § 1973ff et seq. (West 1994). The federal requirements apply only to elections for federal offices. Act, § 102; 42 U.S.C.A. § 1973ff-1 (West 1994).

⁴³Election Code § 1305; 25 P.S. § 3146.5. The requirements mentioned in the text were added to the Election Code by the act of December 17, 1990 (P.L.681, No.169), § 7.

The director of the FVAP warns of the impingement on absentee voting rights that can result from a late primary:

[O]ur experience has been that states with primaries in September are more likely to encounter unavoidable problems, which could disenfranchise military and overseas citizen absentee voters. These actions are avoidable through adequate timing of elections.

Since a September primary may contribute to a delay in the mailing of ballots for the general election and potentially disenfranchise eligible voters, we recommend that you continue with primary dates early in the calendar year. This would allow citizens sufficient time to receive the ballot, execute it and meet the state deadline for counting.⁴⁴

In Florida, where absentee ballots are sent out before the party candidates are decided, a blank absentee ballot may be sent with a list of candidates. The list of candidates may be revised after the runoff primary, but revised lists may not reach all voters in time for the general election. Some absentee ballots are therefore returned with votes for candidates who have not been nominated.⁴⁵ When this happens, those voters are effectively denied their right to vote.

Nominations of independent parties. The last day for political bodies to file nomination papers is August 1 of each year.⁴⁶ This deadline falls at a relatively quiet time for election administrators, more than two months after the primary in non-presidential years. Election officials have four or five weeks to deal with challenges to minor party nomination papers, which have higher signature requirements than the major parties. However, if the primary were held in September, election officials would have to handle challenges to major and minor party nominations at the same time, while also dealing with last-minute registrations before the closure date.⁴⁷

A September primary is likely to reopen the federal constitutional issue of whether the system denies minor parties fair access to the ballot as required by the First Amendment. The number of signatures required for a minor political party

⁴⁴Letter from P. K. Brunelli, director, FVAP, to Commission staff, August 22, 2000.

⁴⁵Interview with Jane Carroll, election director, Broward County, Florida, at the Offices of the Commission, February 1, 2000.

⁴⁶This rule was established by consent decree issued in *Hall v. Davis*, No. 84-1057 (E.D. Pa. 1984) and *Libertarian Party v. Davis*, No. 84-262 (M.D. Pa. 1984). This litigation implemented the federal Supreme Court decision in *Anderson v. Celebrezze*, 460 U.S. 780 (1983).

⁴⁷John Stith, Lee, Testimony before the Task Force on Primary Election Dates (Harrisburg, Pa.) December 6, 1999. Mr. Stith is a member of the coordinating committee of the Pennsylvania Green Party.

to appear on the ballot is higher in Pennsylvania than in most other states and its requirements for placement of a party on the ballot are the most onerous of any state; however, the Election Code, in combination with a federal consent decree allows minor parties almost 27 weeks to meet the signature requirement and permits the minor parties to gather signatures at a time when there is no competition for them from the major parties.⁴⁸ A September primary could easily upset this accommodation, thereby requiring further litigation of the ballot access issue in federal court.

Advantage to incumbents. The September primary may serve to unfairly advantage incumbents. Most obviously, the proposed calendar gives a challenger only two months to raise funds for the general election and present his or her program and qualifications to the general public beyond the nominating party. This time frame may force a challenger to spend resources more intensively because he or she has less time to overcome the advantages of incumbency.

Intraparty conflict. A September primary weakens the chances of any candidate who has faced a strong intraparty challenge. “Such a change would . . . make the ‘cooling off’ and reconciliation work that is often done post-primary difficult, if not impossible.”⁴⁹ After a contested primary, a candidate would have only nine weeks to enlist the defeated challenger and his or her supporters for the general election. The effect of a strong challenge within either party would be more likely to hamper the surviving candidate’s prospects for success against the opposing party in the general election.

Public participation. Adoption of a September primary may also discourage grass roots participation in electoral politics in several ways. First, the proposal prolongs the period during which politics takes place almost entirely within the parties:

[B]y moving the primary from the spring to fall, you . . . lengthen the time in which Republicans only talk to Republicans; Democrats only talk to Democrats; and Independents don’t have anyone to talk to throughout the whole summer. In essence, you would be placing a gag order on the political process—encouraging civil war within the parties rather than a united front against larger opponents. And that’s a disservice to Democracy.⁵⁰

⁴⁸Stith, Testimony; Stith, letter to Commission staff, January 23, 2000, citing *Ballot Access News*.

⁴⁹Alan P. Novak, Testimony before the Task Force on Primary Election Dates (Harrisburg, Pa., December 6, 1999). Mr. Novak is chair of the Republican State Committee of Pennsylvania.

⁵⁰Ibid.

If the September primary impedes the ability of the parties to rely on grass-roots support, the only alternative is to rely on a media-driven campaign.⁵¹

The proposed calendar arrangement, coupled with the requirement that registration be closed 30 days prior to the election, would result in the closure of registration continuously from mid-August until the November election. The election officials would be too burdened with closing the primary and preparing for the general election to reopen registration after the primary.⁵² The short period between the primary and the general election would also make it more difficult for public interest groups like the League of Women Voters to collect and disseminate information about the candidates.⁵³

Referenda. The Constitution of Pennsylvania requires that amendments to it be proposed by passage by both Houses in two successive sessions of the General Assembly. In order to take effect, the amendment must be ratified by a majority vote in a statewide referendum at least three months after the second passage.⁵⁴ Referenda must also held by local governments to approve bond issues and other questions.⁵⁵ Customarily, this referendum occurs concurrently with a primary or general election. A September primary creates new difficulties with this procedure:

Currently, the spring primary gives two well-spaced opportunities for referenda to be put to the public. Changing the primary to September means a ten month span between these opportunities, which may be problematic dependent on the issue. If there is a matter of critical importance, at either the state or local level, will we be ordered (or, if local, have the prerogative) to hold a special election to deal with the matter? Will the legislature tolerate a schedule that results in a referendum bill, passed in October, not appearing on the ballot until almost a year later? If the solution to these issues is to hold special elections, who absorbs the

⁵¹Ibid.

⁵²Cindy L. Callihan, Testimony before Task Force on Primary Election Dates (Harrisburg, Pa., December 6, 1999). Ms. Callihan is director of the Clarion County board of elections and current chair of the Western Pennsylvania Election Personnel Association.

⁵³Mary Etezady, meeting of the advisory committee, March 10, 2000. Ms. Etezady is president of the League of Women Voters of Pennsylvania.

⁵⁴Constitution of Pennsylvania, art. XI, § 1. In the case of emergency amendments, the amendment need only be passed by one session, but must be passed by a two-thirds vote. The referendum may take place only one month after being proposed by the General Assembly. Ibid.

⁵⁵A referendum may enable a local government to adopt an optional form of government (Constitution of Pennsylvania, art. IX, § 3) or incur debt in excess of statutory limits (art. IX, § 10). A number of other issues are required to be approved by referendum under statutes; e.g., consolidation or merger of municipalities (53 Pa.C.S. § 736 (1996)); transfer of governmental function pursuant to initiative (53 Pa.C.S. §§ 2304, 2306); and earned income and net profits tax for school districts (53 Pa.C.S. § 8703 (Supp. 1999)).

cost? And, perhaps most important, what will be the impact on turnout for a ballot that is exclusively a referendum?⁵⁶

Changes to Election Code. Several members of the advisory committee pointed out that a number of provisions of the Election Code would have to be examined and possibly amended in order to implement a September primary. These include dates and deadlines for voter registration, circulation of nomination petitions, local petition certification and challenges, circulation and filing of nomination papers of independent parties, state certification of ballots, candidate expense reports, publication of election and referendum notices, preparation and mailing of absentee ballots, and recounts and contests.⁵⁷ Since the proposal would require conducting elections in a shorter amount of time, accelerated upgrading of election equipment and the financing of such an upgrade must also be considered.

While careful consideration and drafting can avoid disruptions, there can, by definition, be no guarantee against unanticipated consequences of such a major change. Amending the Election Code to accommodate a September primary would require consideration of novel issues. The election laws of Pennsylvania are different from those of the present September primary states. Furthermore, the federal laws are considerably different from those in force the last time any other state adopted a September primary, particularly those regarding voter registration and absentee ballots.

Scheduling of September Primary

The advisory committee firmly recommends that only one primary be held in any particular year. Multiple primaries greatly increase the cost of the primary and compound the burdens on election staff.

If changing the primary from May to September would place undue . . . hardships and burdens upon the counties, separating the presidential primary from the primary for other offices, requiring that each county conduct two primaries and an election, would be worse, doubling the work and cost in preparing for, and conducting primaries.

A three election calendar would likewise severely impact the ability of the counties to meet mandated deadlines. The National Voter Registration Act of 1993 and the Pennsylvania Voter Registration Act of 1995 require that counties complete

⁵⁶Douglas E. Hill, Testimony before the Task Force on Primary Election Dates (Harrisburg, Pa., December 6, 1999). Mr. Hill is executive director of the County Commissioners Association of Pennsylvania.

⁵⁷Callihan, Hill, Testimony.

mandated voter removal programs no later than 90 days before an election. If the two primaries and one November election are conducted at times to provide for clearing and programming voting machines and complying with other election deadlines, then such a calendar would not provide adequate time for compliance with the NVRA and PVRA voter removal provisions.⁵⁸

Since the presidential primary must obviously be held before the conventions of the major parties, it follows that a September primary should not be held in the years of presidential elections, even if it is held in other years.

With respect to when the primary actually takes place, the September primary states have enacted twelve different formulas, or ten if functionally equivalent formulas are counted together as shown in Table 10. The formulas used by Arizona and Connecticut are functionally equivalent, and Minnesota's is equivalent to that of Maryland and Rhode Island.

If a September primary were adopted, consideration should also be given to whether to hold it on the day after Labor Day or to postpone the primary to the following week. In New York, the primary always falls the day after Labor Day, and in Florida the primary is held the day after Labor Day in most years. Arizona, Connecticut, Maryland, Minnesota and Rhode Island hold the primary the week after Labor Day. Delaware avoids conflict with Labor Day by scheduling the primary on Saturday, a timing that conflicts with the Jewish Sabbath. Holding the primary the day after Labor Day decreases turnout, increases absenteeism among election workers and complicates arrangements for delivery of voting machines and supplies.⁵⁹ On the other hand, postponement further contracts the already tight time period between the primary and the November election.

Under the rules used in Hawaii and Washington, the primary does not occur until late in September, allowing as little as six weeks between the primary and the general election.

⁵⁸Lee, Testimony.

⁵⁹Carroll, interview with Commission staff, February 1, 2000.

