

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 227

Session of  
1983

INTRODUCED BY MAYERNIK, POTT, PRESTON, PETRONE, COWELL, MRKONIC,  
DUFFY, PISTELLA, MICHLOVIC, OLASZ, VAN HORNE, TRELLO, DAWIDA,  
GAMBLE, MARMION AND DALEY, FEBRUARY 15, 1983

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 6, 1983

## 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,"  
23 extending the time before CERTAIN persons may be purged from <—  
24 the voter rolls.

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

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

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

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

1 removal notice: Provided, however, That the official  
2 registration application card of an elector who has registered  
3 by mail may qualify as a reinstatement of his registration, or a  
4 removal notice. The cancellation or suspension of the  
5 registration of any such elector for failure to vote during the  
6 ~~two~~~~four~~ immediately preceding calendar years shall not affect <—  
7 the right of any such elector to subsequently register in the  
8 manner provided by this act.

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

1 the petitioner whose signature shall be compared by an election  
2 officer with the signature of the petitioner as it appears on  
3 the voter's certificate as executed by him for the purpose of  
4 identification and qualified to vote.

5 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

6 SECTION 38.1. CANCELLATION OR SUSPENSION OF REGISTRATION IN  
7 COUNTIES CONTAINING A CITY OF THE SECOND CLASS UPON FAILURE TO  
8 VOTE DURING FOUR CALENDAR YEARS; REQUEST FOR REINSTATEMENT;  
9 EFFECT OF REMOVAL NOTICE.--WITHIN THREE MONTHS AFTER JANUARY  
10 FIRST OF EACH YEAR EXCEPT IN SUCH YEARS AS THE COMMISSION SHALL  
11 CONDUCT A CHECK OF ELECTORS IN COMPLIANCE WITH CLAUSE (C) OF  
12 SECTION THIRTY OF THIS ACT, THE REGISTRATION COMMISSION IN EACH  
13 COUNTY CONTAINING A CITY OF THE SECOND CLASS SHALL CAUSE ALL OF  
14 THE DISTRICT REGISTERS TO BE EXAMINED, AND IN THE CASE OF EACH  
15 ELECTOR WHO HAS BEEN REGISTERED FOR A PERIOD OF AT LEAST FOUR  
16 IMMEDIATELY PRECEDING CALENDAR YEARS AND WHO IS NOT RECORDED AS  
17 HAVING VOTED AT ANY ELECTION OR PRIMARY DURING SAID PERIOD, THE  
18 COMMISSION SHALL SEND TO SUCH ELECTOR BY MAIL, AT HIS ADDRESS  
19 APPEARING UPON HIS REGISTRATION CARD, A NOTICE SETTING FORTH  
20 THAT THE RECORDS OF THE COMMISSION INDICATE THAT HE HAS NOT  
21 VOTED DURING THE FOUR IMMEDIATELY PRECEDING CALENDAR YEARS AND  
22 THAT HIS REGISTRATION WILL BE CANCELLED OR SUSPENDED AT THE  
23 EXPIRATION OF TEN DAYS FROM THE DATE OF MAILING SUCH NOTICE  
24 UNLESS HE SHALL, WITHIN THAT PERIOD, FILE WITH THE COMMISSION,  
25 EITHER PERSONALLY OR BY MAIL, A WRITTEN REQUEST FOR  
26 REINSTATEMENT OF HIS REGISTRATION, OR A REMOVAL NOTICE PROPERLY  
27 EXECUTED, SETTING FORTH HIS PLACE OF RESIDENCE, AND SIGNED BY  
28 HIM. AT THE EXPIRATION OF THE TIME SPECIFIED IN THE NOTICE, THE  
29 COMMISSION SHALL CANCEL OR SUSPEND THE REGISTRATION OF SUCH  
30 ELECTOR UNLESS HE HAS FILED WITH THE COMMISSION A SIGNED REQUEST

