

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, SACCONI, SAYLOR, SCHRODER, SIMMONS, SONNEY, STEVENSON, TALLMAN, TRUITT AND VULAKOVICH, MARCH 4, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 4, 2011

AN ACT

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

19 The General Assembly of the Commonwealth of Pennsylvania

20 hereby enacts as follows:

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

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

4 \* \* \*

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

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

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

12 (3) The document includes an expiration date.

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

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

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

18 Section 206. Requirements Relating to Voter

19 Identification.--(a) The Secretary of the Commonwealth shall  
20 prepare and disseminate information to the public regarding the  
21 photo identification requirements established under section  
22 1210.

23 (b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)  
24 (relating to issuance and content of driver's license) to the  
25 contrary, the Department of Transportation shall issue an  
26 identification card described in 75 Pa.C.S. § 1510(b) at no cost  
27 to any registered elector who has made application therefor and  
28 has included with the completed application a signed affidavit  
29 stating that the elector is unable to obtain another form of  
30 photo identification, including a driver's license, that the

1 elector is unable to pay the required fee for the identification  
2 card and that the elector is a registered elector as defined in  
3 25 Pa.C.S. § 1102 (relating to definitions).

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

11 Section 3. Section 1210(a), (a.1), (a.2), (a.3) and (a.4) (1)  
12 and (5) of the act, amended October 8, 2004 (P.L.807, No.97) and  
13 May 12, 2006 (P.L.178, No.45), is amended to read:

14 Section 1210. Manner of Applying to Vote; Persons Entitled  
15 to Vote; Voter's Certificates; Entries to Be Made in District  
16 Register; Numbered Lists of Voters; Challenges.--(a) At every  
17 primary and election each elector who appears to vote [in that  
18 election district for the first time] and who desires to vote  
19 shall first present to an election officer [one of the following  
20 forms of photo identification:

21 (1) a valid driver's license or identification card issued  
22 by the Department of Transportation;

23 (2) a valid identification card issued by any other agency  
24 of the Commonwealth;

25 (3) a valid identification card issued by the United States  
26 Government;

27 (4) a valid United States passport;

28 (5) a valid student identification card;

29 (6) a valid employe identification card; or

30 (7) a valid armed forces of the United States identification

1 card.

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

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

9 (1) nonphoto identification issued by the Commonwealth, or  
10 any agency thereof;

11 (2) nonphoto identification issued by the United States  
12 Government, or agency thereof;

13 (3) a firearm permit;

14 (4) a current utility bill;

15 (5) a current bank statement;

16 (6) a paycheck;

17 (7) a government check.]

18 proof of identification. The election officer shall examine the  
19 proof of identification presented by the elector and sign an  
20 affidavit stating that this has been done.

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

23 (1) on the grounds that presentation of proof of  
24 identification conflicts with the religious beliefs or practices  
25 of the elector;

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

29 (3) on any other grounds

30 or the elector's identification is challenged by the judge of

1 elections, the elector shall be permitted to cast a provisional  
2 ballot in accordance with subsection (a.4).

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

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

26 (3) When an elector has been found entitled to vote, the  
27 election officer who examined his voter's certificate and  
28 compared his signature shall sign his name or initials on the  
29 voter's certificate, shall, if the elector's signature is not  
30 readily legible, print such elector's name over his signature,

1 and the number of the stub of the ballot issued to him or his  
2 number in the order of admission to the voting machines, and at  
3 primaries a letter or abbreviation designating the party in  
4 whose primary he votes shall also be entered by one of the  
5 election officers or clerks.

6 (4) As each voter is found to be qualified and votes, the  
7 election officer in charge of the district register shall write  
8 or stamp the date of the election or primary, the number of the  
9 stub of the ballot issued to him or his number in the order of  
10 admission to the voting machines, and at primaries a letter or  
11 abbreviation designating the party in whose primary he votes,  
12 and shall sign his name or initials in the proper space on the  
13 registration card of such voter contained in the district  
14 register.

15 (5) As each voter votes, his name in the order of voting  
16 shall be recorded in two (2) numbered lists of voters provided  
17 for that purpose, with the addition of a note of each voter's  
18 party enrollment after his name at primaries.

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

30 \* \* \*

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

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

11       (A) either the provisional ballot envelope under clause (3)  
12 or the affidavit under clause (2) is not signed by the  
13 individual;

14       (B) the signature required under clause (3) and the  
15 signature required under clause (2) are either not genuine or  
16 are not executed by the same individual; [or]

17       (C) a provisional ballot envelope does not contain a secrecy  
18 envelope;

19       (D) in the case of a provisional ballot that was cast under  
20 subsection (a.2)(1), the elector fails to appear before the  
21 county board of elections within six calendar days following the  
22 election to execute an affidavit affirming, under penalty of  
23 perjury, that the elector is the same individual who personally  
24 appeared before the district election board on the day of the  
25 election and cast a provisional ballot and that the elector's  
26 religious beliefs or practices conflict with presentation of  
27 proof of identification;

28       (E) in the case of a provisional ballot that was cast under  
29 subsection (a.2)(2), the elector fails to appear before the  
30 county board of elections within six calendar days following the

1 election to execute an affidavit affirming, under penalty of  
2 perjury, that the elector is the same individual who personally  
3 appeared before the district election board on the day of the  
4 election and cast a provisional ballot and that the elector is  
5 indigent and unable to obtain proof of identification without  
6 the payment of a fee; or

7 (F) in the case of a provisional ballot that was cast under  
8 subsection (a.2)(3), the elector fails to appear before the  
9 county board of elections within six calendar days following the  
10 election to present proof of identification and execute an  
11 affidavit affirming under penalty of perjury that the elector is  
12 the same individual who personally appeared before the district  
13 election board on the day of the election and cast a provisional  
14 ballot.

15 \* \* \*

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