

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 994 Session of 2011

INTRODUCED BY DePASQUALE, CALTAGIRONE, CARROLL, GIBBONS,  
KAVULICH, REED, REICHLEY, SANTARSIERO AND CONKLIN,  
MARCH 9, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 9, 2011

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 qualifications of electors  
12 at primaries, for primary voting and party officers and for  
13 voting procedure.

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

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

19 Section 702. Qualifications of Electors at Primaries.--The  
20 qualifications of electors entitled to vote at primaries shall  
21 be the same as the qualifications of electors entitled to vote  
22 at elections within the election district where the primary is  
23 held[, provided that no elector who is not registered and

1 enrolled as a member of a political party, in accordance with  
2 the provisions of this act, shall be permitted to vote the  
3 ballot of such party or any other party ballot at any primary].

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

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

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

29 Section 3. Section 1210(d) of the act, amended October 8,  
30 2004 (P.L.807, No.97), is amended to read:

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

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

28       (1) registered and enrolled as a member of such party upon  
29 the district register, which enrollment shall be conclusive as  
30 to [his] party membership and shall not be subject to challenge

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

8 \* \* \*

9 Section 4. This act shall apply to primary elections which  
10 take place after December 31, 2011.

11 Section 5. This act shall take effect immediately.