

No. 1984-70

AN ACT

SB 173

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," prohibiting rejection of voter registration applications because the color of the applicant is not indicated thereon.

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

Section 1. Sections 18(b) and (c), 18.1(b) and 18.2(b) 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), are amended to read:

Section 18. Manner of Registration.—

* * *

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make, and informed that any wilful false statement will constitute perjury and will be punishable as such. He then shall be asked to state the facts required herein, and his answers, together with other information herein required, shall be recorded in his presence by the registrar, commissioner, or clerk in permanent writing or typewriting, in duplicate in the proper spaces on the registration cards as follows:

(c) (1) The surname of the applicant; (2) his Christian name or names; (4) the street or road and number, if any, of his residence; (5) if his residence is a portion only of the house, the location or number of the room or rooms, apartment, flat or floor which he occupies; (6) the date his residence in the district began; (7) his residence address when he last registered, and the year of such registration; (8) the sex of the applicant; (9) the color of the applicant: *Provided, however, That an application shall not be rejected because the color of the applicant is not indicated thereon;* (10) the state or territory

of the United States, or foreign country, where he was born; (13) whether he is unable, by reason of illiteracy, to read the names on the ballot or on the voting machine labels; (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth, without assistance, and, if so, his declaration of the fact and his statement of the exact nature of such disability; (15) the designation of the political party of the elector, for the purpose of voting at primaries; (16) the affidavit of registration, which shall be signed by the elector, attested by the signature of the registrar or clerk and dated by him; (17) his height, in feet and inches; (18) the color of his hair; (19) the color of his eyes; and (20) the date of his birth. Each registration card shall also have a sufficient number of spaces thereon for the insertion of—(21) the city of the second class, the city of the second class A, the city of the third class, the borough, town, township, ward and election district, if any, in which the elector resides and to which he may from time to time remove, together with his street address in each city of the second class, city of the second class A, city of the third class, borough, town or township, and the other data required to be given upon such removal; (22) the date of each election and primary at which the elector votes, the number and letter, if any, of the stub of the ballot issued to him or his number in the order of admission to the voting machines; and (23) the signature or initials of the election officer who enters the record of voting on the card.

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Section 18.1. Manner of Mail Registration by Persons in Military Service, Persons in the Merchant Marine, Persons in Religious and Welfare Groups Officially Attached To and Serving with the Armed Forces and Civilian Federal Personnel Overseas and Their Spouses and Dependents.—In addition to any other method herein provided, the following persons may also be registered by mail in the manner hereinafter set forth under this section: (1) any person in military service, his spouse and dependents; or (2) any person in the Merchant Marine, his spouse and dependents; or (3) any person in religious and welfare groups officially attached to and serving with the armed forces, his spouse and dependents; or (4) any person who is a civilian employee of the United States outside the territorial limits of the several States of the United States and the District of Columbia, whether or not such person is subject to the civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress, his spouse and dependents.

* * *

(b) The official registration application card shall require the statement of the applicant, the signature of the applicant, and shall provide sufficient space for the following information: (1) The surname of the applicant, (2) his Christian name or names, (4) the street or road and number, if any, of his home residence and the date of leaving same, providing that, in the event there is no street address, the registrant must list the nearest cross street or road, (5) if his residence was a portion only of a house, the location or number of the room or rooms, apartment, flat or floor which he occupied,

(6) the date his residence began at the place which is his home residence, (7) his home residence address when he last registered and the year of such registration, including any former registration under any other surname, (8) the sex of the applicant, (9) the color of the applicant: *Provided, however, That an application shall not be rejected because the color of the applicant is not indicated thereon*, (10) the state or territory of the United States or the foreign country where he was born, (13) whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels, (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance, and, if so, his declaration of that fact and his statement of the exact nature of such disability, (15) the designation of the political party of the elector for the purpose of voting at primaries, (16) the declaration of registration, as hereinafter prescribed, which shall be signed by the elector, (17) the height of the applicant in feet and inches, (18) the color of his hair, (19) the color of his eyes, (20) the date of his birth, (21) the designation by the elector that the official registration application card is intended by such elector for use as (check one):

