

No. 1995-25

AN ACT

HB 1212

Providing for voter registration, for registration commissions, for remedies and for absentee ballots; imposing penalties; making appropriations; and making repeals.

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

**CHAPTER 1
PRELIMINARY PROVISIONS**

Section 101. Short title.

This act shall be known and may be cited as the Pennsylvania Voter Registration Act.

Section 102. Definitions.

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

“Calendar year.” The period commencing January 1 and ending December 31 next following.

“Commission.” A registration commission established under section 303.

“Commissioner.” A member of a registration commission.

“County.” Any county of this Commonwealth. The term includes a county within which is located a city of the first class or with which a city of the first class is coextensive.

“County election board.” The board of elections of a county.

“Department.” The Department of State of the Commonwealth.

“District.” An election district or precinct of a municipality.

“District register.” The registration cards or digitized signature list containing the list of qualified electors:

- (1) arranged, by election district, alphabetically by last name of the registrant; and
- (2) prepared by the commission under section 702.

“Election.” A general, special, municipal or primary election.

“General election.” The election which the Constitution of Pennsylvania requires to be held in even-numbered years.

“In military service.” Serving in the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (Public Law 81-350, 63 Stat. 801) or serving in the Pennsylvania National Guard.

“Members of the merchant marine of the United States.” Any of the following:

- (1) Individuals employed as officers or members of crews of vessels documented under the law of the United States or of vessels owned by the United States or of vessels of foreign-flag registry under charter to or control of the United States. This paragraph does not include individuals in military service.

- (2) Individuals enrolled with the United States for employment or for training for employment or maintained by the United States for emergency relief service as officers or members of crews of vessels referred to in paragraph (1). The term does not include individuals in military service or individuals employed or enrolled for employment or for training for employment or maintained for emergency relief on the Great Lakes or the inland waterways.

“Military elector.” Any of the following:

- (1) An individual in military service and the individual’s spouse and dependents.

- (2) An individual in the merchant marine and the individual’s spouse and dependents.

- (3) An individual in a religious or welfare group officially attached to and serving with the armed forces of the United States and the individual’s spouse and dependents.

- (4) An individual who is a civilian employee of the United States outside the territorial limits of the United States, whether or not the individual is subject to the civil service laws and the Classification Act of 1949 (Public Law 81-429, 63 Stat. 954) and whether or not the individual is paid from funds appropriated by Congress, and the individual’s spouse and dependents.

“Municipal election.” The election which the Constitution of Pennsylvania requires to be held in odd-numbered years.

“Municipality.” A city, borough, town or township.

“November election.” Either the general or the municipal election, or both, according to the context.

“Overseas citizen.” An individual who resides outside the territorial limits of the United States and who, but for such residence, would be a qualified elector. The term does not include a military elector.

“Party.” Any of the following:

(1) A party or political body, one of whose candidates at the general election immediately preceding the primary:

(i) polled, in each of at least ten counties, at least 2% of the largest entire vote cast in the county for any elected candidate; and

(ii) polled a total vote in this Commonwealth equal to at least 2% of the largest entire vote cast in this Commonwealth for any elected candidate.

(2) A party or political body, one of whose candidates at either the general or municipal election preceding the primary polled at least 5% of the largest entire vote cast for any elected candidate in any county.

“Person authorized to administer oaths.” The term includes an individual who is a commissioned officer in military service or a member of the merchant marine of the United States designated for this purpose by the United States Secretary of Commerce.

“Person in military service.” The term shall mean a qualified elector who is by enlistment, enrollment or draft in actual military service.

“Political body.” A political body not recognized as a political party which has filed proper nomination papers as required by law.

“Primary election.” An election for the nomination of candidates.

“Public office.” Any Federal, State or political subdivision, office or position of employment requiring the individual elected or appointed to render public service for a fixed fee or compensation. The term does not include the office of notary public or commissioner of deeds.

“Qualified elector.” An individual who possesses all of the qualifications for voting prescribed by the Constitution of Pennsylvania and the laws of this Commonwealth or who, being otherwise qualified by continued residence in the election district, obtains such qualifications before the next ensuing election. The term does not include a military elector.

“Registration card.” A registration record containing all information required on the registration application, including the elector’s signature, and suitable space for the insertion by the appropriate official of the following information:

(1) The ward and election district of residence.

(2) The registrant’s street address.

(3) Data required to be given upon removal from the registrant’s residence.

(4) The date of each election at which the registrant votes.

(5) The number and letter of the stub of the ballot issued to the registrant or the registrant’s number in the order of admission to the voting machines.

(6) The initials of the election officer who enters the record of voting in the district register.

(7) Whether the registrant needs assistance to vote and, if so, the nature of the disability.

“Secretary.” The Secretary of the Commonwealth.

Section 103. Applicability.

This act applies to all counties.

Section 104. Construction.

No part of any day fixed for the performance of duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of work done for the purpose of carrying out this act or the right of a person to compensation provided for rendering any service required by this act or so as to relieve any person from doing on such day whatever is necessary for the purpose of carrying out this act. Such services are declared to be necessary public services.

**CHAPTER 3
REGISTRATION SYSTEM**

Section 301. Regulations.

The secretary shall promulgate regulations necessary to administer this act. The regulations shall include, but not be limited to, provisions which do all of the following:

(1) Provide for applicants to submit their voter registration application to the commission, the Department of Transportation and other agencies designated in section 525.

(2) Prescribe a procedure for the return of completed voter registration applications from the Department of Transportation, the Department of Public Welfare, armed forces recruitment centers, Offices of the Clerk of Orphan’s Court and all other offices under this act to the secretary or the appropriate commission.

(3) Prescribe a procedure to conduct a study of the technological needs and other aspects of the development and implementation of a Statewide central registry of registered qualified voters, and the study shall be completed by July 1, 1996.

Section 302. Existing electors.

All electors registered to vote in this Commonwealth on the effective date of this act remain registered under this act, and all electors registered for Federal elections shall, upon the effective date of this act, become registered for State and local elections.

Section 303. Commissions.

(a) Establishment.—A registration commission is established in each county. The commission has jurisdiction over the registration of electors of the county under this act.

(b) Membership.—

(1) Except as provided in paragraphs (2) and (3), the county commissioners of each county shall act as a registration commission for the county.

(2) In a city of the first class, the commission shall consist of the three elected commissioners of the city. Each commissioner shall be elected for a term of four years, in the year that the mayor is elected.

(3) In counties which have adopted home rule charters or optional plans, the commission shall consist of the members of the county body which performs legislative functions unless the county charter or optional plan provides for the appointment of the commission. In either case, there must be minority representation on the commission. The county body which performs legislative functions shall, if the commission does not contain minority representation, appoint such representation from a list submitted by the county chair of the minority party.

(c) Compensation.—Commissioners shall receive no compensation in addition to their compensation as county or city commissioners.

(d) Majority vote required.—Actions of a commission must be decided by a majority vote of all members except as otherwise provided in this act.

(e) Records.—A commission shall keep a permanent record of its proceedings.

(f) Regulations.—A commission may make regulations, not inconsistent with this act, to do all of the following:

(1) Govern the public sessions of the commission.

(2) Perform the duties imposed by this act.

(3) Carry into effect the provisions of this act and permit the efficient administration of this act, including the designation of duties to be performed and functions to be exercised under this act at its respective offices.

(g) Enforcement.—A commission may enforce regulations, orders and subpoenas as provided in section 1101 and, if necessary, shall have the assistance of the appropriate court of common pleas and of all public officers subservient to the court in enforcing the regulations, orders and subpoenas.

(h) Errors.—A commission has the power to correct an error or irregularity in registration and to cancel the registration of an individual whom it finds to be improperly registered, subject only to this act. Written notice must be mailed or delivered to each individual whose registration is canceled. Whenever a registered elector's name is changed for any reason, the initial registration number shall remain the same, and the file shall reflect the former name change to the new name.

(i) Investigation.—A commission or a commissioner has the power to do any of the following:

(1) Summon and interrogate any person concerning the registration of electors or any matter related thereto.

(2) Investigate irregularities in registration.

(3) Summon and examine witnesses.

(4) Require the production of relevant documents.

(j) Oaths and affirmations.—Each commissioner has the power to administer oaths and affirmations. Each individual testifying before a commission or commissioner must be sworn or affirmed.

(k) Correction of errors.—

(1) A commission has the power to correct its records without requiring action of a registered elector in any of the following cases:

(i) If the mailing address of the registered elector has been changed by the renaming of a street, the renumbering of a house or the changing of a post office.

(ii) If the election district of the registered elector has been changed through a change in the boundaries of an election district.

(2) Notice of action under paragraph (1) shall be mailed promptly to the affected registered elector.

Section 304. Commission staff.

(a) Counties of the first class.—

(1) A commissioner may act as registrar or inspector of registration.

(2) The commission has the power to assign assistants, employees or clerks to act as registrars or inspectors of registration. Individuals assigned under this paragraph shall not receive additional compensation for service as registrars or inspectors.

(3) Appointments shall be as follows:

(i) The commission shall annually appoint at least two registrars for each registration place. Not more than one-half of the number of registrars appointed annually for each registration place may be members of the same political party.

(ii) Registrars appointed must be qualified electors of the election district or ward for which they have been appointed, must be of good moral character, must not have been convicted of a crime and must be familiar with the qualifications of electors and the duties of the registrars. No individual who holds or is a candidate for public office or party office may be appointed to or hold any office or employment under any commission, except as otherwise provided by this act.

(iii) Appointments shall be as follows:

(A) The commission shall provide 15 days' notice for submission of candidates.

(B) The city chairs of the party having polled the highest and the second highest vote in this Commonwealth at the last preceding gubernatorial election may file with the commission a written list of names of members of the party whom the chair recommends for appointment as registrars. Lists must contain the name, address, qualifications and occupation of each individual recommended and shall be open to public inspection in the office of the commission.

(C) The commission shall appoint individuals from the list as registrars representing the parties. If more candidates are recommended by a chair than the party is entitled to have appointed, the commission shall appoint those candidates from the list whom the commission finds to be qualified under this section. If there are not sufficient candidates qualified to serve recommended by a chair,

the commission may appoint other individuals whom the commission believes qualified.

(D) If a vacancy occurs in the office of registrar, the commission shall fill the vacancy by appointing an elector of the district or ward, as the case may be, who is qualified under subparagraph (ii) and who is a registered and enrolled member of the same political party as the registrar whose office was vacated. The vacancy appointment shall be made in the same manner as the initial appointment.

