
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 821 Session of
2021

INTRODUCED BY MASTRIANO, PITTMAN, HUTCHINSON AND GORDNER,
AUGUST 11, 2021

REFERRED TO STATE GOVERNMENT, AUGUST 11, 2021

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated
2 Statutes, establishing the Election Commission; removing the
3 Secretary of the Commonwealth and the Department of State
4 from the election process and from campaign finance
5 oversight, except for Constitutionally mandated functions;
6 making an editorial change; and making related repeals.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 25 of the Pennsylvania Consolidated
10 Statutes is amended by adding a part to read:

11 PART I

12 PRELIMINARY PROVISIONS

13 Sec.

14 101. Definitions.

15 § 101. Definitions.

16 The following words and phrases when used in this title shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Election Commission." The Election Commission established
20 under section 502 (relating to Election Commission).

1 Section 2. Title 25 is amended by adding a chapter to read:

2 CHAPTER 5

3 ELECTION COMMISSION

4 Sec.

5 501. Definitions

6 502. Election Commission.

7 503. Operation.

8 § 501. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Commission." The Election Commission established under
13 section 502 (relating to Election Commission).

14 § 502. Election Commission.

15 (a) Establishment.--The Election Commission is established.

16 (b) Composition.--

17 (1) The commission shall consist of three commissioners.
18 The Governor, the President pro tempore of the Senate and the
19 Speaker of the House of Representatives shall each appoint
20 one individual as a commissioner. The commissioner appointed
21 by the Governor shall serve as chair of the commission. Each
22 nominee must be confirmed by the Senate.

23 (2) No more than two commissioners may be appointed from
24 the same political party at one time. If one political party
25 controls both chambers of the General Assembly and the
26 Governorship, the Minority Leader of the Senate may appoint a
27 commissioner instead of the President pro tempore.

28 (c) Prohibitions.--The following shall apply:

29 (1) An individual may not be appointed as a commissioner
30 who has held an elective public office or an office in a

1 political party within the year immediately preceding the
2 individual's appointment.

3 (2) A commissioner may not:

4 (i) Be a member of a national, State or county
5 committee of a political party.

6 (ii) Be an officer in a partisan political club or
7 organization.

8 (iii) Hold or be a candidate for a public office.

9 (3) A commissioner may not be a spouse, grandparent,
10 parent, sibling, child or grandchild of an individual seeking
11 election to an office or holding an elective office that is
12 filled in whole or in part by qualified voters in this
13 Commonwealth.

14 (4) An individual who is a lobbyist at the State or
15 local government level may not serve as a commissioner. A
16 commissioner may not lobby a State or local government while
17 a member of the commission until the expiration of the
18 commissioner's current term.

19 (d) Term.--

20 (1) The chair of the commission shall serve for a
21 maximum of two terms of four years. As the term of the chair
22 of the commission expires or becomes vacant, a successor
23 shall be appointed in the manner of the original appointment
24 and shall serve for a maximum of four years. A term under
25 this paragraph shall run concurrently with the term of the
26 appointing Governor and until a future successor is
27 appointed.

28 (2) Except for paragraph (1), a commissioner shall serve
29 for a four-year term and until the commissioner's successor
30 is appointed. Six months prior to the expiration of a

1 commissioner's term, the ranking officer of the political
2 party in the respective chamber who originally appointed the
3 commission member shall appoint the replacement.

4 (3) A commissioner may not serve more than two full
5 terms.

6 (4) A vacancy on the commission shall be filled for the
7 unexpired term in the same manner as provided for an
8 expiration of term under this subsection.

9 (e) Compensation.--Each commissioner shall receive an annual
10 stipend of \$1,200 and shall be paid travel expenses and a per
11 diem in performance of their duties.

12 § 503. Operation.

13 (a) Duties.--The commission shall have the following duties:

14 (1) To oversee the process in general, primary and
15 municipal elections and campaign finance. This paragraph
16 shall not apply to a Constitutionally mandated function of
17 the Secretary of the Commonwealth or the Department of State
18 regarding elections or campaign finance.

19 (2) To develop a budget request annually.

20 (3) To promulgate regulations for the implementation and
21 oversight of this chapter.

22 (b) Hearings.--Hearings shall be held before the entire
23 commission, except that the chair may direct that a hearing be
24 held before one member of the commission or a panel of less than
25 the entire commission. The commission shall adopt rules to
26 provide for the filing of a report when hearings are held by a
27 single commissioner or a panel. The rules shall prescribe the
28 time for filing the report and the contents of the report.

29 (c) State government agencies.--The commission may contract
30 or consult with appropriate agencies of State government for

1 professional assistance as may be needed in the discharge of the
2 commission's duties.

3 (d) Staff.--

4 (1) The commission shall hire one full-time executive
5 director.

6 (2) Beginning on the effective date of this section, the
7 staff of the Bureau of Commissions, Elections and Legislation
8 of the Department of State shall remain employees of the
9 Department of State but shall report to the commission.

10 Section 3. The definitions of "department" and "secretary"
11 in section 1102 of Title 25 are amended to read:

12 § 1102. Definitions.

