
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1724 Session of
2015

INTRODUCED BY TALLMAN, METCALFE, BARRAR, WARD, KAUFFMAN,
MILLARD, KNOWLES, GROVE, SAYLOR, DIAMOND, MCGINNIS, RADER AND
EVERETT, NOVEMBER 30, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 30, 2015

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in preliminary provisions, further providing for
12 definitions; in the Secretary of the Commonwealth, further
13 providing for requirements relating to voter identification;
14 and, in preparation for and conduct of primaries and
15 elections, further providing for manner of applying to vote,
16 persons entitled to vote, voter's certificate, entries to be
17 made in district register, numbered list of voters and
18 challenges.

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

21 Section 1. Section 102(z.5) of the act of June 3, 1937
22 (P.L.1333, No.320), known as the Pennsylvania Election Code,
23 added March 14, 2012 (P.L.195, No.18), is amended and the
24 section is amended by adding a clause to read:

25 Section 102. Definitions.--The following words, when used in

1 this act, shall have the following meanings, unless otherwise
2 clearly apparent from the context:

3 * * *

4 (z.5) The words "proof of identification" shall mean:

5 [(1) In the case of an elector who has a religious objection
6 to being photographed, a valid-without-photo driver's license or
7 a valid-without-photo identification card issued by the
8 Department of Transportation.

9 (2) For an elector who appears to vote under section 1210, a
10 document that:

11 (i) shows the name of the individual to whom the document
12 was issued and the name substantially conforms to the name of
13 the individual as it appears in the district register;

14 (ii) shows a photograph of the individual to whom the
15 document was issued;

16 (iii) includes an expiration date and is not expired,
17 except:

18 (A) for a document issued by the Department of
19 Transportation which is not more than twelve (12) months past
20 the expiration date; or

21 (B) in the case of a document from an agency of the Armed
22 forces of the United States or their reserve components,
23 including the Pennsylvania National Guard, establishing that the
24 elector is a current member of or a veteran of the United States
25 Armed Forces or National Guard which does not designate a
26 specific date on which the document expires, but includes a
27 designation that the expiration date is indefinite; and

28 (iv) was issued by one of the following:

29 (A) The United States Government.

30 (B) The Commonwealth of Pennsylvania.

1 (C) A municipality of this Commonwealth to an employee of
2 that municipality.

3 (D) An accredited Pennsylvania public or private institution
4 of higher learning.

5 (E) A Pennsylvania care facility.

6 (3) For a qualified absentee elector under section 1301:

7 (i) in the case of an elector who has been issued a current
8 and valid driver's license, the elector's driver's license
9 number;

10 (ii) in the case of an elector who has not been issued a
11 current and valid driver's license, the last four digits of the
12 elector's Social Security number;

13 (iii) in the case of an elector who has a religious
14 objection to being photographed, a copy of a document that
15 satisfies paragraph (1); or

16 (iv) in the case of an elector who has not been issued a
17 current and valid driver's license or Social Security number, a
18 copy of a document that satisfies paragraph (2).]

19 (1) in the case of an elector who has been issued a current
20 and valid driver's license, the elector's driver's license
21 number;

22 (2) in the case of an elector who has not been issued a
23 current and valid driver's license, the last four digits of the
24 elector's Social Security number;

25 (3) in the case of an elector who has a religious objection
26 to being photographed, a copy of a valid-without-photo driver's
27 license or a valid-without-photo identification card issued by
28 the Department of Transportation; or

29 (4) in the case of an elector who has not been issued a
30 current and valid driver's license or Social Security number, a

1 copy of a document that:

2 (i) shows the name of the individual to whom the document
3 was issued and the name substantially conforms to the name of
4 the individual as it appears in the district register;

5 (ii) shows a photograph of the individual to whom the
6 document was issued;

7 (iii) includes an expiration date and is not expired,
8 except:

9 (A) for a document issued by the Department of
10 Transportation that is not more than twelve (12) months past the
11 expiration date; or

12 (B) in the case of a document from an agency of the armed
13 forces of the United States or their reserve components,
14 including the Pennsylvania National Guard, establishing that the
15 elector is a current member of or a veteran of the armed forces
16 of the United States or National Guard that does not designate a
17 specific date on which the document expires, but includes a
18 designation that the expiration date is indefinite; and

19 (iv) was issued by one of the following:

20 (A) The United States Government.

