THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 934 Session of 2011

INTRODUCED BY METCALFE, AUMENT, BARRAR, BOYD, CAUSER, CLYMER, D. COSTA, COX, CREIGHTON, CRUZ, CUTLER, DENLINGER, DUNBAR, ELLIS, EVANKOVICH, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GRELL, GROVE, HELM, HICKERNELL, KAUFFMAN, KNOWLES, KRIEGER, MAHER, MARSHALL, MILLARD, MOUL, PEIFER, PERRY, PETRI, PICKETT, PYLE, RAPP, REED, ROAE, SACCON, SAYLOR, SCHRODER, SIMMONS, SONNEY, STEVENSON, TALLMAN, TRUITT, VULAKOVICH AND REICHLEY, MARCH 4, 2011

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 9, 2011

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," in preliminary provisions, defining "proof of identification"; in the Secretary of the Commonwealth, providing for requirements relating to voter identification; and, in preparation for and conduct of primaries and elections, further providing for manner of applying to vote, persons entitled to vote, voter's certificates, entries to be made in district register, numbered lists of voters and challenges.

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

Section 1. Section 102 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by
adding a definition to read:

Section 102. Definitions.--The following words, when used in this act, shall have the following meanings, unless otherwise clearly apparent from the context:

* * *

(z.5) The words "proof of identification" shall mean a document that satisfies all of the following:

(1) The document shows the name of the individual to whom the document was issued and the name conforms to the name of the individual as it appears in the district register.

(2) The document shows a photograph of the individual to whom the document was issued.

(3) The document includes an expiration date.

(4) The document is not expired or expired after the date of the most recent general election.

(5) The document was issued by the United States or the Commonwealth.

Section 2. The act is amended by adding a section to read:

Section 206. Requirements Relating to Voter Identification.--(a) The Secretary of the Commonwealth shall prepare and disseminate information to the public regarding the photo PROOF OF identification requirements established under section 1210.

(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b) (relating to issuance and content of driver's license) to the contrary, the Department of Transportation shall issue an identification card described in 75 Pa.C.S. § 1510(b) at no cost to any registered elector who has made application therefor and has included with the completed application a signed affidavit stating that the elector is unable to obtain another form of
photo identification, including a driver's license, that the
elector is unable to pay the required fee for the identification
card and that the elector is a registered elector as defined in
25 Pa.C.S. § 1102 (relating to definitions) STATEMENT SIGNED BY
THE ELECTOR DECLARING THAT THE ELECTOR DOES NOT POSSESS PROOF OF
IDENTIFICATION AND REQUIRES PROOF OF IDENTIFICATION FOR VOTING
PURPOSES.

(c) The Secretary of the Commonwealth shall prepare the form
of the affidavit STATEMENT described in subsection (b) and shall
distribute the form to the counties and the Department of
Transportation. The Secretary of the Commonwealth, the Secretary
of Transportation and the county boards of election shall
disseminate information to the public regarding the availability
of identification cards under subsection (b).

Section 3. Section 1210(a), (a.1), (a.2), (a.3) and (a.4)(1)
and (5) of the act, amended October 8, 2004 (P.L.807, No.97) and
May 12, 2006 (P.L.178, No.45), is amended AND THE SECTION IS
AMENDED BY ADDING A SUBSECTION to read:

Section 1210. Manner of Applying to Vote; Persons Entitled
to Vote; Voter's Certificates; Entries to Be Made in District
Register; Numbered Lists of Voters; Challenges.--(a) [At]
EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (A.1), AT every
primary and election each elector who appears to vote [in that
election district for the first time] and who desires to vote
shall first present to an election officer [one of the following
forms of photo identification:

(1) a valid driver's license or identification card issued
by the Department of Transportation;
(2) a valid identification card issued by any other agency
of the Commonwealth;
(3) a valid identification card issued by the United States Government;
(4) a valid United States passport;
(5) a valid student identification card;
(6) a valid employee identification card; or
(7) a valid armed forces of the United States identification card.

PROOF OF IDENTIFICATION.

The election officer shall examine the PROOF OF identification presented by the elector and sign an affidavit stating that this has been done.

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector:

(1) nonphoto identification issued by the Commonwealth, or any agency thereof;
(2) nonphoto identification issued by the United States Government, or agency thereof;
(3) a firearm permit;
(4) a current utility bill;
(5) a current bank statement;
(6) a paycheck;
(7) a government check.

proposed identification. The election officer shall examine the proposed identification presented by the elector and sign an affidavit stating that this has been done.

