

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 280 Session of 2025

INTRODUCED BY SOLOMON, KENYATTA, RABB, KHAN, VENKAT, PIELLI, PROBST, HILL-EVANS, GUENST, HADDOCK, SCHLOSSBERG, SHUSTERMAN, WEBSTER, DEASY, CERRATO AND GREEN, JANUARY 22, 2025

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 22, 2025

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; 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; in voting by qualified absentee electors, further  
 24 providing for applications for official absentee ballots; in  
 25 voting by qualified mail-in electors, further providing for  
 26 applications for official mail-in ballots; in returns of  
 27 primaries and elections, further providing for computation of  
 28 returns by county board, certification and issuance of  
 29 certificates of election; and, in penalties, further  
 30 providing for election officers refusing to permit elector to  
 31 vote in proper party at primaries and repealing provisions  
 32 relating to elector voting ballot of wrong party at primary.

1 The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

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

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

9 \* \* \*

10 (z.7) The words "unenrolled elector" shall mean a person who  
11 is registered to vote within an election district having  
12 selected "none" or "no affiliation" or having selected "other"  
13 and written in a clear preference to be unaffiliated or  
14 independent in regard to a political party on their Pennsylvania  
15 voter registration application.

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

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

26 (b) Unenrolled electors shall be permitted to vote in  
27 primary elections for the nomination for candidates for public  
28 office in accordance with the procedures specified in sections  
29 902.1, 1231, 1302 and 1302-D.

30 Section 802. Only Enrolled Electors to [Vote at Primaries

1 or] Hold Party Offices or Vote for Party Office.--No person who  
2 is not registered and enrolled as a member of a political party  
3 shall be entitled to [vote at any primary of such party or to]  
4 be elected or serve as or vote for a party officer, or a member  
5 or officer of any party committee, or delegate or alternate  
6 delegate to any party convention.

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

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

28 Section 902.1. Procedure for Unenrolled Electors to Cast  
29 Primary Ballots.--Upon confirming an unenrolled elector's status  
30 as a registered elector, the elections officer shall ask the

1 unenrolled elector in which political party's primary the  
2 unenrolled elector desires to vote, and the elections officer  
3 upon reply shall record the unenrolled elector's selection upon  
4 the unenrolled elector's certificate and for the purpose of that  
5 ballot only shall be deemed enrolled in that party. The  
6 unenrolled elector's certificate shall be a form prescribed by  
7 the Secretary of the Commonwealth. The unenrolled elector shall  
8 not sign the voter's certificate until the elections officer has  
9 recorded the unenrolled elector's desired political party on the  
10 certificate.

11 Section 4. Sections 1210(d), 1302(b) and (b.1), 1302-D(b),  
12 1404(b) and 1824 of the act are amended to read:

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

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

1 district or as to any alleged violation of the provisions of  
2 [section 1210 of this act] this section, and if challenged as to  
3 identity or residence, he shall produce at least one qualified  
4 elector of the election district as a witness, who shall make  
5 affidavit of his identity or continued residence in the election  
6 district: Provided, however, That no person shall be entitled to  
7 vote as a member of a party at any primary, unless he is:

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

12 (2) an unenrolled elector, in which case the person may vote  
13 for the candidates of the party of the unenrolled elector's  
14 choice in accordance with the procedures provided under section  
15 902.1. The unenrolled elector's choice of party at one primary  
16 election shall not preclude the unenrolled elector from choosing  
17 a different party in a subsequent primary election.

18 \* \* \*

19 Section 1302. Applications for Official Absentee Ballots.--\*

20 \* \*

21 (b) An application for a qualified elector under subsection  
22 (a) shall contain the following information: Home residence at  
23 the time of entrance into actual military service or Federal  
24 employment, length of time a citizen, length of residence in  
25 Pennsylvania, date of birth, length of time a resident of voting  
26 district, voting district if known, party choice in case of  
27 primary, name and, for a military elector, his stateside  
28 military address, FPO or APO number and serial number. Any  
29 elector other than a military elector shall in addition specify  
30 the nature of his employment, the address to which ballot is to

1 be sent, relationship where necessary, and such other  
2 information as may be determined and prescribed by the Secretary  
3 of the Commonwealth. Unenrolled electors who wish to vote in a  
4 primary shall specify which political party's ballot they are  
5 seeking. Upon confirming an unenrolled elector's status as a  
6 registered elector, the county board shall record and process  
7 the application accordingly. When such application is received  
8 by the Secretary of the Commonwealth it shall be forwarded to  
9 the proper county board of election.

10 (b.1) An application for a qualified elector other than  
11 under subsection (a) shall contain the following information:  
12 Date of birth, length of time a resident of voting district,  
13 voting district if known, party choice in case of primary and  
14 name. The elector shall in addition specify the nature of his or  
15 her employment, the address to which ballot is to be sent,  
16 relationship where necessary, and other information as may be  
17 determined and prescribed by the Secretary of the Commonwealth.  
18 Unenrolled electors who wish to vote in a primary shall specify  
19 which political party's ballot they are seeking. Upon confirming  
20 an unenrolled elector's status as a registered elector, the  
21 county board shall record and process the application  
22 accordingly. When the application is received by the Secretary  
23 of the Commonwealth it shall be forwarded to the proper county  
24 board of election.