(iv) Registrars appointed have the power to register the qualified electors of the election district or ward and, in so doing, to administer oaths and affirmations. Registrars appointed shall perform all other duties imposed on registrars by this act and by the commission.

(v) Nothing in this subsection shall prevent a registrar from serving as a registrar in a ward or division of the city or prevent the commission from assigning a registrar to register voters in a ward or division of the city.

(vi) Except as provided in paragraph (1), each registrar shall receive compensation set by the commission for each day during which the registrar is engaged in the active performance of duties as registrar.

(vii) The commission shall designate the duties to be performed by appointed registrars.

(4) Any insertion or removal of names or other information in registers or an amendment of records done by any employee, registrar or inspector by order of the commission shall be construed to be an action of the commission. It is the duty of the commission to correct any error in such action.

(5) Before exercising a power of office, a registrar or inspector of registration assigned under paragraph (2) or appointed under paragraph (3) must comply with all of the following:

(i) Take an oath or affirmation of office, as prescribed by the commission.

(ii) Receive from the commission a certificate of appointment, setting forth name and address, date of appointment and the length of appointment.

(6) The commission may annually designate registration places in the wards.

(7) The commission may appoint employees necessary to perform the functions of the office and to register the voters of the city. Employees shall be paid compensation as set by the commission.

(8) Removal shall be as follows:

(i) The commission has the power to remove any employee, inspector, registrar or other officer appointed or employed by it. No registrar appointed under paragraph (3) may be removed except for cause.

(ii) A qualified elector of the city may appear before the commission and show that a registrar assigned under paragraph (2) or

appointed under paragraph (3) does not possess the qualifications requisite for the performance of duties of office or has violated this act. If, after public hearing, the commission finds the charges brought to be true, the commission shall remove the registrar.

(9) An inspector of registration has the authority to investigate all matters regarding voter registration and to make recommendations to the commission.

(10) The commission may employ counsel. Counsel shall advise the commission regarding its powers and duties, the rights of electors and the best methods of legal procedure for carrying out this act and shall appear for and represent the commission on all appeals under Chapter 13. The amount of compensation for counsel shall be set by the city commissioners.

(11) Employees and clerks of the commission shall be privileged from arrest while acting as registrars. Commissioners and inspectors of registration shall be privileged from arrest while performing their duties, except upon warrant of a court of record for a felony, for wanton breach of the peace or for a criminal violation of this act.

(b) Counties of the second through eighth classes.—

(1) The registration commission shall appoint a chief clerk who may be the chief clerk of the county commissioners. The chief clerk has authority to administer oaths and to sign vouchers.

(2) Registrars and inspectors of registration must be qualified electors of the county. Registrars and inspectors of registration shall receive compensation, either on a per diem basis for time actually employed or on the basis of work actually done, as fixed by the salary board of the county. No registrar or inspector of registration may exercise any power of office until taking an oath or affirmation of office prescribed by the commission and receiving from the commission a certificate of appointment, setting forth name and address, date of appointment and length of appointment.

(3) Other staff shall be as follows:

(i) A commission may appoint assistants and employees as necessary to carry out this act and may remove them. The number and compensation of assistants and employees shall be fixed by the salary board of the county. A commission may appoint employees of the county to act for the commission without additional compensation.

(ii) The employees to be appointed by a commission include:

(A) Registrars or clerks who are empowered to register the qualified electors of the county and, in so doing, to administer oaths and affirmations.

(B) Inspectors of registration who have authority to investigate all matters regarding voter registration and to make recommendations to the commission.

(4) The county solicitor shall be counsel for the commission and shall receive no compensation in addition to compensation as county solicitor. Counsel shall advise the commission regarding its powers and duties and

the rights of electors and concerning the best methods of legal procedure for carrying out this act and shall appear for and represent the commission on appeals taken from its decisions or orders.

(5) Any insertion or removal of names or other information in registers and the amendment of records done by any employee of a commission or by order of a commission shall be construed to have been done by the commission. The commission shall be responsible for the correction of errors.

(6) No individual who holds or is a candidate for public or party office may be appointed to or hold any office or employment under any commission except as otherwise provided by this act.

(7) Commissioners, registrars and inspectors of registration shall be privileged from arrest while performing their duties except upon warrant of a court of record for a felony, for wanton breach of the peace or for a criminal violation of this act.

(8) A commissioner or the chief clerk may act as registrar or inspector of registration. When acting under this subsection, the commissioner or chief clerk has the powers and duties conferred by law upon registrars and inspectors of registration.

Section 305. Police assistance.

A commission may call on police officers of the appropriate municipality to maintain the peace at a place of registration.

Section 306. Unexpended balance; source of funds.

(a) Unexpended balance.—Unexpended balances of appropriations made by the county commissioners prior to the effective date of this act for the purpose of carrying out the act of March 30, 1937 (P.L.115, No.40), known as The First Class City Permanent Registration Act, and the act of April 29, 1937 (P.L.487, No.115), known as The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships, are transferred to and made available for commissions under this act.

(b) Source of funds.—A commission may accept and use in the performance of its duties funds received from the Federal Government, the Commonwealth or any other source.

Section 307. Open records and documents.

(a) Scope.—The following documents under this act are open to public inspection except as otherwise provided in this section:

- (1) Records of a registration commission and of district registers.
- (2) Street lists.
- (3) Official voter registration applications.
- (4) Petitions and appeals.
- (5) Witness lists.
- (6) Accounts and contracts.
- (7) Reports.

(b) Use.—Open material under subsection (a) may be inspected during ordinary business hours subject to the efficient operation of the commission.

Public inspection shall only be in the presence of a commissioner or authorized commission employee and shall be subject to proper regulation for safekeeping of the material and subject to this act. Upon request, a photocopy of the record or computer-generated data record shall be provided at cost. The material may not be used for commercial or improper purposes.

CHAPTER 5 VOTER REGISTRATION

SUBCHAPTER A QUALIFICATIONS

Section 501. Qualifications to register.

(a) Eligibility.—A qualified elector who will be at least 18 years of age on the day of the next election, who has been a citizen of the United States for at least one month prior to the next election and who has resided in this Commonwealth and the election district where the qualified elector offers to vote for at least 30 days prior to the next ensuing election and has not been confined in a penal institution for a conviction of a felony within the last five years shall be entitled to be registered as provided in this chapter. If an individual is qualified to vote in an election district prior to removal of residence, the individual may, if a resident of this Commonwealth, vote in the election district from which residence was removed within the 30 days preceding the election.

(b) Effect.—No individual shall be permitted to vote at any election unless the individual is registered under this subsection, except as provided by law or by order of a court of common pleas. No registered elector shall be required to register again for any election while the elector continues to reside at the same address.

Section 502. Residence of electors.

(a) General rule.—

(1) For the purpose of registration and voting, no individual shall be deemed to have gained a residence by reason of presence or lost a residence by reason of absence in any of the following circumstances:

(i) Being employed in the service, either civil or military, of this Commonwealth or of the United States.

(ii) Being engaged in the navigation of the waters of this Commonwealth or of the United States or on the high seas.

(iii) Being in an institution at public expense. This subparagraph does not apply to a veteran who resides in a home for disabled and indigent soldiers and sailors maintained by the Commonwealth. Such a veteran may elect to utilize that residence for registration and voting or elect to vote as an absentee elector by the use of an absentee ballot.

(2) Nothing in paragraph (1) shall preclude any elector eligible under section 501 from establishing the district of residence as the election district of residence pursuant to subsection (b).

(3) Except as otherwise provided in this subsection, no individual who is confined in a penal institution shall be deemed a resident of the election district where the institution is located. The individual shall be deemed to reside where the individual was last registered before being confined in the penal institution, or if there was no registration prior to confinement, the individual shall be deemed to reside at the last known address before confinement.

(4) An individual who resides at an institution for the mentally ill or the mentally retarded, if otherwise qualified under section 501, shall be deemed, at the individual's option, a resident in one of the following:

(i) The district where the institution is located.

(ii) The district where the individual was last registered to vote before entering the institution. For purposes of this subparagraph, if the individual was not registered before entering the institution, the individual shall be deemed to reside at the last known address before entering the institution.

(b) Rules for determination.—The following apply:

(1) That the place shall be considered the residence of an individual in which habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning.

(2) An individual shall not be considered to have lost residence if the individual leaves home and goes into another state or another election district for temporary purposes only, with the intention of returning.

(3) An individual shall not be considered to have gained a residence in an election district if the individual comes into that district for temporary purposes only without the intention of making that election district a permanent place of abode.

(4) If an individual removes to another state with the intention of making that state the permanent residence, the individual shall be considered to have lost residence in this Commonwealth.

(5) If an individual removes to another state with the intention of remaining there an indefinite time and making that state the place of residence, the individual shall be considered to have lost residence in this Commonwealth, notwithstanding an intention to return at some indefinite future period.

(6) If an individual goes into another state and, while there, votes in an election held by that state, the individual shall be considered to have lost residence in this Commonwealth.

(7) An individual employed in the service of the Federal Government or of the Commonwealth and required thereby to be absent from the municipality where the individual resided when entering that employment, and the spouse of the individual, may remain registered in the district where the individual resided immediately prior to entering that employment; and the individual and the spouse shall be enrolled in the political party designated by the individual or spouse without declaring a residence by street and number.

(i) An individual who registers under this paragraph for Commonwealth employment must produce a certificate from the head of the State agency, under the seal of office, setting forth that the individual or the individual's spouse is actually employed in the service of the Commonwealth and setting forth the nature of the employment and the time when the employee first entered the employment. The commission shall retain certificates under this subparagraph.

(ii) The commission shall note on the registration card of each individual registered under this paragraph the fact of Federal or State employment.

(iii) At least once every two years the commission shall verify the employment of the individuals registered under this paragraph at the proper Federal or State office. If an individual is found to be no longer a Federal or State employee, the individual's registration shall be canceled under Chapter 9.

SUBCHAPTER B PROCEDURE

Section 521. Methods of voter registration.

An individual qualified to register to vote under section 501(a) may apply to register as follows:

- (1) In person under section 522.
- (2) In conjunction with an application for a motor vehicle driver's license under section 523.
- (3) By mail application under section 524.
- (4) In conjunction with certain government agency services under section 525.

Section 522. In-person voter registration.

