

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1596 Session of 2021

INTRODUCED BY WHEELAND, STAATS, R. MACKENZIE, COOK, CAUSER, BERNSTINE, KAUFFMAN, BOROWICZ, M. MACKENZIE, RYAN, DIAMOND, OWLETT, HAMM, ROTHMAN, ROWE, MILLARD, METCALFE, COX, STAMBAUGH, WARNER, GLEIM, ZIMMERMAN, MALONEY, MOUL, GILLEN, R. BROWN AND GROVE, JUNE 10, 2021

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 2021

A JOINT RESOLUTION

1 Proposing an amendment SEPARATE AND DISTINCT AND INTEGRATED <--
2 AMENDMENTS to the Constitution of the Commonwealth of
3 Pennsylvania, further providing for qualifications of
4 electors-, FOR METHOD OF ELECTIONS AND SECRECY IN VOTING AND <--
5 FOR ELECTION AND REGISTRATION LAWS AND PROVIDING FOR ELECTION
6 AUDITS AND FOR THE ELECTION AND QUALIFICATIONS OF THE
7 SECRETARY OF THE COMMONWEALTH.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby resolves as follows:

10 Section 1. The following amendment to the Constitution of <--
11 Pennsylvania is proposed in accordance with Article XI:

12 SECTION 1. THE FOLLOWING SEPARATE AND DISTINCT AMENDMENTS TO <--
13 THE CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH
14 ARTICLE XI:

15 (1) That section 1 of Article VII be amended to read:

16 § 1. Qualifications of electors.

17 (a) Every citizen 21 years of age, possessing the following <--

18 [EVERY CITIZEN 21] (A) ONLY CITIZENS 18 YEARS OF AGE OR OLDER, <--

1 POSSESSING THE FOLLOWING qualifications, shall be entitled to
2 vote at all elections subject, however, to such laws requiring
3 and regulating the registration of electors as the General
4 Assembly may enact.

5 1. He or she shall have been a citizen of the United States
6 at least one month.

7 2. He or she shall have resided in the State [90] 30 days <--
8 immediately preceding the election.

9 3. He or she shall have resided in the election district
10 where he or she shall offer to vote at least [60] 30 days <--
11 immediately preceding the election, except that if qualified to
12 vote in an election district prior to removal of residence, he
13 or she may, if a resident of Pennsylvania, vote in the election
14 district from which he or she removed his or her residence
15 within [60] 30 days preceding the election. <--

16 ~~(b) In addition to the qualifications under subsection (a)~~ <--
17 ~~of this section, a qualified elector shall provide a valid~~
18 ~~identification at each election in accordance with the~~
19 ~~following:~~

20 ~~1. When voting in person, the qualified elector shall~~
21 ~~present a valid identification before receiving a ballot to vote~~
22 ~~in person.~~

23 ~~2. When voting by absentee ballot or mail in ballot, the~~
24 ~~qualified elector shall enclose a copy of a valid identification~~
25 ~~with his or her absentee ballot or mail in ballot.~~

26 ~~(c) The Legislature shall, by general law, provide for the~~
27 ~~types of valid identifications necessary for a qualified elector~~
28 ~~to comply with subsection (b) of this section.~~

29 Section 2. ~~(a) Upon the first passage by the General~~
30 ~~Assembly of this proposed constitutional amendment, the~~

1 ~~Secretary of the Commonwealth shall proceed immediately to~~
2 ~~comply with the advertising requirements of section 1 of Article~~
3 ~~XI of the Constitution of Pennsylvania and shall transmit the~~
4 ~~required advertisements to two newspapers in every county in~~
5 ~~which such newspapers are published in sufficient time after~~
6 ~~passage of this proposed constitutional amendment.~~

7 ~~(b) Upon the second passage by the General Assembly of this~~
8 ~~proposed constitutional amendment, the Secretary of the~~
9 ~~Commonwealth shall proceed immediately to comply with the~~
10 ~~advertising requirements of section 1 of Article XI of the~~
11 ~~Constitution of Pennsylvania and shall transmit the required~~
12 ~~advertisements to two newspapers in every county in which such~~
13 ~~newspapers are published in sufficient time after passage of~~
14 ~~this proposed constitutional amendment. The Secretary of the~~
15 ~~Commonwealth shall submit this proposed constitutional amendment~~
16 ~~to the qualified electors of this Commonwealth at the first~~
17 ~~primary, general or municipal election which meets the~~
18 ~~requirements of and is in conformance with section 1 of Article~~
19 ~~XI of the Constitution of Pennsylvania and which occurs at least~~
20 ~~three months after the proposed constitutional amendment is~~
21 ~~passed by the General Assembly.~~

