
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 422 Session of
2021

INTRODUCED BY J. WARD, REGAN, MARTIN, ARGALL, GORDNER, AUMENT,
PITTMAN, BROOKS, MASTRIANO, MENSCH AND STEFANO,
MARCH 15, 2021

REFERRED TO STATE GOVERNMENT, MARCH 15, 2021

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, further providing for
12 definitions; in the Secretary of the Commonwealth, further
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(z.5) of the act of June 3, 1937
22 (P.L.1333, No.320), known as the Pennsylvania Election Code,
23 amended October 31, 2019 (P.L.552, No.77), is amended and the
24 section is amended by adding a subsection to read:

25 Section 102. Definitions.--The following words, when used in

1 this act, shall have the following meanings, unless otherwise
2 clearly apparent from the context:

3 * * *

4 (z.5) The words "proof of identification" shall mean:

5 [(1) In the case of an elector who has a religious objection
6 to being photographed, a valid-without-photo driver's license or
7 a valid-without-photo identification card issued by the
8 Department of Transportation.

9 (2) For an elector who appears to vote under section 1210, a
10 document that:

11 (i) shows the name of the individual to whom the document
12 was issued and the name substantially conforms to the name of
13 the individual as it appears in the district register;

14 (ii) shows a photograph of the individual to whom the
15 document was issued;

16 (iii) includes an expiration date and is not expired,
17 except:

18 (A) for a document issued by the Department of
19 Transportation which is not more than twelve (12) months past
20 the expiration date; or

21 (B) in the case of a document from an agency of the Armed
22 forces of the United States or their reserve components,
23 including the Pennsylvania National Guard, establishing that the
24 elector is a current member of or a veteran of the United States
25 Armed Forces or National Guard which does not designate a
26 specific date on which the document expires, but includes a
27 designation that the expiration date is indefinite; and

28 (iv) was issued by one of the following:

29 (A) The United States Government.

30 (B) The Commonwealth of Pennsylvania.

1 (C) A municipality of this Commonwealth to an employee of
2 that municipality.

3 (D) An accredited Pennsylvania public or private institution
4 of higher learning.

5 (E) A Pennsylvania care facility.

6 (3) For a qualified absentee elector under section 1301 or a
7 qualified mail-in elector under section 1301-D:

8 (i) in the case of an elector who has been issued a current
9 and valid driver's license, the elector's driver's license
10 number;

11 (ii) in the case of an elector who has not been issued a
12 current and valid driver's license, the last four digits of the
13 elector's Social Security number;

14 (iii) in the case of an elector who has a religious
15 objection to being photographed, a copy of a document that
16 satisfies paragraph (1); or

17 (iv) in the case of an elector who has not been issued a
18 current and valid driver's license or Social Security number, a
19 copy of a document that satisfies paragraph (2).]

20 (1) in the case of an elector who has been issued a current
21 and valid driver's license, the elector's driver's license
22 number;

23 (2) in the case of an elector who has not been issued a
24 current and valid driver's license, the last four digits of the
25 elector's Social Security number;

26 (3) in the case of an elector who has a religious objection
27 to being photographed, a copy of a valid-without-photo driver's
28 license or a valid-without-photo identification card issued by
29 the Department of Transportation; or

30 (4) in the case of an elector who has not been issued a

1 current and valid driver's license or Social Security number, a
2 copy of a document that:

3 (i) shows the name of the individual to whom the document
4 was issued and the name substantially conforms to the name of
5 the individual as it appears in the district register;

6 (ii) shows a photograph of the individual to whom the
7 document was issued;

8 (iii) includes an expiration date and is not expired,
9 except:

10 (A) for a document issued by the Department of
11 Transportation that is not more than twelve (12) months past the
12 expiration date; or

13 (B) in the case of a document from an agency of the armed
14 forces of the United States or their reserve components,
15 including the Pennsylvania National Guard, establishing that the
16 elector is a current member of or a veteran of the armed forces
17 of the United States or National Guard that does not designate a
18 specific date on which the document expires, but includes a
19 designation that the expiration date is indefinite; and

20 (iv) was issued by one of the following:

21 (A) The United States Government.

22 (B) The Commonwealth of Pennsylvania.

23 (C) A municipality of this Commonwealth to an employee of
24 that municipality.

25 (D) An accredited Pennsylvania public or private institution
26 of higher learning.

27 (E) A Pennsylvania care facility.

28 * * *

29 (z.7) The words "care facility" shall mean any of the
30 following:

1 (1) A long-term care nursing facility as defined in section
2 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the
3 "Health Care Facilities Act."

4 (2) An assisted living residence or a personal care home as
5 defined in section 1001 of the act of June 13, 1967 (P.L.31,
6 No.21), known as the "Human Services Code."

