

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1686 Session of
1999

INTRODUCED BY CLYMER, ARGALL, FARGO, FREEMAN, GODSHALL, HALUSKA,
HARHAI, HERMAN, HERSHEY, MELIO, NICKOL, RUBLEY, B. SMITH,
STEIL, STERN, TANGRETTI, E. Z. TAYLOR AND WILT, JUNE 16, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 16, 1999

AN ACT

1 Amending the act of June 30, 1995 (P.L.170, No.25), entitled "An
2 act providing for voter registration, for registration
3 commissions, for remedies and for absentee ballots; imposing
4 penalties; making appropriations; and making repeals,"
5 providing for change of addresses, for approval of
6 applications, for fees, for information lists, for reports,
7 for physical disabilities, for removal of voters, for
8 affirmations and for incorrect records.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Sections 523(c)(1) and (4), 528(d)(1), 703(d),
12 704(a)(1), 706(a), 904(a), 905 and 1901(b) and (c) of the act of
13 June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter
14 Registration Act, are amended to read:

15 Section 523. Application with driver's license application.

16 * * *

17 (c) Transmission.--

18 (1) The Department of Transportation shall forward
19 completed applications or contents of the completed voter
20 registration applications in machine-readable format to the

1 department by the close of registration for the ensuing
2 election.

3 * * *

4 (4) Changes of address shall comply with the following:

5 (i) The Department of Transportation shall notify
6 the secretary of changes of address received under
7 subsection (a)(3). The secretary shall notify the
8 commission of the county of the registrant's prior
9 residence. [Except as provided in subparagraph (ii), if
10 the registrant has moved outside of the county, the
11 commission shall forward the registrant's registration
12 card to the commission of the registrant's new county of
13 residence.] Except as provided in subparagraph (ii), if
14 the registrant has moved to an address within the
15 commission's jurisdiction, the commission shall update
16 the registration record of the registrant. All changes of
17 address received by the commission under this section at
18 least 30 days before a primary, general or municipal
19 election must be processed by the commission for the
20 ensuing election. If the registrant has moved outside of
21 the county, the commission shall send a notice in
22 accordance with section 1901(d)(2). If the registrant has
23 moved to an address within the commission's jurisdiction,
24 the commission shall use the notice procedures under
25 subparagraph (ii).

26 (ii) In the case of changes of address within the
27 same county received by the Department of Transportation
28 which do not contain a signature of the registrant, the
29 commission receiving the change of address notification
30 shall mail a notice to the registrant at the new

1 residence address requesting verification of the address
2 change[. The verification notice shall be in
3 substantially the following form:

4 Date.....

5 Office of the Registration Commission

6 County, Pennsylvania

7 (Address and Telephone No. of County)

8 We have been notified by the Department of Transportation
9 that you recently moved from (old
10 residence address) to (new residence
11 address) and that this change of address is to serve as a
12 change of address for voter registration purposes. Unless
13 you notify this office within ten days from the date of
14 this notice that this information is not correct, your
15 voter registration will be transferred to
16 County. You may notify this office by calling the
17 telephone number appearing on this form or by mailing
18 this notice to this office. You need not notify this
19 office if this information is correct.

20

21 Chief Clerk

22 If the address change is within the commission's
23 jurisdiction, the county shall notify the registrant what
24 precinct the new address is in using the following form:]
25 and notifying the registrant of the precinct in which the
26 new address is located. The notice shall be in
27 substantially the following form:

28 Date.....

29 Office of the Registration Commission

30 County, Pennsylvania

..... (Address and Telephone No. of County)

We have been notified by the Department of Transportation that you recently moved from (old residence address) to (new residence address) and that this change of address is to serve as a change of address for voter registration purposes. Unless you notify this office within ten days from the date of this notice that this information is not correct, your voter registration will be transferred to (new precinct) in this county. You may notify this office by calling the telephone number appearing on this form or by mailing this notice to this office. You need not notify this office if this information is correct.

.....

Chief Clerk

Such [notices] notice must be sent by first class nonforwardable mail, return postage guaranteed, and must be in a form approved by the secretary and designed in such a manner to allow the registrant to indicate that the address change is incorrect, the reason why such discrepancy exists and for return to the county commission. Such notice must be signed by the registrant and dated.

(iii) If the registrant does not return the notice under subparagraph (ii) within the ten-day period, the commission shall process the change of address [according to subparagraph (i)]. If the registrant notifies the commission that the information is incorrect and the commission is satisfied with the registrant's explanation of the discrepancy, the address of the registrant's

1 registration shall remain unchanged. If the verification
2 notification is returned by the post office, the
3 commission shall direct a confirmation notice to the
4 registrant's address of former residence in accordance
5 with section 1901(d)(2).

6 * * *

7 Section 528. Approval of registration applications.

8 * * *

9 (d) Disposition.--

10 (1) When the registration of an elector has been finally
11 processed under subsection (b)(2), the commission shall
12 transmit to the applicant by first class nonforwardable mail
13 a wallet-sized voter's identification card, which shall serve
14 as notice to the applicant of the disposition of the
15 application. The card shall contain all of the following:

16 (i) Name and address of the elector.