22 (B) IN ADDITION TO THE QUALIFICATIONS UNDER SUBSECTION (A), <--
23 A QUALIFIED ELECTOR SHALL PRESENT A VALID GOVERNMENT-ISSUED
24 IDENTIFICATION PRIOR TO VOTING. WHEN NOT VOTING IN PERSON, A
25 QUALIFIED ELECTOR SHALL PROVIDE PROOF OF A VALID GOVERNMENT-
26 ISSUED IDENTIFICATION AND THE QUALIFIED ELECTOR'S SIGNATURE WHEN
27 REQUESTING AND SUBMITTING A BALLOT. THE QUALIFIED ELECTOR'S
28 SIGNATURE SHALL BE MATCHED TO THE QUALIFIED ELECTOR'S SIGNATURE
29 OF RECORD PRIOR TO THE BALLOT BEING ACCEPTED.

30 (C) IN ADDITION TO THE QUALIFICATIONS UNDER THIS SECTION, A

1 QUALIFIED ELECTOR MUST BE REGISTERED TO VOTE NO LATER THAN 30
2 DAYS PRIOR TO AN ELECTION IN ORDER TO CAST A VOTE. A
3 COMMONWEALTH ENTITY OVERSEEING VOTER REGISTRATION SHALL
4 ADEQUATELY CONFIRM AN APPLICANT'S ELIGIBILITY TO VOTE PRIOR TO
5 PERMITTING ANY REGISTRATION.

6 (2) THAT SECTION 4 OF ARTICLE VII BE AMENDED TO READ:

7 § 4. METHOD OF ELECTIONS; SECRECY IN VOTING.

8 ALL ELECTIONS BY THE CITIZENS SHALL BE BY BALLOT OR BY SUCH
9 OTHER METHOD AS MAY BE PRESCRIBED BY LAW: PROVIDED, THAT SECRECY
10 IN VOTING BE PRESERVED[.] AND IN ACCORDANCE WITH THE FOLLOWING:

11 1. NO PART OF THE ADMINISTRATION OF ELECTIONS MAY BE PAID
12 FOR IN ANY WAY WITH FUNDS DONATED OR PROVIDED BY PRIVATE
13 INDIVIDUALS OR ORGANIZATIONS.

14 2. ALL PAPER BALLOTS SHALL CONTAIN AN APPROPRIATE WATERMARK
15 TO PROVE AUTHENTICITY.

16 3. ALL PAPER BALLOTS SHALL BE OPEN FOR PUBLIC INSPECTION
17 AFTER THE CERTIFICATION OF AN ELECTION FOR A MINIMUM PERIOD OF
18 TWO YEARS.

19 (3) THAT SECTION 6 OF ARTICLE VII BE AMENDED TO READ:

20 § 6. ELECTION AND REGISTRATION LAWS.

21 ALL LAWS REGULATING THE HOLDING OF ELECTIONS BY THE CITIZENS,
22 OR FOR THE REGISTRATION OF ELECTORS, SHALL BE UNIFORM THROUGHOUT
23 THE STATE[, EXCEPT THAT LAWS REGULATING AND REQUIRING THE
24 REGISTRATION OF ELECTORS MAY BE ENACTED TO APPLY TO CITIES ONLY,
25 PROVIDED THAT SUCH LAWS BE UNIFORM FOR CITIES OF THE SAME CLASS,
26 AND EXCEPT FURTHER, THAT THE]. THE GENERAL ASSEMBLY SHALL BY
27 GENERAL LAW, PERMIT THE USE OF VOTING MACHINES, OR OTHER
28 MECHANICAL DEVICES FOR REGISTERING OR RECORDING AND COMPUTING
29 THE VOTE, AT ALL ELECTIONS OR PRIMARIES, IN ANY COUNTY, CITY,
30 BOROUGH, INCORPORATED TOWN OR TOWNSHIP OF THE COMMONWEALTH[, AT

