

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 696 Session of 2013

INTRODUCED BY TEPLITZ, BLAKE AND BOSCOLA, MARCH 15, 2013

REFERRED TO STATE GOVERNMENT, MARCH 15, 2013

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
 2 "An act concerning elections, including general, municipal,
 3 special and primary elections, the nomination of candidates,
 4 primary and election expenses and election contests; creating
 5 and defining membership of county boards of elections;
 6 imposing duties upon the Secretary of the Commonwealth,
 7 courts, county boards of elections, county commissioners;
 8 imposing penalties for violation of the act, and codifying,
 9 revising and consolidating the laws relating thereto; and
 10 repealing certain acts and parts of acts relating to
 11 elections," further providing for primaries.

12 The General Assembly of the Commonwealth of Pennsylvania
 13 hereby enacts as follows:

14 Section 1. Sections 702 and 802 of the act of June 3, 1937
 15 (P.L.1333, No.320), known as the Pennsylvania Election Code, are
 16 amended to read:

17 Section 702. Qualifications of Electors at Primaries.--The
 18 qualifications of electors entitled to vote at primaries shall
 19 be the same as the qualifications of electors entitled to vote
 20 at elections within the election district where the primary is
 21 held, provided that no elector who is not registered [and
 22 enrolled as a member of a political party], in accordance with
 23 the provisions of this act, shall be permitted to vote the

1 ballot of [such party or] any [other] party [ballot] at any
2 primary.

3 Section 802. Only Enrolled Electors to Vote at Primaries or
4 Hold Party Offices.--No person who is not registered and
5 enrolled as a member of a political party shall be entitled to
6 [vote at any primary of such party or to] be elected or serve as
7 a party officer, or a member or officer of any party committee,
8 or delegate or alternate delegate to any party convention.

9 Section 2. Section 902 of the act, amended May 23, 1949
10 (P.L.1656, No.504), is amended to read:

11 Section 902. Candidates to Be Nominated and Party Officers
12 to Be Elected at Primaries.--All candidates of political
13 parties, as defined in section 801 of this act, for the offices
14 of United States Senator, Representative in Congress and for all
15 other elective public offices within this State, except that of
16 presidential electors, shall be nominated, and party delegates
17 and alternate delegates, committeemen and officers who, under
18 the provisions of Article VIII of this act or under the party
19 rules, are required to be elected by the party electors, shall
20 be elected at primaries held in accordance with the provisions
21 of this act, except as otherwise provided in this act. In the
22 years when candidates for the office of President of the United
23 States are to be nominated, every registered [and enrolled
24 member of a political party] elector shall have the opportunity
25 at the Spring primary in such years to vote [his] a preference
26 for one person to be the candidate of [his] a political party
27 for President.

28 Section 3. The act is amended by adding sections to read:

29 Section 902.1. Procedure for Unenrolled Electors to Cast
30 Primary Ballots.--If a person is not enrolled in a political

1 party, the elections officer shall ask the person in which
2 political party's primary that person desires to vote, and the
3 elections officer upon reply shall record the voter's selection
4 upon the voter's certificate and for the purpose of that ballot
5 shall be enrolled in that party. The person shall remain
6 unenrolled for party designation unless the person completes a
7 declaration of enrollment as described in section 902.2.

8 Section 902.2. Form of Declaration of Party Enrollment.--If
9 after a person has cast a political party ballot, as prescribed
10 in section 902.1, and the person wishes to remain enrolled in
11 that party, the person shall complete a declaration of
12 enrollment which shall be made available within the polling
13 place and shall be in a form approved by the Secretary of the
14 Commonwealth substantially as follows:

15 Declaration of Enrollment

16 Name

17 (Print)

18 Date

19 Address

20 I hereby request that my political party enrollment be as
21 follows:

22 Party

23 Signed under penalty of perjury.

24

25 (Signature)

26 The elections officer shall then include the person's
27 declaration of enrollment with the voter's certificate and
28 insert both into the voting check list as provided for in
29 section 1212. Once processed, the county board shall then send a
30 new certificate of registration, with the declared party

1 enrollment listed, to the person requesting enrollment.

2 Section 4. Section 1212 of the act is amended to read:

3 Section 1212. Voting Check List.--After each elector has
4 been admitted to vote, [his] the voter's certificate of each
5 elector and, where applicable, the declaration of enrollment of
6 each elector shall be inserted in the file or binder provided
7 therefor by the county board, and known as the "Voting Check
8 List," and the said voter's certificate so bound shall
9 constitute the official list of electors voting at such primary
10 or election. All voter's certificates prepared by persons
11 applying to vote whose applications to vote are refused by the
12 election officer shall be carefully preserved and returned to
13 the county board with the other papers. Within ninety days, the
14 voting check list shall be reviewed by the county board and all
15 persons wishing to be enrolled in a party, as prescribed in
16 sections 902.1 and 902.2, shall be processed accordingly.

17 Section 5. This act shall take effect immediately.