13 Subject to additional definitions contained in subsequent
14 provisions of this part which are applicable to specific
15 provisions of this part, the following words and phrases when
16 used in this part shall have the meanings given to them in this
17 section unless the context clearly indicates otherwise:

18 * * *

19 ["Department." The Department of State of the Commonwealth.]

20 * * *

21 ["Secretary." The Secretary of the Commonwealth.]

22 * * *

23 Section 4. Sections 1105, 1108, 1201, 1222(a), (c)(5), (7)
24 and (12), (d), (e) and (f)(1), 1323(a)(1), (b)(2), (c)(1), (2),
25 (3), (3.1) and (4)(i), 1324(a), 1325(a) introductory paragraph,
26 (b)(6), (e) and (j), 1327(a)(1) introductory paragraph, (5), (6)
27 introductory paragraph, (7) and (8) and (c)(1), (2), (4), (5)
28 and (6) introductory paragraph, 1329(b) introductory paragraph,
29 1401(e) and (f)(1), 1402(b)(1) and (2), 1403(b) and (c)
30 introductory paragraph, 1404(b)(1), 1405(a), (b)(1) and (c),

1 1406, 1505(a), 1513(a), 1514, 1709, 1801(a) and (c), 1803, 1804,
2 1901(b)(1)(i) introductory paragraph, 1906(a) and 3302(b) and
3 (d) of Title 25 are amended to read:

4 § 1105. Standardized forms.

5 (a) General rule.--Whenever possible, the [secretary]
6 Election Commission shall prescribe by regulation standardized
7 voter registration or absentee ballot application forms which
8 may be used, with prior approval by the [secretary] Election
9 Commission, by political bodies, candidates and organized bodies
10 of citizens in compliance with both the provisions of this part
11 and the act of June 3, 1937 (P.L.1333, No.320), known as the
12 Pennsylvania Election Code.

13 (b) Prior approval.--The [secretary] Election Commission
14 shall develop a system whereby political bodies, candidates and
15 organized bodies of citizens may receive prior approval of
16 standardized forms developed pursuant to subsection (a).

17 § 1108. Administration.

18 The [department] Election Commission shall administer this
19 part.

20 § 1201. [Departmental] Election Commission responsibilities.

21 The [department] Election Commission shall do all of the
22 following:

23 (1) Provide for applicants to submit their voter
24 registration application to a commission, the Department of
25 Transportation and other agencies designated in section 1325
26 (relating to government agencies).

27 (2) Prescribe a procedure for the return of completed
28 voter registration applications from the Department of
29 Transportation, the Department of [Public Welfare] Human
30 Services, armed forces recruitment centers, Offices of the

1 Clerk of Orphan's Court and all other offices under this part
2 to the [secretary] Election Commission or the appropriate
3 commission.

4 (3) Develop, establish, implement and administer a
5 Statewide Uniform Registry of Electors in accordance with
6 Subchapter B (relating to Statewide Uniform Registry of
7 Electors (SURE)).

8 (4) Promulgate regulations necessary to administer this
9 part.

10 § 1222. SURE system.

11 (a) Establishment.--The [department] Election Commission
12 shall develop and establish a Statewide Uniform Registry of
13 Electors to be known as the SURE system.

14 (c) Requirements.--The SURE system shall be developed as a
15 single, uniform integrated computer system. All commissions
16 shall be connected electronically to the SURE system and shall
17 maintain their registration records in the system. The SURE
18 system shall, at a minimum, do all of the following:

19 * * *

20 (5) Permit each commission and the [department] Election
21 Commission to have instant access to a commission's
22 registration records maintained on the system.

23 * * *

24 (7) Permit each commission and the [department] Election
25 Commission to review and search the system and to permit the
26 sending of notices to the appropriate officials regarding
27 death, change of address or other information which could
28 affect the qualifications of an applicant or the registration
29 of a registered elector.

30 * * *

1 (12) Permit the [department] Election Commission to
2 implement section 1901(b)(1)(i) (relating to removal of
3 electors).

4 * * *

5 (d) Records.--Within 30 days of receiving notice from the
6 [department] Election Commission, each commission shall provide
7 to the [department] Election Commission, in the manner and form
8 established by the [department] Election Commission, an
9 electronic copy of its registration records. Beginning 60 days
10 after receiving notice in accordance with this subsection and
11 continuing until the commission is connected to the SURE system,
12 each commission shall provide monthly to the [department]
13 Election Commission, in the manner and form established by the
14 [department] Election Commission, an electronic copy of its
15 general register. The provision of records in accordance with
16 this subsection shall not be considered a part of the
17 establishment or implementation of the SURE system.

18 (e) Implementation.--The [department] Election Commission
19 shall implement the SURE system as soon as possible. The
20 [department] Election Commission shall establish by regulation a
21 schedule for each commission to be connected to the SURE system.
22 Commissions shall be connected in an order which maximizes the
23 accuracy, integrity and protection of registration records on a
24 Statewide basis. Upon being connected, each commission shall be
25 required to use the SURE system as its general register.
26 Connection of the commissions shall commence no later than
27 August 31, 2002, and shall be completed Statewide by January 1,
28 2005.

