

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1744 Session of  
2005

INTRODUCED BY VEON, BEBKO-JONES, BIANCUCCI, CALTAGIRONE,  
FREEMAN, GERGELY, GOODMAN, GRUCELA, JAMES, JOSEPHS, KOTIK,  
LaGROTTA, LEDERER, MUNDY, RAMALEY, SHANER, SOLOBAY, WHEATLEY,  
YOUNGBLOOD, LEACH, LEVDANSKY, OLIVER, ROONEY, SHAPIRO, STURLA  
AND WOJNAROSKI, JUNE 15, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 15, 2005

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated  
2 Statutes, further providing for approval of registration  
3 applications, for challenges, for hearings and for appeals to  
4 court of common pleas.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Sections 1328, 1329, 1330 and 1602 of Title 25 of  
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 1328. Approval of registration applications.

10 (a) Examination.--Upon receiving a voter registration  
11 application, a commissioner, clerk or registrar of a commission  
12 shall do all of the following:

13 (1) Initial and date the receipt of the application.

14 (1.1) Notify by means of a postcard addressed to the  
15 applicant that the application has been received. This notice  
16 shall be given to the applicant no later than 20 days prior  
17 to the election.

1           (2) Examine the application to determine all of the  
2 following:

3           (i) Whether the application is complete.

4           (ii) Whether the applicant is a qualified elector.

5           (iii) Whether the applicant has an existing  
6 registration record. After the commission is connected to  
7 the SURE system, the commissioner, clerk or registrar  
8 shall search the SURE system on a Statewide basis to  
9 determine if the applicant has an existing registration  
10 record.

11           (iv) Whether the applicant is entitled or qualified  
12 to receive the requested transfer or change, if  
13 applicable.

14 (b) Decision.--A commission shall do one of the following:

15           (1) Record and forward a voter registration application  
16 to the proper commission if the commission finds during its  
17 examination under subsection (a) that the applicant does not  
18 reside within the commission's county but resides elsewhere  
19 in this Commonwealth.

20           (2) Reject a voter registration application, indicate  
21 the rejection and the reasons for the rejection on the  
22 application and notify the applicant by first class  
23 nonforwardable mail, return postage guaranteed of the  
24 rejection and the reason if the commission finds during its  
25 examination under subsection (a) any of the following:

26           (i) The application was not properly completed and,  
27 after reasonable efforts by the commission to ascertain  
28 the necessary information, the application remains  
29 incomplete or inconsistent.

30           (ii) The applicant is not a qualified elector.

1 (iii) The applicant is not entitled to a transfer of  
2 registration or a change of address.

3 (iv) The applicant is not legally qualified for a  
4 change of name.

5 A rejection shall be made no later than [ten] 15 days before  
6 the election succeeding the filing of the application.

7 (3) Process a voter registration application in  
8 accordance with subsection (c) if the commission finds during  
9 its examination under subsection (a) all of the following:

10 (i) The application requests registration.

11 (ii) The application contains the required  
12 information indicating that the applicant is a qualified  
13 elector of the county.

14 (4) Process a voter registration application in  
15 accordance with subsection (c) and update its registration  
16 records if the commission finds during its examination under  
17 subsection (a) all of the following:

18 (i) The application requests registration.

19 (ii) The application contains the required  
20 information indicating that the applicant is a qualified  
21 elector of the county.

22 (iii) The applicant is currently a registered  
23 elector of the county.

24 (5) Process a voter registration application in  
25 accordance with subsection (c) and request transfer of  
26 registration records in accordance with subsection (d) if the  
27 commission finds during its examination under subsection (a)  
28 all of the following:

29 (i) The application requests registration.

30 (ii) The application contains the required

1 information indicating that the applicant is a qualified  
2 elector of the county.

3 (iii) The applicant is currently a registered  
4 elector of another county.

5 (6) Process a voter registration application in  
6 accordance with subsection (c) and request transfer of  
7 registration records in accordance with subsection (d) if the  
8 commission finds during its examination under subsection (a)  
9 all of the following:

10 (i) The application requests a transfer of  
11 registration.

12 (ii) The application contains the required  
13 information indicating that the applicant is a qualified  
14 elector of the county.

15 (iii) The applicant is currently a registered  
16 elector of another county.

17 (7) Process a voter registration application in  
18 accordance with subsection (c) and update its registration if  
19 the commission finds during its examination under subsection  
20 (a) all of the following:

21 (i) The application requests a change of address.

