

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 668 Session of 2019

INTRODUCED BY DALEY, DERMODY, FRANKEL, YOUNGBLOOD, McCLINTON, GOODMAN, FREEMAN, LONGIETTI, RABB, SCHLOSSBERG, KORTZ, MATZIE, SHUSTERMAN, HILL-EVANS, SOLOMON, KULIK, ISAACSON, DEASY, DRISCOLL, CIRESI, NEILSON, WARREN, WEBSTER, SCHWEYER, HANBIDGE, T. DAVIS, ZABEL, McNEILL, FITZGERALD, HOWARD, KINSEY, O'MARA, KIM, OTTEN, MADDEN AND DAVIDSON, MARCH 1, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 1, 2019

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
 2 Statutes, in voter registration, further providing for
 3 methods of voter registration, providing for electronic voter
 4 registration and for electronic submission of changes to
 5 registration and further providing for time, for preparation
 6 and distribution of applications and for approval of
 7 registration applications; in records, further providing for
 8 general register, for district registers and for reports; in
 9 changes in records, further providing for removal notices and
 10 for change of enrollment of political party; and, in
 11 penalties, further providing for altering registration.

12 The General Assembly of the Commonwealth of Pennsylvania
 13 hereby enacts as follows:

14 Section 1. Section 1321 of Title 25 of the Pennsylvania
 15 Consolidated Statutes is amended by adding a paragraph to read:
 16 § 1321. Methods of voter registration.

17 An individual qualified to register to vote under section
 18 1301(a) (relating to qualifications to register) may apply to
 19 register as follows:

20 * * *

1 (5) Under section 1325.1 (relating to electronic voter
2 registration).

3 Section 2. Title 25 is amended by adding sections to read:

4 § 1325.1. Electronic voter registration.

5 (a) General rule.--An application to register to vote may be
6 submitted by an electronic voter registration application on the
7 publicly accessible Internet website maintained by the
8 department in the manner provided under this section.

9 (b) Establishment.--

10 (1) The department shall develop an electronic voter
11 application on a secure Internet system, maintained by the
12 department, that permits a qualified elector to
13 electronically submit a voter registration application or
14 changes to an existing registration.

15 (2) The department shall develop the application within
16 180 days of the effective date of this section. The
17 electronic voter registration application shall not be put
18 into use until the department, the Department of
19 Transportation and each commission have developed a process
20 and the infrastructure necessary for the effective use of the
21 application as contemplated by this section but in no event
22 later than June 30, 2019.

23 (3) The electronic voter registration application shall
24 comply with the requirements under section 1327 (relating to
25 preparation and distribution of applications). The electronic
26 voter registration application shall be provided in a manner
27 that is accessible to applicants with disabilities, including
28 those who are blind and visually impaired, and in a manner
29 that provides the same opportunity for access and
30 participation as for other voters.

1 (c) Submission.--

2 (1) A qualified elector who applies to register to vote
3 under this section shall do all of the following:

4 (i) Enter the data required on the electronic voter
5 registration application.

6 (ii) Provide one of the following:

7 (A) the last four digits of the applicant's
8 Social Security number;

9 (B) the applicant's driver's license number or
10 identification card number issued by the Department
11 of Transportation under 75 Pa.C.S. § 1510(b)
12 (relating to issuance and content of driver's
13 license); or

14 (C) if the applicant does not have the
15 information required by clause (A) or (B), any other
16 information required by the department to verify the
17 applicant's identity.

18 (iii) Affirmatively attest to the truth of the
19 information provided by the applicant.

20 (2) The department shall obtain and verify an electronic
21 copy of the applicant's signature from the applicant's
22 driver's license or identification card issued by the
23 Department of Transportation under 75 Pa.C.S. § 1510. The
24 department may, in its discretion, develop other means of
25 obtaining an electronic signature from an applicant,
26 including obtaining a copy of a signature on file with
27 another Commonwealth agency, so long as the signature is
28 capable of being transmitted to the department in a secure
29 fashion.

30 (3) (i) Whether or not the department is able to obtain

1 and verify an electronic copy of an applicant's signature
2 under paragraph (2), the department shall transfer the
3 application to the SURE system for examination and
4 processing by the appropriate commission in accordance
5 with section 1328 (relating to approval of registration
6 applications). If the department is not able to obtain
7 and verify an electronic copy of the applicant's
8 signature, the department shall include a notation that
9 the applicant must provide a signature at the polling
10 place or, if the applicant votes by absentee ballot, on
11 the absentee ballot application, the first time the
12 applicant votes after submitting an electronic voter
13 registration application.

14 (ii) Nothing in this section shall be deemed to
15 prevent an applicant from printing the completed
16 electronic voter registration application, signing it and
17 mailing it to the appropriate commission in accordance
18 with the voter registration application deadlines
19 specified in section 1326 (relating to time). In that
20 event, no additional signature shall be required.

