

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 796 Session of
2009

INTRODUCED BY BOSCOLA, FONTANA, STOUT, HUGHES AND BROWNE,
APRIL 23, 2009

REFERRED TO STATE GOVERNMENT, APRIL 23, 2009

AN ACT

1 Providing for election day registration; and prescribing
2 penalties.

3 TABLE OF CONTENTS

4 Chapter 1. Preliminary Provisions

5 Section 101. Short title.

6 Section 102. Definitions.

7 Chapter 3. Election Day Registration

8 Section 301. Election day registration.

9 Section 302. Procedure.

10 Section 303. Maps.

11 Section 304. Record of attempted registrations.

12 Section 305. Verification by mail.

13 Chapter 5. Enforcement and Penalties

14 Section 501. Prohibited acts.

15 Section 502. Enforcement.

16 Chapter 11. Miscellaneous Provisions

17 Section 1101. Construction of act.

18 Section 1102. Rules and regulations.

1 Section 1103. Repeals.
2 Section 1104. Applicability.
3 Section 1105. Effective date.

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

6 CHAPTER 1
7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

9 This act shall be known and may be cited as the Election Day
10 Registration Act.

11 Section 102. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Board" or "county board." The county board of elections.

16 "Department." The Department of State of the Commonwealth.

17 CHAPTER 3
18 ELECTION DAY REGISTRATION

19 Section 301. Election day registration.

20 (a) General rule.--Any person otherwise eligible to vote may
21 register to vote on the day of any primary, municipal or general
22 election by appearing in person at the polling place for the
23 election district in which the individual maintains residence,
24 completing a registration card, making an oath in the form
25 prescribed by the department and providing proof of residence.

26 (b) Proof of residence.--An individual may prove residence
27 by any of the following methods:

28 (1) By displaying a valid driver's license.

29 (2) By showing any document approved by the department.

30 (3) By the written statement of an elector registered to

1 vote in that election district, sworn to in the presence of a
2 judge of elections, stating to the effect that the elector
3 personally knows that the individual is a resident of the
4 election district. An individual whose residence has been
5 sworn to under this paragraph on election day may not sign a
6 proof of residence oath for any other individual on that
7 election day.

8 Section 302. Procedure.

9 (a) Judges of elections.--Voter registration under this act
10 shall be conducted by judges of elections. A judge who registers
11 an individual voter shall not process that voter's ballot at any
12 time prior to opening of the ballot box after the voting ends.

13 (b) Registration cards.--Registration cards and forms for
14 oaths shall be available at each polling place. If an individual
15 who registers on election day proves residence under section
16 301(b)(3), the form containing that statement shall be attached
17 to the individual's registration card. Registration cards
18 completed on election day shall be forwarded to the appropriate
19 county board, which shall add the name of each voter to the
20 registration rolls unless the information forwarded is
21 substantially deficient. Each judge of elections registering a
22 person on election day shall initial the voter registration card
23 of that person.

24 (c) Deficient registration.--A county board that finds an
25 election day registration substantially deficient shall mail
26 written notice of same to the individual. An election day
27 registration shall not be found deficient solely because the
28 individual who provided proof of residence was ineligible to do
29 so.

30 Section 303. Maps.

1 The county board shall provide each polling place with a
2 detailed map showing election districts in order to assist
3 judges of elections in determining whether an address is located
4 in that district.

5 Section 304. Record of attempted registrations.

6 The judge of elections responsible for election day
7 registration at each polling place shall keep a record of the
8 number of individuals who attempt to register on election day
9 but who cannot provide proof of residence as required by this
10 act. This record shall be forwarded to the county board with the
11 election returns for that election district.

12 Section 305. Verification by mail.

13 Within ten days of an election, each county board shall send
14 a notice to a random sampling of no less than 25% of individuals
15 registered on election day. The random sampling shall be
16 determined in accordance with the rules of the department. As
17 soon as practicable after the election, the board shall mail
18 registration verification notices to all individuals registered
19 on election day. If a notice is returned as not deliverable, the
20 board shall attempt to determine the reason for the return. A
21 county board which does not receive or obtain satisfactory proof
22 of an individual's eligibility to vote shall immediately notify
23 the district attorney and the department.

24 CHAPTER 5

25 ENFORCEMENT AND PENALTIES

26 Section 501. Prohibited acts.

27 (a) Offenses enumerated.--It shall be unlawful:

28 (1) To cause an individual's name to be registered in
29 any election district if that individual is not eligible to
30 vote.

(2) To cause an individual's name to be registered for the purpose of voting in more than one election district or in any election district in which the individual does not maintain residence.

(3) To misrepresent an individual's identity when attempting to register to vote.

(4) To aid, abet, counsel or procure any other individual to violate this act.

(5) For a judge of elections to allow an unregistered voter to vote in any election.

(b) Grading.--A violation of this section constitutes a misdemeanor of the second degree.

Section 502. Enforcement.

Prosecution for violations of this act shall be brought by the district attorney, upon information supplied by the department, a county election officer or any person.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 1101. Construction of act.

This act shall be construed as providing a procedure for registration in addition to those methods as are provided by law.

Section 1102. Rules and regulations.

The department shall, in the manner provided by law, promulgate the rules and regulations necessary to carry out this act.

Section 1103. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 1104. Applicability.

1 This act shall apply to the municipal or general election
2 occurring in the year next following the year of final enactment
3 of this act, and to each primary, municipal and general election
4 thereafter.

5 Section 1105. Effective date.

6 This act shall take effect immediately.