29 (f) Regulations.--The [secretary] Election Commission shall
30 promulgate regulations necessary to establish, implement and

1 administer the SURE system. Regulations shall include all of the
2 following:

3 (1) Uniform procedures for the commissions relating to
4 the SURE system, including the process and manner of entering
5 information into the SURE system, the type and form of
6 information to be entered, the process for identifying and
7 removing duplicate registrations, the manner and time frame
8 for updating information in the system and the manner and
9 form of communications between commissions and between the
10 [department] Election Commission and a commission.

11 * * *

12 § 1323. Application with driver's license application.

13 (a) General rule.--

14 (1) The Department of Transportation shall provide for
15 simultaneous application for voter registration in
16 conjunction with the process under 75 Pa.C.S. § 1510
17 (relating to issuance and content of driver's license). An
18 application under this subsection shall serve as an
19 application to register to vote unless the applicant fails to
20 sign the voter registration application. The [secretary]
21 Election Commission has the primary responsibility for
22 implementing and enforcing the driver's license voter
23 registration system created under this section. The
24 [secretary] Election Commission, in consultation with the
25 Secretary of Transportation, may promulgate regulations for
26 implementing this section.

27 * * *

28 (b) Process.--

29 * * *

30 (2) The format of the driver's license/voter

1 registration application shall be determined and prescribed
2 by the [secretary] Election Commission and the Secretary of
3 Transportation.

4 * * *

5 (c) Transmission.--

6 (1) The Department of Transportation shall forward
7 completed applications or contents of the completed voter
8 registration applications in machine-readable format to the
9 [department] Election Commission by the close of registration
10 for the ensuing election.

11 (2) The [department] Election Commission shall transmit
12 the material to the appropriate commission within ten days
13 after the date of its receipt by the Department of
14 Transportation. If a voter registration application is
15 received by the Department of Transportation within five days
16 before the last day to register before an election, the
17 application shall be transmitted to the appropriate
18 commission not later than five days after the date of its
19 receipt by the Department of Transportation.

20 (3) Upon receipt of the completed voter registration
21 information from the [department] Election Commission, the
22 commission shall make a record of the date of the receipt of
23 the application and process the application. No applicant
24 shall be deemed eligible to vote until the commission has
25 received and approved the application.

26 (3.1) After the Department of Transportation is
27 connected to the SURE system and notwithstanding paragraphs
28 (1), (2) and (3), the Department of Transportation shall
29 transmit electronically the contents of a completed voter
30 registration application within five days of receipt of the

1 application. Upon receipt of the information from the
2 Department of Transportation, a commission shall make a
3 record of the date of the receipt of the application and
4 process the application in accordance with section 1328
5 (relating to approval of registration applications). If the
6 commission of the county of residence has not been connected
7 to the SURE system, the Department of Transportation shall
8 forward the completed application or contents of the
9 completed application to the [department] Election Commission
10 in accordance with paragraph (1). No applicant shall be
11 deemed eligible to vote until the commission has received and
12 approved an application in accordance with section 1328.

13 (4) Changes of address shall comply with the following:

14 (i) Before the Department of Transportation is
15 connected to the SURE system, the Department of
16 Transportation shall notify the [department] Election
17 Commission of changes of address received under
18 subsection (a) (3). The [department] Election Commission
19 shall notify the commission of the county of the
20 registrant's former residence. After the Department of
21 Transportation is connected to the SURE system, the
22 Department of Transportation shall notify the commission
23 of the county of the registrant's former residence. If
24 the registrant has moved to an address outside this
25 Commonwealth, the commission shall verify the address
26 change in accordance with section 1901 (relating to
27 removal of electors). Except as provided in subparagraph
28 (ii), if the registrant confirms in accordance with
29 section 1901(d) that he has moved to another county, the
30 commission shall cancel the registration and forward the

1 registrant's registration information to the commission
2 of the registrant's new county of residence. Except as
3 provided in subparagraph (ii), if the registrant has
4 moved to an address within the commission's jurisdiction,
5 the commission shall promptly update the registration
6 record of the registrant in accordance with section 1328.
7 All changes of address received by the Department of
8 Transportation under this section at least 30 days before
9 an election must be processed by the commission for the
10 ensuing election. For the purpose of this paragraph, the
11 term "registration information" means the registration
12 card and any other record of registration maintained by a
13 commission.

14 * * *

15 § 1324. Application by mail.

16 (a) General rule.--An application to register to vote or to
17 change party enrollment or name or address on a current
18 registration may be submitted by voter registration mail
19 application in the manner set forth in this section. An
20 application may be submitted by mail or by representative to the
21 commission on an official mail registration application, the
22 form of which shall be determined and prescribed by the
23 [secretary] Election Commission or the Federal Election
24 Commission pursuant to the National Voter Registration Act of
25 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.). The
26 applicant must complete the information required on the
27 registration application and sign the registration declaration.

28 * * *

29 § 1325. Government agencies.

