

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 934** Session of
2011

INTRODUCED BY METCALFE, AUMENT, BARRAR, BOYD, CAUSER, CLYMER,
COX, CREIGHTON, CRUZ, CUTLER, DENLINGER, DUNBAR, ELLIS,
EVANKOVICH, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GRELL,
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MARSHALL, MILLARD, MOUL, PEIFER, PERRY, PETRI, PICKETT, PYLE,
RAPP, REED, ROAE, SACCONI, SAYLOR, SCHRODER, SIMMONS, SONNEY,
STEVENSON, TALLMAN, TRUITT, VULAKOVICH AND REICHEL, YOUNG,
MARCH 4, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 21, 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 (1) IN THE CASE OF AN ELECTOR WHO HAS A RELIGIOUS OBJECTION
19 TO BEING PHOTOGRAPHED, A VALID-WITHOUT-PHOTO DRIVER'S LICENSE OR
20 A VALID-WITHOUT-PHOTO IDENTIFICATION CARD ISSUED BY THE
21 DEPARTMENT OF TRANSPORTATION.

22 (2) IN THE CASE OF ALL OTHER ELECTORS, A DOCUMENT THAT:

23 (I) SHOWS THE NAME OF THE INDIVIDUAL TO WHOM THE DOCUMENT
24 WAS ISSUED AND THE NAME CONFORMS TO THE NAME OF THE INDIVIDUAL
25 AS IT APPEARS IN THE DISTRICT REGISTER;

26 (II) SHOWS A PHOTOGRAPH OF THE INDIVIDUAL TO WHOM THE
27 DOCUMENT WAS ISSUED;

28 (III) INCLUDES AN EXPIRATION DATE;

29 (IV) IS NOT EXPIRED OR EXPIRED AFTER THE DATE OF THE MOST
30 RECENT GENERAL ELECTION; AND

1 (V) WAS ISSUED BY THE UNITED STATES OR THE COMMONWEALTH.

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

3 Section 206. Requirements Relating to Voter

4 Identification.--(a) The Secretary of the Commonwealth shall
5 prepare and disseminate information to the public regarding the
6 proof of identification requirements established under section
7 1210.

8 (b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)
9 (relating to issuance and content of driver's license) to the
10 contrary, the Department of Transportation shall issue an
11 identification card described in 75 Pa.C.S. § 1510(b) at no cost
12 to any registered elector who has made application therefor and
13 has included with the completed application a statement signed
14 by the elector declaring that the elector does not possess proof
15 of identification and requires proof of identification for
16 voting purposes.

17 (c) The Secretary of the Commonwealth shall prepare the form
18 of the statement described in subsection (b) and shall
19 distribute the form to the counties and the Department of
20 Transportation. The Secretary of the Commonwealth, the Secretary
21 of Transportation and the county boards of election shall
22 disseminate information to the public regarding the availability
23 of identification cards under subsection (b).

24 Section 3. Section 1210(a), (a.1), (a.2), (a.3) and (a.4) (1)
25 and (5) of the act, amended October 8, 2004 (P.L.807, No.97) and
26 May 12, 2006 (P.L.178, No.45), ~~is~~ ARE amended and the section is ←
27 amended by adding a subsection to read:

28 Section 1210. Manner of Applying to Vote; Persons Entitled
29 to Vote; Voter's Certificates; Entries to Be Made in District
30 Register; Numbered Lists of Voters; Challenges.--(a) [At]

1 Except as otherwise provided in subsection (a.1), at every
2 primary and election each elector who appears to vote [in that
3 election district for the first time] and who desires to vote
4 shall first present to an election officer [one of the following
5 forms of photo identification:

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

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

10 (3) a valid identification card issued by the United States
11 Government;

12 (4) a valid United States passport;

13 (5) a valid student identification card;

14 (6) a valid employe identification card; or

15 (7) a valid armed forces of the United States identification
16 card] proof of identification.

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

20 (a.1) [Where the elector does not have a photo
21 identification as provided for in subsection (a), the elector
22 shall present for examination one of the following forms of
23 identification that shows the name and address of the elector:

24 (1) nonphoto identification issued by the Commonwealth, or
25 any agency thereof;

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

28 (3) a firearm permit;

29 (4) a current utility bill;

30 (5) a current bank statement;

1 (6) a paycheck;

2 (7) a government check.

