

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 539 Session of
1991

INTRODUCED BY ROBINSON, KUKOVICH, VEON, DALEY, COWELL, CAWLEY,
GIGLIOTTI, PESCI, FREEMAN, TRELLO, LEVDANSKY, ITKIN, HARPER,
JAMES, HUGHES, FEE, GEORGE, STURLA, ROEBUCK, STABACK, KAISER,
BELARDI, STISH, SALOOM, BATTISTO, ADOLPH, WOZNIAK, DERMODY,
BLAUM, STEIGHNER, McNALLY, MIHALICH, PETRARCA, MAIALE, SURRA,
MELIO, WILLIAMS, LAUGHLIN AND TELEK, MARCH 11, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 11, 1991

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 for canceling a registration.

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

26 Section 1. Section 17.1(a) of the act of April 29, 1937

1 (P.L.487, No.115), known as The Permanent Registration Act for
2 Cities of the Second Class, Cities of the Second Class A, Cities
3 of the Third Class, Boroughs, Towns, and Townships, reenacted
4 and amended May 31, 1955 (P.L.62, No.32) and added July 1, 1976
5 (P.L.504, No.123), is amended to read:

6 Section 17.1. Official Nonpersonal Voter Registration
7 Application Cards; Preparation and Distribution.--(a) For the
8 purpose of enabling qualified electors of each city of the
9 second class, city of the second class A, city of the third
10 class, borough, town or township, to register by mail, the
11 Secretary of the Commonwealth shall cause to be prepared and
12 printed at the expense of the State, official registration
13 application cards containing spaces for entering the information
14 required by sections 18, 18.1 and 18.2 of this act. The form
15 shall be a bifold self mailer so designed as to preserve the
16 confidentiality of the information required to be submitted by
17 the registrant. The form shall also be designed in order to
18 require the applicant to affix two signatures, one signature to
19 be affixed under the declaration of the applicant and the other
20 signature on a removable label or other device to be affixed
21 under the information required of the applicant. In addition,
22 the form shall include a detachable portion on which the
23 registrant shall print his name, present residential address,
24 postal designation and zip code. Such portion shall include on
25 the reverse side, printed notification to the registrant that
26 his application form has been received and is being processed by
27 the county registration commission. Such notification shall be
28 sent within three days from receipt thereof, by first class non-
29 forwardable mail, return postage guaranteed, with all postage
30 costs to be paid by the State.

1 The Secretary of the Commonwealth may also cause to be
2 printed bilingual forms for use of applicants in those
3 jurisdictions wherein there is a single language minority and
4 shall cause such bilingual forms to be printed in those
5 jurisdictions wherein a single language minority exceeds five
6 percent and in such jurisdiction shall cause a public
7 educational program to be conducted among that language group
8 alerting both organizations and individuals of that group of the
9 availability of such forms and encouraging unregistered voters
10 to register.

11 The form shall contain the following information:

12 (1) Notice that those currently registered do not need to
13 re-register unless they have moved or failed to vote at least
14 once during the immediately preceding [two] four calendar years.

15 (2) Notice of a registrant's right to also register in
16 person.

17 (3) Instructions on how to fill out and submit the
18 application card and that the card must be received by the
19 appropriate county registration commission at least thirty days
20 prior to the ensuing primary or election at which the applicant
21 may offer to vote.

22 (4) Notice that the registrant must be a citizen of the
23 United States for at least one month, a resident of
24 Pennsylvania, the county and the election district for at least
25 thirty days, and must be eighteen years old on or before the day
26 following the ensuing primary or election at which the
27 registrant offers to vote.

28 (5) Notice that political party enrollment is mandatory to
29 vote in a primary election of a political party.

30 (6) Notice that the voter notification stub from the

1 application card form will be mailed non-forwardable and
2 advising the registrant to contact the county registration
3 commission in the event such notification stub is not received
4 within ten days from the date the application is sent to the
5 county board of elections.

6 (7) Information designating the name of each county seat
7 together with its post office mailing address and zip code and
8 telephone number.

9 (8) Notice that registration or enrollment is not complete
10 until the application card is processed and accepted by the
11 commission.

12 (9) A warning to the registrant that the State penalty for
13 making a false registration or furnishing false information
14 shall be perjury punishable by fine of one thousand dollars
15 (\$1,000) and/or five (5) years imprisonment, plus loss of
16 suffrage for ten (10) years.

