

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 300 Session of 2019

INTRODUCED BY SCARNATI, KILLION, BROWNE, MENSCH, K. WARD, YAW, COSTA, YUDICHAK, BLAKE, SANTARSIERO, DINNIMAN AND ALLOWAY, FEBRUARY 19, 2019

REFERRED TO STATE GOVERNMENT, FEBRUARY 19, 2019

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

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. Section 102 of the act of June 3, 1937 (P.L.1333,
 27 No.320), known as the Pennsylvania Election Code, is amended by
 28 adding a definition to read:

1 Section 102. Definitions.--The following words, when used in
2 this act, shall have the following meanings, unless otherwise
3 clearly apparent from the context:

4 * * *

5 (z.6) The words "unenrolled elector" shall mean a person who
6 is registered to vote within an election district but not
7 enrolled as a member of a political party.

8 Section 2. Sections 702, 802 and 902 of the act are amended
9 to read:

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

18 (b) Unenrolled electors shall be permitted to vote in
19 primary elections in accordance with the procedures specified in
20 section 902.1.

21 Section 802. Only Enrolled Electors to [Vote at Primaries
22 or] Hold Party Offices.--No person who is not registered and
23 enrolled as a member of a political party shall be entitled to
24 [vote at any primary of such party or to] be elected or serve as
25 a party officer, or a member or officer of any party committee,
26 or delegate or alternate delegate to any party convention.

27 Section 902. Candidates to Be Nominated and Party Officers
28 to Be Elected at Primaries.--All candidates of political
29 parties, as defined in section 801 of this act, for the offices
30 of United States Senator, Representative in Congress and for all

1 other elective public offices within this State, except that of
2 presidential electors, shall be nominated, and party delegates
3 and alternate delegates, committeemen and officers who, under
4 the provisions of Article VIII of this act or under the party
5 rules, are required to be elected by the party electors, shall
6 be elected at primaries held in accordance with the provisions
7 of this act, except as otherwise provided in this act. In the
8 years when candidates for the office of President of the United
9 States are to be nominated, every registered and enrolled member
10 of a political party and unenrolled elector under section 902.1
11 shall have the opportunity at the Spring primary in such years
12 to vote [his] a preference for one person to be the candidate of
13 [his] a political party for President.

14 Section 3. The act is amended by adding a section to read:

15 Section 902.1. Procedure for Unenrolled Electors to Cast
16 Primary Ballots.--Upon confirming an unenrolled elector's status
17 as a registered elector, the elections officer shall ask the
18 unenrolled elector in which political party's primary the
19 unenrolled elector desires to vote, and the elections officer
20 upon reply shall record the unenrolled elector's selection upon
21 the unenrolled elector's certificate and for the purpose of that
22 ballot only shall be deemed enrolled in that party.

23 Section 4. Section 1210(d) of the act is amended to read:

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

27 (d) No person, except a qualified elector who is in actual
28 military or naval service under a requisition of the President
29 of the United States or by the authority of this Commonwealth,
30 and who votes under the provisions of Article XIII of this act,

1 shall be entitled or permitted to vote at any primary or
2 election at any polling place outside the election district in
3 which he resides, nor shall he be permitted to vote in the
4 election district in which he resides, unless he has been
5 personally registered as an elector and his registration card
6 appears in the district register of such election district,
7 except by order of the court of common pleas as provided in this
8 act, and any person, although personally registered as an
9 elector, may be challenged by any qualified elector, election
10 officer, overseer, or watcher at any primary or election as to
11 his identity, as to his continued residence in the election
12 district or as to any alleged violation of the provisions of
13 section 1210 of this act, and if challenged as to identity or
14 residence, he shall produce at least one qualified elector of
15 the election district as a witness, who shall make affidavit of
16 his identity or continued residence in the election district:
17 Provided, however, That no person shall be entitled to vote as a
18 member of a party at any primary, unless he is:

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

23 (2) an unenrolled elector, in which case the person may vote
24 for the candidates of the party of the unenrolled elector's
25 choice in accordance with the procedures set forth in section
26 902.1. The unenrolled elector's choice of party at one primary
27 election shall not preclude the unenrolled elector from choosing
28 a different party in a subsequent primary election.

29 * * *

30 Section 5. This act shall take effect immediately.