TABLE 10
DESIGNATION OF SEPTEMBER PRIMARY DATES⁶⁰

State	Formula
Arizona	Eighth Tuesday prior to November election
Connecticut	56 th day prior to November election
Delaware	First Saturday after first Monday
Florida	Ninth Tuesday prior to November election
Hawaii	Second to last Saturday
Maryland	Second Tuesday after first Monday
Massachusetts	Seventh Tuesday prior to November election
Minnesota	First Tuesday after second Monday
Nevada	First Tuesday
New Hampshire	Second Tuesday
New York	First Tuesday after first Monday
Rhode Island	Second Tuesday after first Monday
Vermont	Second Tuesday
Washington	Third Tuesday
Wisconsin	Second Tuesday

⁶⁰ Council of State Governments, *Book of the States, 1998-99* (Lexington, Ky.: 1998) 161-62.

The proposed schedule must also consider possible conflicts with the Jewish High Holidays, but this turns out to be a relatively minor issue because there are few occasions for conflict in the near future. Assuming that the primary takes place no later than the Tuesday of the week after Labor Day, the only years up to 2025 where a September primary would conflict with Jewish observances are 2015 and 2018, where Rosh Hashanah falls on the Tuesday of the week after Labor Day, and 2021, where Rosh Hashanah falls on the Tuesday after Labor Day.⁶¹

Evaluation of September Primary

While the Commonwealth must be open to changes in election procedures that promise substantial advantages, the burden of proof rests on those advocating a change to show that it does. Statistical evidence does not support the claims that a September primary would increase turnout and decrease costs to the candidates. An argument can be made that September primaries help challengers because they permit a more coherent campaign, but the proposed schedule may help incumbents by giving challengers little time to campaign as the party standard-bearer.

On the other hand, serious disadvantages are foreseeable from adopting a calendar that allows at most 70 days between the primary and the election. Among other consequences, adoption of the September primary will:

- substantially increase public election costs;
- leave insufficient time for the proper resolution of primary recounts and contests;
- disrupt the healing process within parties after a contested primary;
- require closure of registration for up to two months before the general election;
- complicate and delay the delivery of absentee ballots, potentially disenfranchising military and overseas voters;
- impose substantial additional burdens on election officials, thereby increasing the probability of errors in ballot preparation;

⁶¹Letter from Joel Weisberg, executive director, Pennsylvania Jewish Coalition, to Commission staff, January 18, 2000. See also perpetual Gregorian and Jewish calendars on <http://www.radwin.org/hebcad/> (accessed July 10, 2000). During the period up to 2025, there is no conflict with Yom Kippur or Sukkot.

- leave insufficient time for the preparation of ballots where certification of nomination is delayed by pending court challenges;
- reduce flexibility in scheduling referendums for constitutional and other ballot questions.

For these reasons the task force and advisory committee have concluded that it would be unwise for Pennsylvania to adopt the September primary.

The resolutions that authorized this study were adopted in part as a response to low voter participation rates in this Commonwealth, which is a matter of deep concern. It appears from the data presented earlier that adopting the September primary would likely fail to raise turnout. In order to find effective ways to reinvigorate the electoral process, the task force recommends that a further study be done to examine the causes of low voter turnout and to recommend measures to encourage electoral participation.

THE PRESIDENTIAL PRIMARY

A second issue raised by the enabling resolutions is whether the Commonwealth should move its presidential primary earlier in order to have a greater impact on the selection of the nominees. It is necessary to consider this proposal in the context of the current system that has evolved for nominating the candidates for President of the United States.

The Current Presidential Primary Process

The presidential primaries first became a feature of the presidential nomination process in the first decade of the 20th Century.⁶² Many states adopted primaries during this era of Progressive reform, but several states abandoned them after World War I, due to opposition by party leaders, lack of candidate and voter participation and high costs as compared to party caucuses and state conventions. A gradual resurgence of interest in primaries occurred after World War II, beginning with the Harold Stassen campaign of 1948 and Dwight D. Eisenhower's success in upsetting Robert A. Taft's bid for the Republican nomination in 1952.⁶³ The Democratic nomination of 1960 showed the importance of the presidential primary in ensuring the selection of the candidate most popular with the party rank and file, John F. Kennedy.⁶⁴ Through the 1960s, however, primaries did not predominate over caucuses and conventions. Nor was the calendar front loaded. The Democratic nomination of 1960 was still in some doubt when the party convention opened.⁶⁵ In 1964, the Republican nomination was not decided until after the California primary on June 2.⁶⁶

⁶²Pennsylvania took the first step toward a true presidential primary with a provision that each delegate could have printed beside his name on the ballot, the name of the candidate he would support at the convention. Act of February 17, 1906 (P.L.36, No.10), § 4.

⁶³James W. Davis, *Presidential Primaries: Road to the White House* (New York: Thomas Y. Crowell Co., 1967), 25-31.

⁶⁴Theodore H. White, *The Making of the President, 1960* (New York: Atheneum Publishers, 1961), 79-80.

⁶⁵*Ibid.*, 159.

⁶⁶Theodore H. White, *The Making of the President, 1964* (New York: Atheneum Publishers, 1965), 137-38.

Many observers trace the origin of the current nomination system to 1968.⁶⁷ In that year, Vice President Hubert H. Humphrey was nominated without directly entering a single primary. As a result of delegate frustration over the ability of party leaders to unduly influence or control the selection of delegates, the Democrats appointed a commission to evaluate the presidential nomination process.⁶⁸ The commission called for greater reliance on primaries, thereby shifting power from the state parties and organizations to voters.⁶⁹ Over the next 14 years, nine Democratic and five Republican commissions studied the primary system, including such issues as the racial composition of delegations, delegate selection windows, ex officio delegates, uncommitted or bound delegates, and proportional allocation.⁷⁰ The party reforms led to an increase in the number of primaries and enhanced the strategic importance of the states that held them.⁷¹

Before the primary season begins, presidential candidates compete to raise funds within the constraints imposed by federal law.⁷² “To survive the early rush of primaries and caucuses, presidential candidates need to raise enormous sums of money, and to do so by a far earlier date than ever before.”⁷³ Less prominent candidates drop out of the race if funds are not forthcoming.⁷⁴ This was clearly evident in the 2000 election season. Six Republican candidates withdrew before the first primary or caucus, due to lack of funding and consequent lack of support. The level of fundraising has largely become the standard on which viability is measured, as reflected in media coverage.

The most salient aspect of the current presidential nomination process is front-loading, the bunching of primaries early in the campaign, leading to a decision by the first or second Tuesday in March. “The early start of the delegate selection process and the heavy concentration of primaries and caucuses in the

⁶⁷See, e.g., David E. Price, *Bringing Back the Parties* (Washington, D.C.: Congressional Quarterly, 1984), 145; Thomas E. Mann, “Should the Presidential Nomination System Be Changed (Again)?” in *Before Nomination: Our Primary Problems*, ed. George Grassmuck (Washington, D. C.: American Enterprise Institute, 1985), 35.

⁶⁸Price, 146-49.

⁶⁹Jules Witcover, *No Way to Pick a President* (New York: Farrar, Straus and Giroux, 1999), 184.

⁷⁰Price, 147.

⁷¹Nelson W. Polsby, *Consequences of Party Reform* (New York: Oxford University Press, 1983), 54-55, 64.

⁷²In order to qualify for public matching funds, presidential candidates must raise more than \$5,000 in each of at least 20 states in contributions of \$250 or less. 26 U.S.C.A. §§ 9033(b) and 9034(a) (West 1989). They must also agree to abide by an overall spending limit. Candidates who qualify for the matching funds may receive 50% of the spending limit from public funds. 26 U.S.C.A. § 9034(b) (West 1989). It is illegal for any individual to contribute or any candidate to accept more than \$1,000 from any individual or \$5,000 from any political action committee. 2 U.S.C.A. § 441a (West 1997).

⁷³Leonard P. Stark, “The Presidential Primary and Caucus Schedule: A Role for Federal Regulation,” *Yale Law Review*, vol. 15, no.1 (1996), 352.

⁷⁴Mann, 36.

early parts of the schedule force candidates to begin their presidential campaigns at quite early dates. To have any hope of surviving the rapid succession of early primaries and caucuses, aspirants for the presidency have to begin building campaign organizations in a large number of states well before the election year.⁷⁵

Iowa and New Hampshire laws require their states to hold the first caucus and primary in the nation, respectively.⁷⁶ Other states have amended their primary statutes to move their dates earlier, in order to obtain the strategic advantage and the media attention that accrue from an early primary.⁷⁷ The number of state primaries has increased greatly since the reforms of 1968, and the nomination season starts earlier than ever before. Table 11 shows the overall duration of the primary process. Table 12 shows the number of primaries held. Both tables show Pennsylvania's relative position in the time order of those primaries. Front loading further escalated when California rescheduled its traditional June primary to March 26, 1996, and March 7, 2000. Since 1992, eighteen states have either advanced or added primaries.

At the same time, some contiguous states have agreed to hold their primaries on the same date, thereby hoping to advance regional interests by boosting candidates from the region or by attracting candidates to the region through a schedule that reduces travel demands on their campaigns. The first of these regional primaries was created by some Southern states for the 1988 election and became known as Super Tuesday, followed in 1996 by the Yankee Primary in New England.⁷⁸ However, an attempt to organize a Western primary

