

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 171 Session of 2005

INTRODUCED BY CORMAN, M. WHITE, RAFFERTY, WONDERLING AND
D. WHITE, FEBRUARY 7, 2005

REFERRED TO STATE GOVERNMENT, FEBRUARY 7, 2005

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.