(a) General rule.—Applications may be submitted to register to vote or change party enrollment or name or address on current registration record in person before the registration commission or a commissioner, a registrar or a clerk at the office of the commission or at a place designated by the commission. The applicant shall be advised that any intentional false statement on the application constitutes perjury and will be punishable as such. The applicant shall provide the information required on the registration application and sign the registration declaration. The commission shall prepare and provide voter registration applications for the purpose of registering qualified electors in accordance with this section. Notwithstanding any other provision of this act, the commission may use a mail registration application for in-person registration. The commission shall mail the voter's identification card in accordance with section 527(a)(4)(v).

(b) Notice.—The commission shall, within a reasonable time, publicly announce the address of each place of registration, the address of each office of the commission established for the registration of electors other than its main office and the days and hours when the place or office is open for the registration of electors. The announcement shall be made by posting notice

at the place or office and at the commission's main office and by other means as the commission deems advisable.

(c) Polls.—The election board of each county shall cause any polling place to be open, in proper order for use, as a place of registration on each day when the polling place is desired by the commission or required by the provisions of this act for use as a place of registration. The appropriating authority of the county shall provide for the payment of rentals for such polling places and other places of registration.

(d) Schools.—The board of public education or the board of school directors shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the space to be open and in proper order for use as a place of registration on each day when the space is desired by the commission for use as a place of registration in accordance with the provisions of this act. Use under this subsection may not interfere with school instruction.

(e) Municipal buildings.—The proper authority in the county or municipality shall furnish suitable space in a building under its jurisdiction or control and shall cause the space to be open and in proper order for use as a place of registration on each day when the space is desired by the commission for use as a place of registration. Use under this subsection may not interfere with the use for which the space is primarily designed.

Section 523. Application with driver's license application.

(a) General rule.—

(1) The Department of Transportation shall provide for simultaneous application for voter registration in conjunction with the process under 75 Pa.C.S. § 1510 (relating to issuance and content of driver's license). An application under this subsection shall serve as an application to register to vote unless the applicant fails to sign the voter registration application. The secretary has the primary responsibility for implementing and enforcing the driver's license voter registration system created under this section. The secretary, in consultation with the Secretary of Transportation, may promulgate regulations for implementing this section.

(2) An application for voter registration submitted to the Department of Transportation under this subsection shall be considered as updating any previous voter registration information by the applicant.

(3) Any change of address submitted to the Department of Transportation for the purposes of driver licensing shall serve as notification of change of address for voter registration for the registrant involved unless the registrant indicates that the change of address is not for voter registration purposes.

(b) Process.—

(1) The Department of Transportation shall provide for an application for voter registration as part of a driver's license application.

(2) The format of the driver's license/voter registration application shall be determined and prescribed by the secretary and the Secretary of Transportation.

(3) The voter registration application portion of the application shall contain all the requirements of an official voter registration application specified in section 527. The voter registration portion of the application:

(i) may not require any information that duplicates information required in the driver's license portion of the form, other than a second signature; and

(ii) may require only the minimum amount of information necessary to prevent duplicate voter registration, to enable the registration commission to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.

(c) Transmission.—

(1) The Department of Transportation shall forward completed applications or contents of the completed voter registration applications in machine-readable format to the department.

(2) The department shall transmit the material to the appropriate commission within ten days after the date of its receipt by the Department of Transportation. If a voter registration application is received by the Department of Transportation within five days before the last day to register before an election, the application shall be transmitted to the appropriate commission not later than five days after the date of its receipt by the Department of Transportation.

(3) Upon receipt of the completed voter registration information from the department, the commission shall make a record of the date of the receipt of the application and process the application. No applicant shall be deemed eligible to vote until the commission has received and approved the application.

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

(i) The Department of Transportation shall notify the secretary of changes of address received under subsection (a)(3). The secretary shall notify the commission of the county of the registrant's prior residence. Except as provided in subparagraph (ii), if the registrant has moved outside of the county, the commission shall forward the registrant's registration card to the commission of the registrant's new county of residence. Except as provided in subparagraph (ii), if the registrant has moved to an address within the commission's jurisdiction, the commission shall update the registration record of the registrant.

(ii) In the case of changes of address received by the Department of Transportation which do not contain a signature of the registrant, the commission receiving the change of address notification shall mail a notice to the registrant at the new residence address requesting verification of the address change. The verification notice shall be in substantially the following form:

Date.....

Office of the Registration Commission
..... County, Pennsylvania
..... (Address and Telephone No. of County)

We have been notified by the Department of Transportation that you recently moved from (old residence address) to (new residence address) and that this change of address is to serve as a change of address for voter registration purposes. Unless you notify this office within ten days from the date of this notice that this information is not correct, your voter registration will be transferred to County. You may notify this office by calling the telephone number appearing on this form or by mailing this notice to this office. You need not notify this office if this information is correct.

.....

Chief Clerk

If the address change is within the commission's jurisdiction, the county shall notify the registrant what precinct the new address is in using the following form:

Date.....

Office of the Registration Commission

..... County, Pennsylvania

..... (Address and Telephone No. of County)

We have been notified by the Department of Transportation that you recently moved from (old residence address) to (new residence address) and that this change of address is to serve as a change of address for voter registration purposes. Unless you notify this office within ten days from the date of this notice that this information is not correct, your voter registration will be transferred to (new precinct) in this county. You may notify this office by calling the telephone number appearing on this form or by mailing this notice to this office. You need not notify this office if this information is correct.

.....

Chief Clerk

Such notices must be sent by first class nonforwardable mail, return postage guaranteed, and must be in a form approved by the secretary and designed in such a manner to allow the registrant to indicate that the address change is incorrect, the reason why such discrepancy exists and for return to the county commission. Such notice must be signed by the registrant and dated.

(iii) If the registrant does not return the notice under subparagraph (ii) within the ten-day period, the commission shall process the change of address according to subparagraph (i). If the registrant notifies the commission that the information is incorrect and the commission is satisfied with the registrant's explanation of the discrepancy, the address of the registrant's registration shall remain unchanged. If the verification notification is returned by the post office, the commission shall direct a confirmation notice to the registrant's address of former residence in accordance with section 1901(d)(2).

(d) Prohibition.—An individual who is not a qualified elector is ineligible to register to vote under this section.

(e) Effect.—Failure to properly complete a voter registration application shall not affect the validity of an application for a driver's license, a renewal application or an identification card application.

(f) Use of information.—No information regarding a declination to register to vote in connection with an application made under this section may be used for any purpose other than voter registration.

(g) Staff.—Agents and employees working on behalf of the Department of Transportation assisting in the completion of voter registration applications shall conduct themselves in a manner consistent with the following principles:

(1) They shall not seek to influence an applicant's political preference or party registration or display political preference or party allegiance.

(2) They shall not make a statement to an applicant or take an action the purpose or effect of which is to discourage the applicant from registering to vote.

(3) Applicants wishing to register to vote under this section shall be given the same degree of assistance with the voter registration application as with all other Department of Transportation forms.

Agency employees who violate this subsection shall be removed from employment, provided that the agency at its discretion may impose a penalty of suspension without pay for at least 30 days, but not more than 120 days, if it finds that the violation does not warrant termination.

Section 524. Application by mail.

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

(b) Time.—Registration under this section may be made at any time. If a registration application is received by a commission beyond the deadline for registration provided in section 526, the application shall be retained by the commission until the beginning of the next period during which registration can be made.

(c) Military electors.—

(1) A military elector may apply at any time for registration on an official registration application or any form prescribed by the Federal Government for such purpose.

(2) The status of a military elector to register under this section with respect to residence shall remain as the same home residence status from which the elector is qualified to register. If, at the time of leaving that home address, the elector had not resided in this Commonwealth or in a particular election district for a sufficient time to have been entitled to be

registered but, by continued residence, would have become entitled to be registered, the elector shall be entitled to be registered at the time the elector would have been entitled to register had the elector not left that home address but continued to reside there.

(3) The commission is authorized to consider a request for an absentee ballot as a request for an official registration application and to forward to the requester all of the following:

- (i) An absentee ballot and balloting material.
- (ii) An official registration application.

(4) The military elector must complete and file these documents in accordance with the applicable provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(5) The right to be registered pursuant to this subsection shall not be subject to challenge for any reason other than failure to have furnished the commission a properly completed registration application.

Section 525. Government agencies.

(a) General rule.—The secretary shall administer a system whereby all offices in this Commonwealth that provide public assistance, each county clerk of Orphan's Court, including each marriage license bureau, all offices in this Commonwealth that provide State-funded programs primarily engaged in providing services to persons with disabilities and all armed forces recruitment centers do all of the following:

- (1) Distribute voter registration applications with each application; reapplication; and application for recertification, renewal or change of address.
- (2) Assist applicants with completion of the registration application unless assistance is refused.
- (3) Accept completed registration applications.
- (4) Transmit completed applications to the appropriate registration commission.

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

- (1) The question, "If you are not registered to vote where you live now, would you like to apply to register to vote today?"
- (2) If the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."
- (3) Boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote. In close proximity to the boxes the following words shall appear in prominent type: "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

(4) The statement, "In order to be qualified to register to vote, you must be at least 18 years of age on the day of the next election, you must have been a citizen of the United States for at least one month prior to the

next election and have resided in Pennsylvania and the election district where you plan to vote for at least 30 days prior to the next election, and you must not have been confined to a penal institution for a conviction of a felony within the last five years.”

(5) The statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help is yours. You may fill out the form in private.”

(6) The statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of the Commonwealth, Pennsylvania Department of State, Harrisburg, PA 17120.” The secretary shall establish and publish a toll-free telephone number for the purpose of receiving complaints.

(c) Effect.—Failure to check either box under subsection (b)(3) shall be considered a declination to register to vote.

(d) Staff.—Agency employees assisting in the completion of voter registration applications shall conduct themselves in a manner consistent with the following principles:

(1) They shall not seek to influence an applicant’s political preference or party registration or display political preference or party allegiance.

(2) They shall not make any statement to an applicant or take any action the purpose of or effect of which is to discourage the applicant from registering to vote.

(3) They shall not make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

Agency employees who violate this subsection shall be removed from employment, provided that the agency at its discretion may impose a penalty of suspension without pay for at least 30 days, but not more than 120 days, if it finds that the violation does not warrant termination.

(e) Encouraging registration.—An agency designated in subsection (a) shall provide reasonable space for nonpartisan signs or posters encouraging voter registration. The signs and posters shall be provided by the secretary.