21 (B) The Commonwealth of Pennsylvania.

22 (C) A municipality of this Commonwealth to an employe of
23 that municipality.

24 (D) An accredited Pennsylvania public or private institution
25 of higher learning.

26 (E) A Pennsylvania care facility.

27 (z.6) The words "care facility" shall mean any of the
28 following:

29 (1) A long-term care nursing facility as defined in section
30 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the

1 "Health Care Facilities Act."

2 (2) An assisted living residence or a personal care home as
3 defined in section 1001 of the act of June 13, 1967 (P.L.31,
4 No.21), known as the "Public Welfare Code."

5 Section 2. Section 206 of the act, added March 14, 2012
6 (P.L.195, No.18), is amended to read:

7 Section 206. Requirements Relating to Voter

8 Identification.--[(a)] The Secretary of the Commonwealth shall
9 prepare and disseminate information to the public regarding the
10 proof of identification requirements established under sections
11 1210 and 1302.

12 [(b) Notwithstanding the provisions of 75 Pa.C.S. § 1510(b)
13 (relating to issuance and content of driver's license) to the
14 contrary, the Department of Transportation shall issue an
15 identification card described in 75 Pa.C.S. § 1510(b) at no cost
16 to any registered elector who has made application therefor and
17 has included with the completed application a statement signed
18 by the elector declaring under oath or affirmation that the
19 elector does not possess proof of identification as defined in
20 section 102(z.5)(2) and requires proof of identification for
21 voting purposes.

22 (c) The Secretary of the Commonwealth shall prepare the form
23 of the statement described in subsection (b) and shall
24 distribute the form to the counties and the Department of
25 Transportation. The Secretary of the Commonwealth, the Secretary
26 of Transportation and the county boards of election shall
27 disseminate information to the public regarding the availability
28 of identification cards under subsection (b).]

29 Section 3. Section 1210 of the act, amended October 8, 2004
30 (P.L.807, No.97) and March 14, 2012 (P.L.195, No.18), is amended

1 to read:

2 Section 1210. Manner of Applying to Vote; Persons Entitled
3 to Vote; Voter's Certificates; Entries to Be Made in District
4 Register; Numbered Lists of Voters; Challenges.--(a) At every
5 primary and election each elector who appears to vote and who
6 desires to vote shall first present to an election officer
7 [proof of identification.] one of the following forms of photo
8 identification:

9 (1) a valid driver's license or identification card issued
10 by the Department of Transportation;

11 (2) a valid identification card issued by any other agency
12 of the Commonwealth;

13 (3) a valid identification card issued by the United States
14 Government;

15 (4) a valid United States passport;

16 (5) a valid student identification card;

17 (6) a valid employe identification card; or

18 (7) a valid armed forces of the United States identification
19 card.

20 The election officer shall examine the [proof of] identification
21 presented by the elector and sign an affidavit stating that this
22 has been done.

23 (a.1) Where the elector does not have a photo identification
24 as provided for in subsection (a), the elector shall present for
25 examination one of the following forms of identification that
26 shows the name and address of the elector:

27 (1) nonphoto identification issued by the Commonwealth, or
28 any agency thereof;

29 (2) nonphoto identification issued by the United States
30 Government, or agency thereof;

- 1 (3) a firearm permit;
- 2 (4) a current utility bill;
- 3 (5) a current bank statement;
- 4 (6) a paycheck;
- 5 (7) a government check.

6 The election officer shall examine the identification presented
7 by the elector and sign an affidavit stating that this has been
8 done.