30 (a) General rule.--The [secretary] Election Commission shall

1 administer a system whereby all offices in this Commonwealth
2 that provide public assistance, each county clerk of orphans'
3 court, including each marriage license bureau, all offices in
4 this Commonwealth that provide State-funded programs primarily
5 engaged in providing services to persons with disabilities and
6 all armed forces recruitment centers do all of the following:

7 * * *

8 (b) Forms.--An agency designated in subsection (a) shall
9 provide a form for office visits or, if the agency provides
10 services to persons with disabilities, for home visits which
11 contains all of the following:

12 * * *

13 (6) The statement "If you believe that someone has
14 interfered with your right to register or to decline to
15 register to vote, your right to privacy in deciding whether
16 to register or in applying to register to vote or your right
17 to choose your own political party or other political
18 preference, you may file a complaint with the [Secretary of
19 the Commonwealth, Pennsylvania Department of State] Election
20 Commission, Harrisburg, PA 17120." The [secretary] Election
21 Commission shall establish and publish a toll-free telephone
22 number for the purpose of receiving complaints.

23 * * *

24 (e) Encouraging registration.--An agency designated in
25 subsection (a) shall provide reasonable space for nonpartisan
26 signs or posters encouraging voter registration. The signs and
27 posters shall be provided by the [secretary] Election
28 Commission.

29 * * *

30 (j) Regulation.--The [secretary] Election Commission shall

1 promulgate regulations regarding the maintenance and destruction
2 of forms used pursuant to this section.

3 § 1327. Preparation and distribution of applications.

4 (a) Form.--

5 (1) The [secretary] Election Commission shall prescribe
6 the form of an official voter registration application. The
7 official voter registration application shall provide space
8 for the following information about the applicant:

9 * * *

10 (5) In jurisdictions where there is a single language
11 minority, the [secretary] Election Commission may print a
12 bilingual application.

13 (6) In jurisdictions where a single language minority
14 exceeds 5% of the population, the [secretary] Election
15 Commission shall:

16 * * *

17 (7) To implement section 1324 (relating to application
18 by mail), the [secretary] Election Commission shall print an
19 official voter registration mail application designed to
20 preserve the confidentiality of the information required to
21 be submitted. The application shall contain information
22 required by this section and shall include the name of each
23 county seat, its post office mailing address and zip code and
24 its telephone number. Voter registration mail applications
25 shall contain information indicating whether the application
26 is a new registration, change of party enrollment, change of
27 address or change of name.

28 (8) Nothing in this part shall prohibit a private
29 organization or individual from printing blank voter
30 registration applications or shall prohibit the use of such

1 applications by any other individual, provided that the form,
2 content and paper quality of such voter registration
3 application complies with [department] Election Commission
4 regulations for the forms or has received prior approval from
5 the secretary.

6 * * *

7 (c) Distribution.--

8 (1) The [secretary] Election Commission shall supply
9 official registration applications to commissions.

10 (2) The [secretary] Election Commission shall make
11 available for distribution official voter registration
12 applications to public libraries, public schools, State-
13 related institutions of higher education, offices operated by
14 the Department of Revenue, offices operated by the Department
15 of Aging, area agencies on aging, offices operated by the
16 Pennsylvania Game Commission or any of its authorized
17 license-issuing agents, offices operated by the Pennsylvania
18 Fish and Boat Commission or any of its issuing agents, and
19 offices that provide unemployment compensation.

20 * * *

21 (4) The [secretary] Election Commission may provide
22 technical assistance to commissions upon request and agencies
23 designated under paragraph (2).

24 (5) The [secretary] Election Commission shall print and
25 distribute mail registration applications which are not
26 postage paid and which shall not be specific to any county
27 registration office. Along with the distribution of such
28 applications, the [secretary] Election Commission shall also
29 include instructions to inform the applicant where the
30 application is to be sent.

1 (6) The [secretary] Election Commission and commissions
2 shall supply applications to all of the following:

3 * * *

4 § 1329. Challenges.

5 * * *

6 (b) Complaint.--To make a challenge, a complainant must file
7 a challenge affidavit in a form prescribed by the [secretary]
8 Election Commission containing the following information:

9 * * *

10 § 1401. General register.

11 * * *

12 (e) Digitized signature lists.--Before a commission is
13 connected to the SURE system, if a commission uses digitized
14 signature lists as the district register, the original
15 registration cards shall be placed in exact alphabetical order
16 by last name of the registrant, indexed and kept at the office
17 of the commission in a manner as to be properly safeguarded.
18 These original cards constitute the general register of the
19 county. They may not be removed from the office of the
20 commission except upon order of a court of record. The
21 commission shall safely retain all registration cards used in
22 the registration of electors or in conducting an election. If a
23 commission has the capability to accept an electronic
24 application, the [secretary] Election Commission may require the
25 commission to produce a computer-generated card to file in the
26 general register. If the commission finds a record for a
27 registrant on the computer database which is not contained in
28 the general register, it shall replace the original card with a
29 computer-generated duplicate card upon written permission from
30 the registrant or upon order of a court of record.