(f) Transmission.—An agency designated in subsection (a) shall forward all completed registration applications to the appropriate registration commission within ten days after the date of receipt. If a voter registration application is received within five days before the last day to register before an election, the application shall be transmitted to the appropriate commission not later than five days after the date of its receipt by the agency.

(g) Confidentiality.—The identity of the voter registration agency through which any particular voter is registered in accordance with this section shall not be disclosed to the public.

(h) Use of information.—No information relating to a declination to register to vote in connection with an application made at an office described in this section may be used for any purpose other than voter registration.

(i) Assistance.—Each agency shall provide to each applicant who chooses to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(j) Regulation.—The secretary shall promulgate regulations regarding the maintenance and destruction of forms used pursuant to this section.

Section 526. Time.

(a) General rule.—Except as provided in subsection (b), each registration commission, commissioners and registrars or clerks appointed by the commission shall receive, during ordinary business hours and during additional hours as the commission prescribes, at the office of the commission and at additional places as the commission designates, applications from individuals who appear and claim that they are entitled to be registered as electors of a municipality.

(b) Deadlines.—In the administration of voter registration, each commission shall ensure that any eligible applicant is registered to vote in an election when the applicant has met any of the following conditions:

(1) In the case of voter registration with a motor vehicle driver's license application under section 523, if the valid voter registration application is submitted to the appropriate Department of Transportation office not later than 30 days before the date of the election.

(2) In the case of registration by mail under section 524, if the valid voter registration mail application is postmarked not later than the deadline to register for the ensuing election or, in the case of an illegible or missing postmark, it is received not later than five days after the deadline to register for the ensuing election.

(3) In the case of voter registration at a voter registration agency under section 525, if the valid voter registration application is accepted at the voter registration agency not later than 30 days before the date of the election.

(4) In any other case, if the valid voter registration application of the applicant is received by the appropriate commission not later than 30 days before the election.

(c) Special rules.—

(1) In the case of a special election within a congressional, senatorial or representative district held on a day other than the day of a primary, general or municipal election, the registration application forms shall not be processed in the wards and election districts comprising the district for the 30 days prior to the special election for such election.

(2) No applications shall be received as follows:

(i) On Sundays.

(ii) On holidays.

(iii) On the day of the election.

(iv) During the 30 days next preceding each general, municipal and primary election, except as provided in subsection (b).

Section 527. Preparation and distribution of applications.

(a) Form.—

(1) The secretary shall prescribe the form of official voter registration application. The official voter registration application shall provide space for the following information about the applicant:

(i) Full name.

(ii) Address of residence. If the residence is a portion only of the house, the location or number of the room, apartment or floor which is occupied.

(iii) Mailing address if different than address of residence.

(iv) Name and residence address on previous registration and the year of that registration.

(v) Designation of political party, for the purpose of voting at a primary election.

(vi) Date of birth.

(vii) Telephone number. An application shall not be rejected because of noncompliance with this subparagraph.

(viii) Race. An application shall not be rejected because of noncompliance with this subparagraph.

(2) Data required on the voter registration application shall not be more nor less than the minimum data elements permissible for Federal voter registration.

(3) Any person who assists in the completion of the registration application shall sign the application and indicate the person's address. In the case of those registering under sections 523 and 525, the person providing assistance shall insert the person's initials or employee or agent identification number on a separate or detachable portion of the application or computer data file.

(4) A voter registration application shall be printed on stock of good quality and shall be of suitable uniform size. Nothing in this act shall prohibit the design and use of an electronic voter registration application which includes the applicant's digitized signature. The registration application shall contain the following information; however, the information may be provided on a separate form for voter registration made under section 523 or 525:

(i) Notice that an individual currently registered does not need to reregister unless the individual has moved.

(ii) Instructions on how to fill out and submit the application and notification of when the application must be submitted to a voter registration office in order to be registered for the ensuing election.

(iii) Notice that the registrant must be a citizen of the United States for at least one month prior to the next election and a resident of this Commonwealth and the election district for at least 30 days and must

be at least 18 years of age by the day of the next ensuing election and has not been confined in a penal institution for a conviction of a felony within the last five years. The notice required in this subparagraph shall be in print identical to the declaration under subsection (b).

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

(v) Notice that the commission will mail by nonforwardable mail to the applicant a voter's identification card upon acceptance of the application and that the registrant should contact the commission if the identification card is not received within 14 days from the date the application is sent to the registration office.

(vi) Notice that registration is not complete until the application is processed and accepted by the commission.

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

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

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

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

(5) The official voter registration application may be designed in a manner to be inserted in the district register or for transfer to a registration card to be placed in the district register.

(6) In jurisdictions where there is a single language minority, the secretary may print a bilingual application.

(7) In jurisdictions where a single language minority exceeds 5% of the population, the secretary shall:

(i) print a bilingual application; and

(ii) conduct a public educational program among that language group alerting both organizations and individuals of that group of the availability of the bilingual application and encouraging unregistered voters to register.

(8) To implement section 524, the secretary shall print an official voter registration mail application designed to preserve the confidentiality of the information required to be submitted. The application shall contain information required by this section and shall include the name of each

county seat, its post office mailing address and zip code and its telephone number. Voter registration mail applications shall contain information indicating whether the application is a new registration, change of party enrollment, change of address or change of name.

(9) Nothing in this act shall prohibit a private organization or individual from printing blank voter registration applications or shall prohibit the use of such applications by any other individual, provided that the form, content and paper quality of such voter registration application complies with department regulations for the forms or has received prior approval from the secretary.

(b) Registration declaration.—

(1) The official voter registration application shall contain a registration declaration. On the declaration, the applicant shall state all of the following:

(i) The applicant has been a citizen of the United States for at least one month prior to the next election.

(ii) On the day of the next ensuing election, the applicant shall be at least 18 years of age.

(iii) On the day of the next ensuing election, the applicant shall have resided in this Commonwealth and in the election district for at least 30 days.

(iv) The applicant has not been confined in a penal institution for a conviction of a felony within the last five years.

(v) The applicant is legally qualified to vote.

(2) The applicant shall affirm all of the following:

(i) The information provided in the registration declaration is true.

(ii) The applicant understands that:

(A) the registration declaration will be accepted for all purposes as the equivalent of an affidavit; and

(B) if the registration contains a material false statement, the applicant shall be subject to penalties for perjury.

(3) The registration declaration shall contain the printed name and signature of the applicant and the date of signing. An applicant unable to sign the voter registration application shall make a mark before a person of the applicant's choice other than the applicant's employer or an agent of the applicant's union. Such person shall insert the person's name, address and telephone number. If such person is an employee or agent of the Department of Transportation or another agency, as provided under section 525, and is assisting the applicant in an official capacity, such employee or agent shall insert the initials and identification number of the employee or agent. In the case of applicants registering under section 523 or 525, the person providing assistance shall insert initials or employee or agent identification number on a separate or detachable portion of the application or computer data file.

(4) The official registration application shall contain a notice entitled "PENALTY FOR FALSIFYING DECLARATION." The notice shall

advise the applicant that, if a person signs an official registration application knowing a statement declared in the application to be false, the person commits perjury. The notice shall specify the penalty for perjury.

(c) Distribution.—

(1) The secretary shall supply official registration applications to commissions.

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

(3) Each participating agency identified under paragraph (2) shall:

(i) Provide that official voter registration mail applications are available on the premises and displayed prominently in a conspicuous location during normal business hours.

(ii) Provide an official voter registration mail application to any individual requesting one.

(iii) Provide reasonable space for nonpartisan signs or posters indicating the availability of official voter registration mail applications on the premises.

(4) The secretary may provide technical assistance to commissions upon request and agencies designated under paragraph (2).

(5) The secretary shall print and distribute mail registration applications which are not postage paid and which shall not be specific to any county registration office. Along with the distribution of such applications, the secretary shall also include instructions to inform the applicant where the application is to be sent.

(6) The secretary and commissions shall supply applications to all of the following:

(i) Persons and organizations who request applications.

(ii) Federal, State and political subdivision offices.

(iii) Political parties and political bodies.

(iv) Candidates.

(d) Staff.—Agency employees assisting in the distribution of voter registration applications under subsection (c) shall conduct themselves in a manner consistent with the following principles:

(1) They shall not seek to influence an applicant's political preference or party registration or display political preference or party allegiance.

(2) They shall not make any statement to an applicant or take any action the purpose of or effect of which is to discourage the applicant from registering to vote.

(3) They shall not make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe

that a decision to register or not to register has any bearing on the availability of services or benefits.

Agency employees who violate this subsection shall be removed from employment, provided that the agency at its discretion may impose a penalty of suspension without pay for at least 30 days, but not more than 120 days, if it finds that the violation does not warrant termination.

Section 528. Approval of registration applications.

(a) Examination.—

(1) Official registration applications submitted to a registration commission shall be examined by the commissioner or a clerk or registrar upon receipt.

(2) If the official voter registration application submission is in person, the application shall be attested and dated by the commissioner, clerk or registrar.

(3) Upon receipt of any other voter registration application, the commission shall make an entry of the date received on the application. If the applicant does not reside within the commission's county but resides elsewhere in this Commonwealth, the commission shall forward the application card to the proper commission and make a record of the forwarding.

(b) Decision.—

(1) If the commission finds the official registration application not properly completed, the application shall be rejected. The commission should make reasonable efforts to complete the registration before rejecting it for omissions and inconsistencies. If the commission rejects an application under this paragraph, it shall indicate "REJECTED" on the application and state there the reason for rejection and notify the applicant by first class nonforwardable mail, return postage guaranteed.

(2) If the official registration application contains the required information indicating that the applicant is legally qualified to register as stated in the application, the commission shall mail to the applicant a voter's identification card in accordance with subsection (d)(1).

(3) For an application for a transfer of registration or a change in address or name, if the application contains the required information and the applicant is legally qualified to transfer registration or change name or address as stated in the application, the commission shall make the transfer or change. If the commission suspects that the applicant is not entitled to transfer registration or to change name or address, the commission may investigate. If the commission finds that the applicant is not entitled to the transfer or change, the application shall be rejected. The applicant shall be notified of the rejection and the reason for it. Rejection shall be made no later than ten days before the election succeeding the filing of the application.

(c) Result.—If an application is designed to serve as a registration card, the accepted application of an elector may serve as the elector's official registration card, if it was so designed, and shall be filed in the office of the

commission in accordance with Chapter 7. If the application is not designed to serve as a registration card, the information contained on the application, including the elector's signature, shall be transferred to the registration card. If a commission utilizes a signature digitization list, it shall transfer all information contained on the application, including the signature, to the registry or, until the registry is established, to a computer file. Applicants for registration shall be challenged under section 529.