21 (4) Use of electronic voter registration application by
22 the applicant shall constitute the applicant's consent to the
23 use of the applicant's signature on file with the Department
24 of Transportation or any other Commonwealth agency or
25 otherwise provided to the department under paragraph (2) for
26 voter registration purposes.

27 (d) Duties of department.--

28 (1) Within 24 months following the effective date of
29 this section, the department shall promulgate regulations
30 necessary to implement the provisions of this section and

1 section 1325.2 (relating to electronic submission of changes
2 to registration). Prior to the promulgation, the department
3 shall transmit notice of the implementation guidelines to the
4 Legislative Reference Bureau for publication in the
5 Pennsylvania Bulletin.

6 (2) The department shall develop and employ security
7 measures to ensure the security and integrity of voter
8 registration applications or changes to voter registrations
9 submitted electronically under this section and section
10 1325.2.

11 (e) Time.--If an electronic voter registration application
12 is submitted within 30 days before an election, the application
13 shall be transferred to the appropriate commission through the
14 SURE system and retained by the commission until the beginning
15 of the next period during which registrations must be processed.
16 § 1325.2. Electronic submission of changes to registration.

17 (a) Changing information.--A registered elector may change
18 information in the registered elector's voter registration
19 records by using the electronic voter registration application
20 developed by the department under section 1325.1 (relating to
21 electronic voter registration) or a form developed by the
22 department for changes, as determined by the department. The
23 changes that may be made electronically shall be:

24 (1) A change in the enrollment of political designation.

25 (2) The enrollment of a political designation if,
26 although registered, the elector has not previously enrolled
27 as a member of a party.

28 (3) The registered elector's name.

29 (4) The registered elector's address.

30 (b) Submission.--The provisions of section 1325.1 regarding

1 the truth of the information, the requirement for and consent to
2 the use of the elector's signature on file with another
3 Commonwealth agency or otherwise provided to the department
4 under section 1325.1(c)(2) and other verification by the elector
5 of the elector's identity shall apply to a submission for a
6 change to the elector's registration records under this section.

7 (c) Effectiveness of changes.--Changes to information in an
8 elector's voter registration records under this section shall
9 only be effective if:

10 (1) the department is able to obtain and verify an
11 electronic copy of the elector's signature. The department
12 shall inform the applicant if the electronic signature cannot
13 be verified; or

14 (2) the elector prints the form on which the changes
15 have been made, signs the form and mails it to the
16 appropriate commission, and the commission receives the
17 changes in accordance with the voter registration application
18 deadlines specified in section 1326 (relating to time).

19 Section 3. Section 1326(b) of Title 25 is amended by adding
20 a paragraph to read:

21 § 1326. Time.

22 * * *

23 (b) Deadlines.--In the administration of voter registration,
24 each commission shall ensure that any applicant who is a
25 qualified elector is registered to vote in an election when the
26 applicant has met any of the following conditions:

27 * * *

28 (3.1) In the case of electronic voter registration under
29 section 1325.1 (relating to electronic voter registration),
30 if the voter transmits the electronic voter registration

1 application through the Internet system maintained by the
2 department not later than 11:59 p.m. on the 30th day prior to
3 the election.

4 * * *

5 Section 4. Sections 1327(a)(3), (4), (5) and (6) and (b)(3)
6 and (4), 1328(a)(2), 1401(a)(5), 1402(b)(2), 1406(a), 1501(b)
7 (1), 1503 and 1704(a) of Title 25 are amended to read:

8 § 1327. Preparation and distribution of applications.

9 (a) Form.--

10 * * *

11 (3) Any person who assists in the completion of the
12 registration application shall sign or, in the case of
13 registration under section 1325.1 (relating to electronic
14 voter registration), shall electronically sign the
15 application and indicate the person's address. In the case of
16 those registering under sections 1323 (relating to
17 application with driver's license application) and 1325
18 (relating to government agencies), the person providing
19 assistance shall insert the person's initials or employee or
20 agent identification number on a separate or detachable
21 portion of the application or computer data file.

22 (4) A voter registration application, except a
23 registration application under section 1325.1, shall be
24 printed on stock of good quality and shall be of suitable
25 uniform size. [Nothing in this part shall prohibit the design
26 and use of an electronic voter registration application which
27 includes the applicant's digitized or electronic signature.]

28 The registration application, including a registration
29 application under section 1325.1, shall contain the following
30 information; however, the information may be provided on a

1 separate form for voter registration made under section 1323
2 or 1325:

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

5 (ii) Instructions on how to fill out and submit the
6 application and notification of when the application must
7 be submitted to a voter registration office or, for
8 registration under section 1325.1, electronically, in
9 order to be registered for the ensuing election.