1 FOR REINSTATEMENT OF HIS REGISTRATION AS ABOVE PROVIDED, OR A  
2 REMOVAL NOTICE: PROVIDED, HOWEVER, THAT THE OFFICIAL  
3 REGISTRATION APPLICATION CARD OF AN ELECTOR WHO HAS REGISTERED  
4 BY MAIL MAY QUALIFY AS A REINSTATEMENT OF HIS REGISTRATION, OR A  
5 REMOVAL NOTICE. THE CANCELLATION OR SUSPENSION OF THE  
6 REGISTRATION OF ANY SUCH ELECTOR FOR FAILURE TO VOTE DURING THE  
7 FOUR IMMEDIATELY PRECEDING CALENDAR YEARS SHALL NOT AFFECT THE  
8 RIGHT OF ANY SUCH ELECTOR TO SUBSEQUENTLY REGISTER IN THE MANNER  
9 PROVIDED BY THIS ACT.

10 SUCH REMOVAL NOTICE, PROPERLY EXECUTED, SHALL HAVE THE SAME  
11 EFFECT AS THE REQUEST FOR REINSTATEMENT, AS ABOVE PROVIDED,  
12 WHERE FAILURE TO VOTE DURING FOUR CALENDAR YEARS MAY CAUSE  
13 CANCELLATION OR SUSPENSION OF REGISTRATION. EITHER A REMOVAL  
14 NOTICE CARD OR REQUEST FOR REINSTATEMENT CARD SHALL BE PERMITTED  
15 TO BE USED INTERCHANGEABLY IN SUCH CIRCUMSTANCES: PROVIDED, THAT  
16 IN COUNTIES IN WHICH A REINSTATEMENT SYSTEM IS MAINTAINED, ANY  
17 ELECTOR WHO, DUE TO CIRCUMSTANCES BEYOND HIS CONTROL, HAS FAILED  
18 TO VOTE OR FILE A REMOVAL NOTICE CARD AS HERETOFORE PROVIDED  
19 MAY, ON THE DAY OF ANY ELECTION OR PRIMARY, APPEAR AT THE OFFICE  
20 OF THE COMMISSION AND, UPON SATISFACTORY PROOF, EXECUTE AND FILE  
21 THE NECESSARY REMOVAL OR REINSTATEMENT NOTICE IN ACCORDANCE WITH  
22 THE PROVISIONS OF THIS ACT. ON ANY OF THE AFORESAID DAYS, SUCH  
23 ELECTOR MAY PETITION THE PROPER COURT OF COMMON PLEAS PRAYING  
24 FOR SUCH ORDER DIRECTED TO THE ELECTION BOARD OF HIS DISTRICT  
25 THAT WILL ENABLE HIM TO EXERCISE HIS RIGHT OF SUFFRAGE. APPENDED  
26 TO SAID PETITION SHALL BE A CERTIFICATION TO THE COURT BY THE  
27 COMMISSION OR SUCH PERSON OR PERSONS AS IT MAY AUTHORIZE,  
28 STATING THE REASON FOR THE REMOVAL OF THE ELECTOR'S REGISTRATION  
29 CARD FROM ITS ACTIVE FILE AND FURTHER CERTIFYING THAT HE HAS NOW  
30 BEEN DULY REGISTERED AND HIS CARD TRANSFERRED TO ITS ACTIVE FILE

1 FOR ALL INTENTS AND PURPOSES. THE PETITION SHALL BE SIGNED BY  
2 THE PETITIONER WHOSE SIGNATURE SHALL BE COMPARED BY AN ELECTION  
3 OFFICER WITH THE SIGNATURE OF THE PETITIONER AS IT APPEARS ON  
4 THE VOTER'S CERTIFICATE AS EXECUTED BY HIM FOR THE PURPOSE OF  
5 IDENTIFICATION AND QUALIFIED TO VOTE.

6 Section 2 3. This act shall take effect in 60 days.

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