(d) Disposition.—

(1) When the registration of an elector has been finally processed under subsection (b)(2), the commission shall transmit to the applicant by first class nonforwardable mail a wallet-sized voter's identification card, which shall serve as notice to the applicant of the disposition of the application. The card shall contain all of the following:

- (i) Name and address of the elector.
- (ii) Name of municipality.
- (iii) Identification of elector's ward and district.
- (iv) Effective date of registration.
- (v) Designation of party enrollment and date of enrollment.
- (vi) A space for the elector's signature or mark.

(vii) A statement that the card relates only to the time of issuance of the card and is not of itself evidence or proof of the qualifications of the elector to vote at an election or proof of identification for purposes of applying for or receiving general assistance and that it is not necessary to present the card when voting. The statements required by this subparagraph shall be placed on the reverse side of the card from where all of the other information required by this paragraph is placed.

(2) The carrier envelope in which the identification card is enclosed shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given.

(3) No registration application shall be deemed to be accepted until ten days after the voter's identification card has been mailed. Upon return by the post office of an identification card under paragraph (2) which the post office is unable to deliver at the given address, the commission shall investigate. If the commission finds that the applicant is not qualified to register from such address, the commission shall reject the application of the applicant and shall notify the applicant by first class forwardable mail of this action.

(4) If the applicant discloses that the elector's last residence address upon registration was a location within another county, the commission shall direct a cancellation notice to the commission of that county. This cancellation notice shall be in a form approved by the secretary in substantially the following form:

Date

Office of the Registration Commission
..... County, Pennsylvania

Cancellation of Previous Registration

Name, whose date of birth is, has now registered as an elector in..... County, Pennsylvania. Our records indicate that this registrant was previously registered in the County of, Pennsylvania, at the following address

Chief Clerk

Section 529. Challenges.

(a) Standing.—An individual claiming the right to be registered may be challenged by a commissioner, registrar or clerk or by a qualified elector of the municipality.

(b) Complaint.—To make a challenge, a complainant must file a challenge affidavit in a form prescribed by the secretary containing the following information:

- (1) Name of challenged individual.
(2) Address of challenged individual.
(3) Name of complainant.
(4) Address of complainant.
(5) Date of affidavit.
(6) Reason for challenge.

(c) Response.—An individual who is challenged must respond to the challenge affidavit as set forth in subsection (b) in a written statement sworn or affirmed by the individual. The challenged individual must produce such other evidence as may be required to satisfy the registrar or commissioner as to the individual's qualifications as an elector.

(d) Resolution.—If the challenged individual establishes, to the satisfaction of the commission, the right to be registered as required by this act, the challenged individual shall be registered.

Section 530. Appeals.

(a) Right.—An individual whose application to be registered has been denied may file with the registration commission a petition to be registered, setting forth the grounds of the petition under oath or affirmation. The petition must be filed by the 15th day prior to an election.

(b) Hearing.—

(1) The commission shall fix a time for a public hearing at its office not later than the tenth day prior to the election.

(2) The commission shall give the person responsible for the rejection 48 hours' notice of the hearing.

(3) At the hearing, a clerk, inspector of registration or qualified elector of the county may offer evidence as to why the petitioner should not be registered.

(4) The commission, if satisfied that the petitioner is entitled to be registered, shall direct registration.

CHAPTER 7
RECORDS

Section 701. General register.

(a) Original registration cards.—If a commission uses the original registration cards for registered electors in the county as the district register, the duplicate registration cards or photocopies of the original registration cards shall be placed in exact alphabetical order by last name of the registrant, shall be indexed and shall be kept at the office of the registration commission in a manner as to be properly safeguarded. These cards constitute the general register of the county. They may not be removed from the office of the commission except upon order of a court of record. Nothing in this act shall preclude the use of duplicate registration cards from applications provided under the act of March 30, 1937 (P.L.115, No.40), known as The First Class City Permanent Registration Act, or the act of April 29, 1937 (P.L.487, No.115), known as The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships.

(b) Digitized signature lists.—If a commission uses digitized signature lists as the district register, the original registration cards shall be placed in exact alphabetical order by last name of the registrant, indexed and kept at the office of the commission in a manner as to be properly safeguarded. These original cards constitute the general register of the county. They may not be removed from the office of the commission except upon order of a court of record. The commission shall safely retain all registration cards used in the registration of electors or in conducting an election. If a commission has the capability to accept an electronic application, the secretary may require the commission to produce a computer-generated card to file in the general register. If the commission finds a record for a registrant on the computer data base which is not contained in the general register, it shall replace the original card with a computer-generated duplicate card upon written permission from the registrant or upon order of a court of record.

(c) Duplicate files.—If the commission deems a duplicate file of registration cards necessary for administrative purposes, the commission may prepare a reproduction in compliance with the following:

(1) The registration form shall be photographed, microphotographed or reproduced in a manner approved for permanent records by the secretary.

(2) The device used to reproduce the card is one which accurately reproduces the original in all details.

(3) The photographs, microphotographs or other reproductions are open to public inspection and provision is made for preserving, examining and using them.

Section 702. District registers.

(a) Registration card file.—

(1) Except as provided in subsection (b) and in section 701(b), the original registration cards shall be filed by election districts in exact alphabetical order by last name of the registrant and shall be indexed.

(2) The cards constitute the district register.

(3) The commission shall provide binders, which are capable of being locked, for filing and indexing the registration cards. The keys to the binders shall at all times be retained by the commission.

(4) The district register shall be kept at the office of the commission, except as provided in subsection (b), and shall be open to public inspection, subject to reasonable safeguards and regulations.

(b) Computer lists.—

(1) Instead of using registration cards as the district register as provided in subsection (a), a commission may use a computer list or computer-generated cards containing the registered electors arranged by election district, alphabetically by last name of the registrant.

(2) The computer list or computer-generated cards must be in a form prescribed by the secretary and must contain necessary information that would otherwise be available on the registration cards, including a legible digitized signature of the registrant copied from the signature on the registration card. The district election officials shall have computer printouts at the polling places containing the necessary information needed to verify the identity of the elector. The digitized signature list shall be open to public inspection, subject to reasonable safeguards, rules and regulations.

(3) A commission may, during systems conversion periods or emergency conditions, provide for a district register containing the original registration cards. The following apply:

(i) The original registration cards shall be filed by election district, in one of the following orders, as determined by the commission:

(A) Exact alphabetical order by last name of registrant.

(B) Order in which registrants' residences appear upon the streets of the election district, in exact alphabetical order by last name of registrant for each residence.

(ii) The district register containing registration cards shall be kept at the office of the commission and shall be open for public inspection, subject to reasonable safeguards and regulations and to the provisions of this act.

(c) Currency.—It is the duty of the commission to compare and correct the general register and district registers to ensure their accuracy. By noon of the third day preceding an election, the commission shall have the district register for each election district and the registry accurately corrected to date.

(d) Delivery.—The commission shall deliver, in the manner required by law for delivery of election materials, the district register to the election officers for use on election day.

(e) Form.—District registers shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery. The

district register shall have printed or written thereon the words "District Register of Voters" and the district and ward, if any.

(f) Examination.—Immediately following each election, the commission shall cause each district register to be examined. The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report in writing to the district attorney any evidence or indication of probable fraud, impersonation or forgery which may appear to the commission by reason of the comparison. In the case of any elector whom the election officers shall have recorded as removed, deceased, or challenged and prevented from voting, the commission shall ascertain the facts and shall correct the general and district registers in accordance with Chapter 9.

Section 703. Street lists.

(a) Preparation.—Commencing not later than the 15th day prior to each election, the registration commission shall prepare for each election district a list of the names and addresses of all registered electors as of that date resident in the district. The list may not include the digitized signature of a registered voter. The list shall be arranged in one of the following manners:

- (1) By streets and house numbers.
- (2) Alphabetically by last name of registrant.
- (3) In a manner whereby the location of the elector's residence can be identified.

(b) Copies.—The commission shall retain two copies of the list under subsection (a) on file at its office. These copies shall be available for public inspection during business hours, subject to reasonable safeguards and regulations.

(c) Distribution.—The commission shall distribute the list under subsection (a) upon request as follows:

- (1) To officials concerned with the conduct of elections.
- (2) To political parties and political bodies.
- (3) To candidates.

(d) Organizations.—The commission may, for a reasonable fee approved by the secretary, distribute the list under subsection (a), to organized bodies of citizens.

Section 704. Public information lists.

(a) Establishment.—

(1) The registration commission shall provide for computer inquiries concerning individual registered voters. With respect to each voter who is the subject of an inquiry, the information provided shall contain the name, address, date of birth and voting history. Upon request, the commission shall supply a printed record for each such voter subject to the provisions of this act. In addition, the commission may make available for inspection a printed or computerized public information list containing the name, address, date of birth and voting history of each registered voter in the county.

- (2) The list may also include information on voting districts.

(3) The list may not contain the digitized signature of the elector.

(b) Access.—

(1) The secretary may promulgate reasonable regulations governing access to the list.

(2) No individual inspecting the list may tamper with or alter it.

(3) No individual who inspects the list or who acquires names of registered voters from the list may use information contained in the list for purposes unrelated to elections, political activities or law enforcement. Before inspecting the list or obtaining names of voters or other information from the list, the individual must provide identification to the public official having custody of the public information list and must state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities or law enforcement.

(c) Copies.—

(1) The commission shall provide paper copies of the public information lists and may provide copies in some other form to any voter registered in this Commonwealth within ten days of receiving a written request accompanied by payment of the cost of reproduction and postage. The cost of the copies shall be determined by the office providing copies.

(2) An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities or law enforcement.

Section 705. Retention of records.

(a) Computer lists.—Each commission shall preserve computer lists used as district registers for five years.

(b) Records.—

(1) The department and each commission shall preserve for two years and shall make available for public inspection and, where available, photocopying at a reasonable cost all records concerning the implementation of programs and activities conducted for the purposes of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that the records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records preserved under paragraph (1) shall include lists of the names and addresses of all individuals to whom notices described in section 901 are sent, and information concerning whether or not the individual has responded to the notice as of the date that inspection of the record is made.

Section 706. Reports.

(a) Commission.—By March 1, the commission shall submit to the secretary an annual report setting forth the number of electors registered under sections 522, 523, 524 and 525. The report shall specify the number of electors whose registration has been canceled under Chapter 9 and any other information required by the secretary.

