

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 651 Session of 2011

INTRODUCED BY BOSCOLA, COSTA, FONTANA, SOLOBAY, KITCHEN, LEACH,  
WOZNIAK, BREWSTER AND FARNESE, FEBRUARY 25, 2011

REFERRED TO STATE GOVERNMENT, FEBRUARY 25, 2011

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," setting forth a concise statement of voter's  
12 rights; requiring that the statement of voter's rights be  
13 visible in voter registration offices and polling places;  
14 providing for polling place accessibility; further providing  
15 for qualifications of electors at primaries and for only  
16 enrolled electors to vote at primaries or hold party offices;  
17 providing for procedure for unenrolled electors to cast  
18 primary ballots and for form of declaration of party  
19 enrollment; and further providing for persons entitled to  
20 vote and challenges and for voting check lists.

21 The General Assembly of the Commonwealth of Pennsylvania  
22 hereby enacts as follows:

23 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
24 as the Pennsylvania Election Code, is amended by adding a  
25 section to read:

26 Section 107. Voter's Bill of Rights.--(a) The following  
27 rights are guaranteed to all registered voters in this

1 Commonwealth:

2 (1) A voter who is in line at the correct polling place  
3 during the hours it is required by law to be open may vote, even  
4 if the voter's turn to vote does not come until after those  
5 hours expire.

6 (2) If a voter has moved from the voter's original polling  
7 district to another, the voter may return to the original  
8 polling district to vote for as long as the voter remains  
9 qualified there. To be eligible to vote in the new polling  
10 district, the voter must either file a notice of removal with  
11 the voting registrar or register anew.

12 (3) A voter who has a physical disability or who cannot read  
13 or write may apply to the voting registrar for a special needs  
14 ballot, but this must be done at least ten days before the  
15 election.

16 (4) A voter may take his children who are not yet eighteen  
17 years of age into the voting booth with him.

18 (5) A voter has the right to vote without being intimidated  
19 or forced to vote for someone the voter does not wish to vote  
20 for.

21 (6) A voter who believes that any of the voter's rights  
22 under this act have been violated may call the voter's local law  
23 enforcement officers.

24 (b) A listing of the rights set forth under subsection (a)  
25 shall be posted publicly in each voter registration office and,  
26 on election days, polling place.

27 Section 2. Section 527(a) of the act, amended May 12, 2006  
28 (P.L.178, No.45), is amended to read:

29 Section 527. Public Buildings to Be Used Where Possible;  
30 Portable Polling Places.--(a) In selecting polling places, the

1 county board of elections shall, wherever possible and  
2 practicable, select schoolhouses, municipal buildings or rooms,  
3 or other public buildings for that purpose and shall ensure that  
4 the places selected are accessible by persons with physical  
5 disabilities. Any board of public education or school directors,  
6 or county or the municipal authorities shall, upon request of  
7 the county board, make arrangements for the use of school  
8 property, or of county or municipal property for polling places.  
9 In selecting polling places, the county board of elections shall  
10 make every effort to select polling places that provide all  
11 electors with an environment that is free from intimidation and  
12 violence.

13 In the event no available public building as contemplated  
14 under this section is situated within the boundaries of any  
15 election district, the county board of elections may, not less  
16 than twenty days prior to any election, designate as the polling  
17 place for such election district any such public building  
18 situated in another election district within the same or  
19 immediately adjacent ward, or, if there are no wards, then  
20 within the same borough or township as the case may be, provided  
21 such other building is located in an election district which is  
22 immediately adjacent to the boundary of the election district  
23 for which it is to be the polling place and is directly  
24 accessible therefrom by public street or thoroughfare. Two or  
25 more polling places may be located in the same public building  
26 under this section. A polling place may be selected and  
27 designated hereunder less than twenty days prior to any  
28 election, with the approval of a court of competent  
29 jurisdiction.

30 \* \* \*

1 Section 3. Sections 702 and 802 of the act are amended to  
2 read:

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

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

18 Section 4. Section 902 of the act, amended May 23, 1949  
19 (P.L.1656, No.504), is amended to read:

20 Section 902. Candidates to Be Nominated and Party Officers  
21 to Be Elected at Primaries.--All candidates of political  
22 parties, as defined in section 801 of this act, for the offices  
23 of United States Senator, Representative in Congress and for all  
24 other elective public offices within this State, except that of  
25 presidential electors, shall be nominated, and party delegates  
26 and alternate delegates, committeemen and officers who, under  
27 the provisions of Article VIII of this act or under the party  
28 rules, are required to be elected by the party electors, shall  
29 be elected at primaries held in accordance with the provisions  
30 of this act, except as otherwise provided in this act. In the

1 years when candidates for the office of President of the United  
2 States are to be nominated, every registered [and enrolled  
3 member of a political party] elector shall have the opportunity  
4 at the Spring primary in such years to vote [his] a preference  
5 for one person to be the candidate of [his] a political party  
6 for President.

7 Section 5. The act is amended by adding sections to read:

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

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

24 Declaration of Enrollment

25 Name .....

26 (Print)

27 Date .....

28 Address .....

29 I hereby request that my political party enrollment be as  
30 follows:

1 Party .....  
2 Signed under penalty of perjury.  
3 .....

4 (Signature)

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

11 Section 6. Section 1210(d) of the act, amended October 8,  
12 2004 (P.L.807, No.97), is amended to read:

13 Section 1210. Manner of Applying to Vote; Persons Entitled  
14 to Vote; Voter's Certificates; Entries to Be Made in District  
15 Register; Numbered Lists of Voters; Challenges.--\* \* \*

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

1 [his] identity, as to [his] continued residence in the election  
2 district or as to any alleged violation of the provisions of  
3 section 1210 of this act, and if challenged as to identity or  
4 residence, [he] the person shall produce at least one qualified  
5 elector of the election district as a witness, who shall make  
6 affidavit of his identity or continued residence in the election  
7 district: Provided, however, That no person shall be entitled to  
8 vote as a member of a party at any primary, unless [he] the  
9 person is:

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

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

21 Section 7. Section 1212 of the act is amended to read:

22 Section 1212. Voting Check List.--After each elector has  
23 been admitted to vote, [his] each voter's certificate and, where  
24 applicable, each declaration of enrollment shall be inserted in  
25 the file or binder provided therefor by the county board, and  
26 known as the "Voting Check List," and the [said] voter's  
27 certificate and declaration of enrollment so bound shall  
28 constitute the official list of electors voting at such primary  
29 or election. All voter's certificates prepared by persons  
30 applying to vote whose applications to vote are refused by the

1 election officer shall be carefully preserved and returned to  
2 the county board with the other papers. Within ninety days of  
3 such return, the voting check list shall be reviewed by the  
4 county board and all persons wishing to be enrolled in a party,  
5 as prescribed in sections 902.1 and 902.2, shall be processed  
6 accordingly.

7 Section 8. This act shall take effect immediately.