

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 259 Session of 2009

INTRODUCED BY GRUCELA, DERMODY, BEAR, BEYER, BISHOP, BRENNAN, CALTAGIRONE, CARROLL, COHEN, CONKLIN, DALEY, MYERS, BROWN, DALLY, DeLUCA, DENLINGER, DONATUCCI, EVERETT, FREEMAN, GABLER, GIBBONS, GOODMAN, GROVE, HARKINS, HENNESSEY, HICKERNELL, HORNAMAN, HUTCHINSON, JOSEPHS, KOTIK, KULA, LONGIETTI, MAHONEY, McILVAINE SMITH, MURT, MUSTIO, M. O'BRIEN, PRESTON, READSHAW, REED, ROCK, ROHRER, SCAVELLO, SIPTROTH, SOLOBAY, STABACK, THOMAS, VULAKOVICH, WALKO, WATSON, GERBER, PAYTON AND BOYLE, FEBRUARY 5, 2009

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 8, 2010

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
2 Statutes, further providing for SURE SYSTEM, FOR
3 qualifications to register and for eligibility for primaries;
4 PROVIDING FOR NOMINATION PETITIONS; and making related
5 repeals.



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

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



10 SECTION 1. SECTION 1222(C) OF TITLE 25 OF THE PENNSYLVANIA
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING PARAGRAPHS TO READ:
12 § 1222. SURE SYSTEM.



13 \* \* \*

14 (C) REQUIREMENTS.--THE SURE SYSTEM SHALL BE DEVELOPED AS A
15 SINGLE, UNIFORM INTEGRATED COMPUTER SYSTEM. ALL COMMISSIONS

1 SHALL BE CONNECTED ELECTRONICALLY TO THE SURE SYSTEM AND SHALL  
2 MAINTAIN THEIR REGISTRATION RECORDS IN THE SYSTEM. THE SURE  
3 SYSTEM SHALL, AT A MINIMUM, DO ALL OF THE FOLLOWING:

4 \* \* \*

5 (22) ALLOW INDIVIDUALS 17 YEARS OF AGE TO REGISTER TO  
6 VOTE.

7 (23) IN THE DISTRICT REGISTER FOR A PRIMARY, SHOW  
8 ELIGIBLE INDIVIDUALS 17 YEARS OF AGE WHO WILL TURN 18 YEARS  
9 OF AGE BEFORE THE GENERAL OR MUNICIPAL ELECTION.

10 (24) IN THE DISTRICT REGISTER, PROVIDE A PROMPT FOR AN  
11 ELECTION OFFICER TO LOCK VOTERS 17 YEARS OF AGE OUT OF  
12 REFERENDA OR SPECIAL ELECTIONS OR, FOR COUNTIES WITH OPTICAL  
13 SCAN SYSTEMS, A PROMPT TO HAND SUCH VOTERS A SPECIAL BALLOT.

14 (25) OPERATE SO THAT INDIVIDUALS 17 YEARS OF AGE NOT  
15 REGISTERED AND ENROLLED IN A PARTY ARE INELIGIBLE TO VOTE IN  
16 A PRIMARY ELECTION.

17 \* \* \*

18 SECTION 2. SECTIONS 1301, 1325(B) AND 1327 OF TITLE 25 ARE  
19 AMENDED TO READ:

20 § 1301. Qualifications to register.

21 (a) Eligibility.--[An] EXCEPT AS OTHERWISE PROVIDED FOR ←  
22 UNDER SUBSECTION (D), AN individual who will be at least 18  
23 years of age on the day of the next election, who has been a  
24 citizen of the United States for at least one month prior to the  
25 next election and who has resided in this Commonwealth and the  
26 election district where the individual offers to vote for at  
27 least 30 days prior to the next ensuing election and has not  
28 been confined in a penal institution for a conviction of a  
29 felony within the last five years shall be eligible to register  
30 as provided in this chapter.

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

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

16 (d) Eligibility for primaries.--An individual who meets the  
17 requirements of subsection (a) who will be at least 18 years of  
18 age on the day of the next general or municipal election may  
19 register and vote for the corresponding primary FOR THE PURPOSE ←  
20 OF NOMINATING CANDIDATES ONLY, AND NOT FOR VOTING ON THAT  
21 PORTION OF THE BALLOT INVOLVING A SPECIAL ELECTION OR  
22 REFERENDUM, IF ANY. No person shall be entitled to vote as a  
23 member of a party at any primary unless he is registered and  
24 enrolled as a member of such party upon the district register.  
25 This enrollment upon the district register shall be conclusive  
26 as to his party membership and shall not be subject to challenge  
27 on the day of the primary.

28 § 1325. Government agencies.

29 \* \* \*

30 (b) Forms.--An agency designated in subsection (a) shall

1 provide a form for office visits or, if the agency provides  
2 services to persons with disabilities, for home visits which  
3 contains all of the following:

4 (1) The question "If you are not registered to vote  
5 where you live now, would you like to apply to register to  
6 vote today?"