7 Section 2. Sections 206 and 1210 of the act are amended to
8 read:

9 Section 206. Requirements Relating to Voter
10 Identification.--[(a)] The Secretary of the Commonwealth shall
11 prepare and disseminate information to the public regarding the
12 proof of identification requirements established under sections
13 1210 and 1302.

14 [(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)
15 (relating to issuance and content of driver's license) to the
16 contrary, the Department of Transportation shall issue an
17 identification card described in 75 Pa.C.S. § 1510(b) at no cost
18 to any registered elector who has made application therefor and
19 has included with the completed application a statement signed
20 by the elector declaring under oath or affirmation that the
21 elector does not possess proof of identification as defined in
22 section 102(z.5)(2) and requires proof of identification for
23 voting purposes.]

24 (c) The Secretary of the Commonwealth shall prepare the form
25 of the statement described in subsection (b) and shall
26 distribute the form to the counties and the Department of
27 Transportation. The Secretary of the Commonwealth, the Secretary
28 of Transportation and the county boards of election shall
29 disseminate information to the public regarding the availability
30 of identification cards under subsection (b).]

1 Section 1210. Manner of Applying to Vote; Persons Entitled
2 to Vote; Voter's Certificates; Entries to Be Made in District
3 Register; Numbered Lists of Voters; Challenges.--(a) (1) At
4 every primary and election each elector who appears to vote and
5 who desires to vote shall first present to an election officer
6 [proof of identification.] one of the following forms of photo
7 identification:

8 (i) a valid driver's license or identification card issued
9 by the Department of Transportation;

10 (ii) a valid identification card issued by any other agency
11 of the Commonwealth;

12 (iii) a valid identification card issued by the United
13 States Government;

14 (iv) a valid United States passport;

15 (v) a valid student identification card;

16 (vi) a valid employe identification card; or

17 (vii) a valid armed forces of the United States
18 identification card.

19 The election officer shall examine the [proof of] identification
20 presented by the elector and sign an affidavit stating that
21 [this has been done.] the election officer has examined the
22 identification presented.

23 (2) If the elector does not have a form of photo
24 identification as provided for in subsection (a), the elector
25 shall present for examination two of the following forms of
26 identification that show the name and address of the elector:

27 (i) nonphoto identification issued by the Commonwealth, or
28 any agency thereof;

29 (ii) nonphoto identification issued by the United States
30 Government, or agency thereof;

- 1 (iii) a firearm permit;
- 2 (iv) a current utility bill;
- 3 (v) a current bank statement;
- 4 (vi) a paycheck; or
- 5 (vii) a government check.

6 (3) The election officer shall examine the two forms of
7 identification presented under paragraph (1) by the elector and
8 sign an affidavit stating that the election officer has examined
9 the identification presented.

10 (a.2) [If any of the following apply, the elector shall be
11 permitted to cast a provisional ballot in accordance with
12 subsection (a.4):

13 (1) The elector is unable to produce proof of
14 identification:

15 (i) on the grounds that the elector is indigent and unable
16 to obtain proof of identification without the payment of a fee;
17 or

18 (ii) on any other grounds.

19 (2) The elector's proof of identification is challenged by
20 the judge of elections.] If the elector is unable to produce
21 identification or the elector's identification is challenged by
22 the judge of elections, the elector shall be permitted to cast a
23 provisional ballot in accordance with subsection (a.4).

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

1 to the election officer in charge of the district register.

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

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

26 (4) As each voter is found to be qualified and votes, the
27 election officer in charge of the district register shall write
28 or stamp the date of the election or primary, his number in the
29 order of admission to the voting machines, and at primaries a
30 letter or abbreviation designating the party in whose primary he

1 votes, and shall sign his name or initials in the proper space
2 on the registration card of such voter contained in the district
3 register.

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

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

18 (2) Prior to voting the provisional ballot, the elector
19 shall be required to sign an affidavit stating the following:

20 I do solemnly swear or affirm that my name is _____,
21 that my date of birth is _____, and at the time that I
22 registered I resided at _____ in the municipality of
23 _____ in _____ County of the Commonwealth of
24 Pennsylvania and that this is the only ballot that I cast in
25 this election.

26 Signature of Voter/Elector

27 Current Address

28 Check the Reason for Casting the Provisional Ballot.

29 Signed by Judge of Elections and minority inspector

30 (3) After the provisional ballot has been cast, the

1 individual shall place it in a secrecy envelope. The individual
2 shall place the secrecy envelope in the provisional ballot
3 envelope and shall place his signature on the front of the
4 provisional ballot envelope. All provisional ballots shall
5 remain sealed in their provisional ballot envelopes for return
6 to the county board of elections.

