

No. 2002-3

AN ACT

SB 607

Amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, codifying provisions relating to compensation of clerks of election and machine operators; codifying the Pennsylvania Voter Registration Act by providing for absentee ballots and for voter registration and by establishing a Statewide uniform registry of electors; imposing powers and duties on the Secretary of the Commonwealth and the Legislative Reference Bureau; and making repeals.

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

Section 1. Title 25 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

PART II
ELECTION AND REGISTRATION OFFICIALS

Chapter

7. County Officers

CHAPTER 7
COUNTY OFFICERS

Subchapter

- A. Preliminary Provisions
- B. Compensation

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

701. Definitions.

§ 701. Definitions.

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

“District election board.” Election officers required for the conduct of elections in any election district in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

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

“Election district.” A district, division or precinct established in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in which all qualified electors are eligible to vote in the same polling place.

**SUBCHAPTER B
COMPENSATION**

Sec.

711. Compensation of certain election officials.

§ 711. Compensation of certain election officials.

(a) General rule.—In all counties regardless of class, the compensation of judges of election, inspectors of election, clerks and machine operators as provided in Article IV of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code, shall be fixed by the county board of elections for each election in accordance with the following:

Election Officers	Minimum Compensation	Maximum Compensation
Judges of election	\$45	\$100
Inspectors of election, clerks and machine operators	\$40	\$95

(b) Shared duties.—If a county board of elections authorizes that the duties of a clerk of elections or machine operator may be performed by two individuals who each perform such duties for one-half of an election day, such individuals shall each be compensated at one-half of the rate authorized for a single individual who performs the duties for the entire election day.

(c) Exceptions.—The county board of elections may, in its discretion, establish different per diem rates within the minima and maxima provided for in subsection (a) based on the number of votes cast for the following groups:

- (1) 150 votes or less.
- (2) 151 to 300 votes.
- (3) 301 to 500 votes.
- (4) 501 to 750 votes.
- (5) 751 votes and over.

(d) Additional fees.—For transmitting returns of elections and the ballot box or boxes, all judges of election shall be entitled to receive the additional sum of \$10.

(e) Minority inspector of election.—The county board of elections may, in its discretion, require the minority inspector of election to accompany the judge of election in transmitting the returns of elections, in which case the minority inspector of election shall be entitled to receive the additional sum of \$10.

(f) Transportation.—The person furnishing transportation to the judge of election and the minority inspector in transmitting returns and ballot boxes shall be entitled to a minimum of 30¢ per circular mile from the polling place to the county courthouse. The name of such person shall appear on the voucher of the judge of election, and only one person shall receive mileage compensation.

(g) Constables.—A constable or deputy constable performing duties under section 1207 of the Pennsylvania Election Code shall receive compensation at the same rate payable to an inspector.

(h) Special elections.—When a primary and special election or a special election and a general or municipal election take place on the same date, they shall be construed as one election for the purpose of receiving compensation.

(i) Income.—Compensation and other payments received by election officials pursuant to this section shall not be deemed income classified and categorized under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

PART IV VOTER REGISTRATION

Chapter

11. Preliminary Provisions
12. Registration System
13. Voter Registration
14. Records
15. Changes in Records
16. Commission Proceedings and Judicial Review
17. Penalties
18. Enforcement
19. Provisions Contingent on Federal Law

CHAPTER 11 PRELIMINARY PROVISIONS

Sec.

1101. Scope.
1102. Definitions.
1103. Applicability.
1104. Construction.
1105. Standardized forms.
1106. Applications.
1107. Existing electors.
1108. Administration.

§ 1101. Scope.

This part deals with voter registration.

§ 1102. Definitions.

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

“Applicant.” An individual who applies to be registered to vote as provided for in this part.

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

“Commission.” A registration commission established under section 1203 (relating to commissions).

“Commissioner.” A member of a commission.

“County.” A 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 list of registered electors prepared by the commission under section 1402 (relating to district registers).

“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.

“General register.” The list of registered electors prepared by the commission under section 1401 (relating to general register).

“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 United States merchant marine.” 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 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 United States merchant marine 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 applicant 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.

"Registrant" or "registered elector." A qualified elector who is registered to vote in accordance with this part.

"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.

"Registration records." The general register, district register and any other record of registration maintained by a commission. The term includes any record maintained by the commission on the Statewide Uniform Registry of Electors.

"Secretary." The Secretary of the Commonwealth.

"Statewide Uniform Registry of Electors" or "SURE system." The integrated voter registration system of all registered electors in this Commonwealth established by Subchapter B of Chapter 12 (relating to Statewide Uniform Registry of Electors (SURE)).

§ 1103. Applicability.

This part applies to all counties.

§ 1104. Construction.

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

§ 1105. 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 part 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).

§ 1106. Applications.

(a) Registration application.—Voter registration applications printed under the act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania

Voter Registration Act, may be used to apply for registration under this part.

(b) Notice.—If the five-year period for notice to electors provided for under section 1901(b)(3) (relating to removal of electors) 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. If the 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 part.

§ 1107. Existing electors.

All electors registered to vote in this Commonwealth on the effective date of this section who remain qualified shall continue to be registered under this part.

§ 1108. Administration.

The department shall administer this part.

CHAPTER 12 REGISTRATION SYSTEM

Subchapter

- A. Administrative Powers and Duties
- B. Statewide Uniform Registry of Electors (SURE)

SUBCHAPTER A ADMINISTRATIVE POWERS AND DUTIES

Sec.

- 1201. Departmental responsibilities.
- 1202. (Reserved).
- 1203. Commissions.
- 1204. Commission staff.
- 1205. Police assistance.
- 1206. Unexpended balance; source of funds.
- 1207. Open records and documents.

§ 1201. Departmental responsibilities.

The department shall do all of the following:

- (1) Provide for applicants to submit their voter registration application to a commission, the Department of Transportation and other agencies designated in section 1325 (relating to government agencies).
- (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 part to the secretary or the appropriate commission.

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

(4) Promulgate regulations necessary to administer this part.

§ 1202. (Reserved).

§ 1203. Commissions.

(a) Establishment.—A commission is established in each county. The commission has jurisdiction over the registration of applicants, qualified electors and registered electors of the county under this part.

(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 part.

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

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

(1) Govern the public sessions of the commission.

(2) Perform the duties imposed by this part.