7 (2) If the agency provides public assistance, the  
8 statement "Applying to register or declining to register to  
9 vote will not affect the amount of assistance that you will  
10 be provided by this agency."

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

17 (4) The statement "In order to be qualified to register  
18 to vote, you must be at least 18 years of age on the day of  
19 the next general, municipal or special election OR AT LEAST  
20 17 YEARS OF AGE ON THE DAY OF THE NEXT PRIMARY ELECTION, you  
21 must have been a citizen of the United States for at least  
22 one month prior to the next election and have resided in  
23 Pennsylvania and the election district where you plan to vote  
24 for at least 30 days prior to the next election, and you must  
25 not have been confined in a penal institution for a  
26 conviction of a felony within the last five years."

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

1           (6) The statement "If you believe that someone has  
2 interfered with your right to register or to decline to  
3 register to vote, your right to privacy in deciding whether  
4 to register or in applying to register to vote or your right  
5 to choose your own political party or other political  
6 preference, you may file a complaint with the Secretary of  
7 the Commonwealth, Pennsylvania Department of State,  
8 Harrisburg, PA 17120." The secretary shall establish and  
9 publish a toll-free telephone number for the purpose of  
10 receiving complaints.

11       \* \* \*

12 § 1327. Preparation and distribution of applications.

13       (a) Form.--

14           (1) The secretary shall prescribe the form of an  
15 official voter registration application. The official voter  
16 registration application shall provide space for the  
17 following information about the applicant:

18               (i) Full name.

19               (ii) Address of residence. If the residence is a  
20 portion only of the house, the location or number of the  
21 room, apartment or floor which is occupied.

22               (iii) Mailing address if different than address of  
23 residence.

24               (iv) Name and residence address on previous  
25 registration and the year of that registration.

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

28               (vi) Date of birth.

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

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

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

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

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

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

26 (ii) Instructions on how to fill out and submit the  
27 application and notification of when the application must  
28 be submitted to a voter registration office in order to  
29 be registered for the ensuing election.

30 (iii) Notice that the applicant must be a citizen of

1 the United States for at least one month prior to the  
2 next election and a resident of this Commonwealth and the  
3 election district for at least 30 days and must be at  
4 least 18 years of age by the day of the next [ensuing]  
5 general, municipal or special election OR AT LEAST 17 ←  
6 YEARS OF AGE ON THE DAY OF THE NEXT PRIMARY ELECTION, and  
7 has not been confined in a penal institution for a  
8 conviction of a felony within the last five years. The  
9 notice required in this subparagraph shall be in print  
10 identical to the declaration under subsection (b).

11 (iv) Notice that political party enrollment is  
12 mandatory to vote in a primary election of a political  
13 party.

14 (v) Notice that the commission will mail by  
15 nonforwardable mail to the applicant a voter's  
16 identification card upon acceptance of the application  
17 and that the applicant should contact the commission if  
18 the identification card is not received within 14 days  
19 from the date the application is sent to the registration  
20 office.

21 (vi) Notice that registration is not complete until  
22 the application is processed and accepted by the  
23 commission.

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

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

1           (ix) Notice that, if an individual declines to  
2 register to vote, the fact that the individual has  
3 declined to register will remain confidential and will be  
4 used only for voter registration purposes. The notice  
5 required in this subparagraph shall be in print identical  
6 to the declaration under subsection (b).

7           (x) Notice that, if an individual does register to  
8 vote, the office at which the individual submits a voter  
9 registration application will remain confidential and  
10 will be used for voter registration purposes only. The  
11 notices required in this subparagraph shall be in print  
12 identical to the declaration in subsection (b).

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

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

17               (i) print a bilingual application; and

18               (ii) conduct a public educational program among that  
19 language group alerting both organizations and  
20 individuals of that group of the availability of the  
21 bilingual application and encouraging individuals to  
22 register.

23           (7) To implement section 1324 (relating to application  
24 by mail), the secretary shall print an official voter  
25 registration mail application designed to preserve the  
26 confidentiality of the information required to be submitted.  
27 The application shall contain information required by this  
28 section and shall include the name of each county seat, its  
29 post office mailing address and zip code and its telephone  
30 number. Voter registration mail applications shall contain

1 information indicating whether the application is a new  
2 registration, change of party enrollment, change of address  
3 or change of name.

4 (8) Nothing in this part shall prohibit a private  
5 organization or individual from printing blank voter  
6 registration applications or shall prohibit the use of such  
7 applications by any other individual, provided that the form,  
8 content and paper quality of such voter registration  
9 application complies with department regulations for the  
10 forms or has received prior approval from the secretary.

11 (b) Registration declaration.--

12 (1) The official voter registration application shall  
13 contain a registration declaration. On the declaration, the  
14 applicant shall state all of the following:

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

17 (ii) On the day of the next [ensuing] general,  
18 municipal or special election, the applicant shall be at  
19 least 18 years of age OR ON THE DAY OF THE NEXT PRIMARY ←  
20 ELECTION, THE APPLICANT SHALL BE AT LEAST 17 YEARS OF  
21 AGE.