7 (4) Within seven calendar days of the election, the county
8 board of elections shall examine each provisional ballot
9 envelope that is received to determine if the individual voting
10 that ballot was entitled to vote at the election district in the
11 election. One authorized representative of each candidate in an
12 election and one representative from each political party shall
13 be permitted to remain in the room in which the determination is
14 being made. Representatives shall be permitted to keep a list of
15 those persons who cast a provisional ballot and shall be
16 entitled to challenge any determination of the county board of
17 elections with respect to the counting or partial counting of
18 the ballot under this section. Upon challenge of any provisional
19 ballot under this clause, the ballot envelope shall be marked
20 "challenged" together with the reason for the challenge, and the
21 provisional ballot shall be set aside pending final
22 determination of the challenge according to the following
23 procedure:

24 (i) Provisional ballots marked "challenged" shall be placed
25 unopened in a secure, safe and sealed container in the custody
26 of the county board of elections until it shall fix a time and
27 place for a formal hearing of all such challenges, and notice
28 shall be given where possible to all provisional electors thus
29 challenged and to every attorney, watcher or candidate who made
30 the challenge.

1 (ii) The time for the hearing shall not be later than seven
2 days after the date of the challenge.

3 (iii) On the day fixed for the hearing, the county board
4 shall proceed without delay to hear the challenges and, in
5 hearing the testimony, the county board shall not be bound by
6 the Pennsylvania Rules of Evidence.

7 (iv) The testimony presented shall be stenographically
8 recorded and made part of the record of the hearing.

9 (v) The decision of the county board in upholding or
10 dismissing any challenge may be reviewed by the court of common
11 pleas of the county upon a petition filed by any petitioner
12 aggrieved by the decision of the county board. The appeal shall
13 be taken, within two days after the decision was made, whether
14 the decision was reduced to writing or not, to the court of
15 common pleas setting forth the objections to the county board's
16 decision and praying for an order reversing the decision.

17 (vi) Pending the final determination of all appeals, the
18 county board shall suspend any action in canvassing and
19 computing all challenged provisional ballots irrespective of
20 whether or not an appeal was taken from the county board's
21 decision.

22 (vii) Upon completion of the computation of the returns of
23 the county, the votes cast upon the challenged official
24 provisional ballots shall be added to the other votes cast
25 within the county.

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

1 registration form and, if the signatures are determined to be
2 genuine, shall count the ballot if the county board of elections
3 confirms that the individual did not cast any other ballot,
4 including an absentee ballot, in the election.

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

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

9 (B) the signature required under clause (3) and the
10 signature required under clause (2) are either not genuine or
11 are not executed by the same individual;

12 (C) a provisional ballot envelope does not contain a secrecy
13 envelope; or

14 [(D) in the case of a provisional ballot that was cast under
15 subsection (a.2)(1)(i), within six calendar days following the
16 election the elector fails to appear before the county board of
17 elections to execute an affirmation or the county board of
18 elections does not receive an electronic, facsimile or paper
19 copy of an affirmation affirming, under penalty of perjury, that
20 the elector is the same individual who personally appeared
21 before the district election board on the day of the election
22 and cast a provisional ballot and that the elector is indigent
23 and unable to obtain proof of identification without the payment
24 of a fee;

25 (E) in the case of a provisional ballot that was cast under
26 subsection (a.2)(1)(ii), within six calendar days following the
27 election, the elector fails to appear before the county board of
28 elections to present proof of identification and execute an
29 affirmation or the county board of elections does not receive an
30 electronic, facsimile or paper copy of the proof of

1 identification and an affirmation affirming, under penalty of
2 perjury, that the elector is the same individual who personally
3 appeared before the district election board on the day of the
4 election and cast a provisional ballot; or]

5 (F) the elector's absentee ballot or mail-in ballot is
6 timely received by a county board of elections.

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 (6) If it is determined that the individual voting the
12 provisional ballot was not registered, the provisional ballot
13 shall not be counted and the ballot shall remain in the
14 provisional ballot envelope and shall be marked "Rejected as
15 Ineligible."

16 (7) The following shall apply:

17 (i) Except as provided in subclause (ii), if it is
18 determined that the individual voting the provisional ballot was
19 eligible to vote in the county in which the ballot was cast but
20 not at the election district where the ballot was cast, the
21 county board of elections shall open the envelope and only count
22 that portion of the ballot that the individual would have been
23 eligible to vote in his proper election district and at the
24 election district where the vote was cast if:

25 (A) the county board of elections confirms that the
26 individual did not cast any other ballot, including an absentee
27 ballot, in the election; and

28 (B) the individual casting the provisional ballot is a
29 resident of the county in which the provisional ballot was cast.

