

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, VULAKOVICH AND
REICHLEY, MARCH 4, 2011

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 9, 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

1 adding a definition to read:

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

5 * * *

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

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

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

13 (3) The document includes an expiration date.

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

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

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

19 Section 206. Requirements Relating to Voter

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

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

1 ~~photo identification, including a driver's license, that the~~
2 ~~elector is unable to pay the required fee for the identification~~
3 ~~card and that the elector is a registered elector as defined in~~
4 ~~25 Pa.C.S. § 1102 (relating to definitions) STATEMENT SIGNED BY~~ ←
5 ~~THE ELECTOR DECLARING THAT THE ELECTOR DOES NOT POSSESS PROOF OF~~
6 ~~IDENTIFICATION AND REQUIRES PROOF OF IDENTIFICATION FOR VOTING~~
7 ~~PURPOSES.~~

8 (c) The Secretary of the Commonwealth shall prepare the form
9 of the affidavit STATEMENT described in subsection (b) and shall ←
10 distribute the form to the counties and the Department of
11 Transportation. The Secretary of the Commonwealth, the Secretary
12 of Transportation and the county boards of election shall
13 disseminate information to the public regarding the availability
14 of identification cards under subsection (b).

15 Section 3. Section 1210(a), (a.1), (a.2), (a.3) and (a.4) (1)
16 and (5) of the act, amended October 8, 2004 (P.L.807, No.97) and
17 May 12, 2006 (P.L.178, No.45), is amended AND THE SECTION IS ←
18 AMENDED BY ADDING A SUBSECTION to read:

19 Section 1210. Manner of Applying to Vote; Persons Entitled
20 to Vote; Voter's Certificates; Entries to Be Made in District
21 Register; Numbered Lists of Voters; Challenges.--(a) [At] ←
22 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (A.1), AT every
23 primary and election each elector who appears to vote [in that
24 election district for the first time] and who desires to vote
25 shall first present to an election officer [one of the following
26 forms of photo identification:

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

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

1 (3) a valid identification card issued by the United States
2 Government;

3 (4) a valid United States passport;

4 (5) a valid student identification card;

5 (6) a valid employe identification card; or

6 (7) a valid armed forces of the United States identification
7 card] PROOF OF IDENTIFICATION. ←

8 The election officer shall examine the PROOF OF identification ←
9 presented by the elector and sign an affidavit stating that this
10 has been done.

11 (a.1) [Where the elector does not have a photo ←
12 identification as provided for in subsection (a), the elector
13 shall present for examination one of the following forms of
14 identification that shows the name and address of the elector:

15 (1) nonphoto identification issued by the Commonwealth, or
16 any agency thereof;

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

19 (3) a firearm permit;

20 (4) a current utility bill;

21 (5) a current bank statement;

22 (6) a paycheck;

23 (7) a government check.† ←

24 ~~proof of identification.~~ The election officer shall examine the ←

25 ~~proof of~~ identification presented by the elector and sign an ←

26 affidavit stating that this has been done.] IN THE CASE OF AN ←

27 ELECTOR WHO RESIDES IN A CARE FACILITY AND VOTES IN A POLLING

28 PLACE THAT IS LOCATED IN THE CARE FACILITY, THE FOLLOWING SHALL

29 APPLY:

30 (1) FOR THE PRIMARY OR ELECTION AT WHICH THE ELECTOR APPEARS

1 TO VOTE IN THE ELECTION DISTRICT FOR THE FIRST TIME, THE ELECTOR
2 SHALL FIRST PRESENT TO AN ELECTION OFFICER PROOF OF
3 IDENTIFICATION.

4 (2) THE ELECTION OFFICER SHALL EXAMINE THE PROOF OF
5 IDENTIFICATION PRESENTED BY THE ELECTOR AND SIGN AN AFFIDAVIT
6 STATING THAT THIS HAS BEEN DONE.

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

9 (1) on the grounds that ~~presentation of proof of~~ ←
10 ~~identification conflicts with the religious beliefs or practices~~
11 ~~of the elector~~ THE ELECTOR HAS A RELIGIOUS OBJECTION TO BEING ←
12 PHOTOGRAPHED;

13 (2) on the grounds that the elector is indigent and unable
14 to obtain proof of identification without the payment of a fee;
15 or

16 (3) on any other grounds
17 or the elector's PROOF OF identification is challenged by the ←
18 judge of elections, the elector shall be permitted to cast a
19 provisional ballot in accordance with subsection (a.4).

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

28 (2) Such election officer shall thereupon announce the
29 elector's name so that it may be heard by all members of the
30 election board and by all watchers present in the polling place

1 and shall compare the elector's signature on his voter's
2 certificate with his signature in the district register. If,
3 upon such comparison, the signature upon the voter's certificate
4 appears to be genuine, the elector who has signed the
5 certificate shall, if otherwise qualified, be permitted to vote:
6 Provided, That if the signature on the voter's certificate, as
7 compared with the signature as recorded in the district
8 register, shall not be deemed authentic by any of the election
9 officers, such elector shall not be denied the right to vote for
10 that reason, but shall be considered challenged as to identity
11 and required to make the affidavit and produce the evidence as
12 provided in subsection (d) of this section.