1 (f) Duplicate files.--Before a commission is connected to
2 the SURE system, if the commission deems a duplicate file of
3 registration cards necessary for administrative purposes, the
4 commission may prepare a reproduction in compliance with the
5 following:

6 (1) The registration form shall be photographed,
7 microphotographed or reproduced in a manner approved for
8 permanent records by the [secretary] Election Commission.

9 * * *

10 § 1402. District registers.

11 * * *

12 (b) Computer lists.--

13 (1) Before a commission is connected to the SURE system,
14 instead of using registration cards as the district register
15 as provided in subsection (a), a commission may use a
16 computer list or computer-generated cards containing the
17 registered electors arranged by election district,
18 alphabetically by last name of the registrant. The computer
19 list or computer-generated cards must be in a form prescribed
20 by the [secretary] Election Commission and must contain
21 necessary information that would otherwise be available on
22 the registration cards, including a legible digitized
23 signature of the registrant copied from the signature on the
24 registration card. The district election officials shall have
25 computer printouts at the polling places containing the
26 necessary information needed to verify the identity of the
27 elector. The digitized signature list shall be open to public
28 inspection, subject to reasonable safeguards, rules and
29 regulations.

30 (2) After a commission is connected to the SURE system,

1 each commission shall create from its general register a
2 computer list to be used as the district register. For each
3 election district, the list shall contain the names of the
4 registered electors of the election district, alphabetically
5 by last name of each registered elector. Each page of the
6 list shall contain the name of the county, the election
7 district, the date of the election and the date and time the
8 list was prepared. The computer list shall be in a form
9 prescribed by the [secretary] Election Commission and must
10 contain necessary information that would otherwise be
11 available in the general register, including a legible
12 digitized or electronic signature, the street address and
13 political party of each registered elector, and suitable
14 space for insertion of the signature of the registered
15 elector and for insertion by the proper election official of
16 the number and letter of the stub of the ballot issued to the
17 registered elector or the registered elector's number in the
18 order of admission to the voting systems and the initials of
19 the election official who enters the record of voting in the
20 district register and whether the elector needs assistance to
21 vote and, if so, the nature of the disability. The district
22 register shall be kept at the office of the commission and
23 shall be open to public inspection, subject to reasonable
24 safeguards, rules and regulations.

25 * * *

26 § 1403. Street lists.

27 * * *

28 (b) Copies.--The commission shall retain two copies of the
29 list under subsection (a) on file at its office and forward one
30 copy of the list under subsection (a) to the [department]

1 Election Commission. These copies shall be available for public
2 inspection during business hours, subject to reasonable
3 safeguards and regulations.

4 (c) Distribution.--The [department] Election Commission and
5 each commission shall distribute the list under subsection (a)
6 upon request as follows:

7 * * *

8 § 1404. Public information lists.

9 * * *

10 (b) Access.--

11 (1) The [secretary] Election Commission may promulgate
12 reasonable regulations governing access to the list.

13 * * *

14 § 1405. Retention of records.

15 (a) Computer lists.--Each commission shall preserve district
16 registers for at least five years in the manner, form and time
17 frame established by the [department] Election Commission.

18 (b) Records.--

19 (1) The [department] Election Commission and each
20 commission shall preserve for two years and shall make
21 available for public inspection and, where available,
22 photocopying at a reasonable cost all records concerning the
23 implementation of programs and activities conducted for the
24 purposes of ensuring the accuracy and currency of official
25 lists of registered electors except to the extent that the
26 records relate to a declination to register to vote or to the
27 identity of a voter registration agency through which any
28 particular qualified elector is registered.

29 * * *

30 (c) Original and existing records.--After a commission is

1 connected to the SURE system, the registration cards and
2 applications utilized under this part, under the act of June 30,
3 1995 (P.L.170, No.25), known as the Pennsylvania Voter
4 Registration Act, under the former act of March 30, 1937
5 (P.L.115, No.40), known as The First Class City Permanent
6 Registration Act, or under the former act of April 29, 1937
7 (P.L.487, No.115), known as The Permanent Registration Act for
8 Cities of the Second Class, Cities of the Second Class A, Cities
9 of the Third Class, Boroughs, Towns, and Townships, shall be
10 placed in alphabetical order by last name of the registered
11 elector, indexed and kept at the office of the commission in a
12 manner as to be properly safeguarded. They may not be removed
13 from the office of the commission except upon order of a court
14 of record. The commission shall safely retain all registration
15 cards used in the registration of registered electors in
16 accordance with regulations promulgated by the [department]
17 Election Commission.

18 § 1406. Reports.

19 (a) Commission.--By March 1, a commission shall submit to
20 the [secretary] Election Commission an annual report setting
21 forth the number of electors registered under sections 1322
22 (relating to in-person voter registration), 1323 (relating to
23 application with driver's license application), 1324 (relating
24 to application by mail) and 1325 (relating to government
25 agencies). The report shall specify the number of electors whose
26 registration has been canceled under Chapter 15 (relating to
27 changes in records) and any other information required by the
28 [secretary] Election Commission.