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

(g) Enforcement.—A commission may enforce regulations, orders and subpoenas as provided in section 1601 (relating to subpoenas and witness fees) 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 shall correct an error or irregularity in registration and cancel the registration of an individual whom it finds to be improperly registered, subject only to this part. Written notice shall be mailed or delivered to each individual whose registration is canceled. Whenever a registered elector's name is changed for any reason, the registered elector's SURE 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 shall correct its registration 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.

(l) **Update.**—A commission shall promptly update information contained in its registration records.

§ 1204. 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 part.

(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 part 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 registration 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 part. 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 individuals and the best methods of legal procedure for carrying out this part and shall appear for and represent the commission on all appeals under sections 1602 (relating to court of common pleas) and 1603 (relating to commission duties). 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 part.

(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 part 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 individuals and concerning the best methods of legal procedure for carrying out this part 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 registration 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 part.

(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 part.

(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.

§ 1205. Police assistance.

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

§ 1206. Unexpended balance; source of funds.

(a) Unexpended balance.—Unexpended balances of appropriations made by the county commissioners prior to the effective date of this part for the purpose of carrying out the former act of March 30, 1937 (P.L.115, No.40), known as The First Class City Permanent Registration Act, and the former 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 part.

(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.

§ 1207. Open records and documents.

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

- (1) Records of a registration commission and 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 a 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 part. 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.

SUBCHAPTER B

STATEWIDE UNIFORM REGISTRY OF ELECTORS (SURE)

Sec.

1221. (Reserved).

1222. SURE system.

1223. SURE system costs.

§ 1221. (Reserved).

§ 1222. SURE system.

(a) Establishment.—The department shall develop and establish a Statewide Uniform Registry of Electors to be known as the SURE system.

(b) Advisory board.—

(1) The secretary shall form an advisory board to confer with the department regarding the SURE system.

(2) The advisory board shall be comprised of four directors of elections who have been appointed as follows:

(i) Two directors by the Senate, one appointed by the Minority Leader and one appointed by the President pro tempore of the Senate.

(ii) Two directors by the House of Representatives, one appointed by the Minority Leader and one appointed by the Speaker of the House of Representatives.

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

(1) Contain a database of all registered electors in this Commonwealth.

(2) Ensure the integrity and accuracy of all registration records in the system by prohibiting unauthorized entry, modification or deletion of registration records.

(3) Assign a unique SURE registration number to each individual currently registered in this Commonwealth.

(4) Permit the commissions to add, modify and delete information in the system as is necessary and appropriate.

(5) Permit each commission and the department to have instant access to a commission's registration records maintained on the system.

(6) Be the general register for a commission once the commission is connected to the SURE system.

(7) Permit each commission and the department to review and search the system and to permit the sending of notices to the appropriate officials regarding death, change of address or other information which could affect the qualifications of an applicant or the registration of a registered elector.

(8) Provide for the electronic transfer of completed voter registration applications and changes of address in accordance with this part.

(9) Preserve the power of the commissions to make determinations as to the qualifications of applicants.

(10) Assign a unique SURE registration number to each qualified elector who becomes registered and record the registered elector in the general register of the appropriate commission.

(11) Permit auditing of each registered elector's registration record from the day of its creation until the day it is canceled.

(12) Permit the department to implement section 1901(b)(1)(i) (relating to removal of electors).

(13) Permit the timely printing and transmission by commissions of district registers and all other information contained in the system as may be necessary for the operation of the polling places on election days.

(14) Be designed with an emergency recovery system to ensure that registration records are not lost in the case of an emergency, natural disaster or other such event that could cause the system to malfunction.

(15) Identify the election district to which a qualified elector or registered elector should be assigned.

(16) Create and produce reports required by this part.

(17) Identify duplicate voter registrations on a countywide and Statewide basis.

(18) Maintain a record of polling place locations and district election officers.

(19) Identify registered electors who have been issued absentee ballots for an election in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(20) Identify registered electors who vote in an election and the method by which their ballots were cast.

(21) Print the wallet-sized identification cards required by section 1328 (relating to approval of registration applications).

(d) Records.—Within 30 days of receiving notice from the department, each commission shall provide to the department, in the manner and form established by the department, an electronic copy of its registration records. Beginning 60 days after receiving notice in accordance with this subsection and continuing until the commission is connected to the SURE system, each commission shall provide monthly to the department, in the manner and form established by the department, an electronic copy of its general register. The provision of records in accordance with this subsection shall not be considered a part of the establishment or implementation of the SURE system.

(e) Implementation.—The department shall implement the SURE system as soon as possible. The department shall establish by regulation a schedule for each commission to be connected to the SURE system. Commissions shall be connected in an order which maximizes the accuracy, integrity and protection of registration records on a Statewide basis. Upon being connected, each commission shall be required to use the SURE system as its general register. Connection of the commissions shall commence no later than August 31, 2002, and shall be completed Statewide by January 1, 2005.

(f) Regulations.—The secretary shall promulgate regulations necessary to establish, implement and administer the SURE system. Regulations shall include all of the following:

(1) Uniform procedures for the commissions relating to the SURE system, including the process and manner of entering information into the SURE system, the type and form of information to be entered, the

process for identifying and removing duplicate registrations, the manner and time frame for updating information in the system and the manner and form of communications between commissions and between the department and a commission.

(2) Periodic training requirements for commissions and their employees.

(3) Such other regulations as are necessary to ensure that the SURE system shall comply with all other provisions of this part.

§ 1223. SURE system costs.

The cost of establishment, implementation and maintenance of the SURE system technology and its emergency recovery system shall be borne by the Commonwealth.

CHAPTER 13
VOTER REGISTRATION

Subchapter

- A. Qualifications
- B. Procedure

SUBCHAPTER A
QUALIFICATIONS

Sec.

1301. Qualifications to register.

1302. Residence of electors.

§ 1301. Qualifications to register.

(a) Eligibility.—An individual 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 individual 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 eligible to register as provided in this chapter.

(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.

(c) Removal of residence.—Except as otherwise provided by this part, a registered elector who removes residence from one place to another outside the elector's last election district shall not be entitled to vote in the election district of the elector's last residence except pursuant to the provisions of this section and sections 1501(b) (relating to removal notices), 1502 (relating to transfer of registration) and 1902 (relating to procedure for voting following failure to return notification card).