(b) Secretary.—The secretary shall submit an annual report to the General Assembly by June 30 assessing the impact of this act on the administration of elections during the preceding year and including recommendations for improvements to procedures, forms and other matters affected by this act.

CHAPTER 9 CHANGES IN RECORDS

Section 901. Removal notices.

(a) Form.—

(1) The commission shall make removal notices available to electors who are registered in the county.

(2) The notice shall be printed upon cards suitable for mailing, addressed to the office of the commission. The notice shall provide the following information:

(i) The address of present residence, including municipality.

(ii) The address of last registration, including municipality.

(iii) Date of removal to present residence.

(iv) Signature.

(3) The notice shall contain a statement that the elector may, by filling out properly and signing a removal notice and returning it to the office of the commission, secure the transfer of registration effective as to elections at least 30 days after the date of removal into the new district.

(4) The notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature as it appears on file with the commission.

(5) The notice shall contain a warning to the elector that the notice must be received by the commission not later than 30 days before the election. If mailed, the notice must be postmarked not later than the deadline for registration or, in the case of an illegible or missing postmark, received within five days of the close of registration.

(b) Use.—An elector who removes residence from one place to another within the same county must notify the commission by filing a removal notice under subsection (a), or a signed request for renewal that contains the information required in subsection (a), with the commission not later than the registration deadline before the election. If mailed, the notice or request must be postmarked not later than the deadline for registration or, in the case of an illegible or missing postmark, received within five days of the close of registration. The following apply:

(1) An official registration application of an elector who has registered by mail qualifies as a removal notice.

(2) An elector who removes residence from one place to another within the same county and who has not yet filed a removal notice with the commission shall be permitted to vote at the election next following removal if, at the time of signing voter's certificate, the elector files with the judge of election a signed removal notice properly filled out. Removal

notices under this paragraph shall be returned to the commission with the voting check list, and the commission shall proceed to transfer the registration of the electors under section 902.

Section 902. Transfer of registration.

(a) **General rule.**—Upon timely receipt of notification of removal under section 901(b), the registration commission shall proceed as follows:

(1) The signature on the notification document shall be compared with the signature of the elector as it appears on file with the commission.

(2) If the signature appears authentic, the commission shall enter the change of residence on the registration card of the elector in the general register and district register and shall transfer the registration card of the elector from the district register of the election district of previous residence to the district register of the election district of new residence.

(3) If a request for transfer which is determined to be authentic under paragraph (2) shows a removal within the period of 30 days preceding an election, the commission, after such election, shall enter the change of residence on the registration card of the elector in the general register and district register and shall transfer the registration card of the elector from the district register of the election district of previous residence. The commission shall advise the elector promptly in writing of its action.

(b) **Electors unable to write.**—An elector who is unable to sign the notification document may affix a mark to the notification document. The mark must be affixed in the presence of a witness who must sign the notification document.

Section 903. Change of enrollment of political party.

By the deadline for registration, a registered voter who desires to change the enrollment of political designation or who, although registered, has not previously enrolled as a member of a party may appear before a commissioner, registrar or clerk or may submit an application by mail under section 524 and state in a signed writing the political party in which the voter desires to be enrolled. If the signature of the elector is verified by comparison with the elector's signature as it appears on file with the commission, the commissioner, registrar or clerk shall make the change in the general register and district register. If supported by other evidence of identity, a mark may be made in lieu of a signature by an elector who is unable to write. The mark must be made in the presence of a witness who must sign the registration application.

Section 904. Physical disability.

(a) **Eligibility.**—If an elector is unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance, the following apply:

(1) The elector may, at least ten days prior to the next election, personally make application to the commission or a registrar or a clerk.

(2) The application must request the entry of the exact nature of the disability on the elector's registration card.

(3) The commission shall make the entry as appropriate.

(4) If the disability is not entered on the registration card, the elector may receive assistance if the elector completes a declaration in the polling place.

(b) Termination.—If the commission ascertains that an elector who has declared need for assistance is no longer in need of assistance, it shall cancel on the registration card the entry relating to illiteracy or physical disability which authorized assistance. The commission shall notify the elector by mail of its action.

Section 905. Department of Health.

The registration commission shall cancel the registration of a registered elector reported dead by the Department of Health. The Department of Health shall, within 60 days of receiving notice of the death of an individual 18 years of age or older, send the name and address of residence of that individual to the commission on a form prescribed by the department. An individual incorrectly reported deceased by the Department of Health may appear in person before a commissioner, registrar or clerk at the office of the commission and prove identity. The commission, upon such proof, shall correct its records.

Section 906. Checkup of registers.

(a) General rule.—At any time prior to the 30th day preceding an election, the commission may mail to any qualified elector whose name appears in any district register a notice setting forth the elector's name and address as it appears in the register and requesting the elector in case of any error to present the notice within ten days at the office of the commission to have the error corrected and warning that any discrepancy between the qualified elector's actual name and address and his name and address as recorded in the original register will constitute ground for challenging the elector's vote. The notice shall contain on the outside, "Do not forward, return to board of elections," and a request of the postal service to return it within five days if it cannot be delivered to the addressee at the address given.

(b) Checkup by postal service.—At any time prior to the 30th day preceding an election, the commission may cause a checkup to be made by the postal service of any qualified elector whose name appears in any district register.

(c) Quadrennial checkups.—At least once in each four years the commission may conduct a checkup of each registered elector by either of the methods provided for in subsections (a) and (b).

(d) Failure to deliver notice.—Upon the return by the postal service of any notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the postal service that any registered elector does not reside at the address given on the registration card, the commission shall do one of the following:

(1) Direct an authorized employee to visit in person the address of the qualified elector and, if the employee finds that the qualified elector does

not reside at the address, to leave at the address the notice prescribed by subsection (e).

(2) Mail to the registered qualified elector at the address given on the registration card the notice prescribed by subsection (e). The notice shall be sent as first class mail and shall contain on the outside a request to the postmaster to forward it if the addressee does not reside at the address given thereon.

(e) Communication with commission.—The notice stipulated by subsection (d) shall require the registered qualified elector to communicate with the commission by a date designated by the commission, which (date) shall be not less than ten days nor more than 30 days from the service or mailing of the notice and, in any case, not later than the 15th day preceding the election, and satisfy the commission of qualifications as a qualified elector. At the expiration of the time specified in the notice, the commission shall cancel the registration of a person who has not communicated with the commission and proved qualifications as a qualified elector, except that, if a registered qualified elector who has been mailed the notice prescribed by this subsection communicates with the commission claiming the right to remain registered at the address to which the original notice was mailed, the commission shall investigate and, if not satisfied of the right of the qualified elector to remain registered at the address, shall cancel the registration of the elector. Every elector whose registration is canceled under this section must register in the manner provided by this act in order to be eligible to vote at any election.

(f) Elector in military service.—The registration of a person in military service shall not be canceled by reason of the failure of the person to reside at the address appearing upon the district register if the person resided at the address on the date of entering military service.

Section 907. Canvass of registered electors.

(a) Verification.—The commission may, by individual commissioners or by inspectors of registration, verify the registration in an election district by visiting each building from which an elector is registered and other buildings as the commission deems necessary. The commission shall make a record of the name and address of each person registered who is not found to reside at the address from which the person is registered or who for any other reason appears to be not qualified to vote in the election district from which the person is registered. The commission shall leave at the address of each such person the notice prescribed by section 906(e).

(b) Action.—At the expiration of the time specified in the notice under section 906(e), the commission shall cancel or suspend the registration of each such person who has not communicated with the commission and proved qualifications as an elector.

(c) Special inspectors.—For the purpose of facilitating a canvass, the commission may, when necessary, appoint special inspectors of registration in number not exceeding double the number of election districts which the commission determines to canvass. They must be qualified electors of the

county. They shall be appointed without reference to residence in election districts or to their political affiliations or beliefs. The commission shall instruct each special inspector in discharging duties.

Section 908. Comparison and correction of registers.

Commencing 30 days prior to each election, the commission shall compare and correct the general and district registers.

Section 909. Petition to strike off names.

(a) **Initiation.**—At any time not later than the tenth day preceding an election, a qualified elector, including any watcher and any registrar or inspector of registration, may petition the commission to cancel or suspend the registration of a registered qualified elector. The petition must set forth, under oath or affirmation, all of the following:

(1) Sufficient grounds for the cancellation or suspension.

(2) That:

(i) notice of the time and place when the petition would be presented has been given personally to the registered qualified elector at least 24 hours prior to the presentation of the petition; or

(ii) the registered qualified elector could not be found at the place given in the district register as residence and the person in charge of that place, whose name must be given in the petition, has declared that the person was well acquainted with the names of all individuals residing at the place and that the registered qualified elector had never been or was no longer one of them or that no such individual is residing at the address.

(b) **Action.**—Upon receipt of a petition under subsection (a), the commission shall cancel or suspend the registration of the qualified elector and amend accordingly the general and district registers and other records affected unless the qualified elector so registered appears and shows cause why this action should not be taken.

Section 910. Failure to vote.

(a) **Check of electors.**—By April 1 of each year except in a year in which the commission conducts a check of electors under section 906(c), the commission shall examine all of the district registers.

(b) **Suspension.**—A qualified elector who has been registered for a period of at least two immediately preceding calendar years but who is not recorded as having voted at an election during that period is subject to suspension of registration in accordance with the following procedure:

(1) If a qualified elector who has been registered for a period of at least two immediately preceding calendar years is not recorded as having voted at an election during that period, the commission shall send to the qualified elector by mail, at the address appearing upon the registration card, a notice setting forth that the records of the commission indicate that the qualified elector has not voted during the two immediately preceding calendar years and that the qualified elector's registration will be canceled at the expiration of 30 days from the date of mailing the notice unless the qualified elector, within that period, files with the commission, either

personally or by mail, a written request for reinstatement of registration or a removal notice properly executed setting forth the qualified elector's place of residence and signed by the qualified elector.

(2) Within 30 days from the date of mailing of the notice under paragraph (1), the qualified elector must file with the commission, either personally or by mail, a written request for reinstatement of registration or a properly executed removal notice which sets forth the qualified elector's place of residence and which is signed by the qualified elector. The official registration application card of a qualified elector who has registered by mail qualifies as a request for reinstatement of registration or a removal notice under this paragraph.

(3) Within 30 days from the date of mailing of the notice under paragraph (1), the commission shall cancel the registration of a qualified elector who has not complied with paragraph (2).