17 (ii) Name of municipality.

18 (iii) Identification of elector's ward and district.

19 (iv) Effective date of registration.

20 (v) Designation of party enrollment [and date of
21 enrollment].

22 (vi) A space for the elector's signature or mark.

23 (vii) A statement that the card relates only to the
24 time of issuance of the card and is not of itself
25 evidence or proof of the qualifications of the elector to
26 vote at an election or proof of identification for
27 purposes of applying for or receiving general assistance
28 and that it is not necessary to present the card when
29 voting. The statements required by this subparagraph
30 shall be placed on the reverse side of the card from

1 where all of the other information required by this
2 paragraph is placed.

3 * * *

4 Section 703. Street lists.

5 * * *

6 (d) Organizations.--The commission [may] shall, for a
7 reasonable fee [approved by the secretary], distribute the list
8 under subsection (a), to organized bodies of citizens upon
9 request.

10 Section 704. Public information lists.

11 (a) Establishment.--

12 (1) The registration commission [shall] may provide for
13 computer inquiries concerning individual registered voters.
14 With respect to each voter who is the subject of an inquiry,
15 the information provided shall contain the name, address,
16 date of birth and voting history. Upon request, the
17 commission shall supply a printed record for each such voter
18 subject to the provisions of this act. In addition, the
19 commission may make available for inspection a printed or
20 computerized public information list containing the name,
21 address, date of birth and voting history of each registered
22 voter in the county.

23 * * *

24 Section 706. Reports.

25 (a) Commission.--By March 1, the commission shall submit to
26 the secretary an annual report setting forth the number of
27 electors registered under sections 522, 523, 524 and 525. The
28 report shall specify the number of electors whose registration
29 has been canceled [under Chapter 9] in accordance with this act
30 and any other information required by the secretary.

1 * * *

2 Section 904. Physical disability.

3 (a) Eligibility.--If an elector by reason of blindness,
4 disability or inability to read or write, is unable to read the
5 names on the ballot or on the voting machine labels, or is
6 unable to see or mark the ballot or operate the voting machine
7 or to enter the voting compartment or voting machine booth
8 without assistance, the following apply:

9 (1) The elector may, at least ten days prior to the next
10 election, personally make application to the commission or a
11 registrar or a clerk.

12 (2) The application must request the entry of the exact
13 nature of the disability on the elector's registration card.

14 (3) The commission shall make the entry as appropriate.

15 (4) If the disability is not entered on the registration
16 card, the elector may receive assistance if the elector
17 completes a declaration in the polling place.

18 (5) Following the election, the commission shall examine
19 declarations completed under this section, and shall update
20 the elector's voter registration record to reflect the need
21 for assistance and the nature of the disability.

22 * * *

23 Section 905. [Department of Health.] Death of registrant.

24 (a) Department of Health.--The registration commission shall
25 cancel the registration of a registered elector reported dead by
26 the Department of Health. The Department of Health shall, within
27 60 days of receiving notice of the death of an individual 18
28 years of age or older, send the name and address of residence of
29 that individual to the commission on a form prescribed by the
30 department.

1 (b) Other sources.--The registration commission may utilize
2 newspaper obituaries, contact with the deceased individual's
3 relatives, personal knowledge of an employee in the commission
4 or documentation such as the issuance of letters testamentary
5 from the office of the register of wills to cancel the
6 registration of a registered elector prior to notification by
7 the Department of Health, provided, that such removals are
8 uniform, nondiscriminatory and in compliance with the Voting
9 Rights Act of 1965 (Public Law 89-110, 42 U.S.C. § 1973 et
10 seq.).

11 (c) Corrections.--An individual incorrectly reported
12 deceased by the Department of Health or incorrectly removed by
13 the commission for reason of death may appear in person before a
14 commissioner, registrar or clerk at the office of the commission
15 and prove identity. The commission, upon such proof, shall
16 correct its records.

17 Section 1901. Removal of voters.

18 * * *

19 (b) Voter removal program.--

20 (1) The commission shall establish a program to identify
21 electors whose address may have changed by establishing one
22 of the following programs:

23 (i) National change of address. The [secretary]
24 commission shall [establish by regulation a program
25 whereby] use information supplied by the United States
26 Postal Service through its licensees [is used] on a
27 periodic basis, but not less than once every calendar
28 year, to identify electors who may have changed
29 [addresses] their address. [The information shall be
30 incorporated in the administration of the Statewide

1 central registry and shall be forwarded to the
2 commissions in a manner determined by the secretary by
3 regulation.]