10 (iii) Notice that the applicant must be a citizen of
11 the United States for at least one month prior to the
12 next election and a resident of this Commonwealth and the
13 election district for at least 30 days and must be at
14 least 18 years of age by the day of the next ensuing
15 election and has not been confined in a penal institution
16 for a conviction of a felony within the last five years.
17 The notice required in this subparagraph shall be in
18 print identical to the declaration under subsection (b).

19 (iv) Notice that political party enrollment is
20 mandatory to vote in a primary election of a political
21 party.

22 (v) Notice that the commission will mail by
23 nonforwardable mail to the applicant a voter's
24 identification card upon acceptance of the application
25 and that the applicant should contact the commission if
26 the identification card is not received within 14 days
27 from the date the application is sent to the registration
28 office[.] or submitted electronically to the department
29 under section 1325.1. In the event that the applicant's
30 electronic registration application did not contain a

1 signature, the card shall contain a notice that the voter
2 must provide a signature the first time the voter votes
3 after submission of the electronic voter registration
4 application.

5 (vi) Notice that registration is not complete until
6 the application is processed and accepted by the
7 commission or, if submitted electronically under section
8 1325.1, the department.

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

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

16 (ix) Notice that, if an individual declines to
17 register to vote, the fact that the individual has
18 declined to register will remain confidential and will be
19 used only for voter registration purposes. The notice
20 required in this subparagraph shall be in print identical
21 to the declaration under subsection (b).

22 (x) Notice that, if an individual does register to
23 vote, the office at which the individual submits a voter
24 registration application will remain confidential and
25 will be used for voter registration purposes only. The
26 notices required in this subparagraph shall be in print
27 identical to the declaration in subsection (b).

28 (5) In jurisdictions where there is a single language
29 minority, the [secretary] department may print a bilingual
30 application and develop a bilingual electronic voter

1 registration application.

2 (6) In jurisdictions where a single language minority
3 exceeds 5% of the population, in accordance with applicable
4 law, the [secretary] department shall:

5 (i) print a bilingual application and develop a
6 bilingual electronic voter registration application; and

7 (ii) conduct a public educational program among that
8 language group alerting both organizations and
9 individuals of that group of the availability of the
10 bilingual application and encouraging individuals to
11 register.

12 * * *

13 (b) Registration declaration.--

14 * * *

15 (3) The registration declaration shall contain the
16 printed name [and signature of the applicant and the date of
17 signing.], date of signing and, except for an applicant
18 submitting a registration under section 1325.1, the signature
19 of the applicant. An applicant unable to sign the voter
20 registration application shall make a mark before a person of
21 the applicant's choice other than the applicant's employer or
22 an agent of the applicant's union. The person shall insert
23 the person's name, address and telephone number. If the
24 person is an employee or agent of the Department of
25 Transportation or another agency as provided under section
26 1325 and is assisting the applicant in an official capacity,
27 the employee or agent shall insert the initials and
28 identification number of the employee or agent. In the case
29 of applicants registering under section 1323 or 1325, the
30 person providing assistance shall insert initials or employee

1 or agent identification number on a separate or detachable
2 portion of the application or computer data file.

3 (4) The official registration application shall contain
4 a notice entitled "PENALTY FOR FALSIFYING DECLARATION." The
5 notice shall advise the applicant that if a person signs an
6 official registration application or submits an electronic
7 registration application or change form pursuant to section
8 1325.1 or 1325.2 (relating to electronic submission of
9 changes to registration), knowing a statement declared in the
10 application to be false, the person commits perjury. The
11 notice shall specify the penalty for perjury.

12 * * *

13 § 1328. Approval of registration applications.

14 (a) Examination.--Upon receiving a voter registration
15 application, a commissioner, clerk or registrar of a commission
16 shall do all of the following:

17 * * *

18 (2) Examine the application to determine all of the
19 following:

20 (i) Whether the application is complete. The lack of
21 an applicant's signature on an application submitted
22 under section 1325.1 (relating to electronic voter
23 registration) shall not be grounds for rejecting an
24 otherwise valid application.

25 (ii) Whether the applicant is a qualified elector.

26 (iii) Whether the applicant has an existing
27 registration record. After the commission is connected to
28 the SURE system, the commissioner, clerk or registrar
29 shall search the SURE system on a Statewide basis to
30 determine if the applicant has an existing registration

1 record.

2 (iv) Whether the applicant is entitled or qualified
3 to receive the requested transfer or change, if
4 applicable.

5 * * *

6 § 1401. General register.

