

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1028

Session of  
1979

INTRODUCED BY FREIND, SPITZ, MICOZZIE, ALDEN, F. J. LYNCH AND  
GANNON, APRIL 24, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 24, 1979

AN ACT

1 Amending the act of March 30, 1937 (P.L.115, No.40), entitled  
2 "An act to provide for the permanent personal registration of  
3 electors in cities of the first class as a condition of their  
4 right to vote at elections and primaries, and their  
5 enrollment as members of political parties as a further  
6 condition of their right to vote at primaries; prescribing  
7 certain procedure for the conduct of elections and primaries  
8 and the challenge and proof of qualifications of electors;  
9 and prescribing the powers and duties of citizens, parties,  
10 bodies of electors, registration commissions, commissioners,  
11 registrars, inspectors of registration and other appointees  
12 of registration commission, election officers, municipal  
13 officers, departments and bureaus, police officers, courts,  
14 judges, prothonotaries, sheriffs, county commissioners, peace  
15 officers, county treasurers, county controllers, registrars  
16 of vital statistics, real estate brokers, rental agents,  
17 certain public service companies, persons, firms, and  
18 corporations operating vehicles for moving furniture and  
19 household goods, and boards of school directors; and imposing  
20 penalties," further defining additional terms; further  
21 providing for the use of official registration application  
22 cards; and further providing for party enrollment.

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

25 Section 1. Section 2, act of March 30, 1937 (P.L.115,  
26 No.40), known as "The First Class City Permanent Registration  
27 Act," is amended by adding subsections to read:

28 Section 2. Definitions.--\* \* \*

1     (z) "Official registration application card" shall mean that  
2     form which is prescribed by the Secretary of the Commonwealth  
3     for use in mail registration and complies with the provisions of  
4     section 20.2 of this act.

5     (aa) "Official registration card" shall mean that form which  
6     is prescribed by the Secretary of the Commonwealth for use in  
7     entering information in the register of the election commission  
8     and which complies with the provisions of section 20 of this  
9     act.

10     Section 2. Subsection (a) of section 19.1 of the act, added  
11     July 1, 1976 (P.L.476, No.122), is amended by adding a clause to  
12     read:

13     Section 19.1. Official Nonpersonal Voter Registration  
14     Application Cards; Preparations and Distribution.--

15     (a) For the purpose of enabling qualified electors of each  
16     city of the first class to register to vote, the Secretary of  
17     the Commonwealth shall cause to be prepared and printed at the  
18     expense of the Commonwealth, nonpersonal voter registration  
19     application cards containing spaces for entering the information  
20     required by sections 20, 20.1 and 20.2 of this act. The form  
21     shall be a bifold self mailer so designed as to preserve the  
22     confidentiality of the information required to be submitted by  
23     the registrant. The form shall also be designed in order to  
24     require the applicant to affix two signatures, one signature to  
25     be affixed under the declaration of the applicant and the other  
26     signature on a removable label or other device to be affixed  
27     under the information required of the applicant. In addition,  
28     the form shall include a detachable portion on which the  
29     registrant shall print his name, present residential address,  
30     postal designation and zip code. Such portion shall include on

1 the reverse side, printed notification to the registrant that  
2 his application form has been received and is being processed by  
3 the county registration commission. Such notification shall be  
4 sent within three days from receipt thereof, by first class non-  
5 forwardable mail, return postage guaranteed, with all postage  
6 costs to be paid by the State.

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

17 The form shall contain the following information:

18 \* \* \*

19 (12) Notice that the official registration application card  
20 may also be used for changing political party enrollment.

21 \* \* \*

22 Section 3. Subsections (b) and (d) of section 20.1 and  
23 subsections (b) and (d) of section 20.2 of the act, amended July  
24 1, 1976 (P.L.476, No.122), are amended to read:

25 Section 20.1. Manner of Registration by Persons in Military  
26 Service, Persons in the Merchant Marine, Persons in Religious  
27 and Welfare Groups Officially Attached to and Serving with the  
28 Armed Forces and Civilian Federal Personnel Overseas and their  
29 Spouses and Dependents.--In addition to any other method herein  
30 provided, the following persons may also be registered in the

1 manner hereinafter set forth under this section: (1) any person  
2 in military service, his spouse and dependents; or (2) any  
3 person in the Merchant Marine, his spouse and dependents; or (3)  
4 any person in religious and welfare groups officially attached  
5 to and serving with the Armed Forces, his spouse and dependents  
6 or (4) any person who is a civilian employe of the United States  
7 outside the territorial limits of the several states of the  
8 United States and the District of Columbia, whether or not such  
9 person is subject to the civil service laws and the  
10 Classification Act of 1949 and whether or not paid from funds  
11 appropriated by the Congress, his spouse and dependents.