22 (ii) The application contains the required  
23 information indicating that the applicant is a qualified  
24 elector of the county.

25 (iii) The applicant is currently a registered  
26 elector of the county.

27 (8) Process a voter registration application in  
28 accordance with subsection (c) and update its registration  
29 records if the commission finds during its examination under  
30 subsection (a) all of the following:

1           (i) The application requests a change of name.

2           (ii) The applicant is legally qualified to a change  
3 of name.

4           (iii) The application contains the required  
5 information indicating that the applicant is a qualified  
6 elector of the county.

7           (iv) The applicant is currently a registered elector  
8 of the county.

9       (c) Processing of voter registration.--

10       (1) When a commission has accepted a voter registration  
11 application under subsection (b)(3), the commission shall  
12 assign each applicant a unique identification number in the  
13 SURE system. The commission shall mail a wallet-sized voter's  
14 identification card to the individual by first class  
15 nonforwardable mail, return postage guaranteed, which shall  
16 serve as notice of the acceptance of the application. [The  
17 card shall contain all of the following:] The card shall be  
18 mailed no later than 14 days prior to the election and shall  
19 contain all of the following:

20           (i) Name and address of the individual.

21           (ii) Name of municipality of residence.

22           (iii) Identification of the individual's ward and  
23 district.

24           (iv) The effective date of registration.

25           (v) Designation of party enrollment and date of  
26 enrollment.

27           (vi) A space for the individual's signature or mark.

28           (vii) The unique identification number of the  
29 individual.

30           (viii) A statement that the individual must notify

1 the commission within [ten] five business days from the  
2 date it was mailed if any information on the card is  
3 incorrect; otherwise, the information shall be deemed  
4 correct for voter registration purposes.

5 (2) When a commission has accepted a voter registration  
6 application under subsection (b)(4), (5), (6), (7) or (8),  
7 the commission shall mail a wallet-sized voter's  
8 identification card to the individual by first class  
9 nonforwardable mail, return postage guaranteed, which shall  
10 serve as notice of the acceptance of the application. [The  
11 card shall contain all of the following:] The card shall be  
12 mailed no later than 14 days prior to the election and shall  
13 contain all of the following:

14 (i) Name and address of the individual.

15 (ii) Name of municipality of residence.

16 (iii) Identification of the individual's ward and  
17 district.

18 (iv) The effective date of registration.

19 (v) Designation of party enrollment and date of  
20 enrollment.

21 (vi) A space for the individual's signature or mark.

22 (vii) The SURE registration number of the  
23 individual.

24 (viii) A statement that the individual must notify  
25 the commission within [ten] five business days from the  
26 date it was mailed if any information on the card is  
27 incorrect; otherwise, the information shall be deemed  
28 correct for voter registration purposes.

29 (3) An envelope containing a voter identification card  
30 shall be marked on the outside with a request to the

1 postmaster to return it within five days if it cannot be  
2 delivered to the addressee at the address given.

3 (4) (i) If an envelope containing a voter  
4 identification card has been mailed in accordance with  
5 paragraphs (1) and (3) and has not been returned to the  
6 commission by the postmaster within ten days from the  
7 date it was mailed, the individual shall be deemed a  
8 registered elector of the county and the commission shall  
9 enter the individual's registration information in the  
10 general register. The unique identification number shall  
11 be entered as the registered elector's SURE registration  
12 number. No person shall be deemed a registered elector of  
13 the county until ten days after the voter identification  
14 card has been mailed.

15 (ii) If an envelope containing a voter  
16 identification card has been mailed in accordance with  
17 paragraphs (2) and (3) and has not been returned to the  
18 commission by the postmaster within ten days from the  
19 date it was mailed, the individual shall be deemed a  
20 registered elector of the county and the commission shall  
21 enter the individual's registration information in the  
22 general register. No person shall be deemed a registered  
23 elector of the county until ten days after the voter  
24 identification card has been mailed.

25 [(5)] (iii) If an envelope containing a voter  
26 identification card is returned by the postmaster because  
27 the envelope is undeliverable at the given address, the  
28 commission shall investigate. If the commission finds  
29 that the individual is not qualified to register from the  
30 address, the commission shall reject the application and

1           shall notify the individual by first class forwardable  
2           mail of this action.

