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, and defining membership of county boards of elections; providing 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.

(1) IN THE CASE OF AN ELECTOR WHO HAS A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED, A VALID-WITHOUT-PHOTO DRIVER'S LICENSE OR A VALID-WITHOUT-PHOTO IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF TRANSPORTATION.

(2) IN THE CASE OF ALL OTHER ELECTORS, A DOCUMENT THAT:

(I) 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;

(II) SHOWS A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE DOCUMENT WAS ISSUED;

(III) INCLUDES AN EXPIRATION DATE;

(IV) IS NOT EXPIRED OR EXPIRED AFTER THE DATE OF THE MOST RECENT GENERAL ELECTION; AND
(V) 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 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 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 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), ARE 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 employe 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.

The election officer shall examine the 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 the elector has a religious objection to being photographed;

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

(3) (2) 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.

(5) 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 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
of the act of June 13, 1967 (P.L.31, No.21), known as the
"Public Welfare Code."

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.