13 (3) When an elector has been found entitled to vote, the
14 election officer who examined his voter's certificate and
15 compared his signature shall sign his name or initials on the
16 voter's certificate, shall, if the elector's signature is not
17 readily legible, print such elector's name over his signature,
18 and the number of the stub of the ballot issued to him or his
19 number in the order of admission to the voting machines, and at
20 primaries a letter or abbreviation designating the party in
21 whose primary he votes shall also be entered by one of the
22 election officers or clerks.

23 (4) As each voter is found to be qualified and votes, the
24 election officer in charge of the district register shall write
25 or stamp the date of the election or primary, the number of the
26 stub of the ballot issued to him or his number in the order of
27 admission to the voting machines, and at primaries a letter or
28 abbreviation designating the party in whose primary he votes,
29 and shall sign his name or initials in the proper space on the
30 registration card of such voter contained in the district

1 register.

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

6 (a.4) (1) At all elections an individual who claims to be
7 properly registered and eligible to vote at the election
8 district but whose name does not appear on the district register
9 and whose registration cannot be determined by the inspectors of
10 election or the county election board shall be permitted to cast
11 a provisional ballot. Individuals who [are voting for the first
12 time at the election district] appear to vote shall be required
13 to produce proof of identification pursuant to subsection (a) or
14 (a.1) and if unable to do so shall be permitted to cast a
15 provisional ballot. An individual presenting a judicial order to
16 vote shall be permitted to cast a provisional ballot.

17 * * *

18 (5) (i) Except as provided in subclause (ii), if it is
19 determined that the individual was registered and entitled to
20 vote at the election district where the ballot was cast, the
21 county board of elections shall compare the signature on the
22 provisional ballot envelope with the signature on the elector's
23 registration form and, if the signatures are determined to be
24 genuine, shall count the ballot if the county board of elections
25 confirms that the individual did not cast any other ballot,
26 including an absentee ballot, in the election.

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

28 (A) either the provisional ballot envelope under clause (3)
29 or the affidavit under clause (2) is not signed by the
30 individual;

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

4 (C) a provisional ballot envelope does not contain a secrecy
5 envelope;

6 (D) in the case of a provisional ballot that was cast under
7 subsection (a.2)(1), the elector fails to appear before the
8 county board of elections within six calendar days following the
9 election to execute an affidavit affirming, under penalty of
10 perjury, that the elector is the same individual who personally
11 appeared before the district election board on the day of the
12 election and cast a provisional ballot and that the elector's ←
13 religious beliefs or practices conflict with presentation of
14 proof of identification ELECTOR HAS A RELIGIOUS OBJECTION TO ←
15 BEING PHOTOGRAPHED;

16 (E) in the case of a provisional ballot that was cast under
17 subsection (a.2)(2), the elector fails to appear before the
18 county board of elections within six calendar days following the
19 election to execute an affidavit affirming, under penalty of
20 perjury, that the elector is the same individual who personally
21 appeared before the district election board on the day of the
22 election and cast a provisional ballot and that the elector is
23 indigent and unable to obtain proof of identification without
24 the payment of a fee; or

25 (F) in the case of a provisional ballot that was cast under
26 subsection (a.2)(3), the elector fails to appear before the
27 county board of elections within six calendar days following the
28 election to present proof of identification and execute an
29 affidavit affirming, under penalty of perjury, that the elector ←
30 is the same individual who personally appeared before the

1 district election board on the day of the election and cast a
2 provisional ballot.

3 (III) ONE AUTHORIZED REPRESENTATIVE OF EACH CANDIDATE IN AN ←
4 ELECTION AND ONE REPRESENTATIVE FROM EACH PARTY SHALL BE
5 PERMITTED TO REMAIN IN THE ROOM IN WHICH DELIBERATION OR
6 DETERMINATION OF SUBCLAUSE (II) IS BEING MADE.

7 * * *

8 (F) DEFINITIONS.--AS USED IN THIS SECTION, "CARE FACILITY" ←
9 MEANS ANY OF THE FOLLOWING:

10 (1) A LONG-TERM CARE NURSING FACILITY AS DEFINED IN SECTION
11 802.1 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE
12 "HEALTH CARE FACILITIES ACT."

13 (2) AN ASSISTED LIVING RESIDENCE AS DEFINED IN SECTION 1001
14 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE
15 "PUBLIC WELFARE CODE."

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

17 SECTION 4. THE AMENDMENT OF SECTION 1210 OF THE ACT SHALL ←
18 APPLY TO ELECTIONS HELD AFTER JANUARY 1, 2012.

19 SECTION 5. THIS ACT SHALL TAKE EFFECT JULY 1, 2011, OR
20 IMMEDIATELY, WHICHEVER IS LATER.