12 \* \* \*

13 (b) The official registration application card shall require  
14 the statement of, and shall provide sufficient space for the  
15 following information: (1) The surname of the applicant, (2) his  
16 Christian name or names, (4) the street or road and number, if  
17 any, of his home residence and the date of leaving same,  
18 provided that in the event that there is no street address, the  
19 applicant must list the nearest cross street or road, (5) if his  
20 residence was a portion only of a house, the location or number  
21 of the room or rooms, apartment, flat or floor which he  
22 occupied, (6) the date his residence began at the place which is  
23 his home residence, (7) his home residence address when he last  
24 registered and the year of such registration, including any  
25 former registration under any other surname, (8) the sex of the  
26 applicant, (9) the color of the applicant, (10) the state or  
27 territory of the United States or the foreign country where he  
28 was born, (13) whether he is unable by reason of illiteracy to  
29 read the names on the ballot or voting machine labels, (14)  
30 whether he has a physical disability which will render him

1 unable to see or mark the ballot or operate the voting machine  
2 or to enter the voting compartment or voting machine booth  
3 without assistance, and, if so, his declaration of that fact and  
4 his statement of the exact nature of such disability, (15) the  
5 designation of the political party of the elector for the  
6 purpose of voting at primaries, (16) the declaration of  
7 registration, as hereinafter prescribed, which shall be signed  
8 by the elector, (17) the height of the applicant in feet and  
9 inches, (18) the color of his hair, (19) the color of his eyes,  
10 (20) the date of his birth, (20.1) the designation by the  
11 applicant that the official registration application card is  
12 intended by the applicant for use as new registration, change of  
13 address [or], change of name or change of political party  
14 enrollment. Each registration card for registration by persons  
15 registering under this section shall also have (21) a sufficient  
16 number of spaces thereon for the insertion by the commission,  
17 but not by the applicant, of the ward and election district, if  
18 any, in which the applicant resided on the date of leaving home  
19 residence and to which he may from time to time remove after  
20 returning to his home residence, together with his street  
21 address in each such ward and district and the other data  
22 required to be given upon such removal, (22) the date of each  
23 election and primary at which the applicant votes after  
24 registration, the number and letter, if any, of the stub of the  
25 ballot issued to him, or his number in the order of admission to  
26 the voting machines, and (23) the signature or initials of the  
27 election officer, commissioner, registrar or clerk, who enters  
28 the record of voting on the card. Immediately following the  
29 spaces for inserting the required information, the applicant  
30 shall affix his signature exactly as it appears in clauses (1)

1 and (2).

2 \* \* \*

3 (d) Any person registering to vote or changing political  
4 party enrollment under this section who is unable to sign his  
5 official registration application card shall make his mark and  
6 acknowledge same before an officer qualified to take  
7 acknowledgments of deeds.

8 \* \* \*

9 Section 20.2. Manner of Registration by Certain Electors.--  
10 Any elector may, in addition to any other method herein  
11 provided, also be registered in the manner set forth in this  
12 section:

13 \* \* \*

14 (b) The official registration application card shall require  
15 the statement of, and shall provide sufficient space for the  
16 following information: (1) The surname of the applicant, (2) his  
17 Christian name or names, (4) the street or road and number of  
18 his residence providing that in the event there is no street  
19 address, the applicant must list the nearest cross street or  
20 road, (5) if his residence is a portion only of a house, the  
21 location or number of the room or rooms, apartment, flat or  
22 floor which he occupies, (6) the date his residence began at the  
23 place at which he resides, (7) his residence address when he  
24 last registered and the year of such registration, including any  
25 former registration under any other surname, (8) the sex of the  
26 applicant, (9) the color of the applicant, (10) the state or  
27 territory of the United States or the foreign country where he  
28 was born, (13) whether he is unable by reason of illiteracy to  
29 read the names on the ballot or on voting machine labels, (14)  
30 whether he has a physical disability which will render him