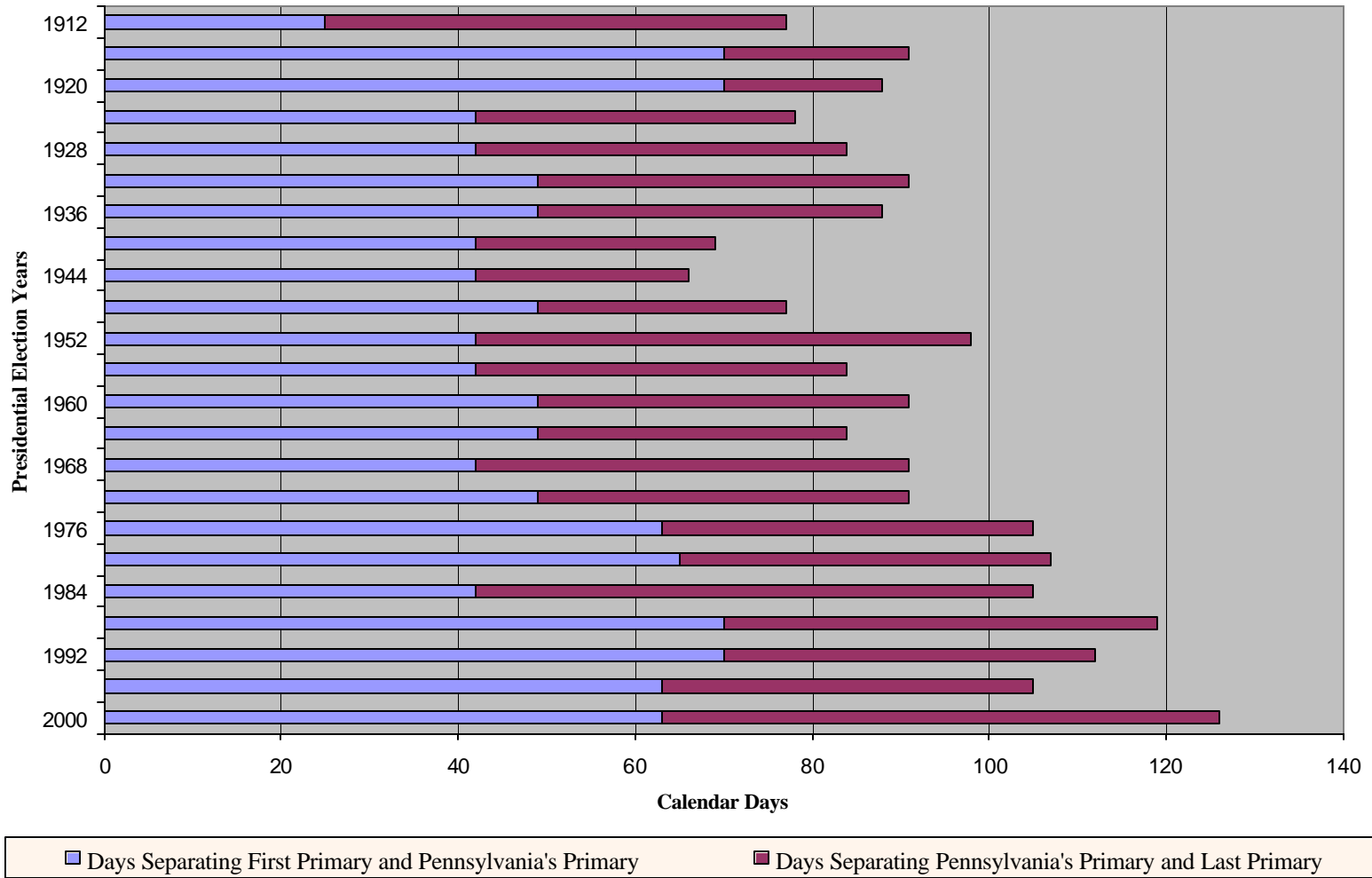
⁷⁵Stark, 348.

⁷⁶Sara Whitmire, "The Primary Rush," *State Government News* (October 1999), 19; Stark, 336-37.

⁷⁷William Schneider, "Iowa and New Hampshire Still Matter," *The National Journal*, December 6, 1997; available from www.aei.org/ra/raschneider44.htm; Internet; (accessed May 11, 2000); Stark, 342-44; Michael Rubinkam, "Republicans Push against Early Primaries," *CNN Interactive*, available from <http://cnn/ALLPOLITICS/stories/1999...president.2000/republican primaries.apl>; Internet (accessed July 9, 1999).

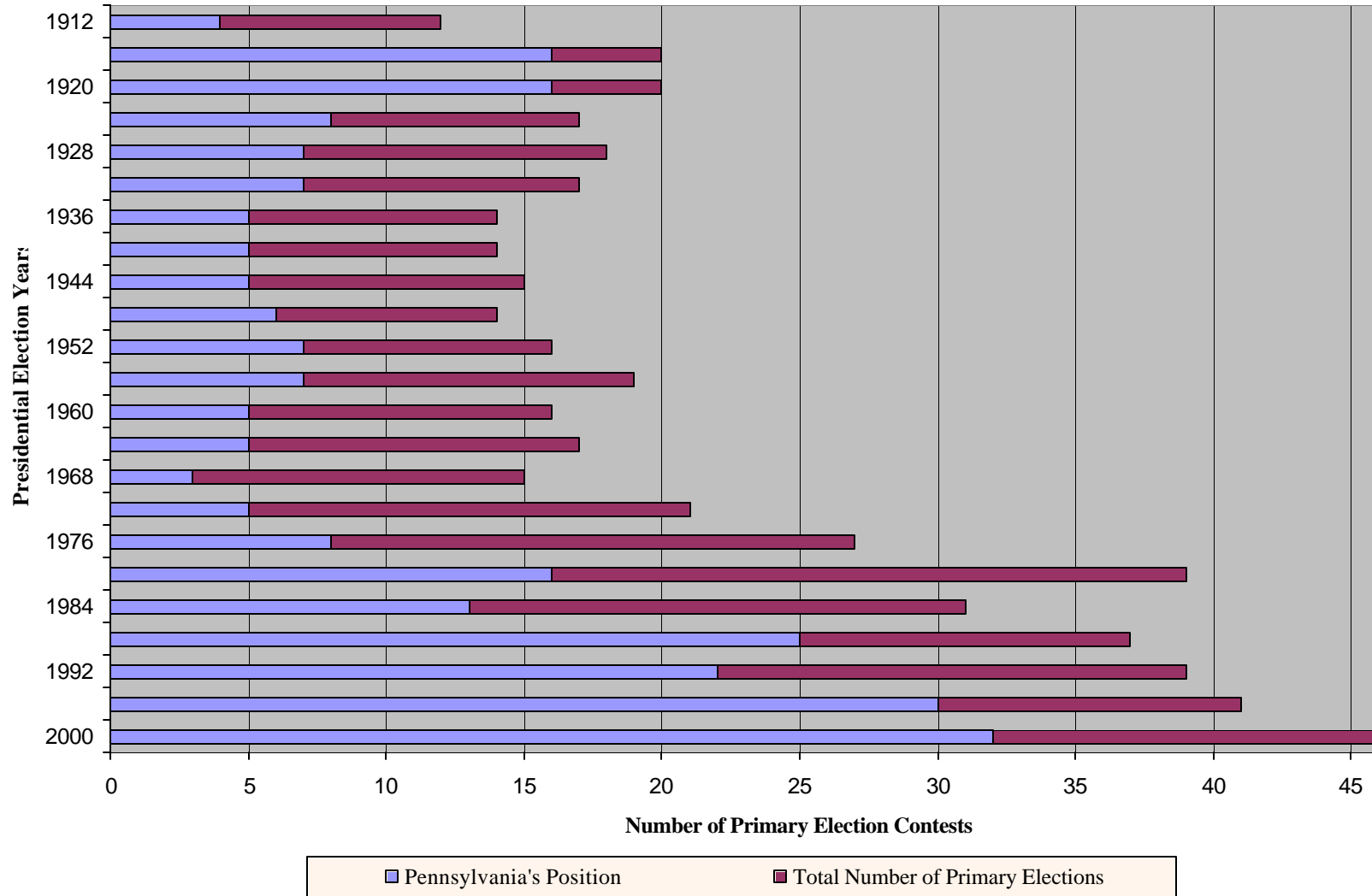
⁷⁸Barbara Norrander, "Presidential Nomination Politics in the Post Reform Era," *Political Research Quarterly*, vol. 49, no. 4 (December 1996), 882.

Table 11
Duration of the Presidential Primary Season



SOURCE: *Congressional Quarterly, Guide to U.S. Elections*, 3rd ed. (Washington D.C., 1994); Federal Election Commission, *Presidential and Congressional Primary Dates* (1996 and 2000).

Table 12
Pennsylvania's Position in Presidential Primary Balloting



SOURCE: *Congressional Quarterly's Guide to U. S. Elections*, 3rd ed. (Washington, D.C., 1994) 488-561; Federal Election Commission, Federal Elections 96: Presidential Primary Election Results and 2000 Presidential Primary Dates by State, available at <http://www.fec.gov/pubrec/presprim.htm> and <http://www.fec.gov/pages2Kdates.htm>; Internet (accessed April 26, 2000).

for the 2000 election failed.⁷⁹ Regional primaries have succeeded in creating significant media coverage and candidate focus on the event as a whole, but may have decreased coverage of some individual states within those regions.⁸⁰

Delegate allocation to states is not a decisive consideration for candidates when deciding where to campaign. “Early primaries are important because they receive much more attention in the media, shaping perceptions about candidates chances.”⁸¹ New Hampshire has only 0.7 % of Democratic delegates and 0.8 % of Republican delegates but attracts a large share of media attention because of its placement as the first primary in the nation. “With more primaries crowding the beginning of the political season rather than spaced evenly throughout the year ... an inordinate amount of political power has been seized by Iowa and New Hampshire and other states with early primaries.”⁸²

A healthy showing at the polls in the early primaries is critical to a candidate’s viability. “The media’s fascination with the horse race helps to account for the phenomenon of ‘front-loading,’ as for much else about the timing and focus of campaign coverage. But the horse race is not merely a matter of timing and focus; it also permeates the tone of campaign coverage. Candidates who are winning, especially those winning unexpectedly, tend to get relatively good press; those who are losing appear in a less appealing light.”⁸³ “As the focus of attention moves around the country from week to week, politicians, journalists, and the public use the results in each state to adjust their own expectations and behavior at subsequent stages in the process. One week’s outcome becomes an important part of the political context shaping the following week’s choices.”⁸⁴

“A poor showing – one that does not meet ‘expectations’ – in one of the early events leads to media inattention and a drying up of campaign contributions, forcing most candidates to the sidelines after the formal nomination season has begun.”⁸⁵ Candidates who find success in the Iowa caucus and the New Hampshire primary capture momentum and continue their campaigns while those who find little support will likely withdraw or be deemed unelectable.

“[T]he importance of early results in generating momentum has given disproportional influence to states whose primaries or caucuses happen to occur

⁷⁹Whitmire, 18.

⁸⁰Norrander, 882.

⁸¹Justin M. Sizemore, “Curing the Ills of Democracy: Presidential Nomination Reform and the Decline of American Political Parties,” 1996; available from <http://www.people.virginia.edu/~jms5v/parties.htm>; Internet; (accessed May 11, 2000), 6.

⁸²Jon Steinman, “Front-loaded System Renders Florida Primaries Moot,” *Orlando Sentinel*, March 12, 2000.

⁸³Larry M. Bartels, *Presidential Primaries and the Dynamics of Public Choice* (Princeton, N.J.: Princeton University Press, 1988), 38.

⁸⁴*Ibid.*, 6.

⁸⁵Mann, 36.

early in the nominating season.’⁸⁶ “The Iowa caucus and the New Hampshire primary limit the field of candidates and, in most instances, one of the two candidates remaining in the field after those processes are completed becomes a prohibitive favorite Any candidate not doing well will find it hard to remain in the contest for very long. In fact, 34 states will select delegates before the Pennsylvania primary, and it is not likely that more than two candidates will remain in either parties’ field, largely replicating the scenario of past presidential primaries and continuing Pennsylvania’s marginal, if not significant, role in the nomination process.’⁸⁷ Thus, state primaries held after March 14, 2000, received little attention, because the candidates from both major parties had already secured the nomination.

With increased front-loading of the primary schedule the media’s role becomes crucial for not only the candidates but for the voters as well. “[V]oters in most states voting after Iowa and New Hampshire cast their [ballots] knowing very little about the candidates other than how they fared in [previous contests].”⁸⁸ In February alone, there were eight primaries and four caucuses on the Republican side, causing logistical problems for candidates. Advertising often substitutes for personal appearances and the more money a candidate has on hand, the more money he or she can spend on commercials. Since the contests are decided relatively quickly, media attention is relatively short lived. This year, the presidential primaries received substantial coverage only in February and March.