§ 1302. 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 1301 (relating to qualifications to register) 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 1301, 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 record 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 15 (relating to changes in records).

SUBCHAPTER B PROCEDURE

Sec.

1321. Methods of voter registration.

1322. In-person voter registration.

1323. Application with driver's license application.

1324. Application by mail.

1325. Government agencies.

1326. Time.

1327. Preparation and distribution of applications.

1328. Approval of registration applications.

1328.1. SURE registration number.

1329. Challenges.

1330. Appeals.

§ 1321. Methods of voter registration.

An individual qualified to register to vote under section 1301(a) (relating to qualifications to register) may apply to register as follows:

(1) Under section 1322 (relating to in-person voter registration).

(2) Under section 1323 (relating to application with driver's license application).

(3) Under section 1324 (relating to application by mail).

(4) Under section 1325 (relating to government agencies).

§ 1322. In-person voter registration.

(a) General rule.—Applications may be submitted to register to vote or change party enrollment or name or address on a current registration record in person before the 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 part, the commission may use a mail registration application for in-person registration. The commission shall mail the qualified elector an identification card in accordance with section 1328 (relating to approval of registration applications).

(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 qualified electors other than its main office and the days and hours when the place or office is open for the registration of qualified 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 part 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 part. 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.

§ 1323. 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 a registrant.

(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 1327 (relating to preparation and distribution of applications). 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

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 by the close of registration for the ensuing election.

(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.

(3.1) After the Department of Transportation is connected to the SURE system and notwithstanding paragraphs (1), (2) and (3), the Department of Transportation shall transmit electronically the contents of a completed voter registration application within five days of receipt of the application. Upon receipt of the information from the Department of Transportation, a commission shall make a record of the date of the receipt of the application and process the application in accordance with section 1328 (relating to approval of registration applications). If the commission of the county of residence has not been connected to the SURE system, the Department of Transportation shall forward the completed application or contents of the completed application to the department in accordance with paragraph (1). No applicant shall be deemed eligible to vote until the commission has received and approved an application in accordance with section 1328.

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

(i) Before the Department of Transportation is connected to the SURE system, the Department of Transportation shall notify the department of changes of address received under subsection (a)(3). The department shall notify the commission of the county of the registrant's former residence. After the Department of Transportation is connected to the SURE system, the Department of Transportation shall notify the commission of the county of the registrant's former residence. If the registrant has moved to an address outside this Commonwealth, the commission shall verify the address change in accordance with section 1901 (relating to removal of electors). Except as provided in subparagraph (ii), if the registrant confirms in

accordance with section 1901(d) that he has moved to another county, the commission shall cancel the registration and forward the registrant's registration information 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 promptly update the registration record of the registrant in accordance with section 1328. All changes of address received by the Department of Transportation under this section at least 30 days before an election must be processed by the commission for the ensuing election. For the purpose of this paragraph, the term "registration information" means the registration card and any other record of registration maintained by a commission.

(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. If the change of address is to a new residence outside the commission's jurisdiction, the commission shall mail the following notice:

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 changed your address 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 writing your residence address, the date and your signature on the bottom of this form and 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 commission shall mail a voter's identification card to the registrant at the new residence address.

(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 or voter identification card is returned by the post office as undeliverable as addressed or with a forwarding address, the commission shall send a confirmation notice to the registrant's address of former residence in accordance with section 1901(d)(2).

(5) Upon notification and confirmation of any change of address, a commission shall promptly update information contained in its registration record.

(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.

§ 1324. 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 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 of 1993 (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 1326 (relating to time), 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 military elector is qualified to register. If, at the time of leaving that home address, the military 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 military elector shall be entitled to be registered at the time the military elector would have been entitled to register had the military 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.

§ 1325. 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 orphans' 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 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 in 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 of 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 applications to the appropriate 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.

§ 1326. Time.

(a) General rule.—Except as provided in subsection (b), each 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 applicant who is a qualified elector 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 1323 (relating to application with driver's license application), 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 1324 (relating to application by mail), 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 1325 (relating to government agencies), 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).

§ 1327. Preparation and distribution of applications.

(a) Form.—

(1) The secretary shall prescribe the form of an 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 1323 (relating to application with driver's license application) and 1325 (relating to government agencies), 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 part shall prohibit the design and use of an electronic voter registration application which includes the applicant's digitized or electronic 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 1323 or 1325:

(i) Notice that a registered elector does not need to reregister unless the registered elector 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 applicant 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 applicant 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 applicant 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 individual declines to register to vote, the fact that the individual 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 individual does register to vote, the office at which the individual 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) In jurisdictions where there is a single language minority, the secretary may print a bilingual application.

(6) 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 individuals to register.

(7) To implement section 1324 (relating to application by mail), 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.

(8) Nothing in this part 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. The person shall insert the person's name, address and telephone number. If the person is an employee or agent of the Department of Transportation or another agency as provided under section 1325 and is assisting the applicant in an official capacity, the employee or agent shall insert the initials and identification number of the employee or agent. In the case of applicants registering under section 1323 or 1325, 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 of 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.

§ 1328. Approval of registration applications.

(a) Examination.—Upon receiving a voter registration application, a commissioner, clerk or registrar of a commission shall do all of the following:

(1) Initial and date the receipt of the application.

(2) Examine the application to determine all of the following:

(i) Whether the application is complete.

(ii) Whether the applicant is a qualified elector.

(iii) Whether the applicant has an existing registration record. After the commission is connected to the SURE system, the commissioner, clerk or registrar shall search the SURE system on a Statewide basis to determine if the applicant has an existing registration record.

(iv) Whether the applicant is entitled or qualified to receive the requested transfer or change, if applicable.

(b) Decision.—A commission shall do one of the following:

(1) Record and forward a voter registration application to the proper commission if the commission finds during its examination under subsection (a) that the applicant does not reside within the commission's county but resides elsewhere in this Commonwealth.

(2) Reject a voter registration application, indicate the rejection and the reasons for the rejection on the application and notify the applicant by first class nonforwardable mail, return postage guaranteed of the rejection and the reason if the commission finds during its examination under subsection (a) any of the following:

(i) The application was not properly completed and, after reasonable efforts by the commission to ascertain the necessary information, the application remains incomplete or inconsistent.

(ii) The applicant is not a qualified elector.