29 (b) [Secretary.--The secretary] Election Commission--The
30 Election Commission shall submit an annual report to the General

1 Assembly by June 30 assessing the impact of this part on the
2 administration of elections during the preceding year and
3 including recommendations for improvements to procedures, forms
4 and other matters affected by this part.

5 § 1505. Death of registrant.

6 (a) Department of Health.--A commission shall cancel the
7 registration of a registered elector reported dead by the
8 Department of Health. The Department of Health shall, within 60
9 days of receiving notice of the death of an individual 18 years
10 of age or older, send the name and address of residence of that
11 individual to a commission in a manner and on a form prescribed
12 by the [department] Election Commission. The commission shall
13 promptly update information contained in its registration
14 records.

15 * * *

16 § 1513. Applicability of provisions.

17 (a) Suspension.--To the extent that the [Secretary of the
18 Commonwealth] Election Commission determines that the National
19 Voter Registration Act of 1993 (Public Law 103-31, 42 U.S.C. §
20 1973gg et seq.) prohibits the cancellation of registration for
21 elections for Federal office because of a failure to vote as
22 provided in section 1510 (relating to failure to vote), the
23 provisions of sections 1506 (relating to checkup of registers)
24 through 1512 (relating to correction of errors in cancellation
25 or suspension) are suspended. The suspension shall become
26 effective upon publication of notice of the determination in the
27 Pennsylvania Bulletin.

28 * * *

29 § 1514. Conversion of registration records.

30 The [department] Election Commission shall convert the

1 registration records of each commission in accordance with
2 section 1222 (relating to SURE system). In converting the
3 registration records of each commission, the [department]
4 Election Commission shall assign each registered elector a SURE
5 registration number which the commission shall add to the
6 registration records of the registered elector.

7 § 1709. Law enforcement assistance.

8 A law enforcement officer who, upon demand of any
9 commissioner or inspector of registration or of the [secretary]
10 Election Commission, fails to render demanded assistance in the
11 maintenance of peace and in the making of arrests without
12 warrant as provided in this part or who intentionally hinders or
13 attempts to hinder any commissioner, inspector of registration
14 or the [secretary] Election Commission in the performance of a
15 duty commits a misdemeanor of the second degree and shall, upon
16 conviction, be sentenced to pay a fine of not more than \$5,000
17 or to imprisonment for not more than two years, or both.

18 § 1801. Attorney General.

19 (a) Investigation.--The [secretary] Election Commission
20 shall investigate alleged violations of sections 1323 (relating
21 to application with driver's license application) and 1325
22 (relating to government agencies) and report apparent violations
23 to the Attorney General.

24 * * *

25 (c) Notifications.--The Attorney General shall notify the
26 State Treasurer in accordance with section 1804(b) (relating to
27 relief) if the [secretary] Election Commission fails to notify
28 the State Treasurer as required by section 1803(b) (relating to
29 power of [department] Election Commission).

30 § 1803. Power of [department] Election Commission.

1 (a) General rule.--The [department] Election Commission
2 shall have the authority to take any actions, including the
3 authority to audit the registration records of a commission,
4 which are necessary to ensure compliance and participation by
5 the commissions.

6 (b) Notifications.--The [secretary] Election Commission
7 shall notify the State Treasurer to withhold funds in accordance
8 with section 1804(b) (relating to relief) if a commission fails
9 or refuses to comply with the provisions of this part.

10 § 1804. Relief.

11 (a) Injunctive.--In the event that a commission fails to
12 adhere to any provision of this part, the [secretary] Election
13 Commission is authorized to seek declaratory and injunctive
14 relief in Commonwealth Court.

15 (b) Withholding of appropriations.--In accordance with
16 sections 1801 (relating to Attorney General) and 1803 (relating
17 to power of [department] Election Commission) and in addition to
18 any remedy provided in subsection (a), the State Treasurer
19 shall, upon notification, withhold any part or all of the State
20 appropriations to which a county is entitled, including funding
21 for the court of common pleas but excluding funding for human
22 services.

23 § 1901. Removal of electors.

24 * * *

25 (b) Voter removal program.--

26 (1) Each commission shall establish a program to
27 identify registered electors whose address may have changed
28 by establishing one of the following programs:

29 (i) National change of address. The [secretary]
30 Election Commission shall establish by regulation a

1 program whereby information supplied by the United States
2 Postal Service through its licensees is used on a
3 periodic basis, but not less than once every calendar
4 year, to identify registered electors who may have
5 changed addresses. The information shall be incorporated
6 in the SURE system and shall be forwarded to the
7 commissions in a manner determined by the [secretary]
8 Election Commission by regulation.

9 * * *

10 § 1906. Termination of chapter.

11 (a) Notice.--If the [Secretary of the Commonwealth] Election
12 Commission determines that the National Voter Registration Act
13 of 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.) no
14 longer prohibits cancellation of registration of electors for
15 Federal office because of failure to vote, the [secretary]
16 Election Commission shall transmit notice of the determination
17 to the Legislative Reference Bureau for publication in the
18 Pennsylvania Bulletin.

19 * * *

20 § 3302. Application for absentee ballots.