4 (A) If it appears from the information provided
5 through the United States Postal Service that an
6 elector has moved to a different residence address
7 within the same county as the elector is currently
8 registered, the commission shall change the
9 registration records to show the new address and
10 shall send the elector, to the address [recorded on
11 the elector's registration] of prior residence, a
12 notice of the change of address by forwardable mail
13 and a postage prepaid, preaddressed return form by
14 which the elector may verify or correct the address
15 information. If a notice under this clause is not
16 returned by the elector confirming the change of
17 address or the notice is returned by the United
18 States Postal Service as undeliverable, the
19 commission shall direct a confirmation notice to the
20 registrant's address of former residence in
21 accordance with subsection (d)(2).

22 (B) If it appears from the information provided
23 through the United States Postal Service that an
24 elector has moved to a different residence address
25 outside the county, the commission shall use the
26 notice procedure described in [clause (A)] subsection
27 (d)(2).

28 (ii) Confirmation mailing:

29 (A) A commission may establish a program by
30 sending a direct, nonforwardable first class "return

1 if undeliverable - address correction requested"
2 mailing to all registered electors in the county.

3 (B) If this program is established, the
4 commission shall use the notice procedure described
5 in subparagraph (i)(A) for any elector whose mailing
6 is returned undeliverable[.] and it appears that such
7 elector has moved to an address within the same
8 county. If a mailing is returned as undeliverable and
9 it appears that an elector has moved to a different
10 residence address outside the county or if no further
11 address information is available, the commission
12 shall use the notice procedures described in
13 subsection (d)(2).

14 (2) In conjunction with and not as an alternative to a
15 program established under paragraph (1), a canvass may be
16 used as follows:

17 (i) The registration commission may, by
18 commissioners or by inspectors of registration, verify
19 the registration in an election district by visiting the
20 building from which an elector is registered and other
21 buildings as the commission deems necessary.

22 (ii) The commission shall make a record of the name
23 and address of each registered elector who is found not
24 to reside at the registered address or who for any other
25 reason appears to be not qualified to vote in the
26 registered election district.

27 (iii) The commission shall leave at the address of
28 each person referred to in subparagraph (ii) a notice
29 requiring him to communicate with the commission on or
30 before a date which the commission shall designate, and

1 which shall be not less than seven days and not more than
2 15 days from the date of the notice and in any case not
3 later than the 15th day preceding the election next
4 ensuing, and satisfy the commission of his qualifications
5 as an elector. The commission shall cause a confirmation
6 of each such notice to be sent by mail promptly to such
7 person at the address from which he is registered. The
8 envelope containing such information is to be plainly
9 marked that it is not to be forwarded. At the expiration
10 of the time specified in the notice, the commission shall
11 cancel the registration of such person who has not
12 communicated with the commission and proved his
13 qualifications as an elector.

14 (iv) To facilitate the canvass under this section,
15 the commission may, when necessary, appoint special
16 inspectors of registration, in number not exceeding
17 double the number of election districts being canvassed.

18 (v) Special inspectors must be qualified electors of
19 the county. They shall be appointed without reference to
20 residence in election districts or to political
21 affiliations or beliefs. The commission shall instruct
22 special inspectors in their duties. Special inspectors
23 have the powers conferred by this act upon inspectors of
24 registration.

25 (3) In conjunction with and not as an alternative to a
26 program established under paragraph (1), the commission
27 [shall] may send a notice pursuant to subsection (d) to any
28 elector who has not voted nor appeared to vote during the
29 period beginning five years before the date of the notice and
30 ending on the date of the notice and for whom the board of

elections did not during that period in any other way receive any information that the voter still resides in the registered election district.

(4) Commissions shall complete, not later than 90 days before each primary or general election, at least once per year one of the voter removal programs under this section.

This paragraph shall not be construed to preclude any of the following:

(i) Cancellation of an elector's registration as provided for under subsection (a)(1) or (2).

(ii) Correction of registration records in accordance with this act.

(c) Identification of inactive voters.--A commission shall mark an "I" on the registration card of each elector who has been mailed a form under subsection [(b)(1) or (3)] (d)(2) and has failed to respond, which shall be included with all other registration cards for that polling site and located at the individual's polling site on the day of the election.

* * *

Section 2. Section 1902 of the act is amended by adding a subsection to read:

Section 1902. Procedure for voting following failure to return notification card.

* * *

(c) Examination of affirmations.--Following the election, the commission shall examine affirmations completed under this section. If the elector has affirmed a change of address within the county, the commission shall update the elector's voter registration records. If the elector has affirmed a change of address outside of the county, the commission shall cancel the

1 elector's registration and notify the elector in accordance with
2 this act.

3 Section 3. Section 1903 of the act is amended to read:

4 Section 1903. Incorrect records.

5 [If] At any election, if an elector claims that registration
6 records incorrectly indicate that [an] the elector has moved
7 from an address in the area covered by a polling place, the
8 elector shall, upon written affirmation before an election
9 official at that polling place, be permitted to vote at that
10 polling place. Following the election, the commission shall
11 examine affirmations completed under this section and correct
12 the electors' voter registration records accordingly.

13 Section 4. This act shall take effect in 60 days.