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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 976 Session of  
2023

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INTRODUCED BY M. BROWN, FLICK, GUENST, HANBIDGE, N. NELSON,  
ROZZI, SAPPEY, SMITH AND SOLOMON, APRIL 24, 2023

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 24, 2023

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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," in preliminary provisions, further providing for  
12 definitions; in qualifications of electors, further providing  
13 for qualifications of electors at primaries; in party  
14 organization, further providing for only enrolled electors to  
15 vote at primaries or hold party offices; in nomination of  
16 candidates, further providing for candidates to be nominated  
17 and party officers to be elected at primaries and providing  
18 for procedure for unenrolled electors to cast primary  
19 ballots; and, in preparation for and conduct of primaries and  
20 elections, further providing for manner of applying to vote,  
21 persons entitled to vote, voter's certificates, entries to be  
22 made in district register, numbered lists of voters and  
23 challenges.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,  
27 No.320), known as the Pennsylvania Election Code, is amended by  
28 adding a definition to read:

1 Section 102. Definitions.--The following words, when used in  
2 this act, shall have the following meanings, unless otherwise  
3 clearly apparent from the context:

4 \* \* \*

5 (z.7) The words "unenrolled elector" shall mean a person who  
6 is registered to vote within an election district but not  
7 enrolled as a member of a political party.

8 Section 2. Sections 702, 802 and 902 of the act are amended  
9 to read:

10 Section 702. Qualifications of Electors at Primaries.--(a)  
11 The qualifications of electors entitled to vote at primaries  
12 shall be the same as the qualifications of electors entitled to  
13 vote at elections within the election district where the primary  
14 is held[, provided that no elector who is not registered and  
15 enrolled as a member of a political party, in accordance with  
16 the provisions of this act, shall be permitted to vote the  
17 ballot of such party or any other party ballot at any primary].

18 (b) Unenrolled electors shall be permitted to vote in  
19 primary elections in accordance with the procedures specified in  
20 section 902.1.

21 Section 802. Only Enrolled Electors to [Vote at Primaries  
22 or] Hold Party Offices.--No person who is not registered and  
23 enrolled as a member of a political party shall be entitled to  
24 [vote at any primary of such party or to] be elected or serve as  
25 a party officer, or a member or officer of any party committee,  
26 or delegate or alternate delegate to any party convention.

27 Section 902. Candidates to Be Nominated and Party Officers  
28 to Be Elected at Primaries.--All candidates of political  
29 parties, as defined in section 801 of this act, for the offices  
30 of United States Senator, Representative in Congress and for all

1 other elective public offices within this State, except that of  
2 presidential electors, shall be nominated, and party delegates  
3 and alternate delegates, committeemen and officers who, under  
4 the provisions of Article VIII of this act or under the party  
5 rules, are required to be elected by the party electors, shall  
6 be elected at primaries held in accordance with the provisions  
7 of this act, except as otherwise provided in this act. In the  
8 years when candidates for the office of President of the United  
9 States are to be nominated, every registered and enrolled member  
10 of a political party and unenrolled elector under section 902.1  
11 shall have the opportunity at the Spring primary in such years  
12 to vote [his] a preference for one person to be the candidate of  
13 [his] a political party for President.

14 Section 3. The act is amended by adding a section to read:

15 Section 902.1. Procedure for Unenrolled Electors to Cast  
16 Primary Ballots.--Upon confirming an unenrolled elector's status  
17 as a registered elector, the elections officer shall ask the  
18 unenrolled elector in which political party's primary the  
19 unenrolled elector desires to vote, and the elections officer  
20 upon reply shall record the unenrolled elector's selection upon  
21 the unenrolled elector's certificate and for the purpose of that  
22 ballot only shall be deemed enrolled in that party.

23 Section 4. Section 1210(d) of the act is amended to read:

24 Section 1210. Manner of Applying to Vote; Persons Entitled  
25 to Vote; Voter's Certificates; Entries to Be Made in District  
26 Register; Numbered Lists of Voters; Challenges.--\* \* \*

27 (d) No person, except a qualified elector who is in actual  
28 military or naval service under a requisition of the President  
29 of the United States or by the authority of this Commonwealth,  
30 and who votes under the provisions of Article XIII of this act,

1 shall be entitled or permitted to vote at any primary or  
2 election at any polling place outside the election district in  
3 which [he] the qualified elector resides, nor shall [he] the  
4 qualified elector be permitted to vote in the election district  
5 in which [he] the qualified elector resides, unless [he] the  
6 qualified elector has been personally registered as an elector  
7 and [his] the qualified elector's registration card appears in  
8 the district register of such election district, except by order  
9 of the court of common pleas as provided in this act, and any  
10 person, although personally registered as an elector, may be  
11 challenged by any qualified elector, election officer, overseer,  
12 or watcher at any primary or election as to [his] the qualified  
13 elector's identity, as to [his] the qualified elector's  
14 continued residence in the election district or as to any  
15 alleged violation of the provisions of section 1210 of this act,  
16 and if challenged as to identity or residence, [he] the  
17 qualified elector shall produce at least one qualified elector  
18 of the election district as a witness, who shall make affidavit  
19 of [his] the qualified elector's identity or continued residence  
20 in the election district: Provided, however, That no person  
21 shall be entitled to vote as a member of a party at any primary,  
22 unless [he] the person is:

23 (1) registered and enrolled as a member of such party upon  
24 the district register, which enrollment shall be conclusive as  
25 to [his] party membership and shall not be subject to challenge  
26 on the day of the primary[.]; or

27 (2) an unenrolled elector, in which case the person may vote  
28 for the candidates of the party of the unenrolled elector's  
29 choice in accordance with the procedures specified in section  
30 902.1. The unenrolled elector's choice of party at one primary

1 election shall not preclude the unenrolled elector from choosing  
2 a different party in a subsequent primary election.

3 \* \* \*

4 Section 5. This act shall take effect immediately.