

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 90** Session of
2015

INTRODUCED BY BOSCOLA, COSTA, HUGHES, FONTANA, FARNESE, ALLOWAY,
BREWSTER AND TEPLITZ, JANUARY 14, 2015

REFERRED TO STATE GOVERNMENT, JANUARY 14, 2015

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

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

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

1 Section 107. Voter's Bill of Rights.--(a) The following
2 rights are guaranteed to all registered voters in this
3 Commonwealth:

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

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

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

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

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

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

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

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

1 Section 527. Public Buildings to Be Used Where Possible;
2 Portable Polling Places.--(a) In selecting polling places, the
3 county board of elections shall, wherever possible and
4 practicable, select schoolhouses, municipal buildings or rooms,
5 or other public buildings for that purpose and shall ensure that
6 the places selected are accessible by persons with physical
7 disabilities. Any board of public education or school directors,
8 or county or the municipal authorities shall, upon request of
9 the county board, make arrangements for the use of school
10 property, or of county or municipal property for polling places.
11 In selecting polling places, the county board of elections shall
12 make every effort to select polling places that provide all
13 electors with an environment that is free from intimidation and
14 violence.

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

1 jurisdiction.

2 * * *

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

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

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

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

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

1 be elected at primaries held in accordance with the provisions
2 of this act, except as otherwise provided in this act. In the
3 years when candidates for the office of President of the United
4 States are to be nominated, every registered [and enrolled
5 member of a political party] elector shall have the opportunity
6 at the Spring primary in such years to vote [his] a preference
7 for one person to be the candidate of [his] a political party
8 for President.

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

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

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

26 Declaration of Enrollment

27 Name

28 (Print)

29 Date

30 Address

1 I hereby request that my political party enrollment be as
2 follows:

3 Party

4 Signed under penalty of perjury.

5

6 (Signature)

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

13 Section 6. Section 1210(d) of the act, amended October 8,
14 2004 (P.L.807, No.97), is amended to read:

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

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

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

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

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

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

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

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

8 Section 8. This act shall take effect immediately.