3 The election officer shall examine the identification presented
4 by the elector and sign an affidavit stating that this has been
5 done.] In the case of an elector who resides in a care facility
6 and votes in a polling place that is located in the care
7 facility, the following shall apply:

8 (1) For the primary or election at which the elector appears
9 to vote in the election district for the first time, the elector
10 shall first present to an election officer proof of
11 identification.

12 (2) The election officer shall examine the proof of
13 identification presented by the elector and sign an affidavit
14 stating that this has been done.

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

17 ~~(1) on the grounds that the elector has a religious~~ ←
18 ~~objection to being photographed;~~

19 ~~(2) (1) on the grounds that the elector is indigent and~~ ←
20 ~~unable to obtain proof of identification without the payment of~~
21 ~~a fee; or~~

22 ~~(3) (2) on any other grounds~~ ←

23 or the elector's proof of identification is challenged by the
24 judge of elections, the elector shall be permitted to cast a
25 provisional ballot in accordance with subsection (a.4).

26 (a.3) (1) All electors, including any elector that shows
27 proof of identification pursuant to subsection (a), shall
28 subsequently sign a voter's certificate in blue, black or blue-
29 black ink with a fountain pen or ball point pen, and, unless he
30 is a State or Federal employe who has registered under any

1 registration act without declaring his residence by street and
2 number, he shall insert his address therein, and hand the same
3 to the election officer in charge of the district register.

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

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

29 (4) As each voter is found to be qualified and votes, the
30 election officer in charge of the district register shall write

1 or stamp the date of the election or primary, the number of the
2 stub of the ballot issued to him or his number in the order of
3 admission to the voting machines, and at primaries a letter or
4 abbreviation designating the party in whose primary he votes,
5 and shall sign his name or initials in the proper space on the
6 registration card of such voter contained in the district
7 register.

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

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

23 * * *

24 (5) (i) Except as provided in subclause (ii), if it is
25 determined that the individual was registered and entitled to
26 vote at the election district where the ballot was cast, the
27 county board of elections shall compare the signature on the
28 provisional ballot envelope with the signature on the elector's
29 registration form and, if the signatures are determined to be
30 genuine, shall count the ballot if the county board of elections

1 confirms that the individual did not cast any other ballot,
2 including an absentee ballot, in the election.

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

4 (A) either the provisional ballot envelope under clause (3)
5 or the affidavit under clause (2) is not signed by the
6 individual;

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

10 (C) a provisional ballot envelope does not contain a secrecy
11 envelope;

12 ~~(D) in the case of a provisional ballot that was cast under~~ ←
13 ~~subsection (a.2)(1), the elector fails to appear before the~~
14 ~~county board of elections within six calendar days following the~~
15 ~~election to execute an affidavit affirming, under penalty of~~
16 ~~perjury, that the elector is the same individual who personally~~
17 ~~appeared before the district election board on the day of the~~
18 ~~election and cast a provisional ballot and that the elector has~~
19 ~~a religious objection to being photographed;~~

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

29 ~~(F) (E) in the case of a provisional ballot that was cast~~ ←
30 ~~under subsection (a.2)(3), the elector fails to appear before~~

1 the county board of elections within six calendar days following
2 the election to present proof of identification and execute an
3 affidavit affirming, under penalty of perjury, that the elector
4 is the same individual who personally appeared before the
5 district election board on the day of the election and cast a
6 provisional ballot.

7 (iii) One authorized representative of each candidate in an
8 election and one representative from each party shall be
9 permitted to remain in the room in which deliberation or
10 determination of subclause (ii) is being made.

11 * * *

12 (f) Definitions.—As used in this section, "care facility" ←
13 means any of the following:

14 (1) A long-term care nursing facility as defined in section
15 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the
16 "Health Care Facilities Act."

17 (2) An assisted living residence as defined in section 1001
18 of the act of June 13, 1967 (P.L.31, No.21), known as the
19 "Public Welfare Code."

20 Section 4. The amendment of section 1210 of the act shall
21 apply to elections held after January 1, 2012.

22 Section 5. This act shall take effect July 1, 2011, or
23 immediately, whichever is later.