Despite increased attention to the process of nominating candidates to the nation’s highest office, the reforms that were intended to attract people to the process have instead promoted apathy. Voter participation in presidential primaries has been declining.⁸⁹ At the same time, the number of primaries and media attention given to the process has increased. The early date that candidates lock up the nomination also contributes to voter inattention to primaries after that date, which manifests itself in low turnout.⁹⁰ In turn, public attention to the national conventions has waned as they have become simply coronations of a candidate who has secured the nomination months earlier.⁹¹ The last national

⁸⁶Bartels, 7

⁸⁷G. Terry Madonna, “Pennsylvania’s Presidential Primary: Will It Make A Difference?” Testimony before the House State Government Committee on 1999 House Bill 653 (Harrisburg, Pa., April 28, 1999), 1-2.

⁸⁸Stark, 348.

⁸⁹Barry Grey, “Voter Turnout in US Primaries Hits Record Lows,” October 2, 1998; available from www.wsws.org/news/1998.oct1998/vote-o02.shtml; Internet; (accessed January 4, 2000).

⁹⁰Larry Eichel, “Big Money Plus Early Primaries Equals a Rush to Political Judgment,” *Philadelphia Inquirer*, January 5, 2000.

⁹¹Witcover, 179.

conventions that took more than one ballot to nominate were 1948 for the Republicans and 1952 for the Democrats.⁹²

Ways have been sought to draw voters to the primary polls. Some of the early voting states have initiated a variety of new methods designed to increase voter turnout. Open and mixed primaries allow crossover voting and open the primaries to members of third parties. Some argue that these strategies not only weaken the parties and deter grassroots efforts, but also allow one party to unduly influence the opposing party's choice. Recently, the Supreme Court struck down a challenge to California's blanket primary as violating the parties' rights to freedom of association.⁹³ New voting procedures have also been initiated to increase participation in presidential primary elections, viz., early voting, same day registration, "no fault" absentee ballots, and more liberal allowance of changes in party enrollment. New methods of voting are also being explored, such as universal mail-in voting and internet voting.⁹⁴

Within the post-reform era of presidential nomination politics, there are several characteristics that distinguish between the last three election cycles and those from 1968 through 1988: the ever greater influx of money needed to compete for the nomination; the increased role the mass media play in the nomination; the media's concentration on the "horse race"; and the increased front-loading of primaries. The current system depends on the "triangle" of polling, television and money.⁹⁵

Evaluation of the System

Are these trends leading the political system in the right direction, or is a different approach to nominating the president needed? Opinions vary, but the weight of the commentary is highly critical.

Observers disagree on their evaluation of the favored position of Iowa and New Hampshire. Some believe this creates a blatant unfairness that should not be allowed to continue.⁹⁶ Others claim that the apparent unfairness is more than counterbalanced because retail politics in these states informs voters throughout the nation about the candidates in unique ways. Candidates have the chance to interact with the voters in social functions, town meetings and debates, thereby

⁹²*Congressional Quarterly's Guide to U. S. Elections*, 3rd ed. (Washington, D.C., 1994), 16, 18.

⁹³*California Democratic Party v. Jones*, 120 S. Ct. 2402 (U.S. 2000).

⁹⁴Dave Scott, "Ways to Turn Out Voters," *State Government News* (February, 2000), 18-19; Tim Anderson, "Breaking Voting Barriers," *State Government News* (March 2000) 30-31.

⁹⁵Witcover, 45.

⁹⁶Stark, 345-46, 392.

enabling the voters to become better acquainted with their respective characters and abilities.

With respect to the current system as a whole, certain advantages have been noted. Since the candidate is selected through primaries, the nominee will have significant support from the party rank and file. Party cohesion is enhanced because the nominee is determined early in the season and has ample time to reunite the party.⁹⁷ This is especially crucial after a hard-fought primary contest.

Most of those who have written about the primary system favor major reforms, voicing a variety of complaints about it. “The process as a whole is too long. The competitive phase is too short. Voters in most of the states have no say. Money plays too big a role. And the issue is sealed far too long before the conventions and the general election.”⁹⁸ Among the chief complaints is that front loading denies many states meaningful participation. “Clearly the most disturbing aspect of front-loading and early closure in the presidential primary system is the large number of states that conduct late primaries and thereby have no impact on the nominating process.”⁹⁹ Pennsylvania is among the states that are clearly disadvantaged by a relatively late primary.

Other critics note that campaign consultants and TV ads have displaced grassroots organizations and personal appearances by the candidates.¹⁰⁰ Additionally, the front-loaded schedule “adversely affects voters in later states by reducing their opportunities to cast informed and influential votes; may harm presidential candidates by requiring lengthier campaigns with earlier fundraising demands; and damages the political system by encouraging unfettered competition among states to hold primaries and caucuses earlier and earlier.”¹⁰¹

With the number of states moving forward, the system seems to be evolving toward a de facto national primary.¹⁰² Some commentators advocate adopting a national primary by federal law, claiming it would increase participation in the nomination process, reduce the length of the presidential campaign and eliminate favoritism toward particular states.¹⁰³ However, opponents of a national primary point out that it will compound the problems

⁹⁷Democratic National Committee Rules and Bylaws Committee, “Beyond 2000: The Scheduling of Future Democratic Presidential Primaries and Caucuses,” (Washington, D. C.: DNC, 2000), 11.

⁹⁸Larry Eichel, “Primaries Are Colorless,” *Philadelphia Inquirer*, May 3, 2000.

⁹⁹Robert D. Loevy, *The Flawed Path to the Presidency, 1992: Unfairness and Inequality in the Presidential Selection Process* (Albany, N.Y.: State University of New York Press, 1995), 148.

¹⁰⁰Sizemore.

¹⁰¹Stark, 345.

¹⁰²David Broder, “Skewed Process: Republicans Right to Question Selection Method,” *Harrisburg Patriot-News*, May 17, 2000.

¹⁰³Stark, 381.

facing the present system, as it is the most heavily front-loaded plan possible. The national primary would severely reduce the choices available to voters:

By destroying the sequential character of the process and constraining all voters to a single date, the national primary would eliminate the ability of relatively unknown candidates to “break through” in one state, build momentum, and grow to become true contenders for the nomination. In this way, a national primary would restrict the presidency to “celebrities and established national figures.” The media’s preliminary assessments about which candidates are “serious” and worthy of attention would loom even larger under a national primary than they do under the current schedule. Candidates who do not make the media’s unofficial cut would have no opportunity to demonstrate that they were being underestimated. Defying expectations in a one-day primary would have no pay-off, since the competition would be over that same day.¹⁰⁴

While a de facto national primary is widely viewed as undesirable, other states have been compelled to move in that direction in order to retain some influence on the nomination of presidential candidates.

National Proposals

Because of widespread dissatisfaction among observers of the primary system, a large number of reform proposals have been advanced. The following are those most prominently mentioned:

- (1) *Rotating regional primaries.* The states would be grouped into four regions: East, South, Midwest, and West. In the 2004 election, the states in the Eastern region would vote on the first Tuesday in March, followed by the South in April, the Midwest in May, and the West in June. In the 2008 election, the regions would rotate with the South going first, followed by the Midwest, the West, and the East. Continuous rotation in this manner would permit each region to have the favored first position once every 16 years. Iowa and New Hampshire would continue to vote first. This plan has been proposed by the National Association of Secretaries of State (NASS).¹⁰⁵ A variant of this plan would include Iowa and New Hampshire in their respective regions.

¹⁰⁴Ibid. See also Whitcover, 171.

¹⁰⁵Republican National Committee, Advisory Commission on the Presidential Nominating Process, “Nominating Future Presidents: A Review of the Republican Process,” (RNC, May 2000), 39-41; National Association of Secretaries of State, “Rotating Regional

- (2) *Population Based Primaries (Delaware Plan)*. Presidential primaries and caucuses would be spread over four or five months by assigning the states and territories to groups with a common earliest permissible primary date for each group. The least populated jurisdictions would have the earliest date, and each successive group would be a higher population class, with the most populous states voting no earlier than the first Tuesday in June.¹⁰⁶
- (3) *The Ohio Plan*. Iowa and New Hampshire would select first, with the rest of February being reserved for states with five or fewer electoral votes and the territories. The remaining states would be grouped into three regions: East/Midwest, South and West. For each region the earliest primary date would be the first Tuesday in March, April or May, determined on a rotating basis.¹⁰⁷
- (4) *National primary date*. All states would select their delegates on the same day.¹⁰⁸
- (5) *Delegate incentives and penalties*. The parties would discourage front-loading by adjusting delegate counts of the states to favor those who hold later primaries or disqualifying delegates from states who hold early primaries in violation of party guidelines.¹⁰⁹

The RNC's Advisory Commission on the Presidential Nominating Process issued a report in May 2000, recommending adoption of a scheme based on the Delaware Plan.¹¹⁰ The report also described the rotating regional plan as an alternative deserving consideration.¹¹¹ However, in a meeting preliminary to the Republican National Convention, the Committee on Rules and Order of Business of the convention rejected this recommendation. This was done partially to avoid

Primary Plan Endorsed by NASS," Washington, D.C.: National Association of Secretaries of State, February 16, 1999; Stark 382.

¹⁰⁶RNC, 36-39.

¹⁰⁷Ohio Republican Party, "The Ohio Plan," n.d., received by the Commission, September 5, 2000.

¹⁰⁸Stark, 381; RNC, 46; Polsby, 167; Mann, 42-45.

¹⁰⁹RNC, 49. The RNC sought to prevent front loading in the 2000 presidential primaries by rewarding states that held later primaries with by subtracting delegates from states who had earlier primaries, while adding delegates to states who held theirs later. However, only three states moved later, 23 did not move, and 18 moved earlier. States sacrificed delegates in order to increase their influence on the selection. Michael Rubinkam, "Republicans Push against Early Primaries," available from <http://cnn.com/ALLPOLITICS/stories/199...presidents.2000/republican.ap/>; Internet (accessed July 9, 1999).

¹¹⁰The proposal differed from the original Delaware Plan in dividing the states into four groups instead of five. RNC, 36.