3       (d) Transfer of registration records.--

4           (1) If, during application, an individual discloses that  
5           the individual is a registered elector of another county, the  
6           commission of the individual's new county of residence shall  
7           direct a cancellation notice to the commission of the  
8           individual's former county of residence in accordance with  
9           regulations promulgated under this part.

10          (2) Upon receipt of a notice transmitted in accordance  
11          with paragraph (1), the commission of the individual's former  
12          county of residence shall investigate. If the commission  
13          finds that the individual is a registered elector of the  
14          county, the commission shall verify the address change with  
15          the registered elector in accordance with this part. Upon  
16          verifying that the registered elector has moved to another  
17          county of residence, the commission shall cancel the  
18          registered elector's registration, transfer a copy of the  
19          canceled registration record to the commission of the  
20          registered elector's new county of residence and retain a  
21          record of the transfer. The commission of both counties shall  
22          promptly update information contained in their registration  
23          records.

24       (e) Challenges.--All challenges to applications for  
25       registration shall be made as provided in section 1329 (relating  
26       to challenges).

27   § 1329. Challenges.

28       (a) Standing.--An individual claiming the right to be  
29       registered may be challenged by a commissioner, registrar or  
30       clerk or by a qualified elector of the municipality.



1 (b) Complaint.--To make a challenge, a complainant must file  
2 a challenge affidavit in a form prescribed by the secretary  
3 containing the following information:

4 (1) Name of challenged individual.

5 (2) Address of challenged individual.

6 (3) Name of complainant.

7 (4) Address of complainant.

8 (5) Date of affidavit.

9 (6) Reason for challenge.

10 (c) Response.--An individual who is challenged must respond  
11 to the challenge affidavit as set forth in subsection (b) in a  
12 written statement sworn or affirmed by the individual. [The  
13 challenged individual must produce such other evidence as may be  
14 required to satisfy the registrar or commissioner as to the  
15 individual's qualifications as a qualified elector.] The  
16 challenged individual must produce sufficient evidence to  
17 satisfy the registrar or commissioner as to the individual's  
18 qualification as a qualified elector. A receipt or stamped  
19 application, administered by the county voter registration  
20 office or Department of Transportation shall establish a  
21 presumption of registration.

22 (d) Resolution.--If the challenged individual establishes to  
23 the satisfaction of the commission the right to be registered as  
24 required by this part, the challenged individual shall be  
25 registered. If the challenged individual does not establish to  
26 the satisfaction of the commission the right to be registered as  
27 provided in this part, the challenged individual's registration,  
28 if any, shall be canceled, and the commission shall promptly  
29 update information contained in its registration records.

30 § 1330. Appeals.

1 (a) Right.--An individual whose application to be registered  
2 has been denied may file with the commission a petition to be  
3 registered, setting forth the grounds of the petition under oath  
4 or affirmation. The petition must be filed by the [15th] seventh  
5 business day prior to an election.

6 (b) Hearing.--

7 (1) The commission shall fix a time for a public hearing  
8 at its office not later than the [tenth] fifth business day  
9 prior to the election.

10 (2) The commission shall give the person responsible for  
11 the rejection 48 hours' notice of the hearing.

12 (3) At the hearing, a clerk, inspector of registration  
13 or qualified elector of the county may offer evidence as to  
14 why the petitioner should not be registered.

15 (4) The commission, if satisfied that the petitioner is  
16 entitled to be registered, shall direct registration.

17 § 1602. Court of common pleas.

18 (a) Standing.--The following have standing to appeal an  
19 action of a commission to the appropriate court of common pleas:

20 (1) An applicant whose claim for registration has been  
21 denied.

22 (2) An individual whose registration has been canceled  
23 by a commission.

24 (3) A qualified elector of a municipality whose rights  
25 are impaired by any general order made by a commission.

26 (b) Time.--An appeal under subsection (a) must be made by  
27 the [seventh] fifth day preceding an election.

28 (c) Grounds.--The appeal must request relief and set forth  
29 the grounds for relief.

30 (d) Hearing.--Upon timely receipt of an appeal under this

1 section, the court shall conduct a hearing.

2 (e) Order.--If the court finds that an injustice has been  
3 done, it shall reverse or modify the ruling of the commission  
4 and issue appropriate injunctive relief.

5 (f) Costs.--

6 (1) Except as provided in paragraph (2), the court may  
7 award costs for the appeal to the prevailing party.

8 (2) Costs may not be assessed against a commission or a  
9 county.

10 Section 2. This act shall take effect in 60 days.