

REGISTRATION OF VOTERS

Act of Jul. 25, 1913, P.L. 1043, No. 472

Cl. 25

AN ACT

To provide for the registration and enrollment of the voters of the State according to their respective party preferences; fixing the compensation of assessors and registry assessors for making said registration and enrollment; and prescribing penalties for false registration or enrollment, and for voters voting or attempting to vote, and for election officers wilfully permitting or conspiring to permit them to vote, at a primary, by or on any other than their own party ticket.

Section 1. Party enrollment required; non-partisan primaries; right to vote

At each and every registration of voters held under any of the election and registration laws of this State, whether it is a personal registration or otherwise, and in all cities, counties, boroughs, townships, and all other districts, there shall be a registration and enrollment of the voters according to their respective party preferences and affiliations: Provided, however, That if at any time the laws of this commonwealth shall provide for the nomination of a candidate or candidates for any office or offices at non-partisan primaries, then, and in that case, every enrolled, registered or qualified elector shall be entitled to receive and vote such non-partisan primary ballot, in accordance with the provisions of the law authorizing and establishing such primary. 1913, July 25, P.L. 1043, Sec. 1.

Section 2. In all election districts in cities of the first, second, and third classes, where personal registration is required, any elector desiring to participate in the primaries of any party shall, at the time of registration, state under oath to the registering officers the name of the party of which he is a member, and whose ballot he desires to vote at the primaries; and it shall then be the duty of the proper registering officers to write the name of such party opposite the name of the elector on the registration list, in a column which it is hereby made the duty of the Registration Commissioners to provide in the registration books for that purpose. If any elector about to register and enroll as a member of a party is challenged, he shall not be registered as a member of that party unless he makes oath before the said registrars that, at the last preceding november election at which he voted, he voted for a majority of the candidates of that party: Provided, however, That the group of presidential electors, shall be counted as two candidates: And provided further, That any qualified voter may enroll as a member of any party which has secured, by order of the court, the exclusive use of a party name or political appellation for the ensuing primary. If a voter does not desire to vote at a primary election he shall not be required to answer as to his party affiliation or membership, and such party affiliation or membership shall not be recorded.

When an elector in cities of the first, second, and third classes registers his political party at the fall registration, he may vote the ballot of that party at the succeeding fall and spring primary. Should he change his political affiliation by voting for a majority of candidates of some other party at the November election, and desire to change his party vote at the spring primary, he may appear before the registrars of his division at the spring registration, and, upon taking oath that

at the preceding November election he voted for a majority of candidates of some other party, it shall be the duty of the registrars to change his political designation on the register, and if otherwise qualified he may vote the ballot of the said party at the spring primary. Any elector who has registered at the fall registration, but did not designate his political party, may appear before the registrars of his division at the spring registration, and, under oath, designate the party of which he is a member and for whom he desires to vote at the ensuing spring primary; provided he takes oath, if challenged, that, at the last preceding November election at which he voted, he voted for a majority of the candidates of that party, and if otherwise qualified he may vote the ballot of said party at the spring primary: provided, however, that the group of presidential electors shall be counted as two candidates: And Provided further, That any qualified elector may enroll as a member of any party which has secured, by order of the court, the exclusive use of a party name or political appellation for the ensuing primary. (Par. 2 repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 2(a) of Act 53 of 1978 provided that the reference to the "court" in section 2 shall be deemed a reference to a court of competent jurisdiction.

Section 3. Enrollment by assessors or registry assessors; certificate

In all election districts (other than in cities of the first, second, and third classes) the assessor or registry assessor shall, within forty-five days after the approval of this act, make an enrollment of each voter residing within the district in which he is authorized to make an assessment and registration of voters; and thereafter, at the time of making the annual assessment, in addition to the duties now authorized and required by law, make an enrollment of all the voters in his district. Said assessor or registry assessor shall leave at the residence of each and every voter in his district, found to be absent when his residence is visited by the assessor or registry assessor, at the time of making the annual assessment, a certificate of enrollment, which shall be in the following form: --- certificate of enrollment. date, 191..

I; a duly qualified voter residing in Election district, hereby declare that i desire to be enrolled as a member of the Party, and express my desire to vote the ticket of the Party at the Primary election next ensuing, and request that my name be enrolled on the assessor's list as a member of said party for the purpose of participating in said primary or primaries. (signature of elector.) witness, (address.)

The above certificate of enrollment shall be furnished to each assessor or registry assessor by the county commissioners of the various counties, at the time of the delivery of said assessors' books by the county commissioners. 1913, July 25, P.L. 1043, Sec. 3.

