
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 979 Session of
2023

INTRODUCED BY SOLOMON, RABB, SAPPEY, MADDEN, ZABEL, HADDOCK,
VENKAT, GUENST, HILL-EVANS, SCHWEYER, KHAN, FLEMING AND
ISAACSON, APRIL 24, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 24, 2023

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 having
7 selected "none" or "no affiliation" in regard to a political
8 party on their Pennsylvania voter registration application.

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

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

19 (b) Unenrolled electors shall be permitted to vote in
20 primary elections in accordance with the procedures specified in
21 sections 902.1 and 1231.

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

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

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

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

19 Section 902.1. Procedure for Unenrolled Electors to Cast
20 Primary Ballots.--Upon confirming an unenrolled elector's status
21 as a registered elector, the elections officer shall ask the
22 unenrolled elector in which political party's primary the
23 unenrolled elector desires to vote, and the elections officer
24 upon reply shall record the unenrolled elector's selection upon
25 the unenrolled elector's certificate and for the purpose of that
26 ballot only shall be deemed enrolled in that party. The
27 unenrolled elector shall not sign the voter's certificate until
28 the elections officer has recorded the unenrolled elector's
29 desired political party on the certificate.

30 Section 4. Section 1210(d) of the act 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 resides, nor shall he be permitted to vote in the
11 election district in which he resides, unless he has been
12 personally registered as an elector and his registration card
13 appears in the district register of such election district,
14 except by order of the court of common pleas as provided in this
15 act, and any person, although personally registered as an
16 elector, may be challenged by any qualified elector, election
17 officer, overseer, or watcher at any primary or election as to
18 his identity, as to his continued residence in the election
19 district or as to any alleged violation of the provisions of
20 section 1210 of this act, and if challenged as to identity or
21 residence, he shall produce at least one qualified elector of
22 the election district as a witness, who shall make affidavit of
23 his identity or continued residence in the election district:
24 Provided, however, That no person shall be entitled to vote as a
25 member of a party at any primary, unless he is:

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

30 (2) an unenrolled elector, in which case the person may vote

1 for the candidates of the party of the unenrolled elector's
2 choice in accordance with the procedures provided under section
3 902.1. The unenrolled elector's choice of party at one primary
4 election shall not preclude the unenrolled elector from choosing
5 a different party in a subsequent primary election.

6 * * *

7 Section 5. This act shall take effect in 60 days.