

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2990 Session of
2002

INTRODUCED BY GRUCELA, BISHOP, COSTA, DALEY, FRANKEL, GEORGE,
HARHAI, JAMES, KIRKLAND, LAUGHLIN, MANN, MELIO, ROBERTS,
SOLOBAY, STABACK, SURRA, THOMAS AND McCALL, NOVEMBER 20, 2002

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 20, 2002

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
2 Statutes, further providing for qualifications to register
3 and for eligibility for primaries; and making repeals.

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

6 Section 1. Sections 1301, 1325(b) and 1327 of Title 25 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 1301. Qualifications to register.

9 (a) Eligibility.--An individual who will be at least 18
10 years of age on the day of the next election, who has been a
11 citizen of the United States for at least one month prior to the
12 next election and who has resided in this Commonwealth and the
13 election district where the individual offers to vote for at
14 least 30 days prior to the next ensuing election and has not
15 been confined in a penal institution for a conviction of a
16 felony within the last five years shall be eligible to register
17 as provided in this chapter.

18 (b) Effect.--No individual shall be permitted to vote at any

1 election unless the individual is registered under this
2 subsection, except as provided by law or by order of a court of
3 common pleas. No registered elector shall be required to
4 register again for any election while the elector continues to
5 reside at the same address.

6 (c) Removal of residence.--Except as otherwise provided by
7 this part, a registered elector who removes residence from one
8 place to another outside the elector's last election district
9 shall not be entitled to vote in the election district of the
10 elector's last residence except pursuant to the provisions of
11 this section and sections 1501(b) (relating to removal notices),
12 1502 (relating to transfer of registration) and 1902 (relating
13 to procedure for voting following failure to return notification
14 card).

15 (d) Eligibility for primaries.--An individual who meets the
16 requirements of subsection (a) who will be at least 18 years of
17 age on the day of the next general or municipal election may
18 register and vote for the corresponding primary. No person shall
19 be entitled to vote as a member of a party at any primary unless
20 he is registered and enrolled as a member of such party upon the
21 district register. This enrollment upon the district register
22 shall be conclusive as to his party membership and shall not be
23 subject to challenge on the day of the primary.

24 § 1325. Government agencies.

25 * * *

26 (b) Forms.--An agency designated in subsection (a) shall
27 provide a form for office visits or, if the agency provides
28 services to persons with disabilities, for home visits which
29 contains all of the following:

30 (1) The question "If you are not registered to vote

1 where you live now, would you like to apply to register to
2 vote today?"

3 (2) If the agency provides public assistance, the
4 statement "Applying to register or declining to register to
5 vote will not affect the amount of assistance that you will
6 be provided by this agency."

7 (3) Boxes for the applicant to check to indicate whether
8 the applicant would like to register or decline to register
9 to vote. In close proximity to the boxes the following words
10 shall appear in prominent type: "IF YOU DO NOT CHECK EITHER
11 BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER
12 TO VOTE AT THIS TIME."

13 (4) The statement "In order to be qualified to register
14 to vote, you must be at least 18 years of age on the day of
15 the next general, municipal or special election, you must
16 have been a citizen of the United States for at least one
17 month prior to the next election and have resided in
18 Pennsylvania and the election district where you plan to vote
19 for at least 30 days prior to the next election, and you must
20 not have been confined in a penal institution for a
21 conviction of a felony within the last five years."

22 (5) The statement "If you would like help in filling out
23 the voter registration application form, we will help you.
24 The decision whether to seek help is yours. You may fill out
25 the form in private."

26 (6) The statement "If you believe that someone has
27 interfered with your right to register or to decline to
28 register to vote, your right to privacy in deciding whether
29 to register or in applying to register to vote or your right
30 to choose your own political party or other political

1 preference, you may file a complaint with the Secretary of
2 the Commonwealth, Pennsylvania Department of State,
3 Harrisburg, PA 17120." The secretary shall establish and
4 publish a toll-free telephone number for the purpose of
5 receiving complaints.

6 * * *

7 § 1327. Preparation and distribution of applications.

8 (a) Form.--

9 (1) The secretary shall prescribe the form of an
10 official voter registration application. The official voter
11 registration application shall provide space for the
12 following information about the applicant:

13 (i) Full name.

14 (ii) Address of residence. If the residence is a
15 portion only of the house, the location or number of the
16 room, apartment or floor which is occupied.

17 (iii) Mailing address if different than address of
18 residence.

19 (iv) Name and residence address on previous
20 registration and the year of that registration.