21 * * *

22 (b) Contents of letter or document.--The letter or document
23 under subsection (a) shall provide the same information as is
24 provided on forms prescribed by the [secretary] Election
25 Commission.

26 * * *

27 (d) Application prepared by political party.--An absentee
28 ballot application form containing the same information as that
29 contained on the form prescribed by the [secretary] Election
30 Commission, which was prepared or distributed by a political

1 party and signed by a registered elector, shall be deemed for
2 all purposes as valid and shall be reviewed and processed by the
3 county board of elections in the same manner as applications on
4 forms prescribed by the [secretary] Election Commission and
5 supplied by the county board of elections.

6 Section 5. The definitions of "secretary" and "State
7 declaration" in section 3502 of Title 25 are amended to read:
8 § 3502. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 * * *

13 ["Secretary." The Secretary of the Commonwealth.]

14 * * *

15 "State declaration." The declaration prescribed by the
16 secretary under section 3503(c)(4) (relating to duties and
17 responsibilities of [secretary] Election Commission).

18 * * *

19 Section 6. Sections 3503, 3505(c), 3506(c)(1) and 3512
20 introductory paragraph of Title 25 are amended to read:

21 § 3503. Duties and responsibilities of [secretary] Election
22 Commission.

23 (a) Responsible [official.--The secretary is the official]
24 entity.--The Election Commission is the entity in the
25 Commonwealth responsible for implementing this chapter and the
26 Commonwealth's responsibilities under the Uniformed and Overseas
27 Citizens Absentee Voting Act (Public Law 99-410, 42 U.S.C. §
28 1973ff et seq.).

29 (b) Information to covered voters.--The [secretary] Election
30 Commission shall make available to covered voters information

1 regarding voter registration procedures for covered voters and
2 procedures for casting military-overseas ballots.

3 (c) Other duties.--The [secretary] Election Commission shall
4 do all of the following:

5 (1) Establish an electronic transmission system through
6 which a covered voter may apply for and receive voter
7 registration materials, military-overseas ballots and other
8 information under this chapter.

9 (2) Develop standardized absentee-voting materials and
10 their electronic equivalents, authentication materials and
11 voting instructions to be used with the military-overseas
12 ballot of a voter authorized to vote in any jurisdiction in
13 this Commonwealth.

14 (3) To the extent reasonably possible, coordinate with
15 other states to carry out the provisions of this subsection.

16 (4) Prescribe the form and content of a declaration for
17 use by a covered voter who does not use the Federal write-in
18 absentee ballot in accordance with the following:

19 (i) The declaration shall require the covered voter
20 to swear or affirm, under penalty of perjury, specific
21 representations pertaining to the voter's:

22 (A) identity;

23 (B) eligibility to vote;

24 (C) status as a covered voter; and

25 (D) timely and proper completion of a military-
26 overseas ballot.

27 (ii) The declaration shall be based on the FWAB
28 declaration, as modified to be consistent with this
29 chapter.

30 (iii) The [secretary] Election Commission shall

1 ensure that a form for the execution of the declaration,
2 including an indication of the date of execution of the
3 declaration, is a prominent part of all balloting
4 materials for which the declaration is required.

5 § 3505. Registering to vote.

6 * * *

7 (c) Electronic transmission system.--The [secretary]
8 Election Commission shall ensure that the electronic
9 transmission system described in section 3503(c) (relating to
10 duties and responsibilities of [secretary] Election Commission)
11 is capable of accepting a Federal postcard application and any
12 other approved electronic registration application sent to the
13 appropriate county election board. The voter may use the
14 electronic transmission system or any other approved method to
15 register to vote.

16 * * *

17 § 3506. Methods of applying for military-overseas ballot.

18 * * *

19 (c) Electronic transmission system.--

20 (1) The [secretary] Election Commission shall ensure
21 that the electronic transmission system described in section
22 3503(c) (relating to duties and responsibilities of
23 [secretary] Election Commission) is capable of accepting the
24 submission of both a Federal postcard application and any
25 other approved electronic military-overseas ballot
26 application sent to the appropriate county election board.

27 * * *

28 § 3512. Confirmation of receipt of application and voted
29 ballot.

30 The [secretary] Election Commission, in coordination with

1 county election boards, shall implement an electronic free-
2 access system by which a covered voter may determine by
3 telephone, e-mail or Internet website whether:

4 * * *

5 Section 7. Repeals are as follows:

6 (1) The General Assembly declares that the repeal under
7 paragraphs (2), (3) and (4) are necessary to effectuate the
8 addition of of 25 Pa.C.S. Ch 5 and section 8 of this act.