(iii) The applicant is not entitled to a transfer of registration or a change of address.

(iv) The applicant is not legally qualified for a change of name.

A rejection shall be made no later than ten days before the election succeeding the filing of the application.

(3) Process a voter registration application in accordance with subsection (c) if the commission finds during its examination under subsection (a) all of the following:

(i) The application requests registration.

(ii) The application contains the required information indicating that the applicant is a qualified elector of the county.

(4) Process a voter registration application in accordance with subsection (c) and update its registration records if the commission finds during its examination under subsection (a) all of the following:

(i) The application requests registration.

(ii) The application contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of the county.

(5) Process a voter registration application in accordance with subsection (c) and request transfer of registration records in accordance with subsection (d) if the commission finds during its examination under subsection (a) all of the following:

(i) The application requests registration.

(ii) The application contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of another county.

(6) Process a voter registration application in accordance with subsection (c) and request transfer of registration records in accordance with subsection (d) if the commission finds during its examination under subsection (a) all of the following:

(i) The application requests a transfer of registration.

(ii) The application contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of another county.

(7) Process a voter registration application in accordance with subsection (c) and update its registration if the commission finds during its examination under subsection (a) all of the following:

(i) The application requests a change of address.

(ii) The application contains the required information indicating that the applicant is a qualified elector of the county.

(iii) The applicant is currently a registered elector of the county.

(8) Process a voter registration application in accordance with subsection (c) and update its registration records if the commission finds during its examination under subsection (a) all of the following:

(i) The application requests a change of name.

(ii) The applicant is legally qualified to a change of name.

(iii) The application contains the required information indicating that the applicant is a qualified elector of the county.

(iv) The applicant is currently a registered elector of the county.

(c) Processing of voter registration.—

(1) When a commission has accepted a voter registration application under subsection (b)(3), the commission shall assign each applicant a unique identification number in the SURE system. The commission shall mail a wallet-sized voter's identification card to the individual by first class nonforwardable mail, return postage guaranteed, which shall serve as notice of the acceptance of the application. The card shall contain all of the following:

(i) Name and address of the individual.

(ii) Name of municipality of residence.

(iii) Identification of the individual's ward and district.

(iv) The effective date of registration.

(v) Designation of party enrollment and date of enrollment.

(vi) A space for the individual's signature or mark.

(vii) The unique identification number of the individual.

(viii) A statement that the individual must notify the commission within ten days from the date it was mailed if any information on the

card is incorrect; otherwise, the information shall be deemed correct for voter registration purposes.

(2) When a commission has accepted a voter registration application under subsection (b)(4), (5), (6), (7) or (8), the commission shall mail a wallet-sized voter's identification card to the individual by first class nonforwardable mail, return postage guaranteed, which shall serve as notice of the acceptance of the application. The card shall contain all of the following:

- (i) Name and address of the individual.
- (ii) Name of municipality of residence.
- (iii) Identification of the individual's ward and district.
- (iv) The effective date of registration.
- (v) Designation of party enrollment and date of enrollment.
- (vi) A space for the individual's signature or mark.
- (vii) The SURE registration number of the individual.
- (viii) A statement that the individual must notify the commission

within ten days from the date it was mailed if any information on the card is incorrect; otherwise, the information shall be deemed correct for voter registration purposes.

(3) An envelope containing a voter identification card shall be marked on the outside with a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given.

(4) (i) If an envelope containing a voter identification card has been mailed in accordance with paragraphs (1) and (3) and has not been returned to the commission by the postmaster within ten days from the date it was mailed, the individual shall be deemed a registered elector of the county and the commission shall enter the individual's registration information in the general register. The unique identification number shall be entered as the registered elector's SURE registration number. No person shall be deemed a registered elector of the county until ten days after the voter identification card has been mailed.

(ii) If an envelope containing a voter identification card has been mailed in accordance with paragraphs (2) and (3) and has not been returned to the commission by the postmaster within ten days from the date it was mailed, the individual shall be deemed a registered elector of the county and the commission shall enter the individual's registration information in the general register. No person shall be deemed a registered elector of the county until ten days after the voter identification card has been mailed.

(5) If an envelope containing a voter identification card is returned by the postmaster because the envelope is undeliverable at the given address, the commission shall investigate. If the commission finds that the individual is not qualified to register from the address, the

commission shall reject the application and shall notify the individual by first class forwardable mail of this action.

(d) Transfer of registration records.—

(1) If, during application, an individual discloses that the individual is a registered elector of another county, the commission of the individual's new county of residence shall direct a cancellation notice to the commission of the individual's former county of residence in accordance with regulations promulgated under this part.

(2) Upon receipt of a notice transmitted in accordance with paragraph (1), the commission of the individual's former county of residence shall investigate. If the commission finds that the individual is a registered elector of the county, the commission shall verify the address change with the registered elector in accordance with this part. Upon verifying that the registered elector has moved to another county of residence, the commission shall cancel the registered elector's registration, transfer a copy of the canceled registration record to the commission of the registered elector's new county of residence and retain a record of the transfer. The commission of both counties shall promptly update information contained in their registration records.

(e) Challenges.—All challenges to applications for registration shall be made as provided in section 1329 (relating to challenges).
§ 1328.1. SURE registration number.

Each registered elector shall be assigned a single and unique SURE registration number in accordance with sections 1328 (relating to approval of registration applications) and 1514 (relating to conversion of registration records). Once assigned, a SURE registration number shall not be changed, modified or altered.

§ 1329. 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 a qualified elector.

(d) Resolution.—If the challenged individual establishes to the satisfaction of the commission the right to be registered as required by this part, the challenged individual shall be registered. If the challenged individual does not establish to the satisfaction of the commission the right to be registered as provided in this part, the challenged individual's registration, if any, shall be canceled, and the commission shall promptly update information contained in its registration records.

§ 1330. Appeals.

(a) Right.—An individual whose application to be registered has been denied may file with the 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 14
RECORDS

Sec.

1401. General register.

1402. District registers.

1403. Street lists.

1404. Public information lists.

1405. Retention of records.

1406. Reports.

§ 1401. General register.

(a) General rule.—The general register shall contain all of the following for each registered elector of the county:

(1) The ward and election district of residence.

(2) The registered elector's street address.

(3) Data required to be given upon removal from the registered elector's residence.