¹¹¹Ibid., 26.

a possible floor fight at the convention, but other reasons that were given illustrate the difficulty facing any national reform proposal. These included the fear that unilateral adoption of the Delaware plan would put the Republicans at a competitive disadvantage in the presidential election of 2004 and the possibility that a mandated primary date could force the party to adopt a caucus system in states where Democrats dominate the legislature. The RNC's advisory commission opposed federal legislation mandating a national system.¹¹² Without such legislation, rotating regional or population-based systems would require a high degree of cooperation among the states as well as between the parties at both the national and state levels. Some observers believe national reform through the major political parties is unlikely.¹¹³

The following proposals have been advanced or described without endorsement, and are less prominently mentioned:

- (1) *Three-month delegate selection window.* All states would be required by federal law to select their delegates on one of four designated dates between mid-March and mid-June. Each date would be separated by one month.¹¹⁴
- (2) *Playoff system.* States would be grouped by the relative size of their populations in ascending order. There would be five rounds of primaries, with two weeks between each round. Candidates with the lowest delegate totals would be dropped from the ballot, such that only the two leading candidates would remain on the last voting day, when primaries would be held in the ten largest states.¹¹⁵
- (3) *Random, non-regional nomination schedule.* Federal law would establish a three-month delegate selection window, with each state randomly assigned to one of five dates. The five dates would occur at three-week intervals from the second Tuesday in March to the first Tuesday in June.¹¹⁶
- (4) *Phased-in winner-take-all.* Any state electing delegates in the first month of the presidential primary season would be required to allocate all its delegates proportionally. In the second month, each state would allocate 2/3 of its delegates proportionally, and 1/3 to the winner. In the third month, 1/3 of the delegates would be proportionally distributed

¹¹²Ibid., 27, 42.

¹¹³Dick Polman, "Two Parties Working to Give All States a Primary Voice," *Philadelphia Inquirer*, April 7, 2000.

¹¹⁴Polsby, 173-74; Stark, 380.

¹¹⁵RNC, 46.

¹¹⁶Stark, 385.

with 2/3 going to the winner. During or after the fourth month, all delegates would go to the winner in each state.¹¹⁷

- (5) *Turnout reward.* The states with the highest turnout in the previous presidential general election would have the opportunity to hold their primary early in the subsequent presidential election year.¹¹⁸
- (6) *Non-regional primaries.* No more than two states in the same region would be allowed to select their delegates on the same day.¹¹⁹
- (7) *Time zone regional.* All states sharing a time zone would be required to select their delegates on a common date.¹²⁰
- (8) *Pre-primary conventions.* Each party would hold a national convention at least one month prior to any state primary or caucus. This convention would approve the general values and positions of the party and select the presidential candidates eligible to run for the party's nomination. Only candidates who receive at least 20% of the convention vote would be eligible to run, and they would appear on the ballot in every state.¹²¹
- (9) *Non-primary system.* All states would be required to hold caucuses or conventions, instead of primaries, to elect their delegates to the national conventions.¹²²
- (10) *Congressional caucuses.* The members of Congress of each party would select the party's nominee.¹²³

Alternatives for Pennsylvania

As a result of Pennsylvania's late placement in the primary season, it has not had an important impact on the selection of a presidential nominee since 1976.¹²⁴ The Commonwealth's impact is further reduced on the Republican side because the Republican primary is non-binding. If a competitive race were to continue until late in the primary season, later states could become critical. While Pennsylvania may lack importance in the nomination process, it remains among

¹¹⁷RNC, 45.

¹¹⁸Stark, 383-84.

¹¹⁹Ibid, 383.

¹²⁰Ibid., 383.

¹²¹RNC, 44; See also Loevy, 188-92, 252-55.

¹²²RNC, 46-47.

¹²³Polsby, 167.

¹²⁴G. Terry Madonna and Michael Young, "The Compelling Case for Moving the Pennsylvania Primaries," (Millersville, Pa.: Center for Politics and Public Affairs) n.d., receive by the Commission, March 20, 2000).

the most critical battleground states in the presidential election itself and is in no danger of being ignored.¹²⁵ However, these factors should not obscure the fact that as the nomination system is presently constituted, the voters in Pennsylvania will nearly always be relegated to a choice between candidates selected by the voters in other states.

The trend toward front loading and ultimately a de facto national primary enhances the influence of fundraising and media, while restricting the choices available to voters of both parties. Because of these consequences, as well as the glaring deficiencies and unfairness of the presidential nomination system, the task force and the advisory committee urge the General Assembly to adopt a resolution calling on the national parties to adopt an acceptable plan and urging other states' legislatures to adopt similar resolutions.¹²⁶

Any plan proposed must give every state a meaningful role in the nomination process in at least some of the quadrennial election cycles. With respect to allowing all states to participate in the nomination, the rotating regional primary, the Delaware plan and the Ohio plan would all be preferable to the present system. Should no equitable national solution be forthcoming, the task force believes the General Assembly must consider repositioning its primary to allow its citizens a voice in the selection of the candidates for the nation's most powerful office.

Regardless of the alternative Pennsylvania chooses in positioning its primary, State and local interests should be taken into account. Since multiple primaries lead to voter confusion, increased expense and heavy administrative burdens, in no event should more than one primary be held in the presidential year.

¹²⁵In the twelve presidential elections held from 1952 through 1996, the only time a candidate carried Pennsylvania without being elected was 1968.

¹²⁶A draft resolution is set forth in Appendix D.

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APPENDICES

APPENDIX A

HOUSE AMENDED
PRIOR PRINTER'S NO. 1329

PRINTER'S NO. 1967

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION
No. 98 Session of 1999

INTRODUCED BY MOWERY, HOLL, TARTAGLIONE, LEMMOND,
THOMPSON, MURPHY, BODACK, KUKOVICH AND SLOCUM,
SEPTEMBER 23, 1999

AS AMENDED, HOUSE OF REPRESENTATIVES, MAY 16, 2000

A CONCURRENT RESOLUTION

1 Amending Senate Resolution No. 8, adopted June 16, 1999,
2 entitled "A concurrent resolution directing the Joint State
3 Government Commission to create a bipartisan task force to
4 study the feasibility of changing the date of general primary
5 elections and municipal primary elections to September,"
6 further providing for the date of the report to the General
7 Assembly.

8 RESOLVED, That Senate Resolution No. 8, adopted June 16,
9 1999, be amended to read:

10 A CONCURRENT RESOLUTION

11 Directing the Joint State Government Commission to create a
12 bipartisan task force to study the feasibility of changing
13 the date of general primary elections and municipal primary
14 elections to September.

15 WHEREAS, The number of registered voters in this Commonwealth
16 has increased while the number of people voting in elections
17 continues to decrease; and

18 WHEREAS, This decrease may be due to, among other things,
19 negative attitudes resulting from longer campaign seasons and

1 negative campaigning; and

2 WHEREAS, The six-month period between the primary in the
3 spring and the general election in November necessitates the
4 raising of more money for campaigning than would a two-month
5 period and thus increases the influence of money on the
6 political process; therefore be it

7 RESOLVED (the House of Representatives concurring), That the
8 General Assembly direct the Joint State Government Commission to
9 create a bipartisan task force consisting of two members
10 appointed by the President pro tempore of the Senate, two
11 members appointed by the Minority Leader of the Senate, two
12 members appointed by the Speaker of the House of Representatives
13 and two members appointed by the Minority Leader of the House of
14 Representatives; and be it further

15 RESOLVED, That the task force create an advisory committee
16 composed of one representative from, and designated by, each of
17 the following: the Bureau of Election of the Department of
18 State, the County Commissioners Association of Pennsylvania, the
19 Pennsylvania State Association of Boroughs, the Pennsylvania
20 State Association of Township Commissioners, the Pennsylvania
21 State Association of Township Supervisors and the Pennsylvania
22 League of Cities and Municipalities and such additional members
23 as the task force shall deem appropriate; and be it further

24 RESOLVED, That the task force shall study the feasibility of
25 changing general primary elections and municipal primary
26 elections to September, along with the question of the timing of
27 the presidential primaries and the possibility of separating the
28 presidential primary from the primary for nominations to other
29 public offices which study shall analyze and estimate the costs
30 to the State and county governments to make the change, as well

1 as the impact such a change could have on reducing election
2 campaigning and campaign finance costs; and be it further

3 RESOLVED, That the [Joint State Government Commission] task
4 force report its findings, recommendations and proposed
5 legislation to the General Assembly no later than ~~September 1,~~ <--
6 ~~[1999] 2000.~~ [SEPTEMBER 1, 1999] NOVEMBER 1, 2000. <--

APPENDIX B
DATES OF STATEWIDE PRIMARY ELECTIONS

State	Primary Date 1996	Primary Date 1997	Primary Date 1998	Primary Date 1999	Primary Date 2000
Alabama	June 4 (P) June 25 (r)		June 2 June 30 (r)		June 6 (P) June 27
Alaska	Aug. 27		Aug. 25		Aug. 22
Arizona	Feb. 27 (P) (R) Sept. 10		Sept. 8		Feb. 22 (P) (R) Mar. 11 (P) (D) Sept. 12
Arkansas	May 21 (P) June 11 (r)		May 19 June 9 (r)		May 23 (P) June 13 (r)
California	Mar. 26 (P)		June 2		Mar. 7 (P)
Colorado	Mar. 5 (P) Aug. 13		Aug. 11		Mar. 10 (P) Aug. 8
Connecticut	March 5 (P) Sept. 10	Sept. 9	Sept. 8	Sept. 14	Mar. 7 (P) Sept. 12
Delaware	Feb. 24 (P) (R) Sept. 7		Sept. 12		Feb. 5 (P) (R) Sept. 9
District of Columbia					May 2
Florida	Mar. 12 (P) Sept. 3 Oct. 1 (r)		Sept. 1 Oct. 1 (r)		Mar. 14 (P) Sept. 5 Oct. 3 (r)
Georgia	Mar. 5 (P) July 9 Aug. 6 (r)		July 21 Aug. 11 (r)		Mar. 7 (P) July 18 Aug. 8 (r)
Hawaii	Sept. 21		Sept. 19		Sept. 23
Idaho	May 28 (P) (R)		May 26		May 23 (P) (R)
Illinois	Mar. 19 (P)	Feb. 25	Mar. 17	Feb. 23	Mar. 21 (P)
Indiana	May 7 (P)		May 5	May 4	May 2 (P)
Iowa	June 4		June 2		June 6
Kansas	Apr. 2 (P) (R) Aug. 6		Aug. 4		Apr. 4 (P) Aug. 1
Kentucky	May 28 (P)		May 26	May 25	May 23 (P)