(c) Effect.—Cancellation of registration under this section shall not affect the right of a qualified elector to subsequently register in the manner provided by this act.

Section 911. Cancellation, removal and preservation of registration cards.

(a) General rule.—If the registration of a qualified elector is canceled for any cause, the commission shall mark on the registration cards of the elector the word "canceled" and the date and cause of cancellation and shall remove them from the general and district registers. Each such card shall be kept for five years, after which the commission may destroy it.

(b) Nonessential records.—All records which are not essential for maintaining the current status of a qualified elector may be destroyed by the commission after three years.

Section 912. Correction of errors in cancellation or suspension.

If the registration of a qualified elector has been canceled or suspended through error, the qualified elector may petition the commission for reinstatement of registration not later than the tenth day preceding an election. After a hearing on the application, if error on the part of the commission is proved, the commission shall reinstate the registration.

CHAPTER 11 COMMISSION PROCEEDINGS

Section 1101. Subpoenas and witness fees.

(a) Authorization.—The commission may issue a subpoena.

(b) Form and effect.—A subpoena under subsection (a) shall be in substantially the same form and have the same force and effect as a subpoena issued by a court of common pleas. The commission shall have the benefit of the process of the appropriate court of common pleas if necessary to enforce a subpoena.

(c) Benefit.—A subpoena may be issued as follows:

(1) Upon the motion of the commission.

(2) Upon motion of a party before the commission. A subpoena under this paragraph is only valid for one day. It must be renewed by 4 p.m. for the next day.

(d) Fees.—

(1) Witnesses subpoenaed under this section shall be compensated under 42 Pa.C.S. § 5903 (relating to compensation and expenses of witnesses).

(2) Witnesses subpoenaed under subsection (c)(1) shall be paid by commission funds.

(3) Witnesses subpoenaed under subsection (c)(2) shall be paid by the party. No subpoena shall be issued under subsection (c)(2) until the party pays the commission a fee of \$10 for issuing the same and deposits with the commission one day's witness fees for each witness to be summoned.

(4) As soon as convenient after a hearing is concluded or continued, the commission shall pay witnesses under paragraphs (2) and (3). Unearned fees deposited under paragraph (3) shall be refunded to the depositing party.

(5) If the petition of the elector is sustained, the commission shall pay to the elector all costs paid on the elector's behalf.

(e) Commission funds.—The commission shall pay over to the county treasurer fees received under subsection (d)(3). The accounts of the commission respecting payments under subsection (d)(2) shall be subject to audit by the county controller.

CHAPTER 13 JUDICIAL REVIEW

Section 1301. Court of common pleas.

(a) Standing.—The following have standing to appeal an action of a registration commission to the appropriate court of common pleas:

(1) An individual whose claim for registration has been denied.

(2) An individual whose registration has been canceled by the commission.

(3) A qualified elector of a municipality whose rights are impaired by any general order made by the commission.

(b) Time.—An appeal under subsection (a) must be made by the seventh day preceding an election.

(c) Grounds.—The appeal must request relief and set forth the grounds for relief.

(d) Hearing.—Upon timely receipt of an appeal under this section, the court shall conduct a hearing.

(e) Order.—If the court finds that an injustice has been done, it shall reverse or modify the ruling of the commission and issue appropriate injunctive relief.

(f) Costs.—

(1) Except as provided in paragraph (2), the court may award costs for the appeal to the prevailing party.

(2) Costs may not be assessed against a commission or a county.

Section 1302. Commission duties.

In an appeal under section 1301, the registration commission shall produce any petition, register or other record in its custody relevant to the issue involved.

**CHAPTER 15
PENALTIES**

Section 1501. Lawful orders.

A person who intentionally disobeys a lawful order of a registration commission or a commissioner commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$2,500.

Section 1502. Registration.

(a) **Improper.**—A registrar, commissioner or clerk who knowingly registers or permits the registration of an individual not lawfully entitled to be registered commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

(b) **Denial.**—A registrar, commissioner or clerk who, without reasonable cause, refuses to register an individual lawfully entitled to be registered commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

Section 1503. Application.

(a) **Prohibition.**—An individual may not do any of the following:

(1) Apply for registration with knowledge or reason to know that the individual is not entitled to registration.

(2) Apply for a change of residence with knowledge or reason to know that the individual is not entitled to the change.

(3) Declare as residence a place or address which the individual knows is not the individual's legal residence.

(4) Intentionally impersonate another in an application for registration.

(b) **Penalty.**—A person who violates subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both, and to forfeit the right of suffrage for ten years.

Section 1504. Altering registration.

(a) **Prohibition.**—No registrar, commissioner, clerk or assistant or commission employee may do any of the following:

(1) Intentionally insert or permit to be inserted an entry in a registration card without a proper application under this act or without requiring the proper evidence of the right of the applicant to be registered.

(2) Intentionally materially alter a registration card after the entries have been made. This paragraph does not apply to an alteration pursuant to an order of a court of common pleas or of the commission.

(b) Penalty.—A person who violates subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

Section 1505. Votes.

(a) Prohibition.—An election officer may not do any of the following:

(1) Knowingly refuse the vote of a registered and qualified elector.

(2) Knowingly accept the vote of a person not registered under this act.

This paragraph does not apply to a person in actual military service or a person having an order of court.

(3) Knowingly receive a vote from a person falsely claiming to be a registered voter.

(b) Penalty.—A person who violates subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

Section 1506. Duties under act.

Any commissioner, registrar, clerk, inspector of registration, commission officer, commission assistant, commission employee, individual, partnership or corporation that intentionally delays, neglects or refuses to perform a duty imposed by this act commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 or to imprisonment for not more than two years, or both.

Section 1507. Official documents.

(a) Prohibition.—A person may not do any of the following:

(1) Intentionally insert or permit to be inserted a material entry in any registration card, street list, affidavit, petition, subpoena, certificate, report or other record, authorized or required by this act to be made or prepared for a purpose set forth in this act, which entry is not in accordance with this act.

(2) Intentionally materially alter or intentionally destroy an entry which has been made in any registration card, street list, affidavit, petition, subpoena, certificate, report or other record, authorized or required by this act to be made or prepared for a purpose set forth in this act, which alteration or destruction is not in accordance with this act.

(3) Remove a record from lawful custody with the intent to prevent the record from being used, inspected or copied.

(b) Penalty.—A person who violates subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$6,000 or to imprisonment for not more than three years, or both.

Section 1508. Withholding information.

A person who intentionally refuses to furnish to a commissioner or an inspector of registration information or documents which the commissioner or inspector is authorized to have under this act commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of

not more than \$5,000 or to imprisonment for not more than two years, or both.

Section 1509. Law enforcement assistance.

A law enforcement officer who, upon demand of any commissioner or inspector of registration, fails to render demanded assistance in the maintenance of peace and in the making of arrests without warrant as provided in this act or who intentionally hinders or attempts to hinder any commissioner or inspector of registration in the performance of a duty commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 or to imprisonment for not more than two years, or both.

Section 1510. Interference.

A person who intentionally interferes with any other person in the performance of any act or duty authorized or imposed by this act commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 or to imprisonment for not more than two years, or both.

Section 1511. Preventing registration.

(a) Prohibition.—No person may do any of the following:

(1) Knowingly and intentionally prevent an individual from being registered.

(2) By coercion, threats of bodily injury or intimidation, intentionally prevent or attempt to prevent an individual from being registered or from changing political enrollment in accordance with the provisions of this act.

(3) Intentionally give or promise or offer to give money or goods to an individual as an inducement for the individual to enroll in a particular party or to change political enrollment.

(4) Prevent a record from being used, inspected or copied.

(b) Penalty.—A person who violates subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

Section 1512. Approval of registration.

(a) Prohibition.—A person may not do any of the following:

(1) Intentionally alter a party designation on a registration card under section 528(c).

(2) Intentionally fail to make a transmission under section 528(d).

(b) Penalty.—A person who violates subsection (a) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.

Section 1513. Solicitation of registrations.

(a) Prohibition.—A person may not give, solicit or accept payment or financial incentive to obtain a voter registration if the payment or incentive is based upon the number of registrations or applications obtained.

(b) Penalty.—A person who violates subsection (a) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to

pay a fine of not less than \$500 nor more than \$2,500 or to imprisonment for not less than one month nor more than one year, or both.

Section 1514. Crimes Code.

The provisions of 18 Pa.C.S. §§ 4902 (relating to perjury), 4903 (relating to false swearing) and 4904 (relating to unsworn falsification to authorities) apply to violations of this act.

CHAPTER 17 ENFORCEMENT

Section 1701. Attorney General.

(a) Investigation.—The secretary shall investigate alleged violations of sections 523 and 525 and report apparent violations to the Attorney General.

(b) Prosecution.—Under section 205(a)(6) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have prosecutorial jurisdiction over violations reported under subsection (a).

Section 1702. District attorneys.

(a) Investigation.—Except as provided in section 1701, each commission shall investigate alleged violations of this act within its county and report apparent violations to the district attorney of the county.

(b) Prosecution.—Subject to section 205(a)(3) through (5) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the district attorney shall have prosecutorial jurisdiction over violations reported under subsection (a).

CHAPTER 19 PROVISIONS CONTINGENT ON FEDERAL LAW

Section 1901. Removal of voters.

(a) Removal of elector's registration record.—Commissions shall institute a program to protect the integrity of the electoral process and to ensure the maintenance of accurate and current voter registration records. The program shall be uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965 (Public Law 89-110, 42 U.S.C. § 1973 et seq.). An elector's registration shall not be canceled except as follows:

(1) At the request of the elector.

(2) Upon the death of the elector under section 905.

(3) Upon confirmation that the elector has moved to a residence outside the county.

(4) Under a voter removal program as provided for under subsection (b).

(b) Voter removal program.—

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

(i) National change of address. The secretary shall establish by regulation a program whereby information supplied by the United States

Postal Service through its licensees is used on a periodic basis, but not less than once every calendar year, to identify electors who may have changed addresses. The information shall be incorporated in the administration of the Statewide central registry and shall be forwarded to the commissions in a manner determined by the secretary by regulation.

(A) If it appears from the information provided through the United States Postal Service that an elector has moved to a different residence address within the same county as the elector is currently registered, the commission shall change the registration records to show the new address and shall send the elector, to the address recorded on the elector's registration, a notice of the change of address by forwardable mail and a postage prepaid, preaddressed return form by which the elector may verify or correct the address information.

