

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1842 Session of
2007

INTRODUCED BY CONKLIN, KING, M. O'BRIEN, JAMES, MUSTIO, BOYD,
HORNAMAN, VULAKOVICH, MACKERETH AND CARROLL,
SEPTEMBER 19, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 19, 2007

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 challenges.

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

14 Section 1. Section 1210(d) of the act of June 3, 1937
15 (P.L.1333, No.320), known as the Pennsylvania Election Code,
16 amended October 8, 2004 (P.L.807, No.97), is amended and the
17 section is amended by adding a subsection to read:

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

21 (d) No person, except a qualified elector who is in actual
22 military or naval service under a requisition of the President

1 of the United States or by the authority of this Commonwealth,
2 and who votes under the provisions of Article XIII of this act,
3 shall be entitled or permitted to vote at any primary or
4 election at any polling place outside the election district in
5 which he resides, nor shall he be permitted to vote in the
6 election district in which he resides, unless he has been
7 personally registered as an elector and his registration card
8 appears in the district register of such election district,
9 except by order of the court of common pleas as provided in this
10 act, and any person, although personally registered as an
11 elector, may be challenged by any qualified elector, election
12 officer, overseer, or watcher at any primary or election as to
13 his identity, as to his continued residence in the election
14 district or as to any alleged violation of the provisions of
15 section 1210 of this act, and if challenged as to identity or
16 residence, he shall produce at least one qualified elector of
17 the election district as a witness, who shall make affidavit of
18 his identity or continued residence in the election district. [:
19 Provided, however, That no]

20 (d.1) No person shall be entitled to vote as a member of a
21 party at any primary, unless he is registered and enrolled as a
22 member of such party upon the district register, which
23 enrollment shall be conclusive as to his party membership and
24 shall not be subject to challenge on the day of the primary.

25 (d.2) Notwithstanding subsection (d.1) of this section, in a
26 primary election for judge of a court of common pleas; the
27 Philadelphia Municipal Court or the Traffic Court of
28 Philadelphia; or for the office of school director in a district
29 where that office is elective or for the office of magisterial
30 district judge, a registered elector who is not a member of a

1 party, as defined in section 801(a) or 912.2 of this act, shall
2 be entitled to vote pursuant to this section: Provided, however,
3 That in order to vote, the individual must choose the ballot of
4 a party.

5 * * *

6 Section 2. This act shall take effect in 60 days.