

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2346 Session of
1982

INTRODUCED BY FRYER, GALLEN, DUFFY, LEVI, PETRONE, SHOWERS,
GAMBLE, CAWLEY AND BRANDT, MARCH 22, 1982

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 22, 1982

AN ACT

1 Amending the act of April 29, 1937 (P.L.487, No.115), entitled,
2 as reenacted and amended, "An act to provide for the
3 permanent personal registration of electors in cities of the
4 second class, cities of the second class A, cities of the
5 third class, boroughs, towns, and townships as a condition of
6 their right to vote at elections and primaries, and their
7 enrollment as members of political parties as a further
8 condition of their right to vote at primaries; prescribing
9 certain procedure for the conduct of elections and primaries
10 and the challenge and proof of qualifications of electors;
11 requiring the county commissioners of the various counties to
12 act as a registration commission therefor; and prescribing
13 the powers and duties of citizens, parties, political bodies,
14 registration commissions, commissioners, registrars,
15 inspectors of registration and other appointees of
16 registration commissions, county election boards, election
17 officers, municipal officers, departments and bureaus, police
18 officers, courts, judges, prothonotaries, sheriffs, county
19 commissioners, peace officers, county treasurers, county
20 controllers, registrars of vital statistics, certain public
21 utility corporations, real estate brokers, rental agents, and
22 boards of school directors; and imposing penalties," further
23 providing for cancellation or suspension of registration.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 38, act of April 29, 1937 (P.L.487,
27 No.115), known as "The Permanent Registration Act for Cities of
28 the Second Class, Cities of the Second Class A, Cities of the

1 Third Class, Boroughs, Towns and Townships," reenacted and
2 amended May 31, 1955 (P.L.62, No.32), and amended July 1, 1976
3 (P.L.504, No.123), is amended to read:

4 Section 38. Cancellation or Suspension of Registration Upon
5 Failure to Vote during Two Calendar Years; Request for
6 Reinstatement; Effect of Removal Notice.--Within three months
7 after January first of each year except in such years as the
8 commission shall conduct a check of electors in compliance with
9 clause (c) of section thirty of this act, the registration
10 commission shall cause all of the district registers to be
11 examined, and in the case of each elector who has been
12 registered for a period of at least two immediately preceding
13 calendar years and who is not recorded as having voted at any
14 election or primary during said period, the commission shall
15 send to such elector by mail, at his address appearing upon his
16 registration card, a notice setting forth that the records of
17 the commission indicate that he has not voted during the two
18 immediately preceding calendar years and that his registration
19 will be cancelled or suspended at the expiration of [ten] twenty
20 days from the date of mailing such notice unless he shall,
21 within that period, file with the commission, either personally
22 or by mail, a written request for reinstatement of his
23 registration, or a removal notice properly executed, setting
24 forth his place of residence, and signed by him. At the
25 expiration of the time specified in the notice, the commission
26 shall cancel or suspend the registration of such elector unless
27 he has filed with the commission a signed request for
28 reinstatement of his registration as above provided, or a
29 removal notice: Provided, however, That the official
30 registration application card of an elector who has registered

1 by mail may qualify as a reinstatement of his registration, or a
2 removal notice. The cancellation or suspension of the
3 registration of any such elector for failure to vote during the
4 two immediately preceding calendar years shall not affect the
5 right of any such elector to subsequently register in the manner
6 provided by this act.

7 Such removal notice, properly executed, shall have the same
8 effect as the request for reinstatement, as above provided,
9 where failure to vote during two calendar years may cause
10 cancellation or suspension of registration. Either a removal
11 notice card or request for reinstatement card shall be permitted
12 to be used interchangeably in such circumstances: Provided, That
13 in counties in which a reinstatement system is maintained, any
14 elector who, due to circumstances beyond his control, has failed
15 to vote or file a removal notice card as heretofore provided
16 may, on the day of any election or primary, appear at the office
17 of the commission and, upon satisfactory proof, execute and file
18 the necessary removal or reinstatement notice in accordance with
19 the provisions of this act. On any of the aforesaid days, such
20 elector may petition the proper court of common pleas praying
21 for such order directed to the election board of his district
22 that will enable him to exercise his right of suffrage. Appended
23 to said petition shall be a certification to the court by the
24 commission or such person or persons as it may authorize,
25 stating the reason for the removal of the elector's registration
26 card from its active file and further certifying that he has now
27 been duly registered and his card transferred to its active file
28 for all intents and purposes. The petition shall be signed by
29 the petitioner whose signature shall be compared by an election
30 officer with the signature of the petitioner as it appears on

1 the voter's certificate as executed by him for the purpose of
2 identification and qualified to vote.

3 Section 2. This act shall take effect in 30 days.