22 (iii) On the day of the next [ensuing] general,  
23 municipal or special, SPECIAL OR PRIMARY election, the ←  
24 applicant shall have resided in this Commonwealth and in  
25 the election district for at least 30 days.

26 (iv) The applicant has not been confined in a penal  
27 institution for a conviction of a felony within the last  
28 five years.

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

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

1 (i) The information provided in the registration  
2 declaration is true.

3 (ii) The applicant understands that:

4 (A) the registration declaration will be  
5 accepted for all purposes as the equivalent of an  
6 affidavit; and

7 (B) if the registration contains a material  
8 false statement, the applicant shall be subject to  
9 penalties for perjury.

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

26 (4) The official registration application shall contain  
27 a notice entitled "PENALTY FOR FALSIFYING DECLARATION." The  
28 notice shall advise the applicant that if a person signs an  
29 official registration application knowing a statement  
30 declared in the application to be false, the person commits

1 perjury. The notice shall specify the penalty for perjury.

2 (c) Distribution.--

3 (1) The secretary shall supply official registration  
4 applications to commissions.

5 (2) The secretary shall make available for distribution  
6 official voter registration applications to public libraries,  
7 public schools, State-related institutions of higher  
8 education, offices operated by the Department of Revenue,  
9 offices operated by the Department of Aging, area agencies on  
10 aging, offices operated by the Pennsylvania Game Commission  
11 or any of its authorized license-issuing agents, offices  
12 operated by the Pennsylvania Fish and Boat Commission or any  
13 of its issuing agents, and offices that provide unemployment  
14 compensation.

15 (3) Each participating agency identified under paragraph  
16 (2) shall:

17 (i) Provide that official voter registration mail  
18 applications are available on the premises and displayed  
19 prominently in a conspicuous location during normal  
20 business hours.

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

23 (iii) Provide reasonable space for nonpartisan signs  
24 or posters indicating the availability of official voter  
25 registration mail applications on the premises.

26 (4) The secretary may provide technical assistance to  
27 commissions upon request and agencies designated under  
28 paragraph (2).

29 (5) The secretary shall print and distribute mail  
30 registration applications which are not postage paid and

1 which shall not be specific to any county registration  
2 office. Along with the distribution of such applications, the  
3 secretary shall also include instructions to inform the  
4 applicant where the application is to be sent.

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

7 (i) Persons and organizations who request  
8 applications.

9 (ii) Federal, State and political subdivision  
10 offices.

11 (iii) Political parties and political bodies.

12 (iv) Candidates.

13 (d) Staff.--Agency employees assisting in the distribution  
14 of voter registration applications under subsection (c) shall  
15 conduct themselves in a manner consistent with the following  
16 principles:

17 (1) They shall not seek to influence an applicant's  
18 political preference or party registration or display  
19 political preference or party allegiance.

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

23 (3) They shall not make any statement to an applicant or  
24 take any action the purpose of or effect of which is to lead  
25 the applicant to believe that a decision to register or not  
26 to register has any bearing on the availability of services  
27 or benefits.

28 Agency employees who violate this subsection shall be removed  
29 from employment, provided that the agency at its discretion may  
30 impose a penalty of suspension without pay for at least 30 days,

1 but not more than 120 days, if it finds that the violation does  
2 not warrant termination.

3 SECTION 3. TITLE 25 IS AMENDED BY ADDING A SECTION TO READ: ←  
4 § 3303. NOMINATION PETITIONS.

5 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A  
6 PERSON WHO SATISFIES THE REQUIREMENTS OF SECTION 1301(D)  
7 (RELATING TO QUALIFICATIONS TO REGISTER) SHALL BE DEEMED A DULY  
8 REGISTERED AND ENROLLED MEMBER OF A PARTY WHO IS A QUALIFIED  
9 ELECTOR OF THE STATE, OR OF THE POLITICAL DISTRICT, FOR PURPOSES  
10 OF SIGNING OR CIRCULATING A NOMINATION PETITION UNDER THE ACT OF  
11 JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA  
12 ELECTION CODE.

13 SECTION 4. THE SECRETARY OF THE COMMONWEALTH SHALL  
14 PROMULGATE REGULATIONS TO CARRY OUT THIS ACT, PARTICULARLY THE  
15 AMENDMENTS OF 25 PA.C.S. § 1222. PUBLICATION OF THE FINAL-FORM  
16 REGULATIONS UNDER THIS SECTION SHALL TAKE PLACE WITHIN 18 MONTHS  
17 OF THE EFFECTIVE DATE OF THIS SECTION.

18 Section 2 5. Repeals are as follows: ←

19 (1) The General Assembly declares that the repeal under  
20 paragraph (2) is necessary to effectuate the amendment of 25  
21 Pa.C.S. §§ 1301, 1325(b) and 1327.

22 (2) Sections 701, 702, 703 and 704 of the act of June 3,  
23 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
24 Code, are repealed.

25 Section 3 6. This act shall take effect in 60 days. ←