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

(5) The digitized or electronic signature of the registered elector.

(6) The SURE registration number.

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

(b) District register.—The general register shall be used by the commission to prepare the district register.

(c) SURE system.—After a commission is connected to the SURE system, the general register of the commission shall consist of the registration information contained on the SURE system as maintained by the commission.

(d) Registration cards.—Before a commission is connected to the SURE system, 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 part 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.

(e) Digitized signature lists.—Before a commission is connected to the SURE system, 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 database 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.

(f) Duplicate files.—Before a commission is connected to the SURE system, 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.

§ 1402. District registers.

(a) Registration card file.—

(1) Except as provided in subsection (b) and in section 1401(e) (relating to general register), 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) Before a commission is connected to the SURE system, 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. 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.

(2) After a commission is connected to the SURE system, each commission shall create from its general register a computer list to be used as the district register. For each election district, the list shall contain the names of the registered electors of the election district, alphabetically by last name of each registered elector. Each page of the list shall contain the name of the county, the election district, the date of the election and the date and time the list was prepared. The computer list shall be in a form prescribed by the secretary and must contain necessary information that would otherwise be available in the general register, including a legible digitized or electronic signature, the street address and political party of each registered elector, and suitable space for insertion of the signature of the registered elector and for insertion by the proper election official of the number and letter of the stub of the ballot issued to the registered elector or the registered elector's number in the order of admission to the voting systems and the initials of the

election official who enters the record of voting in the district register and whether the elector needs assistance to vote and, if so, the nature of the disability. The district register shall be kept at the office of the commission and shall be open to public inspection, subject to reasonable safeguards, rules and regulations.

(3) Before connection to the SURE system, 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 part.

(c) Accuracy.—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 correct the district register for each election district consistent with the information contained in the general register.

(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 Electors" 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 15 (relating to changes in records).

§ 1403. Street lists.

(a) Preparation.—Commencing not later than the 15th day prior to each election, each 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 or electronic signature of a registered elector. The list shall be arranged in one of the following manners:

- (1) By streets and house numbers.
- (2) Alphabetically by last name of each registered elector.
- (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 and forward one copy of the list under subsection (a) to the department. These copies shall be available for public inspection during business hours, subject to reasonable safeguards and regulations.

(c) Distribution.—The department and each 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, distribute the list under subsection (a) to organized bodies of citizens.

§ 1404. Public information lists.

(a) Establishment.—

(1) A commission shall provide for computer inquiries concerning individual registered electors. With respect to each registered elector 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 elector subject to the provisions of this part. 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 elector in the county.

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

(3) The list may not contain the digitized or electronic signature or SURE registration number of the registered 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 electors 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 registered electors 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 registered elector 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.

§ 1405. Retention of records.

(a) Computer lists.—Each commission shall preserve district registers for at least five years in the manner, form and time frame established by the department.

(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 registered electors 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 qualified elector is registered.

(2) The records preserved under paragraph (1) shall include lists of the names and addresses of all electors to whom notices described in section 1501 (relating to removal notices) 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.

(c) Original and existing records.—After a commission is connected to the SURE system, the registration cards and applications utilized under this part, under the act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter Registration Act, under the former act of March 30, 1937 (P.L.115, No.40), known as The First Class City Permanent Registration Act, or under the former 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, shall be placed in alphabetical order by last name of the registered elector, indexed and kept at the office of the commission in a manner as to be properly safeguarded. 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 registered electors in accordance with regulations promulgated by the department.

§ 1406. Reports.

(a) Commission.—By March 1, a commission shall submit to the secretary an annual report setting forth the number of electors registered under sections 1322 (relating to in-person voter registration), 1323 (relating to application with driver's license application), 1324 (relating to application by mail) and 1325 (relating to government agencies). The report shall specify the number of electors whose registration has been canceled under Chapter 15 (relating to changes in records) 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 part on the administration of elections during the preceding year and including recommendations for improvements to procedures, forms and other matters affected by this part.

CHAPTER 15 CHANGES IN RECORDS

Sec.

- 1501. Removal notices.
- 1502. Transfer of registration.
- 1503. Change of enrollment of political party.
- 1504. Disability.
- 1505. Death of registrant.
- 1506. Checkup of registers.
- 1507. Canvass of registered electors.
- 1508. Comparison and correction of registers.
- 1509. Petition to strike off names.
- 1510. Failure to vote.
- 1511. Cancellation, removal and preservation of registration records.
- 1512. Correction of errors in cancellation or suspension.
- 1513. Applicability of provisions.
- 1514. Conversion of registration records.

§ 1501. Removal notices.**(a) Form.—**

(1) A 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 registered 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 registered 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 registered elector that the notice must be received by the commission not later than 30 days before an 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.—A registered 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 an 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) A registered 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 once at the elector's former polling place following removal if, at the time of signing the 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 elector under section 1502 (relating to transfer of registration) and shall promptly update information contained in its registration records. A registered elector may vote in the election district of the elector's former residence not more than one time following the elector's removal.

(3) A registered elector who removes residence from one county to another county and who is not registered to vote in the new county of residence shall be permitted to vote in the election district in the former county of residence if, at the time of signing the elector's certificate, the elector files with the judge of election a signed affirmation declaring the elector's new residence. A registered elector may vote in the election district of the elector's former residence not more than one time following the elector's removal. Affirmations made under this paragraph shall be returned to the commission of the elector's former county of residence with the voting checklist, and that commission shall proceed to

transfer the registration of the elector under section 1502. Upon receipt of the transfer notice, the commission of the elector's new county of residence shall immediately process the transfer of the elector in accordance with section 1328 (relating to approval of registration applications). Both commissions shall promptly update information contained in their registration records.

§ 1502. Transfer of registration.

(a) General rule.—Upon timely receipt of notification of removal under section 1501(b) (relating to removal notices), the commission shall proceed as follows:

(1) The signature on the notification document shall be compared with the signature of the registered 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 registered elector's registration records.

(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 registered elector's registration record. The commission shall advise the registered elector promptly in writing of its action.

(4) When a registered elector has filed with a commission a notice that the elector has moved from the county to another county, if the signature appears authentic the commission shall enter the change of residence on the elector's registration records, cancel the registration of the elector and notify the commission of the elector's new county of residence to register the elector. Upon receipt of the transfer notice, the commission of the elector's new county of residence shall immediately process the transfer of the elector in accordance with section 1328 (relating to approval of registration applications).