21 (v) Designation of political party, for the purpose
22 of voting at a primary election.

23 (vi) Date of birth.

24 (vii) Telephone number. An application shall not be
25 rejected because of noncompliance with this subparagraph.

26 (viii) Race. An application shall not be rejected
27 because of noncompliance with this subparagraph.

28 (2) Data required on the voter registration application
29 shall not be more nor less than the minimum data elements
30 permissible for Federal voter registration.

1 (3) Any person who assists in the completion of the
2 registration application shall sign the application and
3 indicate the person's address. In the case of those
4 registering under sections 1323 (relating to application with
5 driver's license application) and 1325 (relating to
6 government agencies), the person providing assistance shall
7 insert the person's initials or employee or agent
8 identification number on a separate or detachable portion of
9 the application or computer data file.

10 (4) A voter registration application shall be printed on
11 stock of good quality and shall be of suitable uniform size.
12 Nothing in this part shall prohibit the design and use of an
13 electronic voter registration application which includes the
14 applicant's digitized or electronic signature. The
15 registration application shall contain the following
16 information; however, the information may be provided on a
17 separate form for voter registration made under section 1323
18 or 1325:

19 (i) Notice that a registered elector does not need
20 to reregister unless the registered elector has moved.

21 (ii) Instructions on how to fill out and submit the
22 application and notification of when the application must
23 be submitted to a voter registration office in order to
24 be registered for the ensuing election.

25 (iii) Notice that the applicant must be a citizen of
26 the United States for at least one month prior to the
27 next election and a resident of this Commonwealth and the
28 election district for at least 30 days and must be at
29 least 18 years of age by the day of the next [ensuing]
30 general, municipal or special election and has not been

1 confined in a penal institution for a conviction of a
2 felony within the last five years. The notice required in
3 this subparagraph shall be in print identical to the
4 declaration under subsection (b).

5 (iv) Notice that political party enrollment is
6 mandatory to vote in a primary election of a political
7 party.

8 (v) Notice that the commission will mail by
9 nonforwardable mail to the applicant a voter's
10 identification card upon acceptance of the application
11 and that the applicant should contact the commission if
12 the identification card is not received within 14 days
13 from the date the application is sent to the registration
14 office.

15 (vi) Notice that registration is not complete until
16 the application is processed and accepted by the
17 commission.

18 (vii) A warning to the applicant that making a false
19 registration or furnishing false information is perjury.
20 The notice required in this subparagraph shall be in
21 print identical to the declaration under subsection (b).

22 (viii) Instructions to Federal or State employees
23 who wish to retain voting residence in county of last
24 residence to so indicate on the application.

25 (ix) Notice that, if an individual declines to
26 register to vote, the fact that the individual has
27 declined to register will remain confidential and will be
28 used only for voter registration purposes. The notice
29 required in this subparagraph shall be in print identical
30 to the declaration under subsection (b).

1 (x) Notice that, if an individual does register to
2 vote, the office at which the individual submits a voter
3 registration application will remain confidential and
4 will be used for voter registration purposes only. The
5 notices required in this subparagraph shall be in print
6 identical to the declaration in subsection (b).

7 (5) In jurisdictions where there is a single language
8 minority, the secretary may print a bilingual application.

9 (6) In jurisdictions where a single language minority
10 exceeds 5% of the population, the secretary shall:

11 (i) print a bilingual application; and

12 (ii) conduct a public educational program among that
13 language group alerting both organizations and
14 individuals of that group of the availability of the
15 bilingual application and encouraging individuals to
16 register.

17 (7) To implement section 1324 (relating to application
18 by mail), the secretary shall print an official voter
19 registration mail application designed to preserve the
20 confidentiality of the information required to be submitted.
21 The application shall contain information required by this
22 section and shall include the name of each county seat, its
23 post office mailing address and zip code and its telephone
24 number. Voter registration mail applications shall contain
25 information indicating whether the application is a new
26 registration, change of party enrollment, change of address
27 or change of name.

28 (8) Nothing in this part shall prohibit a private
29 organization or individual from printing blank voter
30 registration applications or shall prohibit the use of such

1 applications by any other individual, provided that the form,
2 content and paper quality of such voter registration
3 application complies with department regulations for the
4 forms or has received prior approval from the secretary.

5 (b) Registration declaration.--

6 (1) The official voter registration application shall
7 contain a registration declaration. On the declaration, the
8 applicant shall state all of the following:

9 (i) The applicant has been a citizen of the United
10 States for at least one month prior to the next election.

