

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 755 Session of 2009

INTRODUCED BY BOSCOLA, WAUGH, WOZNIAK, STOUT, KITCHEN, O'PAKE,
WILLIAMS, FONTANA, HUGHES, LEACH AND COSTA, APRIL 3, 2009

REFERRED TO STATE GOVERNMENT, APRIL 3, 2009

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," setting forth a concise statement of voter's
12 rights; requiring that the statement of voter's rights be
13 visible in voter registration offices and polling places;
14 providing for polling place accessibility; further providing
15 for qualifications of electors at primaries and for only
16 enrolled electors to vote at primaries or hold party offices;
17 providing for procedure for unenrolled electors to cast
18 primary ballots and for form of declaration of party
19 enrollment; and further providing for persons entitled to
20 vote and challenges and for voting check lists.

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

23 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
24 as the Pennsylvania Election Code, is amended by adding a
25 section to read:

26 Section 107. Voter's Bill of Rights.--(a) The following
27 rights are guaranteed to all registered voters in this

1 Commonwealth:

2 (1) A voter who is in line at the correct polling place
3 during the hours it is required by law to be open may vote, even
4 if the voter's turn to vote does not come until after those
5 hours expire.

6 (2) If a voter has moved from the voter's original polling
7 district to another, the voter may return to the original
8 polling district to vote for as long as the voter remains
9 qualified there. To be eligible to vote in the new polling
10 district, the voter must either file a notice of removal with
11 the voting registrar or register anew.

12 (3) A voter who has a physical disability or who cannot read
13 or write may apply to the voting registrar for a special needs
14 ballot, but this must be done at least ten days before the
15 election.

16 (4) A voter may take his children who are not yet eighteen
17 years of age into the voting booth with him.

18 (5) A voter has the right to vote without being intimidated
19 or forced to vote for someone the voter does not wish to vote
20 for.

21 (6) A voter who believes that any of the voter's rights
22 under this act have been violated may call the voter's local law
23 enforcement officers.

24 (b) A listing of the rights set forth under subsection (a)
25 shall be posted publicly in each voter registration office and,
26 on election days, polling place.

27 Section 2. Section 527(a) of the act, amended May 12, 2006
28 (P.L.178, No.45), is amended to read:

29 Section 527. Public Buildings to Be Used Where Possible;
30 Portable Polling Places.--(a) In selecting polling places, the

1 county board of elections shall, wherever possible and
2 practicable, select schoolhouses, municipal buildings or rooms,
3 or other public buildings for that purpose and shall ensure that
4 the places selected are accessible by persons with physical
5 disabilities. Any board of public education or school directors,
6 or county or the municipal authorities shall, upon request of
7 the county board, make arrangements for the use of school
8 property, or of county or municipal property for polling places.
9 In selecting polling places, the county board of elections shall
10 make every effort to select polling places that provide all
11 electors with an environment that is free from intimidation and
12 violence.

13 In the event no available public building as contemplated
14 under this section is situated within the boundaries of any
15 election district, the county board of elections may, not less
16 than twenty days prior to any election, designate as the polling
17 place for such election district any such public building
18 situated in another election district within the same or
19 immediately adjacent ward, or, if there are no wards, then
20 within the same borough or township as the case may be, provided
21 such other building is located in an election district which is
22 immediately adjacent to the boundary of the election district
23 for which it is to be the polling place and is directly
24 accessible therefrom by public street or thoroughfare. Two or
25 more polling places may be located in the same public building
26 under this section. A polling place may be selected and
27 designated hereunder less than twenty days prior to any
28 election, with the approval of a court of competent
29 jurisdiction.

30 * * *

1 Section 3. Sections 702 and 802 of the act are amended to
2 read:

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

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

18 Section 4. Section 902 of the act, amended May 23, 1949
19 (P.L.1656, No.504), is amended to read:

20 Section 902. Candidates to Be Nominated and Party Officers
21 to Be Elected at Primaries.--All candidates of political
22 parties, as defined in section 801 of this act, for the offices
23 of United States Senator, Representative in Congress and for all
24 other elective public offices within this State, except that of
25 presidential electors, shall be nominated, and party delegates
26 and alternate delegates, committeemen and officers who, under
27 the provisions of Article VIII of this act or under the party
28 rules, are required to be elected by the party electors, shall
29 be elected at primaries held in accordance with the provisions
30 of this act, except as otherwise provided in this act. In the

1 years when candidates for the office of President of the United
2 States are to be nominated, every registered [and enrolled
3 member of a political party] elector shall have the opportunity
4 at the Spring primary in such years to vote [his] a preference
5 for one person to be the candidate of [his] a political party
6 for President.

7 Section 5. The act is amended by adding sections to read:

8 Section 902.1. Procedure for Unenrolled Electors to Cast
9 Primary Ballots.--If a person is not enrolled in a political
10 party, the elections officer shall ask the person in which
11 political party's primary that person desires to vote, and the
12 elections officer upon reply shall record the voter's selection
13 upon the voter's certificate and for the purpose of that ballot
14 shall be enrolled in that party. The person shall remain
15 unenrolled for party designation unless the person completes a
16 declaration of enrollment as described in section 902.2.

17 Section 902.2. Form of Declaration of Party Enrollment.--If
18 after a person has cast a political party ballot, as prescribed
19 in section 902.1, and the person wishes to remain enrolled in
20 that party, the person shall complete a declaration of
21 enrollment which shall be made available within the polling
22 place and shall be in a form approved by the Secretary of the
23 Commonwealth substantially as follows:

24 Declaration of Enrollment

25 Name

26 (Print)

27 Date

28 Address

29 I hereby request that my political party enrollment be as
30 follows:

1 Party
2 Signed under penalty of perjury.
3

4 (Signature)

5 The elections officer shall then include the person's
6 declaration of enrollment with the voter's certificate and
7 insert both into the voting check list as provided for in
8 section 1212. Once processed, the county board shall then send a
9 new certificate of registration, with the declared party
10 enrollment listed, to the person requesting enrollment.

11 Section 6. Section 1210(d) of the act, amended October 8,
12 2004 (P.L.807, No.97), is amended to read:

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

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

1 [his] identity, as to [his] continued residence in the election
2 district or as to any alleged violation of the provisions of
3 section 1210 of this act, and if challenged as to identity or
4 residence, [he] the person shall produce at least one qualified
5 elector of the election district as a witness, who shall make
6 affidavit of his identity or continued residence in the election
7 district: Provided, however, That no person shall be entitled to
8 vote as a member of a party at any primary, unless [he] the
9 person is:

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

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

21 Section 7. Section 1212 of the act is amended to read:

22 Section 1212. Voting Check List.--After each elector has
23 been admitted to vote, [his] each voter's certificate and, where
24 applicable, each declaration of enrollment shall be inserted in
25 the file or binder provided therefor by the county board, and
26 known as the "Voting Check List," and the [said] voter's
27 certificate and declaration of enrollment so bound shall
28 constitute the official list of electors voting at such primary
29 or election. All voter's certificates prepared by persons
30 applying to vote whose applications to vote are refused by the

1 election officer shall be carefully preserved and returned to
2 the county board with the other papers. Within ninety days of
3 such return, the voting check list shall be reviewed by the
4 county board and all persons wishing to be enrolled in a party,
5 as prescribed in sections 902.1 and 902.2, shall be processed
6 accordingly.

7 Section 8. This act shall take effect immediately.