

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 894** Session of
2021

INTRODUCED BY SOLOMON, HERRIN, T. DAVIS, SCHWEYER AND ISAACSON,
MARCH 15, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 15, 2021

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 party organization, further providing for who
12 shall be declared elected members of national or State
13 committee and party offices; in preparation for and conduct
14 of primaries and elections, further providing for manner of
15 applying to vote, persons entitled to vote, voter's
16 certificates, entries to be made in district register,
17 numbered lists of voters and challenges; and, in returns of
18 primaries and elections, further providing for manner of
19 computing irregular ballots.

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

22 Section 1. Sections 810 and 1210(a) of the act of June 3,
23 1937 (P.L.1333, No.320), known as the Pennsylvania Election
24 Code, are amended to read:

25 Section 810. Who Shall Be Declared Elected Members of
26 National or State Committee and Party Offices.--Candidates of

1 the various political parties for the office of member of the
2 State committee, or for the office of member of the National
3 committee, in cases where the rules of the party provide that
4 such office shall be filled by a vote of the party electors, who
5 receive a plurality of the votes of the party electors at a
6 primary, shall, except as provided under section 1405, be the
7 duly elected members of the State or National committee, as the
8 case may be, of their respective parties. Candidates for other
9 party offices, who receive a plurality of the votes of the party
10 electors at a primary, shall, except as provided under section
11 1405, be the party officers of their respective parties.

12 Section 1210. Manner of Applying to Vote; Persons Entitled
13 to Vote; Voter's Certificates; Entries to Be Made in District
14 Register; Numbered Lists of Voters; Challenges.--(a) (1) At
15 every primary and election each elector who appears to vote and
16 who desires to vote shall first present to an election officer
17 proof of identification.

18 (2) The election officer shall examine the proof of
19 identification presented by the elector and sign an affidavit
20 stating that this has been done.

21 (3) During a primary election, each elector who did not
22 select an affiliation for a political party or political body on
23 the elector's official voter registration application prior to
24 the date of the primary election but is otherwise eligible to
25 vote in the primary election, may vote at the elector's polling
26 place by changing, at the polling place, party affiliation to
27 the party in which the elector wishes to vote on that day. The
28 party affiliation selected at that time shall continue until the
29 elector changes the party affiliation in accordance with this
30 act.

1 * * *

2 Section 2. Section 1405 of the act, amended October 31, 2019
3 (P.L.552, No.77), is amended to read:

4 Section 1405. Manner of Computing Irregular Ballots.--The
5 county board, in computing the votes cast at any primary or
6 election, shall compute and certify votes cast on irregular
7 ballots exactly as such names were written, stamped or deposited
8 in or on receptacles for that purpose, and as they have been so
9 returned by the election officers. In districts in which paper
10 ballots or ballot cards are electronically tabulated, stickers
11 or labels may not be used to mark ballots. A vote cast by means
12 of a sticker or label affixed to a ballot or ballot card shall
13 be void and may not be counted. In the primary or election the
14 Secretary of the Commonwealth shall not certify the votes cast
15 on irregular ballots for any person for a National office
16 including that of the President of the United States, United
17 States Senator and Representative in Congress; or for any State
18 office including that of Governor and Lieutenant Governor,
19 Auditor General, State Treasurer, Senator and Representative in
20 the General Assembly, justices and judges of courts of record or
21 for any party office including that of delegate or alternate
22 delegate to National conventions and member of State committee
23 unless the total number of votes cast for said person is equal
24 to or greater than the number of signatures required on a
25 nomination petition for the particular office. In the primary or
26 election the county board shall not certify the votes cast on
27 irregular ballots for any person for a [justice of the peace]
28 magisterial district judge, constable, National, State, county,
29 city, borough, town, township, ward, school district, election
30 or local party office unless the total number of votes cast for

1 said person is equal to or greater than the number of signatures
2 required on a nomination petition for the particular office.

3 Section 3. The amendment of sections 810, 1210(a) and 1405
4 of the act shall apply to elections held after December 31,
5 2020.

6 Section 4. This act shall take effect immediately.