(5) If a request for transfer which is determined to be authentic under paragraph (4) 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 elector's registration records, cancel the registration of the elector and notify the commission of the elector's new county of residence to register the elector. Upon receipt of the transfer notice, the commission of the elector's new county of residence shall immediately process the transfer of the elector in accordance with section 1328.

(6) A commission shall promptly update information contained in its registration records.

(b) Electors unable to write.—A registered 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.

§ 1503. Change of enrollment of political party.

By the deadline for registration, a registered elector 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 1324 (relating to application by mail) and state in a signed writing the political party in which the registered elector desires to be enrolled. If the signature of the elector is verified by comparison with the registered elector's signature as it appears on file with the commission, the commissioner, registrar or clerk shall make the change in its registration records. If supported by other evidence of identity, a mark may be made in lieu of a signature by a registered elector who is unable to write. The mark must be made in the presence of a witness who must sign the registration application.

§ 1504. Disability.

(a) Eligibility.—If a registered elector by reason of blindness, disability or inability to read or write is unable to read the names on the ballot or on the voting machine labels or 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.

(5) Following the election, the commission shall examine declarations completed under this section and shall update the elector's voter registration card to reflect the need for assistance and the nature of the disability.

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

§ 1505. Death of registrant.

(a) Department of Health.—A 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 a commission in a manner and on a form prescribed by the department. The commission shall promptly update information contained in its registration records.

(b) Other sources.—A commission may also utilize published newspaper obituaries, letters testamentary or letters of administration issued by the office of the registrar of wills to cancel and remove the registration of an elector, provided that such removals are uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965 (Public Law 89-110, 42 U.S.C. § 1973 et seq.). The commission shall promptly update information contained in its registration records.

(c) Corrections.—An individual incorrectly reported deceased by the Department of Health or incorrectly removed by a commission for reason of death 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 registration records.

§ 1506. Checkup of registers.

(a) General rule.—At any time prior to the 30th day preceding an election, a 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 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 elector to communicate with the commission by a date designated by the commission, which 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 an 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 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 registered 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 part 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.

§ 1507. 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 1506(e) (relating to checkup of registers).

(b) **Action.**—At the expiration of the time specified in the notice under section 1506(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.

§ 1508. Comparison and correction of registers.

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

§ 1509. 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 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 elector at least 24 hours prior to the presentation of the petition; or

- (ii) the registered 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 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 registered elector and amend accordingly the general and district registers and other records affected unless the registered elector so registered appears and shows cause why this action should not be taken.

§ 1510. 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 1506(c) (relating to checkup of registers), 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 registered 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 registered elector by mail, at the address appearing upon the registration card, a notice setting forth that the records of the commission indicate that the registered elector has not voted during the two immediately preceding calendar years and that the registered elector's registration will be canceled at the expiration of 30 days from the date of mailing the notice unless the registered 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 registered elector's place of residence and signed by the registered elector.

(2) Within 30 days from the date of mailing of the notice under paragraph (1), the registered 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 registered elector's place of residence and which is signed by the registered elector. The official registration application card of a registered 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 registered 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 part.

§ 1511. Cancellation, removal and preservation of registration records.

(a) General rule.—If the registration of a registered elector is canceled for any cause, the commission shall mark on the registration record of the elector the word "canceled" and the date and cause of cancellation and shall remove them from the general and district registers. Such record 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 registered elector may be destroyed by the commission after three years.

§ 1512. Correction of errors in cancellation or suspension.

If the registration of a registered elector has been canceled or suspended through error, the registered 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.

§ 1513. Applicability of provisions.

(a) Suspension.—To the extent that the Secretary of the Commonwealth determines that the National Voter Registration Act of 1993 (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 1510 (relating to failure to vote), the provisions of sections 1506 (relating to checkup of registers) through 1512 (relating to correction of errors in cancellation or suspension) are suspended. The suspension shall become effective upon publication of notice of the determination in the Pennsylvania Bulletin.

(b) Effect of suspension.—Should the provisions of sections 1506 through 1512 be suspended as provided in subsection (a), the provisions of

Chapter 19 (relating to provisions contingent on Federal Law) shall be effective during the period of suspension.

§ 1514. Conversion of registration records.

The department shall convert the registration records of each commission in accordance with section 1222 (relating to SURE system). In converting the registration records of each commission, the department shall assign each registered elector a SURE registration number which the commission shall add to the registration records of the registered elector.

CHAPTER 16 COMMISSION PROCEEDINGS AND JUDICIAL REVIEW

Sec.

1601. Subpoenas and witness fees.

1602. Court of common pleas.

1603. Commission duties.

§ 1601. Subpoenas and witness fees.

(a) Authorization.—A 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 a commission.

(2) Upon motion of a party before a 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.—A 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.

§ 1602. Court of common pleas.

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

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

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

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

§ 1603. Commission duties.

In an appeal under section 1602 (relating to court of common pleas), the registration commission shall produce any petition, register or other record in its custody relevant to the issue involved.

CHAPTER 17 PENALTIES

Sec.

1701. Lawful orders.

1702. Registration.

1703. Application.

1704. Altering registration.

1705. Votes.

1706. Duties under part.

1707. Official documents and electronic records.

1708. Withholding information.

1709. Law enforcement assistance.

1710. Interference.

1711. Preventing registration.

1712. Approval of registration.

1713. Solicitation of registration.

1714. Crimes Code.

§ 1701. 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.

§ 1702. Registration.

(a) Improper.—A registrar, commissioner or clerk who knowingly registers or permits the registration of an applicant 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 a qualified elector 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.

§ 1703. 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.

§ 1704. 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 record without a proper application under this part or without requiring the proper evidence of the right of the applicant to be registered.

(2) Intentionally materially alter a registration record after the entries have been made unless the alteration is in accordance with this part. This paragraph does not apply to an alteration pursuant to an order of a court of common pleas or of a 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.

§ 1705. Votes.

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

- (1) Knowingly refuse the vote of a registered elector.
- (2) Knowingly accept the vote of an individual not registered under this part. This paragraph does not apply to a person in actual military service or an individual having an order of court.

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

(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.

§ 1706. Duties under part.

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 part 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.

§ 1707. Official documents and electronic records.

