

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2448 Session of 2018

INTRODUCED BY REED, BENNINGHOFF, ENGLISH, EVERETT, KAUFER, RYAN, SANTORA, SOLOMON, STAATS, THOMAS, WATSON, WHEELAND, GILLEN AND SANKEY, JUNE 5, 2018

REFERRED TO COMMITTEE ON RULES, JUNE 5, 2018

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 qualifications of electors, further providing
 12 for qualifications of electors at primaries; in party
 13 organization, further providing for only enrolled electors to
 14 vote at primaries or hold party offices; in nomination of
 15 candidates, further providing for candidates to be nominated
 16 and party officers to be elected at primaries; in preparation
 17 for and conduct of primaries and elections, further providing
 18 for manner of applying to vote and persons entitled to vote
 19 and voter's certificates and entries to be made in district
 20 register and numbered lists of voters and challenges; and
 21 making a related repeal.

22 The General Assembly of the Commonwealth of Pennsylvania
 23 hereby enacts as follows:

24 Section 1. Sections 702, 802, 902 and 1210(d) of the act of
 25 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
 26 Election Code, are amended to read:

27 Section 702. Qualifications of Electors at Primaries.--The

1 qualifications of electors entitled to vote at primaries shall
2 be the same as the qualifications of electors entitled to vote
3 at elections within the election district where the primary is
4 held[, provided that no elector who is not registered and
5 enrolled as a member of a political party, in accordance with
6 the provisions of this act, shall be permitted to vote the
7 ballot of such party or any other party ballot at any primary].

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

14 Section 902. Candidates to Be Nominated and Party Officers
15 to Be Elected at Primaries.--All candidates of political
16 parties, as defined in section 801 of this act, for the offices
17 of United States Senator, Representative in Congress and for all
18 other elective public offices within this State, except that of
19 presidential electors, shall be nominated, and party delegates
20 and alternate delegates, committeemen and officers who, under
21 the provisions of Article VIII of this act or under the party
22 rules, are required to be elected by the party electors, shall
23 be elected at primaries held in accordance with the provisions
24 of this act, except as otherwise provided in this act. In the
25 years when candidates for the office of President of the United
26 States are to be nominated, [every] the following shall apply:

27 (1) Every registered and enrolled member of a political
28 party shall have the opportunity at the Spring primary in such
29 years to vote [his] a preference for one person to be the
30 candidate of [his] a political party for President.

1 (2) Every qualified elector who is registered as an
2 independent or nonparty voter may vote for one person to be the
3 candidate of a political party of the voter's choice, the choice
4 to be made at the polling place on the day of the primary
5 election. The voter's choice of parties at one primary election
6 shall not preclude the voter from choosing a different party at
7 a subsequent primary election.

8 Section 1210. Manner of Applying to Vote; Persons Entitled
9 to Vote; Voter's Certificates; Entries to Be Made in District
10 Register; Numbered Lists of Voters; Challenges.--* * *

11 (d) No person, except a qualified elector who is in actual
12 military or naval service under a requisition of the President
13 of the United States or by the authority of this Commonwealth,
14 and who votes under the provisions of Article XIII of this act,
15 shall be entitled or permitted to vote at any primary or
16 election at any polling place outside the election district in
17 which [he] the person resides, nor shall [he] the person be
18 permitted to vote in the election district in which [he] the
19 person resides, unless [he] the person has been personally
20 registered as an elector and [his] the person's registration
21 card appears in the district register of such election district,
22 except by order of the court of common pleas as provided in this
23 act, and any person, although personally registered as an
24 elector, may be challenged by any qualified elector, election
25 officer, overseer, or watcher at any primary or election as to
26 [his] identity, as to [his] continued residence in the election
27 district or as to any alleged violation of the provisions of
28 this section [1210 of this act], and if challenged as to
29 identity or residence, [he] the person shall produce at least
30 one qualified elector of the election district as a witness, who

1 shall make affidavit of [his] identity or continued residence in
2 the election district: Provided, however, That no person shall
3 be entitled to vote as a member of a party at any primary,
4 unless [he] the person is:

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

9 (2) registered as an independent or nonparty voter, in which
10 case the person may vote for the candidates of the party of the
11 voter's choice, the choice to be made at the polling place on
12 the day of the primary election. The voter's choice of parties
13 at one primary election shall not preclude the voter from
14 choosing a different party at a subsequent primary election.

15 * * *

16 Section 2. The amendment of sections 702, 802 and 1210(d) of
17 the act shall apply to primary elections which take place after
18 December 31, 2018.

19 Section 3. Repeals are as follows:

20 (1) The General Assembly declares that the repeal under
21 paragraph (2) is necessary to effectuate the provisions of
22 this act.

23 (2) Section 9 of the act of July 25, 1913 (P.L.1043,
24 No.472), entitled "An act to provide for the registration and
25 enrollment of the voters of the State according to their
26 respective party preferences; fixing the compensation of
27 assessors and registry assessors for making said registration
28 and enrollment; and prescribing penalties for false
29 registration or enrollment, and for voters voting or
30 attempting to vote, and for election officers wilfully

1 permitting or conspiring to permit them to vote, at a
2 primary, by or on any other than their own party ticket," is
3 repealed.

4 Section 4. This act shall take effect immediately.