25 \* \* \*

26 Section 1302-D. Applications for official mail-in ballots.

27 \* \* \*

28 (b) Content.--The following shall apply:

29 (1) The qualified elector's application shall contain  
30 the following information:

- 1 (i) Date of birth.
- 2 (ii) Length of time a resident of voting district.
- 3 (iii) Voting district, if known.
- 4 (iv) Party choice in case of primary.
- 5 (v) Name.

6 (2) A qualified elector shall, in addition, specify the  
7 address to which the ballot is to be sent, the relationship  
8 where necessary and other information as may be determined by  
9 the Secretary of the Commonwealth.

10 (3) When an application is received by the Secretary of  
11 the Commonwealth it shall be forwarded to the proper county  
12 board of election.

13 (4) Unenrolled electors who wish to vote in a primary  
14 shall specify which political party's ballot they are  
15 seeking. Upon confirming an unenrolled elector's status as a  
16 registered elector, the county board shall record and process  
17 the application accordingly.

18 \* \* \*

19 Section 1404. Computation of Returns by County Board;  
20 Certification; Issuance of Certificates of Election.--

21 \* \* \*

22 (b) It shall be the duty of each board of registration  
23 commissioners in each county, before the time fixed for the  
24 county board to convene for purpose of computing and canvassing  
25 returns of any primary or election, to certify to said county  
26 board the total registration of each election district within  
27 its jurisdiction, and the enrollment of each district by  
28 political parties at primaries. The county board, before  
29 computing the votes cast in any election district, shall compare  
30 said registration and enrollment figures with the certificates

1 returned by the election officers showing the number of persons  
2 who voted in each district or the number of ballots cast. If,  
3 upon consideration by said return board of the returns before it  
4 from any election district and the certificates aforesaid, it  
5 shall appear that the total vote returned for any candidate or  
6 candidates for the same office or nomination or on any question  
7 exceeds the number of registered or enrolled electors in said  
8 election district or exceeds the total number of persons who  
9 voted in said election district or the total number of ballots  
10 cast therein, [or, if it shall appear that the total number of  
11 partisan votes returned for any candidate or candidates for the  
12 same office or nomination at any primary exceeds the number of  
13 electors registered or enrolled in said district as members of  
14 that political party, or exceeds the total number of persons  
15 belonging to that party who voted in said district or the total  
16 number of ballots of that party cast therein, in any such case,]  
17 such excess shall be deemed a discrepancy and palpable error,  
18 and shall be investigated by the return board, and no votes  
19 shall be recorded from such district until such investigation  
20 shall be had, and such excess shall authorize--(a) the summoning  
21 of the election officers, overseers, machine inspectors, and  
22 clerks to appear forthwith with any election papers in their  
23 possession; (b) the production of the ballot box before the  
24 return board, and the examination and scrutiny of all of its  
25 contents, and all of the registration and election documents  
26 whatever, relating to said district, in the presence of  
27 representatives of each party and candidate interested who are  
28 attending the canvass of such votes; and the recount of the  
29 ballots contained in said ballot box, either generally or  
30 respecting the particular office, nomination, or question as to



1 which the excess exists, in the discretion of the return board;  
2 (c) the correction of the returns in accordance with the result  
3 of said recount; (d) in the discretion of the return board, the  
4 exclusion of the poll of that district, either as to all  
5 offices, candidates, questions, and parties, or as to any  
6 particular offices, candidates, questions, or parties as to  
7 which said excess exists, if the ballot box be found to contain  
8 more ballots than there are electors registered or enrolled in  
9 said election district, or more ballots of one party than there  
10 are electors registered or enrolled in said district as members  
11 of that party, or more ballots than the number of voters who  
12 voted at said election, or more ballots of one party than the  
13 number of voters of that party who voted at said election; (e) a  
14 report of the facts of the case to the district attorney where  
15 such action appears to be warranted.

16 \* \* \*

17 Section 1824. Election Officers Refusing to Permit Elector  
18 to Vote in Proper Party at Primaries.--Any judge, inspector or  
19 clerk of election who refuses to permit an elector at any  
20 primary at which ballots are used to receive the ballot of the  
21 party with which he is [enrolled] entitled to vote, or who gives  
22 to any such elector the ballot of any party in which he is not  
23 [enrolled] entitled to vote, or any judge, or inspector of  
24 election, or machine inspector who, at any primary at which  
25 voting machines are used, adjusts any voting machine about to be  
26 used by an elector so as not to permit him to vote for the  
27 candidates of the party in which he is [enrolled] entitled to  
28 vote, or so as to permit him to vote for the candidates of any  
29 party in which he is not [enrolled] entitled to vote, shall be  
30 guilty of a misdemeanor of the first degree, and, upon

1 conviction thereof, shall be sentenced to pay a fine not  
2 exceeding ten thousand (\$10,000) dollars, or to undergo an  
3 imprisonment of not more than five (5) years, or both, in the  
4 discretion of the court.

5 Section 5. Section 1834 of the act is repealed:

6 [Section 1834. Elector Voting Ballot of Wrong Party at  
7 Primary.--Any elector who shall wilfully vote at any primary the  
8 ballot of a party in which he is not enrolled, in violation of  
9 the provisions of this act, shall be guilty of a misdemeanor of  
10 the second degree, and, upon conviction thereof, shall be  
11 sentenced to pay a fine not exceeding five thousand (\$5,000)  
12 dollars, or to undergo an imprisonment of not more than two (2)  
13 years, or both, in the discretion of the court.]

14 Section 6. This act shall take effect immediately.