(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 record, the SURE system street list, affidavit, petition, subpoena, certificate, report or other record authorized or required by this part to be made or prepared for a purpose set forth in this part, which entry is not in accordance with this part.

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

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

- (4) Access the SURE system, its component parts or any other official documents or records without lawful authorization or with the intent to publicize or otherwise unlawfully misuse the equipment or information contained therein.

(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.

§ 1708. 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 part 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.

§ 1709. Law enforcement assistance.

A law enforcement officer who, upon demand of any commissioner or inspector of registration or of the secretary, fails to render demanded assistance in the maintenance of peace and in the making of arrests without warrant as provided in this part or who intentionally hinders or attempts to hinder any commissioner, inspector of registration or the secretary 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.

§ 1710. Interference.

A person who intentionally interferes with any other person in the performance of any act or duty authorized or imposed by this part 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.

§ 1711. Preventing registration.

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

(1) Knowingly and intentionally prevent an applicant who is a qualified elector from being registered.

(2) By coercion, threats of bodily injury or intimidation, intentionally prevent or attempt to prevent an applicant who is a qualified elector from being registered or a registered elector from changing political enrollment in accordance with the provisions of this part.

(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 for a registrant 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.

§ 1712. Approval of registration.

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

(1) Intentionally alter a party designation without a request from the registered elector.

(2) Intentionally fail to make a transmission under section 1328 (relating to approval of registration applications).

(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.

§ 1713. Solicitation of registration.

(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.

§ 1714. 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 part.

CHAPTER 18
ENFORCEMENT

Sec.

1801. Attorney General.

1802. District attorneys.

1803. Power of department.

1804. Relief.

§ 1801. Attorney General.

(a) Investigation.—The secretary shall investigate alleged violations of sections 1323 (relating to application with driver's license application) and 1325 (relating to government agencies) 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).

(c) Notifications.—The Attorney General shall notify the State Treasurer in accordance with section 1804(b) (relating to relief) if the secretary fails to notify the State Treasurer as required by section 1803(b) (relating to power of department).

§ 1802. District attorneys.

(a) Investigation.—Except as provided in section 1801 (relating to Attorney General), each commission shall investigate alleged violations of this part 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).

§ 1803. Power of department.

(a) General rule.—The department shall have the authority to take any actions, including the authority to audit the registration records of a

commission, which are necessary to ensure compliance and participation by the commissions.

(b) Notifications.—The secretary shall notify the State Treasurer to withhold funds in accordance with section 1804(b) (relating to relief) if a commission fails or refuses to comply with the provisions of this part.

§ 1804. Relief.

(a) Injunctive.—In the event that a commission fails to adhere to any provision of this part, the secretary is authorized to seek declaratory and injunctive relief in Commonwealth Court.

(b) Withholding of appropriations.—In accordance with sections 1801 (relating to Attorney General) and 1803 (relating to power of department) and in addition to any remedy provided in subsection (a), the State Treasurer shall, upon notification, withhold any part or all of the State appropriations to which a county is entitled, including funding for the court of common pleas but excluding funding for human services.

CHAPTER 19
PROVISIONS CONTINGENT ON FEDERAL LAW

Sec.

1901. Removal of electors.

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

1903. Incorrect records.

1904. Files.

1905. Errors in cancellation.

1906. Termination of chapter.

§ 1901. Removal of electors.

(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 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 1505 (relating to death of registrant).

(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), and in compliance with the National Voter Registration Act of 1993 (Public Law 103-31, 42 U.S.C. § 1973gg et seq.).

(b) Voter removal program.—

(1) Each commission shall establish a program to identify registered 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 registered electors who may have changed addresses. The information shall be incorporated in the SURE system 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 a registered 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 a registered 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 registered elector whose mailing is returned undeliverable.

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

(i) The 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 registered elector 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 the registered elector 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 the registered elector who has not communicated with the commission and proved his qualifications as a registered elector.

(iv) To facilitate the canvass under this section, a 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 registered 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 part upon inspectors of registration.

(3) In conjunction with and not as an alternative to a program established under paragraph (1), a commission shall send a notice pursuant to subsection (d) to any registered 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 elector still resides in the election district.

(4) A commission shall complete, not later than 90 days before each municipal or general election, at least once per year the voter removal programs under this section and shall promptly update information contained in its registration records. 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 part.

(c) Identification of inactive electors.—A commission shall mark an "I" on the registration records of each registered 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 records for that polling site and located at the elector's polling site on the day of the election. The commission shall promptly update the information contained in its registration records.

(d) Cancellation of registration.—

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

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

(ii) The registered 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 registered 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 registered 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 registered 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. The commission shall also promptly update its registration records.

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

(a) Same county.—

(1) A registered 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) A registered 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.—A registered 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. Upon receipt of the written affirmation, the commission shall follow the procedures in this part for change of address to a new county and shall update information contained in its registration records.

§ 1903. Incorrect records.

If registration records incorrectly indicate that a registered 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. Upon receipt of the written affirmation, the commission shall promptly update information contained in its registration records.

§ 1904. Files.

(a) Cancellation.—If the registration of a registered elector is canceled, the commission shall mark on all registration records of the elector the word "canceled" and the date and cause of cancellation. The commission shall remove any registration records pertaining to the elector. Removed records shall be retained separate from registered electors for five years. The commission shall promptly update information contained in its registration records.

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

§ 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 and shall promptly update information contained in its registration records.

§ 1906. Termination of chapter.

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

(b) Effect of notice.—This chapter shall terminate upon publication of the notice under subsection (a).

PART IX CONDUCT OF ELECTIONS

Chapter

33. Voting Procedures

CHAPTER 33 VOTING PROCEDURES

Sec.

3302. Application for absentee ballots.

§ 3302. Application for absentee ballots.

(a) General rule.—Notwithstanding the provisions of Part IV (relating to voter registration) 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) A registered elector who is unable to attend the polling place on the day of any primary or election because of illness or physical disability.

(2) A registered elector who expects to be absent from this Commonwealth or the municipality of residence because duties, occupation or business require the elector 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 registered 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 2. The Secretary of the Commonwealth shall promulgate regulations to establish and implement the SURE system in accordance with 25 Pa.C.S. § 1222 and to implement 25 Pa.C.S. Pt. IV. The promulgation of regulations under this section shall be exempt from:

(1) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(2) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Section 3. The following apply:

(1) The provisions of 62 Pa.C.S. shall apply to the development, establishment and implementation of the Statewide Uniform Registry of Electors (SURE) system required by 25 Pa.C.S. Ch. 12 Subch. B except as provided in this section.

