AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in qualifications of electors, further providing for qualifications of electors at primaries; in party organization, further providing for only enrolled electors to vote at primaries or hold party offices; in nomination of candidates, further providing for candidates to be nominated and party officers to be elected at primaries; in preparation for and conduct of primaries and elections, further providing for manner of applying to vote and persons entitled to vote and voter's certificates and entries to be made in district register and numbered lists of voters and challenges; and making a related repeal.

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

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

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

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

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

(1) Every registered and enrolled member of a political party shall have the opportunity at the Spring primary in such years to vote [his] a preference for one person to be the candidate of [his] a political party for President.
(2) Every qualified elector who is registered as an independent or nonparty voter may vote for one person to be the candidate of a political party of the voter's choice, the choice to be made at the polling place on the day of the primary election. The voter's choice of parties at one primary election shall not preclude the voter from choosing a different party at a subsequent primary election.

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

(d) No person, except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth, and who votes under the provisions of Article XIII of this act, shall be entitled or permitted to vote at any primary or election at any polling place outside the election district in which [he] the person resides, nor shall [he] the person be permitted to vote in the election district in which [he] the person resides, unless [he] the person has been personally registered as an elector and [his] the person's registration card appears in the district register of such election district, except by order of the court of common pleas as provided in this act, and any person, although personally registered as an elector, may be challenged by any qualified elector, election officer, overseer, or watcher at any primary or election as to [his] identity, as to [his] continued residence in the election district or as to any alleged violation of the provisions of this section [1210 of this act], and if challenged as to identity or residence, [he] the person shall produce at least one qualified elector of the election district as a witness, who
shall make affidavit of [his] identity or continued residence in
the election district: Provided, however, That no person shall
be entitled to vote as a member of a party at any primary,
unless [he] the person is:

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

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

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

Section 3. Repeals are as follows:

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

(2) Section 9 of the act of July 25, 1913 (P.L.1043,
No.472), entitled "An act to provide for the registration and
enrollment of the voters of the State according to their
respective party preferences; fixing the compensation of
assessors and registry assessors for making said registration
and enrollment; and prescribing penalties for false
registration or enrollment, and for voters voting or
attempting to vote, and for election officers wilfully
permitting or conspiring to permit them to vote, at a
primary, by or on any other than their own party ticket," is
repealed.
Section 4. This act shall take effect immediately.