

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2234 Session of
2015

INTRODUCED BY GIBBONS, KAUFER, MULLERY, YOUNGBLOOD, MAHONEY,
TRUITT, McNEILL, DAVIDSON, FARRY, V. BROWN, DAVIS AND BURNS,
JUNE 30, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 30, 2016

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 qualifications of electors
12 at primaries, for only enrolled electors to vote at primaries
13 or hold party offices, for candidates to be nominated and
14 party officers to be elected at primaries and for persons
15 entitled to vote and challenges.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

21 Section 702. Qualifications of Electors at Primaries.--The
22 qualifications of electors entitled to vote at primaries shall
23 be the same as the qualifications of electors entitled to vote
24 at elections within the election district where the primary is

1 held, provided that no elector who is not registered [and
2 enrolled as a member of a political party], in accordance with
3 the provisions of this act, shall be permitted to vote the
4 ballot of [such party or] any [other] party [ballot] at any
5 primary.

6 Section 802. Only Enrolled Electors to Vote at Primaries or
7 Hold Party Offices.--No person who is not registered and
8 enrolled as a member of a political party shall be entitled to
9 [vote at any primary of such party or to] be elected or serve as
10 a party officer, or a member or officer of any party committee,
11 or delegate or alternate delegate to any party convention.

12 Section 2. Section 902 of the act, amended May 23, 1949
13 (P.L.1656, No.504), is amended to read:

14 Section 902. Candidates to Be Nominated and Party Officers
15 to Be Elected at Primaries.--All candidates of political
16 parties, as defined in section 801 of this act, for the offices
17 of United States Senator, Representative in Congress and for all
18 other elective public offices within this State, except that of
19 presidential electors, shall be nominated, and party delegates
20 and alternate delegates, committeemen and officers who, under
21 the provisions of Article VIII of this act or under the party
22 rules, are required to be elected by the party electors, shall
23 be elected at primaries held in accordance with the provisions
24 of this act, except as otherwise provided in this act. In the
25 years when candidates for the office of President of the United
26 States are to be nominated, every registered [and enrolled
27 member of a political party] elector shall have the opportunity
28 at the Spring primary in such years to vote [his] a preference
29 for one person to be the candidate of [his] a political party
30 for President.

Section 3. Section 1210(d) of the act, amended October 8, 2004 (P.L.807, No.97), is amended to read:

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

(d) No person, except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth, and who votes under the provisions of Article XIII of this act, shall be entitled or permitted to vote at any primary or election at any polling place outside the election district in which [he] the person resides, nor shall [he] the person be permitted to vote in the election district in which [he] the person resides, unless [he] the person has been personally registered as an elector and [his] the person's registration card appears in the district register of such election district, except by order of the court of common pleas as provided in this act, and any person, although personally registered as an elector, may be challenged by any qualified elector, election officer, overseer, or watcher at any primary or election as to [his] the person's identity, as to [his] the person's continued residence in the election district or as to any alleged violation of the provisions of section 1210 of this act, and if challenged as to identity or residence, [he] the person shall produce at least one qualified elector of the election district as a witness, who shall make affidavit of [his] the person's identity or continued residence in the election district: Provided, however, That no person shall be entitled to vote as a member of a party at any primary, unless [he] the person is:

(1) registered and enrolled as a member of such party upon

1 the district register, which enrollment shall be conclusive as
2 to [his] party membership and shall not be subject to challenge
3 on the day of the primary[.]; or

4 (2) registered as an independent or nonparty voter upon the
5 district register and requests to vote as a member of a party at
6 the primary. The person shall sign and file the following
7 affidavit of provisional registration with the election district
8 at any time, up to and including the day of the primary
9 election:

10 I do solemnly swear or affirm that my name is _____, that
11 my date of birth is _____, and at the time that I
12 registered I resided at _____ in
13 the municipality of _____ in _____ County
14 of the Commonwealth of Pennsylvania, and that in this primary
15 election only I am filing provisional registration to vote as
16 a member of the _____ party in the year _____,
17 which shall not be subject to challenge on the day of the
18 primary.

19 Signature of Voter/Elector

20 Current Address

21 Section 4. This act shall take effect in 90 days.