

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 280 Session of 2017

INTRODUCED BY BOSCOLA AND HAYWOOD, APRIL 13, 2017

REFERRED TO STATE GOVERNMENT, APRIL 13, 2017

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 qualifications of electors, further providing
 12 for qualifications of electors at primaries; in party
 13 organization, further providing for only enrolled electors to
 14 vote at primaries or hold party offices; in nomination of
 15 candidates, further providing for candidates to be nominated
 16 and party officers to be elected at primaries and providing
 17 for procedure for unenrolled electors to cast primary ballots
 18 and for form of declaration of party enrollment; and, in
 19 preparation for and conduct of primaries and elections,
 20 further providing for manner of applying to vote, persons
 21 entitled to vote, voter's certificates, entries to be made in
 22 district register, numbered lists of voters and challenges
 23 and for voting check list.

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

26 Section 1. Sections 702, 802 and 902 of the act of June 3,
 27 1937 (P.L.1333, No.320), known as the Pennsylvania Election
 28 Code, are amended to read:

29 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 except an unenrolled elector under section 902.1.

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

15 Section 902. Candidates to Be Nominated and Party Officers
16 to Be Elected at Primaries.--All candidates of political
17 parties, as defined in section 801 of this act, for the offices
18 of United States Senator, Representative in Congress and for all
19 other elective public offices within this State, except that of
20 presidential electors, shall be nominated, and party delegates
21 and alternate delegates, committeemen and officers who, under
22 the provisions of Article VIII of this act or under the party
23 rules, are required to be elected by the party electors, shall
24 be elected at primaries held in accordance with the provisions
25 of this act, except as otherwise provided in this act. In the
26 years when candidates for the office of President of the United
27 States are to be nominated, every registered and enrolled member
28 of a political party and unenrolled elector under section 902.1
29 shall have the opportunity at the Spring primary in such years
30 to vote [his] a preference for one person to be the candidate of

1 [his] a political party for President.

2 Section 2. The act is amended by adding sections to read:

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

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

19 Declaration of Enrollment

20 Name

21 (Print)

22 Date

23 Address

24 I hereby request that my political party enrollment be as
25 follows:

26 Party

27 Signed under penalty of perjury.

28

29 (Signature)

30 The elections officer shall include the person's declaration of

1 enrollment with the voter's certificate and insert both into the
2 voting check list as provided for in section 1212. Once
3 processed, the county board shall send a new certificate of
4 registration, with the declared party enrollment listed, to the
5 person requesting enrollment.

6 Section 3. Sections 1210(d) and 1212 of the act are amended
7 to read:

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

11 (d) No person, except a qualified elector who is in actual
12 military or naval service under a requisition of the President
13 of the United States or by the authority of this Commonwealth,
14 and who votes under the provisions of Article XIII of this act,
15 shall be entitled or permitted to vote at any primary or
16 election at any polling place outside the election district in
17 which [he] the person resides, nor shall [he] the person be
18 permitted to vote in the election district in which [he] the
19 person resides, unless [he] the person has been personally
20 registered as an elector and [his] the person's registration
21 card appears in the district register of such election district,
22 except by order of the court of common pleas as provided in this
23 act, and any person, although personally registered as an
24 elector, may be challenged by any qualified elector, election
25 officer, overseer, or watcher at any primary or election as to
26 [his] identity, as to [his] continued residence in the election
27 district or as to any alleged violation of the provisions of
28 section 1210 of this act, and if challenged as to identity or
29 residence, [he] the person shall produce at least one qualified
30 elector of the election district as a witness, who shall make

1 affidavit of his identity or continued residence in the election
2 district: Provided, however, That no person shall be entitled to
3 vote as a member of a party at any primary, unless [he] the
4 person is:

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

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

15 Section 1212. Voting Check List.--After each elector has
16 been admitted to vote, [his] each voter's certificate and, where
17 applicable, each declaration of enrollment shall be inserted in
18 the file or binder provided therefor by the county board, and
19 known as the "Voting Check List," and the [said] voter's
20 certificate and declaration of enrollment so bound shall
21 constitute the official list of electors voting at such primary
22 or election. All voter's certificates prepared by persons
23 applying to vote whose applications to vote are refused by the
24 election officer shall be carefully preserved and returned to
25 the county board with the other papers. Within ninety days of
26 such return, the voting check list shall be reviewed by the
27 county board and all persons wishing to be enrolled in a party,
28 as prescribed in sections 902.1 and 902.2, shall be processed
29 accordingly.

30 Section 4. This act shall take effect immediately.