9 (a.2) [If any of the following apply, the elector shall be
10 permitted to cast a provisional ballot in accordance with
11 subsection (a.4):

12 (1) The elector is unable to produce proof of
13 identification:

14 (i) on the grounds that the elector is indigent and unable
15 to obtain proof of identification without the payment of a fee;
16 or

17 (ii) on any other grounds.

18 (2) The elector's proof of identification is challenged by
19 the judge of elections.] If the elector is unable to produce
20 identification or the elector's identification is challenged by
21 the judge of elections, the elector shall be permitted to cast a
22 provisional ballot in accordance with subsection (a.4)

23 (a.3) (1) All electors, including any elector that shows
24 [proof of] identification pursuant to subsection (a), shall
25 subsequently sign a voter's certificate in blue, black or blue-
26 black ink with a fountain pen or ball point pen, and, unless he
27 is a State or Federal employe who has registered under any
28 registration act without declaring his residence by street and
29 number, he shall insert his address therein, and hand the same
30 to the election officer in charge of the district register.

1 (2) Such election officer shall thereupon announce the
2 elector's name so that it may be heard by all members of the
3 election board and by all watchers present in the polling place
4 and shall compare the elector's signature on his voter's
5 certificate with his signature in the district register. If,
6 upon such comparison, the signature upon the voter's certificate
7 appears to be genuine, the elector who has signed the
8 certificate shall, if otherwise qualified, be permitted to vote:
9 Provided, That if the signature on the voter's certificate, as
10 compared with the signature as recorded in the district
11 register, shall not be deemed authentic by any of the election
12 officers, such elector shall not be denied the right to vote for
13 that reason, but shall be considered challenged as to identity
14 and required to make the affidavit and produce the evidence as
15 provided in subsection (d) of this section.

16 (3) When an elector has been found entitled to vote, the
17 election officer who examined his voter's certificate and
18 compared his signature shall sign his name or initials on the
19 voter's certificate, shall, if the elector's signature is not
20 readily legible, print such elector's name over his signature,
21 and the number of the stub of the ballot issued to him or his
22 number in the order of admission to the voting machines, and at
23 primaries a letter or abbreviation designating the party in
24 whose primary he votes shall also be entered by one of the
25 election officers or clerks.

26 (4) As each voter is found to be qualified and votes, the
27 election officer in charge of the district register shall write
28 or stamp the date of the election or primary, the number of the
29 stub of the ballot issued to him or his number in the order of
30 admission to the voting machines, and at primaries a letter or

1 abbreviation designating the party in whose primary he votes,
2 and shall sign his name or initials in the proper space on the
3 registration card of such voter contained in the district
4 register.

5 (5) As each voter votes, his name in the order of voting
6 shall be recorded in two (2) numbered lists of voters provided
7 for that purpose, with the addition of a note of each voter's
8 party enrollment after his name at primaries.

9 (a.4) (1) At all elections an individual who claims to be
10 properly registered and eligible to vote at the election
11 district but whose name does not appear on the district register
12 and whose registration cannot be determined by the inspectors of
13 election or the county election board shall be permitted to cast
14 a provisional ballot. Individuals who appear to vote shall be
15 required to produce [proof of] identification pursuant to
16 subsection (a) or (a.1) and if unable to do so shall be
17 permitted to cast a provisional ballot. An individual presenting
18 a judicial order to vote shall be permitted to cast a
19 provisional ballot.

20 (2) Prior to voting the provisional ballot, the elector
21 shall be required to sign an affidavit stating the following:

22 I do solemnly swear or affirm that my
23 name is _____, that my date of birth is _____,
24 and at the time that I registered I resided at _____ in
25 the municipality of _____ in _____ County of
26 the Commonwealth of Pennsylvania and that this is the only
27 ballot that I cast in this election.

28 Signature of Voter/Elector

29 Current Address

30 Check the Reason for Casting the Provisional Ballot.

1 Signed by Judge of Elections and minority inspector

2 (3) After the provisional ballot has been cast, the
3 individual shall place it in a secrecy envelope. The individual
4 shall place the secrecy envelope in the provisional ballot
5 envelope and shall place his signature on the front of the
6 provisional ballot envelope. All provisional ballots shall
7 remain sealed in their provisional ballot envelopes for return
8 to the county board of elections.