7 (a) General rule.--The general register shall contain all of
8 the following for each registered elector of the county:

9 * * *

10 (5) The digitized or electronic signature of the
11 registered elector. In the case of an elector permitted to
12 submit a signature the first time the elector votes after
13 submitting an electronic voter registration application under
14 section 1325.1 (relating to electronic voter registration),
15 the commission shall enter the elector's signature on the
16 elector's registration record as soon as practicable after
17 the election. The elector shall not be subject to the
18 provisions of section 1210(a.3)(2) of the act of June 3, 1937
19 (P.L.1333, No.320), known as the Pennsylvania Election Code,
20 until the elector's signature has been entered on the
21 elector's registration record.

22 * * *

23 § 1402. District registers.

24 * * *

25 (b) Computer lists.--

26 * * *

27 (2) After a commission is connected to the SURE system,
28 each commission shall create from its general register a
29 computer list to be used as the district register. For each
30 election district, the list shall contain the names of the

1 registered electors of the election district, alphabetically
2 by last name of each registered elector. Each page of the
3 list shall contain the name of the county, the election
4 district, the date of the election and the date and time the
5 list was prepared. The computer list shall be in a form
6 prescribed by the secretary and must contain necessary
7 information that would otherwise be available in the general
8 register, including, except for an elector permitted to
9 submit a signature at the polling place the first time the
10 elector votes after submitting an electronic voter
11 registration application under section 1325.1 (relating to
12 electronic voter registration), a legible digitized or
13 electronic signature, the street address and political party
14 of each registered elector, and suitable space for insertion
15 of the signature of the registered elector and for insertion
16 by the proper election official of the number and letter of
17 the stub of the ballot issued to the registered elector or
18 the registered elector's number in the order of admission to
19 the voting systems and the initials of the election official
20 who enters the record of voting in the district register and
21 whether the elector needs assistance to vote and, if so, the
22 nature of the disability. The district register shall be kept
23 at the office of the commission and shall be open to public
24 inspection, subject to reasonable safeguards, rules and
25 regulations.

26 * * *

27 § 1406. Reports.

28 (a) Commission.--By March 1, a commission shall submit to
29 the secretary an annual report setting forth the number of
30 electors registered under sections 1322 (relating to in-person

1 voter registration), 1323 (relating to application with driver's
2 license application), 1324 (relating to application by mail)
3 [and], 1325 (relating to government agencies) and 1325.1
4 (relating to electronic voter registration). The report shall
5 specify the number of electors whose registration has been
6 canceled under Chapter 15 (relating to changes in records) and
7 any other information required by the secretary.

8 * * *

9 § 1501. Removal notices.

10 * * *

11 (b) Use.--A registered elector who removes residence from
12 one place to another within the same county must notify the
13 commission by filing a removal notice under subsection (a) or a
14 signed request for [renewal] removal that contains the
15 information required in subsection (a) with the commission not
16 later than the registration deadline before an election. If
17 mailed, the notice or request must be postmarked not later than
18 the deadline for registration or, in the case of an illegible or
19 missing postmark, received within five days of the close of
20 registration. The following apply:

21 (1) An official registration application of an elector
22 who has registered by mail or electronic voter registration
23 application qualifies as a removal notice.

24 * * *

25 § 1503. Change of enrollment of political party.

26 By the deadline for registration, a registered elector who
27 desires to change the enrollment of political designation or
28 who, although registered, has not previously enrolled as a
29 member of a party may appear before a commissioner, registrar or
30 clerk or may submit an application by mail under section 1324

1 (relating to application by mail) [and state in a signed] or
2 electronically under section 1325.2 (relating to electronic
3 submission of changes to registration). In a case other than
4 submission under section 1325.2, the elector shall state in a
5 signed writing the political party in which the registered
6 elector desires to be enrolled. If the signature of the elector
7 is verified by comparison with the registered elector's
8 signature as it appears on file with the commission, the
9 commissioner, registrar or clerk shall make the change in its
10 registration records. [If] In a case other than submission under
11 section 1325.2, if supported by other evidence of identity, a
12 mark may be made in lieu of a signature by a registered elector
13 who is unable to write. The mark must be made in the presence of
14 a witness who must sign the registration application. For
15 submissions under section 1325.2, the elector shall follow the
16 procedure for verification of the elector's identity specified
17 in section 1325.1 (relating to electronic voter registration).
18 § 1704. Altering registration.

19 (a) Prohibition.--No registrar, commissioner, clerk or
20 assistant [or], commission employee or other individual may do
21 any of the following:

22 (1) Intentionally insert or permit to be inserted an
23 entry in a registration record without a proper application
24 under this part or without requiring the proper evidence of
25 the right of the applicant to be registered.

26 (2) Intentionally materially alter a registration record
27 after the entries have been made unless the alteration is in
28 accordance with this part. This paragraph does not apply to
29 an alteration pursuant to an order of a court of common pleas
30 or of a commission.

1 (3) Intentionally submit false information regarding a
2 change of party enrollment or name or address on a
3 registration record of another individual.

4 * * *

5 Section 5. This act shall take effect immediately.