State	Primary Date 1996	Primary Date 1997	Primary Date 1998	Primary Date 1999	Primary Date 2000
Louisiana	Feb. 6 (P) (R) Mar. 12 (P) (D) Sept. 21		Oct. 3	Oct. 23	Mar. 14 (P) (D) Oct. 7
Maine	Mar. 5 (P) June 11		June 9		Mar. 7 (P) June 13
Maryland	Mar. 5 (P)		Sept. 15		Mar. 7 (P)
Massachusetts	Mar. 5 (P) Sept. 17		Sept. 15		Mar. 7 (P) Sept. 19
Michigan	Mar. 19 (P) (R) Aug. 6		Aug. 4		Feb. 22 (P) (R) Aug. 8
Minnesota	Sept. 10		Sept. 15		Sept. 12
Mississippi	Mar. 12 (P) Apr. 2 (r)	May 6 May 20 (r)	June 2 June 23 (r)	Aug. 3 Aug. 24 (r)	Mar. 14 (P) Apr. 4 (r)
Missouri	Aug. 6		Aug. 4		Mar. 7 (P) Aug. 8
Montana	June 4 (P) (D)		June 2		June 6 (P)
Nebraska	May 14 (P)	May 13	May 12	May 11	May 9 (P)
Nevada	Sept. 3		Sept. 1		Sept. 5
New Hampshire	Feb. 20 (P) Sept. 10		Sept. 8		Feb. 1 (P) Sept. 12
New Jersey	June 4 (P)	June 3	June 2	June 8	June 6 (P)
New Mexico	June 4 (P)		June 2		June 6 (P)
New York	Mar. 7 (P) Sept. 10		Sept. 15	Sept. 14	Mar. 7 (P) Sept. 12
North Carolina	May 7 (P) June 4 (r)		May 5 June 2 (r)		May 2 (P) May 30 (r)
North Dakota	Feb. 27 (P) (R) June 11		June 9		June 13
Ohio	Mar. 19 (P)		May 5		Mar. 7 (P)
Oklahoma	Mar. 12 (P) Aug. 27 Sept. 17 (r)		Aug. 25 Sept. 15 (r)		Mar. 14 (P) Aug. 22 Sept. 19 (r)

State	Primary Date 1996	Primary Date 1997	Primary Date 1998	Primary Date 1999	Primary Date 2000
Oregon	Mar. 12 (P) May 21		May 19		May 16 (P)
Pennsylvania	Apr. 23 (P)	May 20	May 19	May 18	Apr. 4 (P)
Rhode Island	Mar. 5 (P) Sept. 10		Sept. 15		Mar. 7 (P) Sept. 12
South Carolina	Mar. 2 (P) (R) June 11		June 9 June 23 (r)		Feb. 19 (P) (R) Mar. 9 (P) (D) June 13 June 27 (r)
South Dakota	Feb. 27 (P) June 4		June 2		June 6 (P) June 20 (r)
Tennessee	Mar 12 (P) Aug. 1		Aug. 6		Mar. 14 (P) Aug. 3
Texas	Mar. 12 (P) Apr. 9 (r)		Mar. 10 Apr. 14 (r)		Mar. 14 (P) Apr. 11 (r)
Utah	June 25	Oct. 7	June 23	Oct. 5	Mar. 10 (P) June 27
Vermont	Mar 5 (P) Sept. 10		Sept. 8		Mar. 7 (P) Sept. 12
Virginia	June 11	June 10	June 9	June 8	Feb. 29 (P) (R) June 13
Washington	Mar. 26 (P) (R) Sept. 17	Sept. 16	Sept. 15	Sept. 14	Feb. 29 (P) Sept. 19
West Virginia	May 14 (P)		May 12		May 9 (P)
Wisconsin	Feb. 6 Mar. 19 (P) Sept. 10	Feb. 17	Feb. 17 Sept. 8	Feb. 16	Feb. 15 Apr. 4 (P) Sept. 12
Wyoming	Aug. 20		Aug. 18		Aug. 22

Key:

P—Presidential primary. In some States, other officers are also nominated at the same time.

D—Democratic Party

R—Republican Party

r—Runoff primary. These are held only if no candidate wins a majority in the earlier primary. Where there is information that a scheduled runoff was not held, the date is omitted in this chart.

States holding primaries in September are designated in **bold** letters.

APPENDIX C

Election Calendar for 2000 with Citations
to the Pennsylvania Election Code

<i>Date</i> ¹²⁷		<i>Citation</i> ¹²⁸	<i>Rule</i>
April 4, 2000. General Primary		Act of June 3, 1937 (P.L.1333, No. 320), known as the Pennsylvania Election Code ("EC"), § 603; 25 P.S. § 2753	
November 7, 2000. General Election		EC § 601; 25 P.S. § 2751	Tuesday after first Monday in November
December 6, 1999. Last day for the secretary of any political party to file a certified copy of the party rules with the Secretary of the Commonwealth.		EC § 808.1; 25 P.S. § 2838.1	Thirty days before first day to circulate nomination petitions
January 4, 2000. Last day for each county board of elections to transmit to the Secretary of the Commonwealth a list of the organizations which qualify as political parties within the county.		EC § 901; 25 P.S. § 2861	Thirteenth Tuesday before primary
January 4. Last day for the Secretary of the Commonwealth to transmit to each county board of elections a list of the organizations which qualify as political parties within the state.		EC § 901; 25 P.S. § 2861	Thirteenth Tuesday before primary

¹²⁷Where statutory date falls on Saturday or Sunday, the date shown is the following Monday. See EC § 103(e); 25 P.S. § 2603(e).

¹²⁸All citations to Purdon's Statutes (P.S.) are to West Publishing Co., 1994 or Supp. 2000, as applicable.

SOURCE: Department of State, Bureau of Commissions, Elections and Legislation, material provided to Commission Staff.

January 4. Last day for the chairs of county committees of each party to send to each county board of elections a written notice setting forth all party offices to be filled in the county as the ensuing primary.	EC § 904; 25 P.S. § 2864	Thirteenth Tuesday before primary
January 4. Last day for the chairs of the state committees of political parties to forward to the Secretary of the Commonwealth and to the respective county boards of elections, a written notice setting forth the number of members of the state committee and the number of delegates and alternate delegates to be elected at the primary in each county or in any district or part of a district within each county.	EC § 904; 25 P.S. § 2864	Thirteenth Tuesday before primary
January 4. First day to circulate and file nomination petitions.	EC § 908, 25 P.S. § 2868	Thirteenth Tuesday before primary
January 11. Not earlier than this day nor later than January 18, the county board of elections must publish in newspapers the names of all public offices for which nominations are to be made and the names of all party offices for which candidates are to be elected at the ensuing primary.	EC § 906; 25 P.S. § 2866	Not earlier than twelfth week or later than eleventh week before primary
January 25. Last day to circulate and file nomination petitions. ¹²⁹	EC §§ 908 and 913(d); 25 P.S. §§ 2868 and 2873(d)	Tenth Tuesday before primary
January 25. Last day for state level public office candidates to file Statements of Financial Interests with the State Ethics Commission. A copy of the statement must also be appended to the nomination petition. Last day for candidates for county or local level public office to file the	65 Pa.C.S. § 1104(b)(1)	Last day to file nomination petitions, which is the tenth Tuesday before primary

¹²⁹ Last day to file nomination petitions extended to January 26, 2000, by Executive Order 2000-1, due to weather emergency.

statement with the governing authority of the political subdivisions in which they are candidates. A copy of the statement must also be appended to the nomination petition.

January 26. First day to circulate and file nomination papers nominating independent candidates of political bodies or candidates of minor political parties. EC § 953; 25 P.S. § 2913 Tenth Wednesday before primary

January 31. Last day for all candidates and all political committees and lobbyists to file annual expense reports with the Secretary of the Commonwealth or the county board of elections. Such report must be complete as of December 31, 1999. EC § 1627(a); 25 P.S. § 3247(a) January 31 of each year

February 1. Last day to file objections to nominations petitions. EC § 977; 25 P.S. § 2937 Seven days after last day to file nomination petitions

February 2. Day for casting of lots in the office of the Secretary of the Commonwealth for position of names upon primary ballot. EC § 915, 25 P.S. § 2875 The Secretary of the Commonwealth may set this date after the last day to file nomination petitions. The Secretary set February 2, 2000.

February 4. Last day that may be fixed by the Court of Common Pleas or the Commonwealth Court for hearings on objections that have been filed to nomination petitions. EC § 977; 25 P.S. § 2937 Ten days after last day to file nomination petitions.

February 9. Last day, if possible, for the Court of Common Pleas or the Commonwealth Court to render decisions in cases involving objections to nomination petitions. EC § 997; 25 P.S. § 2937 Fifteen days after last day to file nomination petitions

February 9. Last day for candidates who have filed nomination petitions for the primary to withdraw.	EC § 914; 25 P.S. § 2874	Fifteen days after last day to file nomination petitions
February 14. Last day for the Secretary of the Commonwealth to transmit to each county board of elections a list of all candidates who filed nomination petitions with her and who are not known to have withdrawn or been disqualified.	EC § 1305.1(a); 25 P.S. § 3146.5a(a)	Fifty days before primary
February 14. Not later than this day, the county boards of elections must commence to deliver or mail to Class A electors, ¹³⁰ who have included with the absentee ballot application a statement that the elector is unable to vote during the regular absentee balloting period by reason of living or performing military service in an extremely remote or isolated area of the world, an official absentee ballot or special write-in absentee ballot if the official absentee ballot is not yet printed.	EC § 1305; 25 P.S. § 3146.5	Fifty days before primary
February 14. First day before the primary on which official applications for civilian absentee ballots from Class B ¹³¹ electors may be received by the county boards of elections. All other qualified absentee electors may apply at any time.	EC § 1302.1; 25 P.S. § 3146.2a	Fifty days before primary

¹³⁰“Class A electors” are defined as qualified electors who are in the military service of the United States, spouses and dependents of a member of the United States military services, merchant marine members and their spouses and dependents, United States government employees overseas and their spouses and dependents, and other qualified electors temporarily residing outside the United States.

¹³¹“Class B electors” are defined as qualified registered electors who will be absent from the Commonwealth or municipality of residence by reason of occupation, business or duties; persons unable to go to the polls because of illness or physical disability; persons observing a religious holiday; county employees with duties on election day relating to the conduct of the election; persons employed by state or federal government and their spouses or dependents who are within the territorial limits of the United States but absent from their municipality of residence.