1 THE OPTION OF THE ELECTORS OF SUCH COUNTY, CITY, BOROUGH,
2 INCORPORATED TOWN OR TOWNSHIP, WITHOUT BEING OBLIGED TO REQUIRE
3 THE USE OF SUCH VOTING MACHINES OR MECHANICAL DEVICES IN ANY
4 OTHER COUNTY, CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP,
5 UNDER SUCH REGULATIONS WITH REFERENCE THERETO AS THE GENERAL
6 ASSEMBLY MAY FROM TIME TO TIME PRESCRIBE]. THE GENERAL ASSEMBLY
7 MAY, FROM TIME TO TIME, PRESCRIBE THE NUMBER AND DUTIES OF
8 ELECTION OFFICERS IN ANY POLITICAL SUBDIVISION OF THE
9 COMMONWEALTH IN WHICH VOTING MACHINES OR OTHER MECHANICAL
10 DEVICES AUTHORIZED BY THIS SECTION MAY BE USED.

11 (4) THAT ARTICLE VII BE AMENDED BY ADDING A SECTION TO READ:
12 § 15. ELECTION AUDITS.

13 EACH ELECTION BY THE CITIZENS SHALL BE AUDITED BY THE AUDITOR
14 GENERAL PRIOR TO THE CERTIFICATION OF A RESULT. THE AUDITOR
15 GENERAL SHALL ADDITIONALLY CONDUCT OTHER ELECTION AUDITS,
16 INCLUDING AUDITS OF THE ADMINISTRATION OF ELECTIONS BY THE
17 COMMONWEALTH OR A POLITICAL SUBDIVISION, THE CERTIFICATION OF
18 ELECTION MACHINES, THE ACCURACY OF THE LIST OF REGISTERED VOTERS
19 AND THE ADMINISTRATION OF VOTER REGISTRATION. THE AUDITOR
20 GENERAL SHALL APPOINT AN INDEPENDENT AUDITOR TO CONDUCT EACH
21 REQUIRED AUDIT DURING A YEAR IN WHICH THE AUDITOR GENERAL STANDS
22 FOR ELECTION TO ANY OFFICE.

23 SECTION 2. THE FOLLOWING INTEGRATED AMENDMENTS TO THE
24 CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH
25 ARTICLE XI:

26 (1) THAT ARTICLE IV BE AMENDED BY ADDING A SECTION TO READ:
27 § 4.2. SECRETARY OF THE COMMONWEALTH.

28 A SECRETARY OF THE COMMONWEALTH SHALL BE CHOSEN BY THE
29 QUALIFIED ELECTORS OF THE COMMONWEALTH ON THE DAY THE GENERAL
30 ELECTION IS HELD FOR THE AUDITOR GENERAL, STATE TREASURER AND

1 ATTORNEY GENERAL. THE SECRETARY OF THE COMMONWEALTH SHALL HOLD
2 OFFICE DURING FOUR YEARS FROM THE THIRD TUESDAY OF JANUARY NEXT
3 ENSUING HIS OR HER ELECTION AND SHALL NOT BE ELIGIBLE TO SERVE
4 CONTINUOUSLY FOR MORE THAN TWO SUCCESSIVE TERMS. THE SECRETARY
5 OF THE COMMONWEALTH SHALL BE THE CHIEF ELECTIONS OFFICER OF THE
6 COMMONWEALTH AND SHALL EXERCISE SUCH POWERS AND PERFORM SUCH
7 DUTIES AS MAY BE IMPOSED BY LAW.

8 (2) THAT SECTION 5 OF ARTICLE IV BE AMENDED TO READ:

9 § 5. QUALIFICATIONS OF GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY
10 OF THE COMMONWEALTH AND ATTORNEY GENERAL.

11 NO PERSON SHALL BE ELIGIBLE TO THE OFFICE OF GOVERNOR,
12 LIEUTENANT GOVERNOR, SECRETARY OF THE COMMONWEALTH OR ATTORNEY
13 GENERAL EXCEPT A CITIZEN OF THE UNITED STATES, WHO SHALL HAVE
14 ATTAINED THE AGE OF 30 YEARS, AND HAVE BEEN SEVEN YEARS NEXT
15 PRECEDING HIS ELECTION AN INHABITANT OF THIS COMMONWEALTH,
16 UNLESS HE SHALL HAVE BEEN ABSENT ON THE PUBLIC BUSINESS OF THE
17 UNITED STATES OR OF THIS COMMONWEALTH. NO PERSON SHALL BE
18 ELIGIBLE TO THE OFFICE OF ATTORNEY GENERAL EXCEPT A MEMBER OF
19 THE BAR OF THE SUPREME COURT OF PENNSYLVANIA.

