

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1338 Session of  
1975

INTRODUCED BY GARZIA, JUNE 2, 1975

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JUNE 3, 1975

AN ACT

1 Amending the act of April 29, 1937 (P.L.487, No.115), entitled,  
2 as amended, "An act to provide for the permanent personal  
3 registration of electors in cities of the second class,  
4 cities of the second class A, cities of the third class,  
5 boroughs, towns, and townships as a condition of their right  
6 to vote at elections and primaries, and their enrollment as  
7 members of political parties as a further condition of their  
8 right to vote at primaries; prescribing certain procedure for  
9 the conduct of elections and primaries and the challenge and  
10 proof of qualifications of electors; requiring the county  
11 commissioners of the various counties to act as a  
12 registration commission therefor; and prescribing the powers  
13 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 extending the time period before removing names from certain  
24 registration lists for not voting.

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

27 Section 1. Section 38, act of April 29, 1937 (P.L.487,  
28 No.115), known as "The Permanent Registration Act for Cities of  
29 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 September 2,  
3 1961 (P.L.1205, No.530), is amended to read:

4 Section 38. Cancellation or Suspension of Registration Upon  
5 Failure to Vote during Two or Four 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 in cities and counties of the second class and  
14 four immediately preceding calendar years in other  
15 municipalities covered by this act and who is not recorded as  
16 having voted at any election or primary during said period, the  
17 commission shall send to such elector by mail, at his address  
18 appearing upon his registration card, a notice setting forth  
19 that the records of the commission indicate that he has not  
20 voted during the two immediately preceding calendar years in  
21 cities and counties of the second class and four immediately  
22 preceding calendar years in other municipalities covered by this  
23 act and that his registration will be cancelled or suspended at  
24 the expiration of ten days from the date of mailing such notice  
25 unless he shall, within that period, file with the commission,  
26 either personally or by mail, a written request for  
27 reinstatement of his registration, or a removal notice properly  
28 executed, setting forth his place of residence, and signed by  
29 him. At the expiration of the time specified in the notice, the  
30 commission shall cancel or suspend the registration of such

1 elector unless he has filed with the commission a signed request  
2 for reinstatement of his registration as above provided, or a  
3 removal notice. The cancellation or suspension of the  
4 registration of any such elector for failure to vote during the  
5 two immediately preceding calendar years in cities and counties  
6 of the second class and four immediately preceding calendar  
7 years in other municipalities covered by this act shall not  
8 affect the right of any such elector to subsequently register by  
9 personal application to the commission, or a commissioner, or a  
10 registrar or a clerk, in the manner provided by this act.

11 Such removal notice, properly executed, shall have the same  
12 effect as the request for reinstatement, as above provided,  
13 where failure to vote during two calendar years in cities and  
14 counties of the second class and four calendar years in other  
15 municipalities covered by this act may cause cancellation or  
16 suspension of registration. Either a removal notice card or  
17 request for reinstatement card shall be permitted to be used  
18 interchangeably in such circumstances: Provided, That in  
19 counties in which a reinstatement system is maintained, any  
20 elector who, due to circumstances beyond his control, has failed  
21 to vote or file a removal notice card as heretofore provided  
22 may, on the day of any election or primary, appear at the office  
23 of the commission and, upon satisfactory proof, execute and file  
24 the necessary removal or reinstatement notice in accordance with  
25 the provisions of this act. On any of the aforesaid days, such  
26 elector may petition the proper court of common pleas praying  
27 for such order directed to the election board of his district  
28 that will enable him to exercise his right of suffrage. Appended  
29 to said petition shall be a certification to the court by the  
30 commission or such person or persons as it may authorize,

1 stating the reason for the removal of the elector's registration  
2 card from its active file and further certifying that he has now  
3 been duly registered and his card transferred to its active file  
4 for all intents and purposes. The petition shall be signed by  
5 the petitioner whose signature shall be compared by an election  
6 officer with the signature of the petitioner as it appears on  
7 the voter's certificate as executed by him for the purpose of  
8 identification and qualified to vote.

9 Section 2. This act shall take effect immediately.