9 (2) The following provisions of the act of June 3, 1937
10 (P.L.1333, No.320), known as the Pennsylvania Election Code,
11 are repealed insofar as they are inconsistent with the
12 addition of of 25 Pa.C.S. Ch 5 and section 8 of this act:
13 Article II, sections 302(k), (l) and (m), 305(a)4 and (c),
14 the definitions of "bureau" and "secretary" in section 535,
15 sections 536(c), 537(b) and (c), 538, 539, 540, 605, 626,
16 627, 628, 629, 630 introductory paragraph, 631, 633, 636,
17 804, 808.1, 809.1(b) and (c), 811, 901, 903, 904, 905, 907,
18 911, 912.2(a) and (c), 913(a) and (f), 914, 915, 916, 918,
19 921, 923, 951(a), 952, 953(a), 954, 976, 977, 978, 978.1,
20 978.2, 978.3, 979, 981(a), 984, 993(b), 994(a), 995, 997(a),
21 999.1, 1002(d), 1004, 1103(d), 1104(a) (1), (d), (e) and (f),
22 1104.1, 1106(a), (b), (c) (e), 1107 introductory paragraph,
23 1110(b) and (l), 1111(f), 1103-A(d), 1104-A(a), (c) and (d),
24 1105-A(a), (b), (c) and (e), 1106-A(b), 1107-A introductory
25 paragraph and (a) (11), 1109-A(b) and (e), 1110-A(a), (b),
26 (b.1), 1112-A(b) (6), the definitions of "bond", "Department"
27 and "voting apparatus" in section 1101-B, sections 1102-B(b)
28 (1), 1103-B(a) and (b) (1), 1104-B(a) and (b), 1106-B, 1107-B,
29 1108-B(a) (1), 1110-B, 1111-B, 1112-B, 1203, 1206.2(a), (b),
30 (c), 1210(a.4) (11), 1228(a), 1302(a), (b), (b.1), (e), (i)

1 and (k), 1303(b), 1304, 1305.1, 1306(a)(2), 1306.1, the
2 definitions of "department" and "secretary" in section 1301-
3 C, sections 1302-C(a), 1302-D(a), (b)(2) and (3), (f), (g)
4 (2), 1302.2-D(a)(4), 1303-D(b), 1304-D(a), (b) and (c), 1302-
5 E(b)(1) and (c)(4)(i), 1402(b), 1404(f) and (g), 1405, 1408,
6 1409, 1410(a) and (b), 1411, 1412, 1413, 1414, 1415, 1416,
7 1418, the definition of "supervisor" in section 1621(j),
8 sections 1623, 1624(a), (c) and (d), 1626(a), (c), (g) and
9 (j), 1627(a), 1628, 1631(1)(ii), (2)(i) and (3), 1632(a) and
10 (b), 1635(a), (b) and (e), 1636(a), 1639, 1640, 1641,
11 1701(a.1), 1702(a)(2), 1729, 1732, 1739, 1746, 1174, 1803,
12 1807, 1848 and the last paragraph of section 1901.

13 (3) Article VIII of the act of April 9, 1929 (P.L.177,
14 No.175), known as The Administrative Code of 1929, is
15 repealed insofar as it is inconsistent with the addition of
16 of 25 Pa.C.S. Ch 5 and section 8 of this act.

17 (4) The provisions of any act are repealed insofar as
18 they are inconsistent with the addition of 25 Pa.C.S. Ch 5
19 and section 8 of this act.

20 Section 8. The following shall apply:

21 (1) This act shall apply to elections occurring 60 days
22 after the effective date of this section.

23 (2) Beginning on the effective date of this section, the
24 Department of State and the Secretary of the Commonwealth may
25 not exercise a duty or power of the Secretary of the
26 Commonwealth or the Department of State to oversee the
27 process in general, primary and municipal elections and
28 campaign finance. This paragraph shall not apply to a
29 Constitutionally mandated function of the Secretary of the
30 Commonwealth and the Department of State regarding elections

1 or campaign finance.

2 (3) The following shall apply beginning 60 days after
3 the effective date of this section:

4 (i) An entity or board relating to elections or
5 campaign finance, such as the Voting Standards
6 Development Board or the State Plan Advisory Board,
7 established or existing within the Department of State
8 shall exist within the Election Commission.

9 (ii) An entity or board relating to elections or
10 campaign finance, which was formed by the Secretary of
11 the Commonwealth, such as the Statewide Uniform Registry
12 of Electors Advisory Board, shall exist within the
13 Elections Commission.

14 (iii) The membership of the Secretary of the
15 Commonwealth on an entity or board relating to elections
16 or campaign finance, such as the Pennsylvania Election
17 Law Advisory Board, shall be assumed by the chair of the
18 Elections Commission.

19 (4) Activities initiated by the Department of State or
20 the Secretary of the Commonwealth to oversee the process in
21 general, primary and municipal elections and campaign finance
22 shall continue and remain in full force and effect and shall
23 be completed by the Election Commission. Orders, regulations,
24 rules and decisions which were made by the Department of
25 State or the Secretary of the Commonwealth and which are in
26 effect on the effective date of this section shall remain in
27 full force and effect until revoked, vacated or modified by
28 the Election Commission. Contracts, obligations and
29 collective bargaining agreements entered into by the
30 Department of State or the Secretary of the Commonwealth are

1 not affected nor impaired by the termination of duties under
2 paragraph (2) and shall be executed by the Election
3 Commission on and after the effective date of this section.
4 Section 9. This act shall take effect in 60 days.