

No. 1983-7

AN ACT

HB 61

Amending the act of April 29, 1937 (P.L.487, No.115), entitled, as reenacted and amended, "An act to provide for the permanent personal registration of electors in cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," further providing for cancellation or suspension of registration.

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

Section 1. Section 38 of 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, reenacted and amended May 31, 1955 (P.L.62, No.32) and amended July 1, 1976 (P.L.504, No.123), is amended to read:

Section 38. Cancellation or Suspension of Registration Upon Failure to Vote during Two Calendar Years; Request for Reinstatement; Effect of Removal Notice.—Within three months after January first of each year except in such years as the commission shall conduct a check of electors in compliance with clause (c) of section thirty of this act, the registration commission shall cause all of the district registers to be examined, and in the case of each elector who has been registered for a period of at least two immediately preceding calendar years and who is not recorded as having voted at any election or primary during said period, the commission shall send to such elector by mail, at his address appearing upon his registration card, a notice setting forth that the records of the commission indicate that he has not voted during the two immediately preceding calendar years and that his registration will be cancelled or suspended at the expiration of **[ten] thirty** days from the date of mailing such notice unless he shall, within that period, file with the commission, either personally or by mail, a written request for reinstatement of his registration, or a removal notice properly executed, setting forth his place of residence, and signed by him. At the expiration of the time specified in the notice, the commission shall cancel or suspend the registra-

tion of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided, or a removal notice: Provided, however, That the official registration application card of an elector who has registered by mail may qualify as a reinstatement of his registration, or a removal notice. The cancellation or suspension of the registration of any such elector for failure to vote during the two immediately preceding calendar years shall not affect the right of any such elector to subsequently register in the manner provided by this act.

Such removal notice, properly executed, shall have the same effect as the request for reinstatement, as above provided, where failure to vote during two calendar years may cause cancellation or suspension of registration. Either a removal notice card or request for reinstatement card shall be permitted to be used interchangeably in such circumstances: Provided, That in counties in which a reinstatement system is maintained, any elector who, due to circumstances beyond his control, has failed to vote or file a removal notice card as heretofore provided may, on the day of any election or primary, appear at the office of the commission and, upon satisfactory proof, execute and file the necessary removal or reinstatement notice in accordance with the provisions of this act. On any of the aforesaid days, such elector may petition the proper court of common pleas praying for such order directed to the election board of his district that will enable him to exercise his right of suffrage. Appended to said petition shall be a certification to the court by the commission or such person or persons as it may authorize, stating the reason for the removal of the elector's registration card from its active file and further certifying that he has now been duly registered and his card transferred to its active file for all intents and purposes. The petition shall be signed by the petitioner whose signature shall be compared by an election officer with the signature of the petitioner as it appears on the voter's certificate as executed by him for the purpose of identification and qualified to vote.

Section 2. This act shall take effect in 30 days.

APPROVED—The 3rd day of June, A. D. 1983.

DICK THORNBURGH