(B) If it appears from the information provided through the United States Postal Service that an elector has moved to a different residence address outside the county, the commission shall use the notice procedure described in clause (A).

(ii) Confirmation mailing:

(A) A commission may establish a program by sending a direct, nonforwardable first class "return if undeliverable - address correction requested" mailing to all registered electors in the county.

(B) If this program is established, the commission shall use the notice procedure described in subparagraph (i)(A) for any elector whose mailing is returned undeliverable.

(2) In conjunction with and not as an alternative to a program established under paragraph (1), a canvass may be used as follows:

(i) The registration commission may, by commissioners or by inspectors of registration, verify the registration in an election district by visiting the building from which an elector is registered and other buildings as the commission deems necessary.

(ii) The commission shall make a record of the name and address of each registered elector who is found not to reside at the registered address or who for any other reason appears to be not qualified to vote in the registered election district.

(iii) The commission shall leave at the address of each person referred to in subparagraph (ii) a notice requiring him to communicate with the commission on or before a date which the commission shall designate, and which shall be not less than seven days and not more than 15 days from the date of the notice and in any case not later than the 15th day preceding the election next ensuing, and satisfy the commission of his qualifications as an elector. The commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered. The envelope containing such information is to be plainly marked that it is not to be

forwarded. At the expiration of the time specified in the notice, the commission shall cancel the registration of such person who has not communicated with the commission and proved his qualifications as an elector.

(iv) To facilitate the canvass under this section, the commission may, when necessary, appoint special inspectors of registration, in number not exceeding double the number of election districts being canvassed.

(v) Special inspectors must be qualified electors of the county. They shall be appointed without reference to residence in election districts or to political affiliations or beliefs. The commission shall instruct special inspectors in their duties. Special inspectors have the powers conferred by this act upon inspectors of registration.

(3) In conjunction with and not as an alternative to a program established under paragraph (1), the commission shall send a notice pursuant to subsection (d) to any elector who has not voted nor appeared to vote during the period beginning five years before the date of the notice and ending on the date of the notice and for whom the board of elections did not during that period in any other way receive any information that the voter still resides in the registered election district.

(4) Commissions shall complete, not later than 90 days before each primary, at least once per year the voter removal programs under this section. This paragraph shall not be construed to preclude any of the following:

(i) Cancellation of an elector's registration as provided for under subsection (a)(1) or (2).

(ii) Correction of registration records in accordance with this act.

(c) Identification of inactive voters.—A commission shall mark an "I" on the registration card of each elector who has been mailed a form under subsection (b)(1) or (3) and has failed to respond, which shall be included with all other registration cards for that polling site and located at the individual's polling site on the day of the election.

(d) Cancellation of registration.—

(1) A commission shall not cancel the registration of an elector on the ground that the elector has changed residence unless any of the following apply:

(i) The elector confirms in writing that the elector has changed residence to a location outside the county in which the elector is registered.

(ii) The elector:

(A) has failed to respond to a notice described in paragraph (2); and

(B) has not voted nor appeared to vote and, if necessary, corrected the commission's record of the elector's address, in an election during the period beginning on the date of the notice and

ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice, as required in paragraph (1)(ii), is acceptable if it is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the elector may state the elector's current address, if it contains a notice as follows:

(i) The notice must state all of the following:

(A) If the elector did not change residence or changed residence but still resides in the county, the elector must return the card not later than 30 days prior to the next election. If the card is not returned, affirmation or confirmation of the elector's address may be required before the elector is permitted to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice. If the elector does not vote in an election during that period, the elector's registration shall be canceled.

(B) If the elector has changed residence to a place outside the county in which the elector is registered, information shall be provided concerning how the elector can register in the new county of residence.

(ii) The notice must state the date of the notice, the date of the next election and the date of the second general election for Federal office occurring after the date of the notice.

(3) The commission shall correct registration records in accordance with change of residence information obtained in conformance with this subsection.

Section 1902. Procedure for voting following failure to return notification card.

(a) Same county.—

(1) An elector who has moved from an address in the county covered by a polling place to an address covered by the same polling place shall, notwithstanding failure to notify the commission prior to the date of an election, be permitted to vote in that polling place upon written affirmation by the elector of the change of address before an election official at that polling place.

(2) An elector who has moved from one address in the county to another address in the same county covered by a different polling place and who has failed to notify the commission of the change of address prior to the date of an election shall be permitted to correct the voting records and vote at the elector's former polling place upon written affirmation by the elector of the new address before an election official at the former polling place.

(b) Different county.—An elector who has moved from one county to another county and who has failed to notify the commission of the change of address prior to the date of the election shall be permitted to correct the

voting records and vote at the elector's former polling place upon written affirmation by the elector of the new address before an election official at the former polling place.

Section 1903. Incorrect records.

If registration records incorrectly indicate that an elector has moved from an address in the area covered by a polling place, the elector shall, upon written affirmation before an election official at that polling place, be permitted to vote at that polling place.

Section 1904. Files.

(a) Cancellation.—If the registration of an elector is canceled, the registration commission shall mark on the registration cards of the elector the word "canceled" and the date and cause of cancellation. The commission shall remove the card from the general register and the district register. Removed cards shall be retained for five years.

(b) Nonessential records.—Records which are not essential for maintaining the current status of a qualified elector may be destroyed by the commission three years from the date the commission marks them as nonessential.

Section 1905. Errors in cancellation.

(a) Petition.—If the registration of an elector has been canceled through error, the elector may petition the registration commission for reinstatement.

(b) Time.—The petition must be filed by the tenth day preceding an election.

(c) Action.—

(1) The commission shall hold a hearing on the petition.

(2) If the commission finds that there was an error, the commission shall reinstate the registration.

CHAPTER 51 MISCELLANEOUS PROVISIONS

Section 5101. Standardized forms.

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

(b) Prior approval.—The secretary shall develop a system whereby political bodies, candidates and organized bodies of citizens may receive prior approval of standardized forms developed pursuant to subsection (a).

Section 5102. Application for absentee ballots.

(a) General rule.—Notwithstanding the provisions of this act or the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, the following persons may make application for an absentee ballot by sending a letter or other signed document to the county board of elections in the county in which the person's voting address is located:

(1) Any qualified elector who is unable to attend his polling place on the day of any primary or election because of illness or physical disability.

(2) Any qualified elector who expects to be absent from this Commonwealth or the county of residence because duties, occupation or business require him to be elsewhere the day of any primary or election.

(3) A county employee who cannot vote due to duties relating to the conduct of elections.

(4) A person who will not attend a polling place because of an observance of a religious holiday.

(b) Contents of letter or document.—The letter or document under subsection (a) shall provide the same information as is provided on forms prescribed by the secretary.

(c) Review and processing.—The letter or document shall be subject to the same schedule as other applications for absentee ballots and upon receipt by the county board of elections shall be reviewed and processed in the same fashion as other applications for absentee ballots.

(d) Application prepared by political party.—An absentee ballot application form containing the same information as that contained on the form prescribed by the secretary, which was prepared or distributed by a political party and signed by a qualified elector, shall be deemed for all purposes as valid and shall be reviewed and processed by the county board of elections in the same manner as applications on forms prescribed by the secretary and supplied by the county board of elections.

Section 5103. Applicability of provisions.

(a) Suspension.—To the extent that the Secretary of the Commonwealth determines that the National Voter Registration Act (Public Law 103-31, 42 U.S.C. § 1973gg et seq.) prohibits the cancellation of registration for elections for Federal office because of a failure to vote as provided in section 910, the provisions of sections 906 through 912 are suspended. The suspension shall become effective upon publication of notice of the determination in the Pennsylvania Bulletin.

(b) Effect on Chapter 19.—Should the provisions of sections 906 through 912 be suspended as provided in subsection (a), the provisions of Chapter 19 shall be effective during the period of suspension.

Section 5104. Appropriations.

(a) Department of State.—The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Department of State for the fiscal year July 1, 1994, to June 30, 1995, for expenses incurred to implement the requirements of the National Voter Registration Act of 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.).

(b) Department of Transportation.—The sum of \$740,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Transportation for the fiscal year July 1, 1994, to June 30, 1995, for expenses incurred to integrate voter registration with driver licensing to implement the requirements of the National Voter Registration Act of 1993.

(c) Appropriation not to lapse.—The funds appropriated to the Department of State in subsection (a) are a continuing appropriation and shall not lapse until June 30, 1996. Any funds not used to meet expenses of implementing the provisions of this act during fiscal year 1994-1995 may be used to meet the costs of a study of the technological needs and other aspects of the development and implementation of a Statewide central registry system.

Section 5105. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 5106. Repeals.

(a) Substantive provisions.—The following acts and parts of acts are repealed:

Act of March 30, 1937 (P.L.115, No.40), known as The First Class City Permanent Registration Act.

Act of April 29, 1937 (P.L.487, No.115), known as The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships.

(b) Appropriations.—The following acts and parts of acts are repealed:

The appropriation for costs to implement National Voter Registration Requirements in section 221 of the act of June 16, 1994 (P.L.1473, No.6A), known as the General Appropriation Act of 1994.

The appropriation for costs to integrate voter registration with driver licensing in section 222 of the General Appropriation Act of 1994.

(c) General repeal.—All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 5107. Applicability.

(a) Registration application.—Voter registration applications printed prior to the effective date of this act may be used to apply for registration under this act until June 30, 1997.

(b) Notice.—In the event that the five-year period for notice to electors provided for under section 1901(b)(3) has been declared invalid or rejected by a court of competent jurisdiction or by the United States Department of Justice, after all appeals have been exhausted and upon certification to the Secretary of the Commonwealth and publication in the Pennsylvania Bulletin, notice shall be given in accordance with section 1901(b)(3) after a period of ten years. In the event that a ten-year period has been certified to the Secretary of the Commonwealth as invalid and upon publication in the Pennsylvania Bulletin, notice shall be given in accordance with section 1901(b)(3) after a period of 20 years.

(c) Election Code.—Nothing in the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall be deemed inconsistent with this act.

Section 5108. Retroactivity.

Sections 5104 and 5106(b) shall apply retroactively to July 1, 1994.

Section 5109. Effective date.

This act shall take effect as follows:

(1) The provisions of Chapter 19 shall take effect only after the publication of the notice under section 5103(a) and shall only be effective during such time that the National Voter Registration Act of 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.) prohibits cancellation of registration of electors for Federal offense because of failure to vote.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 30th day of June, A.D. 1995.

THOMAS J. RIDGE