(2) If a bidder or offeror, a prospective bidder or offeror or a prospective contractor is aggrieved in connection with the solicitation or award of the contract, he may protest to the head of the purchasing agency in writing.

(3) If the protestant is a bidder or offeror or a prospective contractor, the protest shall be filed with the head of the purchasing agency within seven days after the aggrieved bidder or offeror or prospective contractor knew or should have known of the facts giving rise to the protest, except that in no event may a protest be filed later than seven days after the date the contract was awarded. If the protestant is a prospective bidder or offeror, a protest shall be filed with the head of the purchasing agency prior to the bid opening time or the proposal receipt date. If a bidder or offeror, a prospective bidder or offeror or a prospective contractor fails to file a protest or files an untimely protest, the bidder or offeror, the prospective bidder or offeror or the prospective contractor shall be deemed to have waived its right to protest the solicitation or award of the contract in any forum. Untimely filed protests shall be disregarded by the purchasing agency.

(4) A protest shall state all grounds upon which the protestant asserts the solicitation or award of the contract was improper. The protestant may submit with the protest any documents or information it deems relevant to the protest.

(5) Within 15 days of receipt of a protest, the contracting officer may submit to the head of the purchasing agency and the protestant a response to the protest, including any documents or information he deems relevant to the protest. The protestant may file a reply to the response within ten days of the date of the response.

(6) The head of the purchasing agency or his designee shall review the protest and any response or reply and may request and review such additional documents or information he deems necessary to render a decision and may, at his sole discretion, conduct a hearing. The head of the purchasing agency or his designee shall provide to the protestant and the contracting officer a reasonable opportunity to review and address any additional documents or information deemed necessary by the head of the purchasing agency or his designee to render a decision.

(7) Upon completing an evaluation of the protest in accordance with paragraph (6), the head of the purchasing agency or his designee shall issue a written determination stating the reasons for the decision. The determination shall be issued within 60 days of the receipt of the protest unless extended by consent of the head of the purchasing agency and the protestant. The determination shall be the final order of the purchasing agency. If the head of the purchasing agency or his designee determines that the solicitation or award of the contract was contrary to law, he may enter an order authorized by 62 Pa.C.S. Ch. 17 Subch. D.

(8) Within 15 days of the mailing date of a final determination denying a protest, a protestant may file an appeal with the Commonwealth Court. Issues not raised by the protestant before the purchasing agency are deemed waived and may not be raised before the court.

(9) The record of determination for review by the court shall consist of the solicitation or award; the contract, if any; the protest and any response, reply or any additional documents or information considered by the head of the purchasing agency or his designee; the hearing transcript and exhibits, if any; and the final determination.

(10) The court shall hear the appeal without a jury on the record of determination certified by the purchasing agency. The court shall affirm the determination of the purchasing agency unless it finds from the record that the determination is arbitrary and capricious, an abuse of discretion or is contrary to law.

(11) If the determination is not affirmed, the court may enter any order authorized by 42 Pa.C.S. § 706, provided that, if the court determines that the solicitation or award of the contract is contrary to law, then the remedy the court shall order is limited to canceling the solicitation or award and declaring void any resulting contract.

(12) In the event a protest is filed timely under this section and until the time has elapsed for the protestant to file a petition for review in Commonwealth Court, the purchasing agency may elect not to proceed further with the solicitation or with the award of the contract.

(13) This section shall be the exclusive procedure for protesting a solicitation or award of the contract by a bidder or offeror, a prospective bidder or offeror or a prospective contractor that is aggrieved in

connection with the solicitation or award of the contract. The provisions of 2 Pa.C.S. shall not apply to this section.

Section 4. Section 2 of this act shall expire on December 31, 2002.

Section 5. The following acts or parts of acts are repealed to the extent specified:

(1) Section 10.2 of the act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is repealed absolutely.

(2) The act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter Registration Act, is repealed absolutely.

(3) Section 404 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is repealed to the extent that it prohibits the sharing of the duties of the authorized positions of clerk of elections or machine operator.

Section 6. The addition of 25 Pa.C.S. Pt. IV and 25 Pa.C.S. § 3302 shall be deemed a continuation of the act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter Registration Act. The following apply:

(1) Except as set forth in paragraph (2), any difference in language or organization of sections between 25 Pa.C.S. Pt. IV and 25 Pa.C.S. § 3302 and the Pennsylvania Voter Registration Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Pennsylvania Voter Registration Act.

(2) Paragraph (1) does not apply to any of the following:

(i) The addition of the definitions of "district register," "general register," "qualified elector," "registrant," "registration records" and "Statewide Uniform Registry of Electors" in 25 Pa.C.S. § 1102.

(ii) The addition of 25 Pa.C.S. §§:

(A) 1201, 1203(a), (h), (k) and (l), 1222 and 1223;

(B) 1301(a), 1322(a) and (b), 1323(a), (b) and (c), 1324, 1326, 1327(a), 1328 and 1328.1;

(C) 1401, 1402, 1403, 1404 and 1405;

(D) 1501, 1502, 1503 and 1514;

(E) 1602(a);

(F) 1702, 1705, 1707(a), 1709, 1711 and 1712;

(G) 1801, 1803 and 1804; and

(H) 1901, 1902 and 1904.

(iii) The repeal of section 321 of the Pennsylvania Voter Registration Act.

Section 7. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) The addition of 25 Pa.C.S. Pt. II.
 - (ii) The addition of 25 Pa.C.S. § 1222.
 - (iii) Sections 2, 3 and 4 of this act.
 - (iv) Section 5(1) of this act.
 - (v) The repeal of section 322 of the act of June 30, 1995 (P.L.170, No.25).
 - (vi) Section 5(3) of this act.
 - (vii) This section.
- (2) The addition of 25 Pa.C.S. Ch. 19 shall take effect upon the publication of the notice under 25 Pa.C.S. § 1513(a). This paragraph is subject to 25 Pa.C.S. § 1906.
- (3) The remainder of this act shall take effect in 45 days.

APPROVED—The 31st day of January, A.D. 2002.

MARK S. SCHWEIKER