

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 247 Session of 2001

INTRODUCED BY CORMAN, KUKOVICH, LEMMOND, M. WHITE, MELLOW,  
COSTA, WOZNIAK AND LOGAN, FEBRUARY 6, 2001

REFERRED TO STATE GOVERNMENT, FEBRUARY 6, 2001

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," providing for requirements for electors to vote  
12 at primaries or hold offices and for challenges to nomination  
13 petition of delegates to national conventions.

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

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

19 Section 802. [Only Enrolled] Requirements for Electors to  
20 Vote at Primaries or Hold Party Offices.--No person who is not  
21 registered and enrolled as a member of a political party shall  
22 be entitled to vote at any primary of [such] that party or to be  
23 elected or serve as a party officer of that party, or a member

1 or officer of [any party] that party's committee, or delegate or  
2 alternate delegate to [any party] that party's convention.

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

4 Section 808.2. Challenges to Nomination Petition of  
5 Delegates to National Conventions.--(a) An individual or group  
6 may challenge the nomination petition of a delegate to a  
7 National convention if the candidate fails to meet the  
8 requirements under sections 701 and 802 of this act.

9 (b) The challenge shall be filed in the office of the  
10 Secretary of the Commonwealth.

11 (c) The Secretary of the Commonwealth shall review the  
12 petition and make a determination to approve or reject the  
13 challenge based upon the requirements under sections 701 and 802  
14 of this act.

15 (d) The Secretary of the Commonwealth shall finally  
16 determine the validity of the petition within twelve days after  
17 the last day for filing said nomination petition.

18 (e) After the determination by the Secretary of the  
19 Commonwealth, the candidate or the challenging parties may still  
20 request a hearing under section 977 of this act.

21 (f) A fifty dollar (\$50) administrative fee shall be paid by  
22 the party who fails to prevail the challenge.

23 (g) This section shall not apply to minor political party or  
24 judicial candidates.

25 Section 3. This act shall take effect in 60 days.