9 (4) Within seven calendar days of the election, the county
10 board of elections shall examine each provisional ballot
11 envelope that is received to determine if the individual voting
12 that ballot was entitled to vote at the election district in the
13 election. One authorized representative of each candidate in an
14 election and one representative from each political party shall
15 be permitted to remain in the room in which the determination is
16 being made. Representatives shall be permitted to keep a list of
17 those persons who cast a provisional ballot and shall be
18 entitled to challenge any determination of the county board of
19 elections with respect to the counting or partial counting of
20 the ballot under this section. Upon challenge of any provisional
21 ballot under this clause, the ballot envelope shall be marked
22 "challenged" together with the reason for the challenge, and the
23 provisional ballot shall be set aside pending final
24 determination of the challenge according to the following
25 procedure:

26 (i) Provisional ballots marked "challenged" shall be placed
27 unopened in a secure, safe and sealed container in the custody
28 of the county board of elections until it shall fix a time and
29 place for a formal hearing of all such challenges, and notice
30 shall be given where possible to all provisional electors thus

1 challenged and to every attorney, watcher or candidate who made
2 the challenge.

3 (ii) The time for the hearing shall not be later than seven
4 days after the date of the challenge.

5 (iii) On the day fixed for the hearing, the county board
6 shall proceed without delay to hear the challenges and, in
7 hearing the testimony, the county board shall not be bound by
8 the Pennsylvania Rules of Evidence.

9 (iv) The testimony presented shall be stenographically
10 recorded and made part of the record of the hearing.

11 (v) The decision of the county board in upholding or
12 dismissing any challenge may be reviewed by the court of common
13 pleas of the county upon a petition filed by any petitioner
14 aggrieved by the decision of the county board. The appeal shall
15 be taken, within two days after the decision was made, whether
16 the decision was reduced to writing or not, to the court of
17 common pleas setting forth the objections to the county board's
18 decision and praying for an order reversing the decision.

19 (vi) Pending the final determination of all appeals, the
20 county board shall suspend any action in canvassing and
21 computing all challenged provisional ballots irrespective of
22 whether or not an appeal was taken from the county board's
23 decision.

24 (vii) Upon completion of the computation of the returns of
25 the county, the votes cast upon the challenged official
26 provisional ballots shall be added to the other votes cast
27 within the county.

28 (5) (i) Except as provided in subclause (ii), if it is
29 determined that the individual was registered and entitled to
30 vote at the election district where the ballot was cast, the

1 county board of elections shall compare the signature on the
2 provisional ballot envelope with the signature on the elector's
3 registration form and, if the signatures are determined to be
4 genuine, shall count the ballot if the county board of elections
5 confirms that the individual did not cast any other ballot,
6 including an absentee ballot, in the election.

7 (ii) A provisional ballot shall not be counted if:

8 (A) either the provisional ballot envelope under clause (3)
9 or the affidavit under clause (2) is not signed by the
10 individual;

11 (B) the signature required under clause (3) and the
12 signature required under clause (2) are either not genuine or
13 are not executed by the same individual;

14 (C) a provisional ballot envelope does not contain a secrecy
15 envelope[;]_.

16 [(D) in the case of a provisional ballot that was cast under
17 subsection (a.2)(1)(i), within six calendar days following the
18 election the elector fails to appear before the county board of
19 elections to execute an affirmation or the county board of
20 elections does not receive an electronic, facsimile or paper
21 copy of an affirmation affirming, under penalty of perjury, that
22 the elector is the same individual who personally appeared
23 before the district election board on the day of the election
24 and cast a provisional ballot and that the elector is indigent
25 and unable to obtain proof of identification without the payment
26 of a fee; or

27 (E) in the case of a provisional ballot that was cast under
28 subsection (a.2)(1)(ii), within six calendar days following the
29 election, the elector fails to appear before the county board of
30 elections to present proof of identification and execute an

1 affirmation or the county board of elections does not receive an
2 electronic, facsimile or paper copy of the proof of
3 identification and an affirmation affirming, under penalty of
4 perjury, that the elector is the same individual who personally
5 appeared before the district election board on the day of the
6 election and cast a provisional ballot.]

