

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 346 Session of 2021

INTRODUCED BY BOSCOLA, SCHWANK, CAPPELLETTI, KEARNEY,
SANTARSIERO AND YUDICHAK, MARCH 10, 2021

REFERRED TO STATE GOVERNMENT, MARCH 10, 2021

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 and providing
 17 for procedure for unenrolled electors to cast primary ballots
 18 and for form of declaration of party enrollment; and, in
 19 preparation for and conduct of primaries and elections,
 20 further providing for manner of applying to vote, persons
 21 entitled to vote, voter's certificates, entries to be made in
 22 district register, numbered lists of voters and challenges
 23 and for voting check list.

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

26 Section 1. Sections 702, 802 and 902 of the act of June 3,
 27 1937 (P.L.1333, No.320), known as the Pennsylvania Election
 28 Code, are amended to read:

1 Section 702. Qualifications of Electors at Primaries.--The
2 qualifications of electors entitled to vote at primaries shall
3 be the same as the qualifications of electors entitled to vote
4 at elections within the election district where the primary is
5 held, provided that no elector who is not registered and
6 enrolled as a member of a political party, in accordance with
7 the provisions of this act, shall be permitted to vote the
8 ballot of such party or any other party ballot at any primary,
9 except an unenrolled elector under section 902.1.

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

16 Section 902. Candidates to Be Nominated and Party Officers
17 to Be Elected at Primaries.--All candidates of political
18 parties, as defined in section 801 of this act, for the offices
19 of United States Senator, Representative in Congress and for all
20 other elective public offices within this State, except that of
21 presidential electors, shall be nominated, and party delegates
22 and alternate delegates, committeemen and officers who, under
23 the provisions of Article VIII of this act or under the party
24 rules, are required to be elected by the party electors, shall
25 be elected at primaries held in accordance with the provisions
26 of this act, except as otherwise provided in this act. In the
27 years when candidates for the office of President of the United
28 States are to be nominated, every registered and enrolled member
29 of a political party and unenrolled elector under section 902.1
30 shall have the opportunity at the Spring primary in such years

1 to vote [his] a preference for one person to be the candidate of
2 [his] a political party for President.

3 Section 2. The act is amended by adding sections to read:

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

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

21 Declaration of Enrollment

22 Name

23 (Print)

24 Date

25 Address

26 I hereby request that my political party enrollment be as
27 follows:

28 Party

29 Signed under penalty of perjury.

30

1 (Signature)

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

8 Section 3. Sections 1210(d) and 1212 of the act are amended
9 to read:

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

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

1 residence, [he] the person shall produce at least one qualified
2 elector of the election district as a witness, who shall make
3 affidavit of [his] the person's identity or continued residence
4 in the election district: Provided, however, That no person
5 shall be entitled to vote as a member of a party at any primary,
6 unless [he is] the person is:

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

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

17 * * *

18 Section 1212. Voting Check List.--After each elector has
19 been admitted to vote, [his] each voter's certificate and, where
20 applicable, each declaration of enrollment shall be inserted in
21 the file or binder provided therefor by the county board, and
22 known as the "Voting Check List," and the [said] voter's
23 certificate and declaration of enrollment so bound shall
24 constitute the official list of electors voting at such primary
25 or election. All voter's certificates prepared by persons
26 applying to vote whose applications to vote are refused by the
27 election officer shall be carefully preserved and returned to
28 the county board with the other papers. Within ninety days of
29 such return, the voting check list shall be reviewed by the
30 county board and all persons wishing to be enrolled in a party,

1 as prescribed in sections 902.1 and 902.2, shall be processed
2 accordingly.

3 Section 4. This act shall take effect immediately.