February 15. Last day for any business entity which was awarded non-bid contracts from the Commonwealth or its political subdivisions during 1999 to report to the Secretary of the Commonwealth an itemized list of political contributions made during 1999.	EC § 1640; 25 P.S. § 3260	February 15 of each year
February 22. As soon as possible after ballots are printed and in no event later than this day, county boards of elections must begin to deliver or mail all absentee ballots or special write-in ballots for the primary election to Class B electors.	EC § 1305(a); 25 P.S. § 3146.5(a)	Forty-five days before primary
February 22. Last day for candidates for statewide offices and treasurers of political committees and lobbyists who have expended money for the purpose of influencing the nomination of candidates to file campaign expense reports or statements due by the sixth Tuesday before the primary election with the Secretary of the Commonwealth. Such reports must be complete as of February 14.	EC § 1626(d); 25 P.S. § 3246(d)	Sixth Tuesday before primary
March 6. Last day to register before the primary.	Act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter Registration Act (“PVRA”), § 526(b); 25 P.S. § 961.526(b)	Thirty days before primary
March 6. Last day to change party enrollment or nonpartisan enrollment before the primary.	PVRA §§ 526(b) and 903; 25 P.S. §§ 961.526(b) and 961.903	Thirty days before primary

<p>March 20. Last day before the primary for any person to file a petition with the county registration commission appealing rejection of registration.</p>	<p>PVRA § 530(a); 25 P.S. § 961.530(a)</p>	<p>Fifteen days before primary</p>
<p>March 21. As soon as possible after ballots are printed and in no event later than this day, county boards of elections must begin to deliver or mail all absentee ballots for the primary. As additional applications are received, ballots must be mailed within 48 hours after approval.</p>	<p>EC § 1305(b); 25 P.S. § 3146.5(b)</p>	<p>Second Tuesday before primary</p>
<p>March 24. Last day for all candidates and treasurers of political committees and lobbyists who have expended money for the purpose of influencing the nomination of candidates to file campaign expense reports or statements due by the second Friday before the primary with the Secretary of the Commonwealth or the county boards of elections, as the case may be. Such reports must be complete as of March 20.</p>	<p>EC § 1626(d); 25 P.S. § 3246(d)</p>	<p>Second Friday before primary</p>
<p>March 25. Not earlier than this day nor later than April 1, the county boards of elections must publish in newspapers, notice of the date and hours of voting for any special elections, the names of offices to be elected and the names of the candidates at such special elections, the texts and explanations of constitutional amendments and other questions to be voted upon, and the places at which such elections are to be held in the various election districts.</p>	<p>EC § 1201; 25 P.S. § 3041 (as interpreted)</p>	<p>Not earlier than ten days before primary nor later than three days before primary</p>

March 27. Not later than this day, the county boards of elections must prepare and submit a report to the Secretary of the Commonwealth containing a statement of the total number of electors registered in each election district, together with a breakdown of registration by each political party or other designation.

EC § 302(m); 25 P.S. § 2642(m) Twenty days after last day to register to vote, i.e., ten days before primary

March 27. Last day before the primary election on which an elector who suffers a physical disability which requires him or her to have assistance in voting, may apply to the county registration commission to have that fact entered on his or her registration card. (If the disability is not recorded on the elector registration card, the elector may receive assistance if the elector completes a declaration in the polling place.)

PVRA § 904(a); 25 P.S. § 961.904(a) Ten days before primary

March 28. Last day before the primary on which official applications for civilian absentee ballots from Class B electors may be received by the county boards of elections. Class B electors who become ill or are called away from home by business or duties, which fact was not known or could not reasonably be known prior to the preceding date may file an emergency application prior to 5:00 p.m. on the Friday preceding the primary.

EC § 1302.1; 25 P.S. § 3146.2a Tuesday before primary

March 28. From this day, the county boards of elections must make the registered absentee voters file available for public inspection.

EC § 1302.3(a); 25 P.S. § 3146.2c(a) Tuesday before primary

March 28. From this day and until the returns are certified, the county boards of elections must post the military, veterans and emergency civilian absentee voters list.	EC § 1302.3(b); 25 P.S. § 3146.2c(b)	Tuesday primary	before
March 30. Not later than this day, the county boards of elections must make available for public inspection the forms of the ballots and ballot labels to be used in each election district at the primary.	EC § 1008(a); 25 P.S. § 2968(a)	Thursday primary	before
March 30. Not later than this day, the county boards of elections, upon request, must furnish to each candidate whose name is printed on the primary ballot three specimen ballots for the entire district in which the candidate is to be voted for.	EC § 1008(b); 25 P.S. § 2968(b)	Thursday primary	before
March 31. Absentee ballots must be received by the county boards of elections not later than 5:00 p.m. on this day to be counted.	EC § 1306(a); 25 P.S. § 3146.6(a)	Friday	before primary
April 1. Not earlier than this day nor later than three-quarters of an hour before the polls open for the primary, the county boards of elections must deliver to the judges of election the keys that unlock the voting machines.	EC § 1114(a); 25 P.S. § 3014(a)	Not earlier than the Saturday	before primary nor later than three-quarters of an hour before the polls open
April 3. Not later than this day, the county boards of elections must deliver the necessary ballots and supplies to the judges of election.	EC § 1204; 25 P.S. § 3044	Day	before primary
April 4. General Primary. Polls remain open continuously between 7:00 a.m. and 8:00 p.m.	EC §§ 603 and 1205; 25 P.S. §§ 2753 and 3045		

April 5. First day to register or change party or non-partisan enrollment after the primary.	PVRA §§ 526(c)(2)(iii) and 527(a)(1)(v); 25 P.S. §§ 961.526(c)(2)(iii) and 961.527(a)(1)(v)	Day after primary
April 7. On this day, the return boards meet at 9:00 a.m. to canvass and compute the votes cast at the primary. <i>Any petition to open a ballot box or to recanvass the votes on a voting machine must be filed no later than five days after the completion of the computational canvassing of all the returns of the county by the county board of elections.</i>	EC § 1404(a); 25 P.S. § 3154(a)	Third day after primary
April 21. On this day, candidates receiving tie votes at the primary cast lots before the Secretary of the Commonwealth or the county board of elections, to determine who will be entitled to the nomination. (If the fact of the tie vote is not authoritatively determined until after April 19, the date for casting lots is the second day after the fact of the tie vote is authoritatively determined.)	EC § 1418; 25 P.S. § 3168	Third Friday after primary
April 24. Last day to file petition to contest the nomination of any candidate at the primary. (This provision is not applicable to elections for Governor or Lieutenant Governor.)	EC § 1756; 25 P.S. § 3456	Twenty days after primary
April 24. Last day for the county boards of elections to file certified returns from the primary with the Secretary of the Commonwealth.	EC § 302(k); 25 P.S. § 2642(k)	Third Monday after primary
May 4. Last day for all candidates and treasurers of political committees and lobbyists to file	EC § 1626(e); 25 P.S. § 3246(e)	Thirty days after primary

campaign expense reports and statements due thirty days after the primary with the Secretary of the Commonwealth or the county boards of elections as the case may be. Such reports must be complete as of April 24.

May 4. Not later than this day, the county boards of elections must file with the Secretary of the Commonwealth a statement of expenses incurred in administering such official military, veteran, and other absentee ballots for which they are entitled to receive compensation.

EC § 305(c); 25 P.S. § 2645(c) Thirty days after primary

May 4. Last day for county boards of elections to submit to the Bureau of Commissions, Elections and Legislation a report stating the total number of votes cast in each voting district for each candidate for any statewide office, United States Representative, State Senator and State Representative.

EC § 539; 25 P.S. § 2749 Thirty days after primary

May 10. Not later than this day, members of a state political party committee elected at the primary must meet for organization. The state committee of each political party may make rules for government of the state party. The rules are not effective until a certified copy is filed with the Secretary of the Commonwealth.

EC § 804; 25 P.S. § 2834 Sixth Wednesday after primary

May 15. On this day the Secretary of the Commonwealth must select by lottery for audit of campaign expense reports 3% of the total number of public offices for which candidates must file nomination petitions or papers with her.

EC § 1635(b); 25 P.S. § 3255(b) Forty days after primary

August 1. Last day to circulate and file nomination papers nominating independent candidates or minor political party candidates.	Consent decree of the United States District Court for the Eastern District of Pennsylvania issued in 1984, Civil Action No. 84-1057	On or before August 1 in 1984 and all years thereafter
August 1. Last day for State level independent candidates and minor political party candidates to file Statements of Financial Interests with the State Ethics Commission. A copy of the statement must also be appended to the nomination papers. Last day for independent and minor political party candidates for county or local level public office to file the statement with the governing authority of the political subdivision in which they are candidates. A copy of the statement must also be appended to the nomination papers.	65 Pa.C.S. § 1104(c)	Last day to file nomination papers
August 8. Last day for candidates who have filed nomination papers to withdraw.	EC § 978(b); 25 P.S. § 2938(b)	Seven days after last day to file nomination papers
August 8. Last day to file objections to nomination papers nominating independent candidates or minor political party candidates.	EC § 977; 25 P.S. § 2937	Seven days after day to file nomination papers
August 11. Last day that may be fixed by the court for hearings on objections to nomination papers.	EC § 977; 25 P.S. § 2937	Ten days after last day to file nomination papers
August 14. Last day for candidates nominated at the primary by write-in votes or by stickers to pay the filing fee and file a loyalty oath; otherwise the party nomination will be declared vacant.	EC § 978.1; 25 P.S. § 2938.1	Eighty-five days before general election

August 14. Last day for candidates who were nominated at the primary to withdraw.	EC § 978(a); 25 P.S. § 2938(a)	Eighty-five days before general election
August 16. Last day for the court to render decisions in cases involving objections to nomination papers.	EC § 977; 25 P.S. § 2937	Fifteen days after last day to file nomination papers
August 24. Last day to file substituted nomination certificates to fill vacancies caused by withdrawal of candidates nominated at the primary election or by nomination papers. (Substituted nomination certificates to fill vacancies caused by the death of candidates nominated at primaries or by nomination papers must be filed prior to the day on which ballot printing is started. Objections to substituted nomination certificates must be filed within three days after the filing of the substituted nomination certificate.)	EC § 981(a); 25 P.S. § 2941(a)	Seventy-five days before general election.
August 24. State level candidates nominated by substituted nomination certificate, nomination certificate or nomination papers must file a Statement of Financial Interests with the substituted nomination certificate, nomination certificate or nomination papers and with the State Ethics Commission. County and local level candidates nominated by substituted nomination papers must file a copy of the statement with the substituted nomination certificate, nomination certificate or nomination papers and with the governing authority of the political subdivision where they are nominated.	65 Pa.C.S. § 1104(b)	Last day for filing substituted nomination certificate, nomination certificate or nomination papers
August 29. Last day for the	EC § 1305.1(b); 25 P.S. §	Seventy days before

Secretary of the Commonwealth to transmit to each county board of elections a list of all candidates to be voted on at the November election and a copy of all constitutional amendments and other questions to be voted on at the November election, together with a statement of the form in which they are to be placed.

3146.5a(b)

election

August 29. Not later than this day, the county boards of elections must commence to deliver or mail to Class A electors, who have included with the absentee ballot application a statement that the elector is unable to vote during the regular absentee balloting period by reason of living or performing military service in an extremely remote or isolated area of the world, an official absentee ballot or special write-in absentee ballot if the official ballot is not yet printed.

EC § 1305(a); 25 P.S. § 3146.5(a)

Seventy days before election

September 18. First day before the November election on which official applications for civilian absentee ballots from Class B electors may be received by the county boards of elections. All other qualified absentee electors may apply at any time.

EC § 1302.1; 25 P.S. § 3146.2a

Fifty days before election

September 18. Last day before the November election for political parties or minor political parties to file nomination certificates or for political bodies to file nomination certificates or for political bodies to file nomination papers with the Secretary of the Commonwealth, or the county boards of elections, as the case may be, to fill vacancies in public offices which occur for any cause when the Constitution or laws

EC § 993(b); 25 P.S. § 2953(b)

Fifty days before election

require them to be filled at the ensuing election, but when such nominations cannot be made under any other provision of the Election Code. Sections 993-999.1 of the Election Code (25 P.S. §§ 2953-2960).