1 unable to see or mark the ballot or operate the voting machine  
2 or to enter the voting compartment or voting machine booth  
3 without assistance and, if so, his declaration of that fact and  
4 his statement of the exact nature of such disability, (15) the  
5 designation of the political party of the elector for the  
6 purpose of voting at primaries, (16) the declaration of  
7 registration as hereinafter prescribed which shall be signed by  
8 the elector, (17) the height of the applicant in feet and  
9 inches, (18) the color of his hair, (19) the color of his eyes,  
10 (20) the date of his birth, (20.1) the designation by the  
11 applicant that the official registration application card is  
12 intended by the applicant for use as registration change of  
13 address, change of political party enrollment or change of name.  
14 Each official registration application card for electors  
15 registering in the manner prescribed by this section shall also  
16 have a sufficient number of spaces thereon for the insertion of  
17 (21) the ward and election district, if any, in which the  
18 applicant resides and to which he may, from time to time, remove  
19 together with his street address in each such ward and district  
20 and the other data required to be given upon such removal, (22)  
21 the date of each election and primary at which the applicant  
22 votes after registration, the number and letter, if any, of the  
23 stub of the ballot issued to him or his number in the order of  
24 admission to the voting machines, and (23) the signature or  
25 initials of the election officer, commissioner, registrar or  
26 clerk, who enters the record of voting on the card. Immediately  
27 following the spaces for inserting the required information, the  
28 applicant shall affix his signature exactly as it appears in  
29 clauses (1) and (2).

30 \* \* \*

(d) Any person registering to vote or changing political party enrollment under this section who is unable to sign his official registration application card shall make his mark and acknowledged before an official who is qualified to take acknowledgment of deeds.

\* \* \*

Section 4. Subsections (c) and (g) of section 20.3 of the act added July 1, 1976 (P.L.476, No.122), are amended to read:

Section 20.3. Approval of Official Registration Application Cards.--\* \* \*

(c) If the official registration application card is one for transfer of registration and shall contain the required information, and the applicant is legally qualified to transfer his registration as stated in his application, the commission shall thereupon make such transfer. If the applicant requests a change in party enrollment and the application card contains the required information, the commission shall change the party enrollment in accordance with such application effective no later than the next primary election.

\* \* \*

(g) If the registration commission suspects that for any reason the applicant is not entitled to registration, change of party enrollment, change of address or change of name, the commission may cause an investigation to be made in reference thereto. If the commission shall find that the applicant is not qualified to register, change address or change name, the application shall be rejected and the applicant notified of such rejection with the reason therefor, provided that such rejection must be made no later than ten (10) days before the ensuing primary or election succeeding the filing of the official



1 registration application card.

2 Section 5. Section 30 and subsection (e) of section 32 of  
3 the act, section 30 amended and subsection (e) of section 32  
4 added July 1, 1976 (P.L.476, No.122), are amended to read:

5 Section 30. Change of Party Enrollment; Notice Change of  
6 Enrollment of Political Party; Cancellation of Party Enrollment;  
7 Persons Suffering Disability After Registration to Have Fact  
8 Recorded; Cancellation.--(a) The commission shall provide  
9 change of party enrollment notices, which it shall cause to be  
10 available for the convenient use of registered electors. Those  
11 notices shall be printed upon cards and shall contain spaces  
12 wherein shall be recorded under oath--(1) the street and number  
13 of the elector's residence; (2) his ward and election district;  
14 (3) the political party in which he is enrolled; (4) the  
15 political party in which he desires to be enrolled; (5) the  
16 signature of the elector; (6) the serial number of his  
17 registration card. Any person who is duly registered [and is a  
18 member of any of the categories enumerated in sections 20.1 and  
19 20.2 herein] who desires to change his party enrollment shall be  
20 permitted to do so by [addressing to] appearing before the  
21 commission [a signed written application under oath taken and  
22 subscribed to before any person authorized to administer oaths]  
23 in person, and signing a change of party enrollment of notice  
24 before the commissioner or any of its employees authorized to  
25 register electors or by submitting to the commissioners an  
26 official registration application card designated as a change of  
27 party enrollment. The application may be sent by the applicant  
28 by mail, or by any other means. If, upon examination, the  
29 signature appears authentic and the application conforms to the  
30 provisions of this section, the enrollment shall be changed in

1 accordance with the application. In the event a registered  
2 elector changes his party enrollment between any primary and the  
3 following November or municipal election, such party enrollment  
4 change shall become effective no later than the next ensuing  
5 primary.

