

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1139 Session of 2015

INTRODUCED BY WARD, TEPLITZ AND HAYWOOD, MARCH 4, 2016

REFERRED TO STATE GOVERNMENT, MARCH 4, 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," in county boards of elections, further providing  
 12 for powers and duties of county boards; in qualifications of  
 13 electors, further providing for qualifications of electors at  
 14 primaries; in party organization, further providing for only  
 15 enrolled electors to vote at primaries or hold party offices;  
 16 and, in nomination of candidates, further providing for  
 17 candidates to be nominated and party officers to be elected  
 18 at primaries.

19 The General Assembly of the Commonwealth of Pennsylvania  
 20 hereby enacts as follows:

21 Section 1. Section 302(m) of the act of June 3, 1937  
 22 (P.L.1333, No.320), known as the Pennsylvania Election Code,  
 23 amended October 8, 2004 (P.L.807, No.97), is amended and the  
 24 section is amended by adding a subsection to read:

25 Section 302. Powers and Duties of County Boards.--The county  
 26 boards of elections, within their respective counties, shall

1 exercise, in the manner provided by this act, all powers granted  
2 to them by this act, and shall perform all the duties imposed  
3 upon them by this act, which shall include the following:

4 \* \* \*

5 (m) To prepare and submit, within twenty days after the last  
6 day to register to vote in each primary, municipal and general  
7 election, a report to the Secretary of the Commonwealth in the  
8 form prescribed by him, which shall contain a statement of the  
9 total number of electors registered in each election district,  
10 together with a breakdown of registration by each political  
11 party or other designation[.], including declarations for voting  
12 in a primary election made by electors registered but not  
13 enrolled as members of a political party. Copies of said  
14 statement shall be furnished, upon request, to the county  
15 chairman of each political party and political body. The  
16 Secretary of the Commonwealth shall forthwith submit such  
17 information to the Legislative Data Processing Center and shall  
18 publicly report the total number of registered electors for each  
19 political party or other designation in each county not later  
20 than five days prior to the primary, municipal or general  
21 election.

22 (m.1) To provide the Secretary of the Commonwealth and the  
23 county chairmen of each political political party and political  
24 body a list of each elector who is registered but not enrolled  
25 as a member of a political party and who has made a declaration  
26 to vote the ballot of that political party.

27 \* \* \*

28 Section 2. Sections 702 and 802 of the act are amended to  
29 read:

30 Section 702. Qualifications of Electors at Primaries.--The

1 qualifications of electors entitled to vote at primaries shall  
2 be the same as the qualifications of electors entitled to vote  
3 at elections within the election district where the primary is  
4 held, provided that [no elector who is not registered and  
5 enrolled as a member of a political party, in accordance with  
6 the provisions of this act, shall be permitted to vote the  
7 ballot of such party or any other party ballot at any primary.]  
8 an elector who is registered but not enrolled as a member of a  
9 political party has made a declaration to the county board in a  
10 manner prescribed by the Secretary of the Commonwealth, no more  
11 than thirty days immediately preceding the election, of his or  
12 her intention to vote the ballot of only one political party in  
13 the primary election. The declaration must include which party  
14 ballot that the elector will be voting.

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

21 Section 3. Section 902 of the act, amended May 23, 1949  
22 (P.L.1656, No.504), is amended to read:

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

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

10 Section 4. This act shall take effect in 60 days.