

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2661 Session of  
2018

INTRODUCED BY C. QUINN AND SOLOMON, SEPTEMBER 24, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 24, 2018

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:

29 Section 102. Definitions.--The following words, when used in

1 this act, shall have the following meanings, unless otherwise  
2 clearly apparent from the context:

3 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

26 (d) No person, except a qualified elector who is in actual  
27 military or naval service under a requisition of the President  
28 of the United States or by the authority of this Commonwealth,  
29 and who votes under the provisions of Article XIII of this act,  
30 shall be entitled or permitted to vote at any primary or

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

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

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

28 Section 5. This act shall take effect immediately.