- / / New Registration
- / / Change of Address
- / / Change of Name

Each official registration application card for registration by persons registering under this section shall also have (22) a sufficient number of spaces thereon for the insertion by the commission, but not by the applicant, of the city of the second class, city of the second class A, city of the third class, borough, town, township, ward and election district, if any, in which the applicant resided on the date of leaving home residence and to which he may from time to time remove after returning to his home residence, together with his street address in each city of the second class, city of the second class A, city of the third class, borough, town or township and the other data required to be given upon such removal, (23) the date of each election and primary at which the applicant votes after registration, the number and letter, if any, of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and (24) the signature or initials of the election officer, commissioner, register or clerk, who enters the record of voting on the card. Immediately following the spaces for inserting the information as provided in this subsection, the applicant shall affix his signature exactly as it appears in (1) and (2) of this subsection.

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Section 18.2. Manner of Mail Registration by Electors Other Than Those Enumerated in Section 18.1 of This Act.—Any elector may, in addition to any other method herein provided, also be registered by mail in the manner set forth in this section:

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(b) The official registration application card shall require the statement of, and shall provide sufficient space for the following information: (1) The surname of the applicant, (2) his Christian name or names, (4) the street or

road and number of his residence and the date of leaving same, providing that, in the event there is no street address, the registrant must list the nearest cross street or road, (5) if his residence is a portion only of a house, the location or number of the room or rooms, apartment, flat or floor which he occupies, (6) the date his residence began at the place at which he resides, (7) his residence address when he last registered and the year of such registration, including any former registration under any other surname, (8) the sex of the applicant, (9) the color of the applicant: *Provided, however, That an application shall not be rejected because the color of the applicant is not indicated thereon*, (10) the state or territory of the United States or the foreign country where he was born, (13) whether he is unable by reason of illiteracy to read the names on the ballot or on voting machines labels, (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and, if so, his declaration of that fact and his statement of the exact nature of such disability, (15) the designation of the political party of the elector for the purpose of voting at primaries, (16) the declaration of registration as hereinafter prescribed which shall be signed by the elector, (17) the height of the applicant in feet and inches, (18) the color of his hair, (19) the color of his eyes, (20) the date of his birth, (21) the designation by the elector that the official registration application card is intended by such elector for use as (check one):

- / / New Registration
- / / Change of Address
- / / Change of Name

Each official registration application card for electors registering in the manner prescribed by this section shall also have a sufficient number of spaces thereon for the insertion of (22) the city of the second class, city of the second class A, city of the third class, borough, town, township, ward and election district, if any, in which the applicant resides and to which he may, from time to time, remove together with his street address in each city of the second class, city of the second class A, city of the third class, borough, town or township, and the other data required to be given upon such removal, (23) the date of each election and primary at which the applicant votes after registration, the number and letter, if any, of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and (24) the signature or initials of the election officer, commissioner, registrar or clerk, who enters the record of voting on the card. Immediately following the spaces for inserting the information as provided in this subsection, the applicant shall affix his signature exactly as it appears in (1) and (2) of this subsection.

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Section 2. Section 18.3(d) of the act, added July 1, 1976 (P.L.504, No.123), is amended to read:

Section 18.3. Approval of Official Registration Application Cards.—
* * *

(d) If the application card is not in compliance with this act the commission shall mark "REJECTED" on the application form together with the reason for rejection and return same to the applicant by first class non-forwardable mail, return postage guaranteed. *An application shall not, however, be rejected because the color of the applicant is not indicated on the application form.*

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Section 3. This act shall take effect immediately.

APPROVED—The 31st day of May, A. D. 1984.

DICK THORNBURGH