6 (b) At any time except the thirty days next preceding the  
7 primary election and except for that time between any primary  
8 election and the following general or municipal election, any  
9 person who desires to change his party enrollment, or who,  
10 although registered, has not hitherto enrolled as member of a  
11 party, shall appear at any office of the commission or before  
12 the registrars in his ward or district, and sign the change of  
13 party enrollment notice, containing the information required by  
14 subsection (a) of this section, stating the designation of the  
15 political party in which he desires to be enrolled. However, no  
16 registered elector shall change his party enrollment more than  
17 once between any November election and the thirty days prior to  
18 the following primary election. The commission shall cause the  
19 signature thereon to be compared with the signature on the  
20 general and district registers, and, if the signatures appear  
21 authentic, shall enter the change of enrollment of political  
22 party in the registers, unless such elector is prohibited from  
23 changing his party enrollment as aforesaid. [In the event a  
24 registered elector changes his party enrollment between any  
25 primary and the following November or municipal election, such  
26 party enrollment change shall become effective no later than the  
27 next ensuing primary.]

28 (c) Any elector who is changing his political party  
29 enrollment by personal appearance and who is unable to write his  
30 name shall, in addition, establish his identity, [and] shall

1 affix his mark, in lieu of his signature, in the presence of a  
2 registrar, clerk or commissioner, who shall affix his own  
3 signature thereto as a witness to the information required in  
4 the change of party enrollment notice.

5 (d) At any time not later than the thirtieth day preceding  
6 any primary, any qualified elector of the city, including any  
7 watcher, may petition the commission to cancel the party  
8 enrollment of any registered elector of such city who has  
9 previously enrolled as a member of a party for the purpose of  
10 voting at primary elections, setting forth, under oath, that he  
11 believes that such elector is not a member of the party with  
12 which he has been enrolled, and also setting forth that due  
13 notice of the time and place when said petition would be  
14 presented had been given to the person so registered, at least  
15 forty-eight hours prior to presentation of the same, by  
16 delivering a copy of the said petition to him personally or by  
17 leaving it with an adult member of the family with which he  
18 resides. If, at or before the hearing of any such petition, the  
19 elector against whom the petition is filed files an affidavit  
20 with the commission in which he swears or affirms that, at the  
21 last election at which he voted, he voted for a majority of the  
22 candidates of the party as a member of which he desires to be  
23 enrolled, all of the candidates of a party for presidential  
24 elector being counted as two candidates, the petition shall be  
25 refused, otherwise, the party enrollment of such elector shall  
26 be forthwith cancelled.

27 (e) Any elector who has, since the time of registration,  
28 suffered a physical disability which renders him unable to see  
29 or mark the ballot or prepare the voting machine, or to enter  
30 the voting compartment or voting machine booth, without

1 assistance shall, at least seven days prior to the next  
2 succeeding primary or election, personally make application,  
3 under oath, to the commission or registrars to have such fact  
4 entered on his registration affidavit, together with the exact  
5 nature of his physical disability, which entry shall be made  
6 accordingly.

7 (f) When the commission shall ascertain that any elector who  
8 has declared his need for assistance is no longer illiterate, or  
9 no longer suffers from the disability stated by him, it shall  
10 cancel on his registration affidavit the entry relating to  
11 illiteracy or physical disability which authorized him to have  
12 assistance, and shall forthwith notify such elector by mail of  
13 this action.

14 Section 32. Mail Check-up of Register.--\* \* \*

15 (e) For new registrants or for persons changing their  
16 [registration] name, address or party enrollment using the  
17 official registration application card, the notification stub  
18 may serve as the mail check-up of register.

19 Section 6. This act shall take effect in 60 days.