20 (3) THAT SECTION 6 OF ARTICLE IV BE AMENDED TO READ:

21 § 6. DISQUALIFICATION FOR OFFICES OF GOVERNOR, LIEUTENANT
22 GOVERNOR, SECRETARY OF THE COMMONWEALTH AND ATTORNEY
23 GENERAL.

24 NO MEMBER OF CONGRESS OR PERSON HOLDING ANY OFFICE (EXCEPT OF
25 ATTORNEY-AT-LAW OR IN THE NATIONAL GUARD OR IN A RESERVE
26 COMPONENT OF THE ARMED FORCES OF THE UNITED STATES) UNDER THE
27 UNITED STATES OR THIS COMMONWEALTH SHALL EXERCISE THE OFFICE OF
28 GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF THE COMMONWEALTH OR
29 ATTORNEY GENERAL.

30 (4) THAT SECTION 17 OF ARTICLE IV BE AMENDED TO READ:

1 § 17. CONTESTED ELECTIONS OF GOVERNOR, LIEUTENANT GOVERNOR,
2 SECRETARY OF THE COMMONWEALTH AND ATTORNEY GENERAL;
3 WHEN SUCCEEDED.

4 THE CHIEF JUSTICE OF THE SUPREME COURT SHALL PRESIDE UPON THE
5 TRIAL OF ANY CONTESTED ELECTION OF GOVERNOR, LIEUTENANT
6 GOVERNOR, SECRETARY OF THE COMMONWEALTH OR ATTORNEY GENERAL AND
7 SHALL DECIDE QUESTIONS REGARDING THE ADMISSIBILITY OF EVIDENCE,
8 AND SHALL, UPON REQUEST OF THE COMMITTEE, PRONOUNCE HIS OPINION
9 UPON OTHER QUESTIONS OF LAW INVOLVED IN THE TRIAL. THE GOVERNOR,
10 LIEUTENANT GOVERNOR, SECRETARY OF THE COMMONWEALTH AND ATTORNEY
11 GENERAL SHALL EXERCISE THE DUTIES OF THEIR RESPECTIVE OFFICES
12 UNTIL THEIR SUCCESSORS SHALL BE DULY QUALIFIED.

13 SECTION 3. UPON APPROVAL OF THE ADDITION OF SECTION 4.2 OF
14 ARTICLE IV BY THE ELECTORS, THERE SHALL BE A VACANCY IN THE
15 OFFICE OF THE SECRETARY OF THE COMMONWEALTH WHICH SHALL BE
16 FILLED AS PROVIDED IN SECTION 4.2 OF ARTICLE IV.

17 SECTION 4. (A) UPON THE FIRST PASSAGE BY THE GENERAL
18 ASSEMBLY OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS, THE
19 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO
20 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE
21 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE
22 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN
23 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER
24 PASSAGE OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS.

25 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THESE
26 PROPOSED CONSTITUTIONAL AMENDMENTS, THE SECRETARY OF THE
27 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE
28 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE
29 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED
30 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH

1 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF
2 THESE PROPOSED CONSTITUTIONAL AMENDMENTS. THE SECRETARY OF THE
3 COMMONWEALTH SHALL:

4 (1) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
5 SECTION 1(1) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
6 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
7 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
8 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
9 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
10 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
11 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

12 (2) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
13 SECTION 1(2) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
14 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
15 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
16 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
17 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
18 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
19 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

20 (3) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
21 SECTION 1(3) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
22 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
23 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
24 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
25 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
26 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
27 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

28 (4) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
29 SECTION 1(4) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
30 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST

1 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
2 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
3 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
4 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
5 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

6 (5) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENTS UNDER
7 SECTION 2 OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
8 THIS COMMONWEALTH AS A SINGLE BALLOT QUESTION AT THE FIRST
9 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
10 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
11 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
12 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
13 CONSTITUTIONAL AMENDMENTS ARE PASSED BY THE GENERAL ASSEMBLY.