
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 AND WATSON, FEBRUARY 5, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 5, 2009

AN ACT

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

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

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

9 § 1301. Qualifications to register.

10 (a) Eligibility.--An individual who will be at least 18
11 years of age on the day of the next election, who has been a
12 citizen of the United States for at least one month prior to the
13 next election and who has resided in this Commonwealth and the
14 election district where the individual offers to vote for at
15 least 30 days prior to the next ensuing election and has not

1 been confined in a penal institution for a conviction of a
2 felony within the last five years shall be eligible to register
3 as provided in this chapter.

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

10 (c) Removal of residence.--Except as otherwise provided by
11 this part, a registered elector who removes residence from one
12 place to another outside the elector's last election district
13 shall not be entitled to vote in the election district of the
14 elector's last residence except pursuant to the provisions of
15 this section and sections 1501(b) (relating to removal notices),
16 1502 (relating to transfer of registration) and 1902 (relating
17 to procedure for voting following failure to return notification
18 card).

19 (d) Eligibility for primaries.--An individual who meets the
20 requirements of subsection (a) who will be at least 18 years of
21 age on the day of the next general or municipal election may
22 register and vote for the corresponding primary. No person shall
23 be entitled to vote as a member of a party at any primary unless
24 he is registered and enrolled as a member of such party upon the
25 district register. This enrollment upon the district register
26 shall be conclusive as to his party membership and shall not be
27 subject to challenge 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, you must
20 have been a citizen of the United States for at least one
21 month prior to the next election and have resided in
22 Pennsylvania and the election district where you plan to vote
23 for at least 30 days prior to the next election, and you must
24 not have been confined in a penal institution for a
25 conviction of a felony within the last five years."

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

30 (6) The statement "If you believe that someone has

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

10 * * *

11 § 1327. Preparation and distribution of applications.

12 (a) Form.--

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

17 (i) Full name.

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

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

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

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

27 (vi) Date of birth.

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

30 (viii) Race. An application shall not be rejected

1 because of noncompliance with this subparagraph.

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

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

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

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

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

29 (iii) Notice that the applicant must be a citizen of
30 the United States for at least one month prior to the

1 next election and a resident of this Commonwealth and the
2 election district for at least 30 days and must be at
3 least 18 years of age by the day of the next [ensuing]
4 general, municipal or special election and has not been
5 confined in a penal institution for a conviction of a
6 felony within the last five years. The notice required in
7 this subparagraph shall be in print identical to the
8 declaration under subsection (b).

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

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

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

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

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

29 (ix) Notice that, if an individual declines to
30 register to vote, the fact that the individual has

1 declined to register will remain confidential and will be
2 used only for voter registration purposes. The notice
3 required in this subparagraph shall be in print identical
4 to the declaration under subsection (b).

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

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

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

15 (i) print a bilingual application; and

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

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

1 or change of name.

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

9 (b) Registration declaration.--

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

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

15 (ii) On the day of the next [ensuing] general,
16 municipal or special election, the applicant shall be at
17 least 18 years of age.

18 (iii) On the day of the next [ensuing] general,
19 municipal or special election, the applicant shall have
20 resided in this Commonwealth and in the election district
21 for at least 30 days.

22 (iv) The applicant has not been confined in a penal
23 institution for a conviction of a felony within the last
24 five years.

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

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

27 (i) The information provided in the registration
28 declaration is true.

29 (ii) The applicant understands that:

30 (A) the registration declaration will be

1 accepted for all purposes as the equivalent of an
2 affidavit; and

3 (B) if the registration contains a material
4 false statement, the applicant shall be subject to
5 penalties for perjury.

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

22 (4) The official registration application shall contain
23 a notice entitled "PENALTY FOR FALSIFYING DECLARATION." The
24 notice shall advise the applicant that if a person signs an
25 official registration application knowing a statement
26 declared in the application to be false, the person commits
27 perjury. The notice shall specify the penalty for perjury.

28 (c) Distribution.--

29 (1) The secretary shall supply official registration
30 applications to commissions.

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

11 (3) Each participating agency identified under paragraph
12 (2) shall:

13 (i) Provide that official voter registration mail
14 applications are available on the premises and displayed
15 prominently in a conspicuous location during normal
16 business hours.

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

19 (iii) Provide reasonable space for nonpartisan signs
20 or posters indicating the availability of official voter
21 registration mail applications on the premises.

22 (4) The secretary may provide technical assistance to
23 commissions upon request and agencies designated under
24 paragraph (2).

25 (5) The secretary shall print and distribute mail
26 registration applications which are not postage paid and
27 which shall not be specific to any county registration
28 office. Along with the distribution of such applications, the
29 secretary shall also include instructions to inform the
30 applicant where the application is to be sent.

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

3 (i) Persons and organizations who request
4 applications.

5 (ii) Federal, State and political subdivision
6 offices.

7 (iii) Political parties and political bodies.

8 (iv) Candidates.

9 (d) Staff.--Agency employees assisting in the distribution
10 of voter registration applications under subsection (c) shall
11 conduct themselves in a manner consistent with the following
12 principles:

13 (1) They shall not seek to influence an applicant's
14 political preference or party registration or display
15 political preference or party allegiance.

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

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

24 Agency employees who violate this subsection shall be removed
25 from employment, provided that the agency at its discretion may
26 impose a penalty of suspension without pay for at least 30 days,
27 but not more than 120 days, if it finds that the violation does
28 not warrant termination.

29 Section 2. Repeals are as follows:

30 (1) The General Assembly declares that the repeal under

1 paragraph (2) is necessary to effectuate the amendment of 25
2 Pa.C.S. §§ 1301, 1325(b) and 1327.

3 (2) Sections 701, 702, 703 and 704 of the act of June 3,
4 1937 (P.L.1333, No.320), known as the Pennsylvania Election
5 Code, are repealed.

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