30 (ii) In the event that the individual casting the

1 provisional ballot is not found to be a resident of the county
2 in which the provisional ballot was cast, the ballot shall not
3 be counted.

4 (iii) In the event that the board of elections determines,
5 based on an evidentiary record, that the individual
6 intentionally and wilfully cast a provisional ballot in an
7 election district in which the individual was not eligible to
8 vote, the ballot shall not be counted.

9 (8) On election night, immediately upon completion of the
10 count and tabulation of the votes cast, the judge of election
11 shall prepare and certify under oath a tally displaying the
12 number of provisional ballots received from the election board
13 and the number of provisional ballots cast and transmitted to
14 the county board of elections. The judge of election shall
15 record on the tabulation the name of the individual into whose
16 possession the provisional ballots were passed for transmission
17 to the county board of elections.

18 (9) All provisional ballots and the tally of provisional
19 ballots tabulated under clause (8) in the possession of an
20 election board official shall be promptly returned by the judge
21 of election to the custody of the proper county election board
22 in accordance with sections 1113-A(j), 1225(b) and 1228(a).

23 (10) One authorized representative of each candidate in an
24 election and one representative from each political party shall
25 be permitted to remain in the room where provisional ballots are
26 received by the county board of elections.

27 (11) The department shall establish a World Wide Web site
28 and a toll-free telephone number to permit an individual who
29 cast a provisional ballot to determine whether the vote of that
30 individual was counted and, if the vote was not counted, the

1 reason that it was not counted.

2 (12) For purposes of this subsection, "provisional ballot"
3 means a ballot issued to an individual who claims to be a
4 registered elector by the judge of elections on election day
5 when the individual's name does not appear on the general
6 register and the individual's registration cannot be verified.

7 (b) If any elector was unable to sign his name at the time
8 of registration, or, if having been able to sign his name when
9 registered, he subsequently shall have lost his sight or lost
10 the hand with which he was accustomed to sign his name, or shall
11 have been otherwise rendered by disease or accident unable to
12 sign his name when he applies to vote, he shall establish his
13 identity to the satisfaction of the election officers, and in
14 such case he shall not be required to sign a voter's
15 certificate, but a certificate shall be prepared for him by one
16 of the election officers, upon which the facts as to such
17 disability shall be noted and attested by the signature of such
18 election officer.

19 (c) No person who applies to vote shall be permitted by any
20 election officer or clerk or other person to see the signature
21 recorded as his in the district register until after he shall
22 have signed his name to the voter's certificate.

23 (d) No person, except a qualified elector who is in actual
24 military or naval service under a requisition of the President
25 of the United States or by the authority of this Commonwealth,
26 and who votes under the provisions of Article XIII of this act,
27 shall be entitled or permitted to vote at any primary or
28 election at any polling place outside the election district in
29 which he resides, nor shall he be permitted to vote in the
30 election district in which he resides, unless he has been

1 personally registered as an elector and his registration card
2 appears in the district register of such election district,
3 except by order of the court of common pleas as provided in this
4 act, and any person, although personally registered as an
5 elector, may be challenged by any qualified elector, election
6 officer, overseer, or watcher at any primary or election as to
7 his identity, as to his continued residence in the election
8 district or as to any alleged violation of the provisions of
9 section 1210 of this act, and if challenged as to identity or
10 residence, he shall produce at least one qualified elector of
11 the election district as a witness, who shall make affidavit of
12 his identity or continued residence in the election district:
13 Provided, however, That no person shall be entitled to vote as a
14 member of a party at any primary, unless he is registered and
15 enrolled as a member of such party upon the district register,
16 which enrollment shall be conclusive as to his party membership
17 and shall not be subject to challenge on the day of the primary.

18 (e) A person who wilfully commits fraud or who conspires to
19 wilfully commit fraud in relation to any of the provisions of
20 this section commits a felony of the third degree and, upon
21 conviction, shall be sentenced to pay a fine not exceeding
22 fifteen thousand dollars (\$15,000) or to undergo a term of
23 imprisonment of not more than seven years, or both. An
24 individual convicted under this subsection shall be barred for
25 life from serving as a judge, inspector or clerk of election,
26 machine inspector translator, county election board official,
27 poll watcher or in any other official capacity relating to the
28 sanctity, observation or conduct of Pennsylvania elections.

29 [(f) As used in this section, "care facility" means any of
30 the following:

1 (1) A long-term care nursing facility as defined in section
2 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the
3 "Health Care Facilities Act."

4 (2) An assisted living residence or a personal care home as
5 defined in section 1001 of the act of June 13, 1967 (P.L.31,
6 No.21), known as the "Public Welfare Code."]

7 Section 3. The amendment of section 1210 of the act shall
8 apply to elections held after January 1, 2022.

9 Section 4. This act shall take effect immediately.