

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2411 Session of
1996

INTRODUCED BY BOSCOLA, MASLAND, HANNA, WAUGH, MERRY, ROONEY,
KUKOVICH, LEVDANSKY, YEWIC, MELIO, HORSEY, EVANS, BROWNE,
FAJT, CARONE AND PISTELLA, FEBRUARY 16, 1996

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 16, 1996

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 primaries.

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

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

17 Section 702. Qualifications of Electors at Primaries.--The
18 qualifications of electors entitled to vote at primaries shall
19 be the same as the qualifications of electors entitled to vote
20 at elections within the election district where the primary is
21 held, provided that no elector who is not registered [and
22 enrolled as a member of a political party], in accordance with

1 the provisions of this act, shall be permitted to vote the
2 ballot of [such party or] any [other] party [ballot] at any
3 primary.

4 Section 802. Only Enrolled Electors to Vote at Primaries or
5 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] elector shall have the opportunity
26 at the Spring primary in such years to vote his preference for
27 one person to be the candidate of [his] a political party for
28 President.

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

30 Section 902.1. Procedure for Unenrolled Electors to Cast

1 Primary Ballots.--If the person is not enrolled in a political
2 party, the elections officer shall ask the person in which
3 political party's primary he desires to vote and the elections
4 officer upon reply shall record the voter's selection upon the
5 voter's certificate and for the purpose of that ballot shall be
6 enrolled in that party. The person shall remain unenrolled for
7 party designation unless he completes a declaration of
8 enrollment as described in section 902.2.

9 Section 902.2. Form of Declaration of Party Enrollment.--If
10 after a person has cast a political party ballot, as prescribed
11 in section 902.1, and wishes to remain enrolled in that party he
12 shall complete a declaration of enrollment which shall be made
13 available within the polling place and shall be in a form
14 approved by the Secretary of the Commonwealth substantially as
15 follows:

16 Declaration of Enrollment

17 Name

18 _____ (Print)

19 Date

20 Address

21 I hereby request that my political party enrollment be

22 as follows:

23 Party

24 Signed under penalty of perjury.

25

26 _____ (Signature)

27 The elections officer shall then include the person's
28 declaration of enrollment with the voter's certificate and
29 insert both into the voting check list as provided for in
30 section 1212. Once processed, the county board shall then send a

1 new certificate of registration, with the declared party
2 enrollment listed, to the person requesting enrollment.

3 Section 4. Section 1212 of the act is amended to read:

4 Section 1212. Voting Check List.--After each elector has
5 been admitted to vote, his voter's certificate and, where
6 applicable, his declaration of enrollment shall be inserted in
7 the file or binder provided therefor by the county board, and
8 known as the "Voting Check List," and the said voter's
9 certificate so bound shall constitute the official list of
10 electors voting at such primary or election. All voter's
11 certificates prepared by persons applying to vote whose
12 applications to vote are refused by the election officer shall
13 be carefully preserved and returned to the county board with the
14 other papers. Within ninety (90) days, the voting check list
15 shall be reviewed by the county board and all persons wishing to
16 be enrolled in a party, as prescribed in sections 902.1 and
17 902.2, shall be processed accordingly.

18 Section 5. This act shall take effect immediately.