17 (10) Instructions to Federal or State employees who wish to
18 retain voting residence in county of last residence to so
19 indicate on the application form.

20 (11) A notice that the telephone number of the registrant
21 may be inserted in a place provided therefore.

22 * * *

23 Section 2. Section 19 of the act, amended July 12, 1972
24 (P.L.779, No.184), is amended to read:

25 Section 19. Who May Register; Who May Vote; Electors Need
26 Register Only Once; Exception.--Every person living in a city of
27 the second class, city of the second class A, city of the third
28 class, borough, town or township who shall possess all the
29 qualifications of an elector as provided in the Constitution and
30 laws of this Commonwealth, and has been a citizen of the United

1 States for at least one month and who has resided in this
2 Commonwealth and the election district where he shall offer to
3 vote for at least thirty days prior to the next ensuing general,
4 municipal or primary election, shall be entitled to be
5 registered as herein provided. From and after the first day of
6 June, one thousand nine hundred fifty-five, no person shall be
7 permitted to vote at any election or primary held in any city of
8 the second class, city of the second class A, city of the third
9 class, borough, town or township unless he shall have been so
10 registered, except by order of a court of common pleas as
11 hereinafter provided; and no elector so registered shall be
12 required to register again for any election or primary while he
13 continues to reside at the same address, unless his registration
14 is cancelled by reason of his failure to vote during a period of
15 [two] four years as hereinafter provided.

16 Section 3. Section 38 of the act, amended June 3, 1983
17 (P.L.14, No.7), is amended to read:

18 Section 38. Cancellation or Suspension of Registration Upon
19 Failure to Vote during [Two] Four Calendar Years; Request for
20 Reinstatement; Effect of Removal Notice.--(a) Within three
21 months after January first of each year except in such years as
22 the commission shall conduct a check of electors in compliance
23 with clause (c) of section thirty of this act, the registration
24 commission shall cause all of the district registers to be
25 examined, and in the case of each elector who has been
26 registered for a period of at least [two] four immediately
27 preceding calendar years and who is not recorded as having voted
28 at any election or primary during said period, the commission
29 shall send to such elector by mail, at his address appearing
30 upon his registration card, a notice setting forth that the

1 records of the commission indicate that he has not voted during
2 the [two] four immediately preceding calendar years and that his
3 registration will be cancelled or suspended at the expiration of
4 thirty days from the date of mailing such notice unless he
5 shall, within that period, file with the commission, either
6 personally or by mail, a written request for reinstatement of
7 his registration, or a removal notice properly executed, setting
8 forth his place of residence, and signed by him. At the
9 expiration of the time specified in the notice, the commission
10 shall cancel or suspend the registration of such elector unless
11 he has filed with the commission a signed request for
12 reinstatement of his registration as above provided, or a
13 removal notice: Provided, however, That the official
14 registration application card of an elector who has registered
15 by mail may qualify as a reinstatement of his registration, or a
16 removal notice. The cancellation or suspension of the
17 registration of any such elector for failure to vote during the
18 [two] four immediately preceding calendar years shall not affect
19 the right of any such elector to subsequently register in the
20 manner provided by this act.

21 (b) Such removal notice, properly executed, shall have the
22 same effect as the request for reinstatement, as above provided,
23 where failure to vote during [two] four calendar years may cause
24 cancellation or suspension of registration. Either a removal
25 notice card or request for reinstatement card shall be permitted
26 to be used interchangeably in such circumstances: Provided, That
27 in counties in which a reinstatement system is maintained, any
28 elector who, due to circumstances beyond his control, has failed
29 to vote or file a removal notice card as heretofore provided
30 may, on the day of any election or primary, appear at the office

1 of the commission and, upon satisfactory proof, execute and file
2 the necessary removal or reinstatement notice in accordance with
3 the provisions of this act. On any of the aforesaid days, such
4 elector may petition the proper court of common pleas praying
5 for such order directed to the election board of his district
6 that will enable him to exercise his right of suffrage. Appended
7 to said petition shall be a certification to the court by the
8 commission or such person or persons as it may authorize,
9 stating the reason for the removal of the elector's registration
10 card from its active file and further certifying that he has now
11 been duly registered and his card transferred to its active file
12 for all intents and purposes. The petition shall be signed by
13 the petitioner whose signature shall be compared by an election
14 officer with the signature of the petitioner as it appears on
15 the voter's certificate as executed by him for the purpose of
16 identification and qualified to vote.

17 Section 4. This act shall take effect in 60 days.