11 (ii) On the day of the next [ensuing] general,
12 municipal or special election, the applicant shall be at
13 least 18 years of age.

14 (iii) On the day of the next ensuing election, the
15 applicant shall have resided in this Commonwealth and in
16 the election district for at least 30 days.

17 (iv) The applicant has not been confined in a penal
18 institution for a conviction of a felony within the last
19 five years.

20 (v) The applicant is legally qualified to vote.

21 (2) The applicant shall affirm all of the following:

22 (i) The information provided in the registration
23 declaration is true.

24 (ii) The applicant understands that:

25 (A) the registration declaration will be
26 accepted for all purposes as the equivalent of an
27 affidavit; and

28 (B) if the registration contains a material
29 false statement, the applicant shall be subject to
30 penalties for perjury.

1 (3) The registration declaration shall contain the
2 printed name and signature of the applicant and the date of
3 signing. An applicant unable to sign the voter registration
4 application shall make a mark before a person of the
5 applicant's choice other than the applicant's employer or an
6 agent of the applicant's union. The person shall insert the
7 person's name, address and telephone number. If the person is
8 an employee or agent of the Department of Transportation or
9 another agency as provided under section 1325 and is
10 assisting the applicant in an official capacity, the employee
11 or agent shall insert the initials and identification number
12 of the employee or agent. In the case of applicants
13 registering under section 1323 or 1325, the person providing
14 assistance shall insert initials or employee or agent
15 identification number on a separate or detachable portion of
16 the application or computer data file.

17 (4) The official registration application shall contain
18 a notice entitled "PENALTY FOR FALSIFYING DECLARATION." The
19 notice shall advise the applicant that if a person signs an
20 official registration application knowing a statement
21 declared in the application to be false, the person commits
22 perjury. The notice shall specify the penalty for perjury.

23 (c) Distribution.--

24 (1) The secretary shall supply official registration
25 applications to commissions.

26 (2) The secretary shall make available for distribution
27 official voter registration applications to public libraries,
28 public schools, State-related institutions of higher
29 education, offices operated by the Department of Revenue,
30 offices operated by the Department of Aging, area agencies on

1 aging, offices operated by the Pennsylvania Game Commission
2 or any of its authorized license-issuing agents, offices
3 operated by the Pennsylvania Fish and Boat Commission or any
4 of its issuing agents, and offices that provide unemployment
5 compensation.

6 (3) Each participating agency identified under paragraph
7 (2) shall:

8 (i) Provide that official voter registration mail
9 applications are available on the premises and displayed
10 prominently in a conspicuous location during normal
11 business hours.

12 (ii) Provide an official voter registration mail
13 application to any individual requesting one.

14 (iii) Provide reasonable space for nonpartisan signs
15 or posters indicating the availability of official voter
16 registration mail applications on the premises.

17 (4) The secretary may provide technical assistance to
18 commissions upon request and agencies designated under
19 paragraph (2).

20 (5) The secretary shall print and distribute mail
21 registration applications which are not postage paid and
22 which shall not be specific to any county registration
23 office. Along with the distribution of such applications, the
24 secretary shall also include instructions to inform the
25 applicant where the application is to be sent.

26 (6) The secretary and commissions shall supply
27 applications to all of the following:

28 (i) Persons and organizations who request
29 applications.

30 (ii) Federal, State and political subdivision

1 offices.

2 (iii) Political parties and political bodies.

3 (iv) Candidates.

4 (d) Staff.--Agency employees assisting in the distribution
5 of voter registration applications under subsection (c) shall
6 conduct themselves in a manner consistent with the following
7 principles:

8 (1) They shall not seek to influence an applicant's
9 political preference or party registration or display
10 political preference or party allegiance.

11 (2) They shall not make any statement to an applicant or
12 take any action the purpose of or effect of which is to
13 discourage the applicant from registering to vote.

14 (3) They shall not make any statement to an applicant or
15 take any action the purpose of or effect of which is to lead
16 the applicant to believe that a decision to register or not
17 to register has any bearing on the availability of services
18 or benefits.

19 Agency employees who violate this subsection shall be removed
20 from employment, provided that the agency at its discretion may
21 impose a penalty of suspension without pay for at least 30 days,
22 but not more than 120 days, if it finds that the violation does
23 not warrant termination.

24 Section 2. Sections 701, 702, 703 and 704 of the act of June
25 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election
26 Code, are repealed.

27 Section 3. This act shall take effect in 60 days.