

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 300 Session of 2019

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

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, JUNE 18, 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 HAVING SELECTED "NONE" <--
8 OR "NO AFFILIATION" IN REGARD TO A POLITICAL PARTY ON THEIR
9 PENNSYLVANIA VOTER REGISTRATION APPLICATION.

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

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

20 (b) Unenrolled electors shall be permitted to vote in
21 primary elections in accordance with the procedures specified in
22 section 902.1 AND 25 PA.C.S. § 1326 (RELATING TO TIME). <--

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

29 Section 902. Candidates to Be Nominated and Party Officers
30 to Be Elected at Primaries.--All candidates of political

1 parties, as defined in section 801 of this act, for the offices
2 of PRESIDENT OF THE UNITED STATES, United States Senator, <--
3 Representative in Congress and for all other elective public
4 offices within this State, except that of presidential electors,
5 shall be nominated, and party delegates and alternate delegates,
6 committeemen and officers who, under the provisions of Article
7 VIII of this act or under the party rules, are required to be
8 elected by the party electors, shall be elected at primaries
9 held in accordance with the provisions of this act[, except as <--
10 otherwise provided in this act. In the years when candidates for
11 the office of President of the United States are to be
12 nominated, every registered and enrolled member of a political
13 party ~~and unenrolled elector under section 902.1~~ shall have the <--
14 opportunity at the Spring primary in such years to vote ~~this~~ a <--
15 preference for one person to be the candidate of ~~this~~ a <--
16 political party for President.]. IN A PRIMARY ELECTION CONDUCTED <--
17 IN THIS COMMONWEALTH, ALL UNENROLLED ELECTORS SHALL HAVE THE
18 OPPORTUNITY TO VOTE IN ACCORDANCE WITH THE PROCEDURES SET FORTH
19 IN SECTION 902.1.

20 Section 3. The act is amended by adding a section to read:
21 Section 902.1. Procedure for Unenrolled Electors to Cast
22 Primary Ballots.--Upon confirming an unenrolled elector's status
23 as a registered elector, the elections officer shall ask the
24 unenrolled elector in which political party's primary the
25 unenrolled elector desires to vote, and the elections officer
26 upon reply shall record the unenrolled elector's selection upon
27 the unenrolled elector's certificate and for the purpose of that
28 ballot only shall be deemed enrolled in that party. THE <--
29 UNENROLLED ELECTOR SHALL NOT SIGN THE VOTER'S CERTIFICATE UNTIL
30 THE ELECTIONS OFFICER HAS RECORDED THE UNENROLLED ELECTOR'S

1 DESIRED POLITICAL PARTY ON THE CERTIFICATE.

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

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

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

28 (1) registered and enrolled as a member of such party upon
29 the district register, which enrollment shall be conclusive as
30 to [his] party membership and shall not be subject to challenge

1 on the day of the primary[.]; or
2 (2) an unenrolled elector, in which case the person may vote
3 for the candidates of the party of the unenrolled elector's
4 choice in accordance with the procedures set forth in section
5 902.1. The unenrolled elector's choice of party at one primary
6 election shall not preclude the unenrolled elector from choosing
7 a different party in a subsequent primary election.

8 * * *

9 Section 5. This act shall take effect immediately.