IN THE CASE OF AN ELECTOR WHO RESIDES IN A CARE FACILITY AND VOTES IN A POLLING PLACE THAT IS LOCATED IN THE CARE FACILITY, THE FOLLOWING SHALL APPLY:

(1) FOR THE PRIMARY OR ELECTION AT WHICH THE ELECTOR APPEARS
TO VOTE IN THE ELECTION DISTRICT FOR THE FIRST TIME, THE ELECTOR
SHALL FIRST PRESENT TO AN ELECTION OFFICER PROOF OF
IDENTIFICATION.

(2) THE ELECTION OFFICER SHALL EXAMINE THE PROOF OF
IDENTIFICATION PRESENTED BY THE ELECTOR AND SIGN AN AFFIDAVIT
STATING THAT THIS HAS BEEN DONE.

(a.2) If the elector is unable to produce proof of
identification:

(1) on the grounds that presentation of proof of
identification conflicts with the religious beliefs or practices
of the elector THE ELECTOR HAS A RELIGIOUS OBJECTION TO BEING
PHOTOGRAPHED;

(2) on the grounds that the elector is indigent and unable
to obtain proof of identification without the payment of a fee;
or

(3) on any other grounds
or the elector's PROOF OF identification is challenged by the
judge of elections, the elector shall be permitted to cast a
provisional ballot in accordance with subsection (a.4).

(a.3) (1) All electors, including any elector that shows
proof of identification pursuant to subsection (a), shall
subsequently sign a voter's certificate in blue, black or blue-
black ink with a fountain pen or ball point pen, and, unless he
is a State or Federal employe who has registered under any
registration act without declaring his residence by street and
number, he shall insert his address therein, and hand the same
to the election officer in charge of the district register.

(2) Such election officer shall thereupon announce the
elector's name so that it may be heard by all members of the
election board and by all watchers present in the polling place.
and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. 

(3) When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks.

(4) As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.
As each voter votes, his name in the order of voting shall be recorded in two (2) numbered lists of voters provided for that purpose, with the addition of a note of each voter's party enrollment after his name at primaries.

(a.4) (1) At all elections an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the district register and whose registration cannot be determined by the inspectors of election or the county election board shall be permitted to cast a provisional ballot. Individuals who [are voting for the first time at the election district] appear to vote shall be required to produce proof of identification pursuant to subsection (a) or (a.1) and if unable to do so shall be permitted to cast a provisional ballot. An individual presenting a judicial order to vote shall be permitted to cast a provisional ballot.

* * *

(5) (i) Except as provided in subclause (ii), if it is determined that the individual was registered and entitled to vote at the election district where the ballot was cast, the county board of elections shall compare the signature on the provisional ballot envelope with the signature on the elector's registration form and, if the signatures are determined to be genuine, shall count the ballot if the county board of elections confirms that the individual did not cast any other ballot, including an absentee ballot, in the election.

(ii) A provisional ballot shall not be counted if:

(A) either the provisional ballot envelope under clause (3) or the affidavit under clause (2) is not signed by the individual;
(B) the signature required under clause (3) and the signature required under clause (2) are either not genuine or are not executed by the same individual; [or]
(C) a provisional ballot envelope does not contain a secrecy envelope;
(D) in the case of a provisional ballot that was cast under subsection (a.2)(1), the elector fails to appear before the county board of elections within six calendar days following the election to execute an affidavit affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector's religious beliefs or practices conflict with presentation of proof of identification ELECTOR HAS A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED;
(E) in the case of a provisional ballot that was cast under subsection (a.2)(2), the elector fails to appear before the county board of elections within six calendar days following the election to execute an affidavit affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or
(F) in the case of a provisional ballot that was cast under subsection (a.2)(3), the elector fails to appear before the county board of elections within six calendar days following the election to present proof of identification and execute an affidavit affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the
district election board on the day of the election and cast a
provisional ballot.

(III) ONE AUTHORIZED REPRESENTATIVE OF EACH CANDIDATE IN AN
ELECTION AND ONE REPRESENTATIVE FROM EACH PARTY SHALL BE
PERMITTED TO REMAIN IN THE ROOM IN WHICH DELIBERATION OR
determination of subclause (II) is being made.

* * *

(F) DEFINITIONS.--AS USED IN THIS SECTION, "CARE FACILITY"
MEANS ANY OF THE FOLLOWING:

  (1) A LONG-TERM CARE NURSING FACILITY AS DEFINED IN SECTION
802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
"HEALTH CARE FACILITIES ACT."

  (2) AN ASSISTED LIVING RESIDENCE AS DEFINED IN SECTION 1001
"PUBLIC WELFARE CODE."

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

SECTION 4. THE AMENDMENT OF SECTION 1210 OF THE ACT SHALL
APPLY TO ELECTIONS HELD AFTER JANUARY 1, 2012.

SECTION 5. THIS ACT SHALL TAKE EFFECT JULY 1, 2011, OR
IMMEDIATELY, WHICHEVER IS LATER.