September 21. Last day to file objections to nomination certificates and papers under the provisions of sections 993-999.1 of the Election Code (25 P.S. §§ 2953-2960).	EC § 996(a); 25 P.S. § 2956(a)	§ Three days after last day to file nomination certificates or papers
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September 21. Last day for withdrawal of candidates nominated under sections 993-999.1 of the Election Code (25 P.S. §§ 2953-2960).	EC § 997(a); 25 P.S. § 2957(a)	§ Three days after last day to file nomination certificates or papers
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September 25. Last day to file substituted nomination certificates under sections 993-999.1 of the Election Code (25 P.S. §§ 2953-2960).	EC § 998(c); 25 P.S. § 2958(c)	§ Seven days after last day to file nomination certificates or papers
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September 25. Substituted nomination certificates to fill vacancies caused by the death of candidates nominated under the provisions of sections 993-999.1 of the Election Code must be filed with the Secretary of the Commonwealth or the county boards of elections, as the case may be, at any time prior to the day on which the printing of ballots is started. Objections to substituted nomination certificates under the provisions of sections 993-999.1 of the Election Code must be filed within three days after the filing of the substituted nomination certificates.	EC § 998(d); 25 P.S. § 2958(d)	
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September 25. As soon as possible after ballots are printed and not later	EC § 1305(a); 25 P.S. § 3146.5(a)	§ Forty-five days before election
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than this day, county boards of elections must begin to deliver or mail all absentee ballots or special write-in ballots for the election to all Class A electors.

<p>September 26. Last day for candidates for statewide offices and treasurers of political committees and lobbyists who have expended money for the purpose of influencing the election of candidates to file campaign expense reports and statements due by the sixth Tuesday before the election with the Secretary of the Commonwealth. Such reports must be complete as of September 18.</p>	<p>EC § 1626(d); 25 P.S. § 3246(d)</p>	<p>Sixth Tuesday before election</p>
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<p>October 10. Last day to register before the November election</p>	<p>PVRA § 526(b); 25 P.S. § 961.526(b)</p>	<p>Thirty days before election</p>
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<p>October 10. Last day to change party enrollment or non-partisan enrollment before the November election.</p>	<p>PVRA §§ 526(b) and 903; 25 P.S. §§ 961.526(b) and 961.903</p>	<p>Thirty days before election</p>
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<p>October 23. Last day before the November election for any person to file a petition with the county registration commission appealing rejection of registration.</p>	<p>PCRA § 530(a); 25 P.S. § 961.530(a)</p>	<p>Fifteen days before election</p>
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<p>October 24. As soon as possible after ballots are printed and in no event later than this day, county boards of elections must begin to deliver or mail all absentee ballots for the November election. As additional applications are received ballots shall be mailed within 48 hours after approval.</p>	<p>EC § 1305(b); 25 P.S. § 3146.5(b)</p>	<p>Second Tuesday before election</p>
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October 27. Last day for all candidates and treasurers of political committees and lobbyists who have expended money for the purpose of influencing the election of candidates to file campaign expense reports or statements due by the second Friday before the election with the Secretary of the Commonwealth or the county boards of elections, as the case may be. Such reports must be complete as of October 23.

EC § 1626(d); 25 P.S. § 3246(d) Second Friday before election

October 28. Not earlier than this day nor later than November 4, the county boards of elections must publish in newspapers, notice of the date and hours of voting for the November election, the names of offices to be elected, the names of the candidates, the texts and explanations of constitutional amendments and other questions to be voted upon, and the places at which the election is to be held in the various election districts.

EC § 1201; 25 P.S. § 3041 Not earlier than ten days nor later than three days before election

October 30. Not later than this day the county boards of elections must prepare and submit a report to the Secretary of the Commonwealth containing a statement of the total number of electors registered in each election district, together with a breakdown of registration by each political party or other designation.

EC § 302(m); 25 P.S. § 2642(m) Twenty days after last day to register before election, i.e., ten days before election

October 30. Last day before the November election on which an elector who suffers a physical disability which requires him or her to have assistance in voting may apply to the county registration commission to have that fact entered

PVRA § 904; 25 P.S. § 961.904(a) Ten days before election

on his or her registration card. (If the disability is not recorded on the elector registration card, the elector may receive assistance if the elector completes a declaration in the polling place.)

<p>October 31. Last day before the November election on which official applications for civilian absentee ballots from Class B electors may be received by the county boards of elections. Class B electors who become ill or are called away from home by business or duties, which fact was not known or could not reasonably be known prior to the above date, may file an emergency application to 5:00 p.m. on the Friday preceding the November election.</p>	<p>EC § 1302.1; 25 P.S. § 3146.2a</p>	<p>Tuesday election</p>	<p>before</p>
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<p>October 31. From this day, the county boards of elections must make the registered absentee voters file available for public inspection.</p>	<p>EC § 1302.3(a); 25 P.S. § 3146.2c(a)</p>	<p>Tuesday election</p>	<p>before</p>
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<p>October 31. From this day and until returns are certified, the county boards of elections must post the military, veterans and emergency civilian absentee voters list.</p>	<p>EC § 1302.3(b); 25 P.S. § 3146.2c(b)</p>	<p>Tuesday election</p>	<p>before</p>
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<p>November 2. Not later than this day, the Secretary of the Commonwealth must publicly report the total number of registered electors for each political party or other designation in each county.</p>	<p>EC § 302(m); 25 P.S. § 2642(m)</p>	<p>Five days election</p>	<p>before</p>
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November 2. Not later than this day, the county boards of elections must make available for public inspection the forms of the ballot and labels to be used in each election district at the November election.	EC § 1008(a); 25 P.S. § 2968(a)	Thursday election	before
November 2. Not later than this day, the county boards of elections, upon request, must deliver to the county chair or other authorized representative of each political party or political body in the county, two specimen ballots or diagrams for each election district in the county in which their candidates are to be voted for.	EC § 1008(c); 25 P.S. § 2968(c)	Thursday election	before
November 3. Absentee ballots must be received by the county boards of elections not later than 5:00 p.m. on this day to be counted.	EC § 1306(a); 25 P.S. § 3146.6(a)	Friday election	before
November 4. Not earlier than this day nor later than three-quarters of an hour before the polls open for the November election, the county boards of elections must deliver to the judges of elections the keys that unlock the voting machines.	EC § 1104(a); 25 P.S. § 3014(a)	Not earlier than the Saturday before election or later than three-quarters of an hour before the polls open	
November 6. Not later than this day, the county boards of elections must deliver the necessary ballots and supplies to the judges of election.	EC § 1204; 25 P.S. § 3044	Day before election	
November 7. General Election. Polls remain open continuously between 7:00 a.m. and 8:00 p.m.	EC §§ 601 and 1205; 25 P.S. §§ 2751 and 3045		

November 8. First day to change party or non-partisan enrollment after the election.	PVRA §§ 526(c)(2)(iii) and 527(a)(1)(v); 25 P.S. §§ 961.526(c)(2)(iii) and 961.527(a)(1)(v)	Day after election
November 10. On this day, the return boards meet at 9:00 a.m. to canvass and compute the votes cast at the November election. <i>Any petition to open a ballot box or to recanvass the votes on a voting machine must be filed no later than five days after the completion of the computational canvassing of all the returns of the county by the county board of elections.</i>	EC § 1404(a); 25 P.S. § 3154(a)	Third day after election
November 27. On this day, candidates receiving tie votes at the election cast lots before the Secretary of the Commonwealth or the county boards of elections, as the case may be, to determine the winner. (If the fact of the tie vote is not authoritatively determined until after November 22, the date for casting lots is the second day after the fact of the tie vote is determined.)	EC § 1418; 25 P.S. § 3168	Third Friday after election
November 27. Last day to file petitions to contest the election of any candidate. (This provision is not applicable to elections for Governor or Lieutenant Governor.)	EC § 1756; 25 P.S. § 3456	Twenty days after election
November 27. Last day for the county boards of elections to file with the Secretary of the Commonwealth certified returns from the November election.	EC § 302(k); 25 P.S. § 2642(k)	Third Monday after election
December 7. Last day for all candidates and treasurers of political committees and lobbyists to file	EC § 1626(e); 25 P.S. § 3246(e)	Thirty days after election

campaign expense reports and statements due 30 days after the election with the Secretary of the Commonwealth or the county boards of elections as the case may be. Such reports must be complete as of November 27.

December 7. Not later than this day, the county boards of elections must file with the Secretary of the Commonwealth a statement of expenses incurred in administering such official military, veterans and other absentee ballots for which they are entitled to receive compensation. EC § 305(c); 25 P.S. § 2645(c) Thirty days after election

December 7. Last day for county boards of elections to submit to the Bureau of Commissions, Elections and Legislation a report stating the total number of votes cast in each voting district for each candidate for any statewide office, United States Representative, State Senator and State Representative. EC § 539; 25 P.S. § 2749 Thirty days after election

December 18. Presidential electors meet at the State Capitol. 3 U.S.C. § 7 First Monday after second Wednesday in December

December 18. On this day, the Secretary of the Commonwealth must select by lottery for audit of campaign expense reports 3 % of the total number of public offices for which candidates must file nomination petitions or papers with her. EC § 1635(b); 25 P.S. § 3255(b) Forty days after election

APPENDIX D

A RESOLUTION

Urging the national parties to reform the system for nominating the candidates for President of the United States.

WHEREAS, The President of the United States holds the most powerful office in the nation; and

WHEREAS, The procedure for selecting the occupant of that office should assure to the maximum extent possible that the candidates are qualified and have demonstrated popular support throughout the nation; and

WHEREAS, The system of front loading primaries has denied the citizens of many states, including this Commonwealth, a meaningful voice in the selection of the nominees of the major parties for President of the United States; and

WHEREAS, The effect of having a profusion of primaries in early March has been to make it difficult or impossible for a relatively unknown candidate to demonstrate his or her qualifications and abilities; and

WHEREAS, The front loading of primaries dictates that candidates campaign for support well before the presidential election; and

WHEREAS, The selection of the nominee is made by the first or second round of primaries after the Iowa caucus and New Hampshire primary, thereby giving overwhelming importance to those two states and concluding the process after only three or four rounds of voting; and

WHEREAS, a number of interesting proposals have been advanced to create a more rational nomination system that will allow all states to enjoy meaningful participation in at least some presidential election cycles; and

WHEREAS, no meaningful reform is possible without cooperation between the national parties; therefore be it

RESOLVED that the General Assembly of the Commonwealth of Pennsylvania calls upon the national parties to negotiate a reform of the presidential nomination process that will alleviate the defects mentioned herein; and be it further

RESOLVED that the General Assembly urges the legislatures of its sister states to pass similar resolutions urging action on this issue by the national parties.