Section 4. Inquiry by assessor; absent electors; time for return of certificate

The assessor or registry assessor making the enrollment, in districts other than in cities of the first, second and third classes, shall ascertain, if possible, at the time of making the annual assessment, by personal inquiry of the elector, the

party politics, preferences or affiliations of the elector, and note and record the same, with the residence and other particulars required in making the assessment; and in case the elector is not at his residence at the time the said assessor or registry assessor visits the residence of the elector, he shall leave a certificate of enrollment which the elector may fill out and give to the assessor or registry assessor at some time prior to or on the sixty-second day preceding each primary, at which time said assessor or registry assessor shall sit at the polling place and receive said certificate; at which time the same shall be recorded by the assessor or registry assessor in the register. 1913, July 25, P.L. 1043, Sec. 1; 1933, April 7, P.L. 25, Sec. 1.

Section 5. Preparation of register; inserting enrollment; continuance or change; necessity of enrolling

The county commissioners shall have the register so prepared as to permit the assessor or registry assessor to insert the party enrollment of each elector. Upon the receipt of the certificate of enrollment from the elector, the assessor or registry assessor shall insert in the register, after said elector's name, his party enrollment: Provided, however, If an elector has at any time received party enrollment under the provisions of this act, it shall be the duty of the assessor or registry assessor to insert in the said registry, from year to year, at the time of making the annual assessment, said party enrollment, after the name of the said elector, until such time as a certificate of enrollment is presented to or filed with him by the said elector to a contrary effect. Each elector, not already enrolled, desiring to participate in the primaries, must file with the assessor or registry assessor his enrollment certificate. if an elector does not desire to vote at a primary election, he shall not be required to sign or execute the above certificate as to his party affiliation or membership, and such party affiliation shall not be recorded. 1913, July 25, P.L. 1043, sec. 5. July 25, P.L. 1043, Sec. 5.

Section 6. Challenges; oath; counting presidential electors

If an elector in districts other than in cities of the first, second, and third classes, enrolled as a member of a party, is challenged at the primaries as to his party enrollment, he shall make oath before the election officers, that at the last preceding November election at which he voted, he voted for a majority of the candidates of that party: Provided, however, That the group of presidential electors shall be counted as two candidates. 1913, July 25, P.L. 1043, Sec. 6.

Section 7. Compensation of assessors

The assessor or registry assessors shall be entitled to the same per diem compensation for sitting at the polling places on the sixty-second day preceding each primary as is now allowed by law for the making of the original annual assessment, which shall be paid in the manner now authorized by law. 1913, July 25, P.L. 1043, Sec. 7., 1933, April 7, P.L. 25, Sec. 2.

Section 8. Correction of mistakes

Should the registrars, assessors, or registry assessors make a mistake in recording an elector's party, the said elector may have the registry corrected, amended, or altered, so as to secure a correct registration, in the same manner and by the same processes as are provided by law for the correction and amendment of the registry in other particulars: Provided, That such amendments shall not be made later than ten days before any primary election at which the voter desires or intends to vote. 1913, July 25, P.L. 1043, Sec. 8.

Section 9. Right to vote at primary

An elector duly registered and enrolled as a member of a political party, if otherwise qualified, may vote the ballot of said party at a primary, subject to the provisions of this act. No elector enrolled and registered as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at a primary election, and no elector who is not enrolled and registered as a member of some political party shall be permitted to vote at any primary election. 1913, July 25, P.L. 1043, Sec. 9.

Section 10. Offenses by officials; wrongful enrollment; excluding from enrollment

Any registrar, assessor or registry assessor wilfully violating any of the provisions of this act, or wilfully registering any false statement of an elector, or registering as the member of a political party one whom he knows not to be such, or excluding from a party registry or enrollment any voter whom he knows to be entitled thereto, shall be guilty of a misdemeanor; and on conviction thereof shall be punished by imprisonment for not more than one (1) year, and a fine of not more than one thousand dollars (\$1,000), or either or both, in the discretion of the court. 1913, July 25, P.L. 1043, Sec. 10.

Section 11. Electors; false affidavits or statements

Any elector who shall wilfully make any false affidavit or statement to any registrar, assessor or registry assessor, with intent to procure the false party enrollment or registration of himself or of any other voter, shall be guilty of a misdemeanor; and on conviction thereof shall be punished by imprisonment for not more than one (1) year, and a fine of not more than one thousand dollars (\$1,000), or either or both, in the discretion of the court. 1913, July 25, P.L. 1043, Sec. 11.

Section 12. Wrongful voting; receiving illegal vote

Any voter or elector of this Commonwealth wilfully voting or attempting to vote at any primary election in violation of the provisions of this act, or any election officer wilfully receiving or conspiring to receive the vote of any elector casting the ballot, as an elector of any political party, not qualified as a member of said party under the provisions of this act, shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by imprisonment for not more than one (1) year, and a fine of not more than one thousand dollars (\$1,000), or either or both, in the discretion of the court. 1913, July 25, P.L. 1043, Sec. 12.