7 (iii) One authorized representative of each candidate in an
8 election and one representative from each party shall be
9 permitted to remain in the room in which deliberation or
10 determination of subclause (ii) is being made.

11 (6) If it is determined that the individual voting the
12 provisional ballot was not registered, the provisional ballot
13 shall not be counted and the ballot shall remain in the
14 provisional ballot envelope and shall be marked "Rejected as
15 Ineligible."

16 (7) The following shall apply:

17 (i) Except as provided in subclause (ii), if it is
18 determined that the individual voting the provisional ballot was
19 eligible to vote in the county in which the ballot was cast but
20 not at the election district where the ballot was cast, the
21 county board of elections shall open the envelope and only count
22 that portion of the ballot that the individual would have been
23 eligible to vote in his proper election district and at the
24 election district where the vote was cast if:

25 (A) the county board of elections confirms that the
26 individual did not cast any other ballot, including an absentee
27 ballot, in the election; and

28 (B) the individual casting the provisional ballot is a
29 resident of the county in which the provisional ballot was cast.

30 (ii) In the event that the individual casting the

1 provisional ballot is not found to be a resident of the county
2 in which the provisional ballot was cast, the ballot shall not
3 be counted.

4 (iii) In the event that the board of elections determines,
5 based on an evidentiary record, that the individual
6 intentionally and wilfully cast a provisional ballot in an
7 election district in which the individual was not eligible to
8 vote, the ballot shall not be counted.

9 (8) On election night, immediately upon completion of the
10 count and tabulation of the votes cast, the judge of election
11 shall prepare and certify under oath a tally displaying the
12 number of provisional ballots received from the election board
13 and the number of provisional ballots cast and transmitted to
14 the county board of elections. The judge of election shall
15 record on the tabulation the name of the individual into whose
16 possession the provisional ballots were passed for transmission
17 to the county board of elections.

18 (9) All provisional ballots and the tally of provisional
19 ballots tabulated under clause (8) in the possession of an
20 election board official shall be promptly returned by the judge
21 of election to the custody of the proper county election board
22 in accordance with sections 1113-A(j), 1225(b) and 1228(a).

23 (10) One authorized representative of each candidate in an
24 election and one representative from each political party shall
25 be permitted to remain in the room where provisional ballots are
26 received by the county board of elections.

27 (11) The department shall establish a World Wide Web site
28 and a toll-free telephone number to permit an individual who
29 cast a provisional ballot to determine whether the vote of that
30 individual was counted and, if the vote was not counted, the

1 reason that it was not counted.

2 (12) For purposes of this subsection, "provisional ballot"
3 means a ballot issued to an individual who claims to be a
4 registered elector by the judge of elections on election day
5 when the individual's name does not appear on the general
6 register and the individual's registration cannot be verified.

7 (b) If any elector was unable to sign his name at the time
8 of registration, or, if having been able to sign his name when
9 registered, he subsequently shall have lost his sight or lost
10 the hand with which he was accustomed to sign his name, or shall
11 have been otherwise rendered by disease or accident unable to
12 sign his name when he applies to vote, he shall establish his
13 identity to the satisfaction of the election officers, and in
14 such case he shall not be required to sign a voter's
15 certificate, but a certificate shall be prepared for him by one
16 of the election officers, upon which the facts as to such
17 disability shall be noted and attested by the signature of such
18 election officer.

19 (c) No person who applies to vote shall be permitted by any
20 election officer or clerk or other person to see the signature
21 recorded as his in the district register until after he shall
22 have signed his name to the voter's certificate.

23 (d) No person, except a qualified elector who is in actual
24 military or naval service under a requisition of the President
25 of the United States or by the authority of this Commonwealth,
26 and who votes under the provisions of Article XIII of this act,
27 shall be entitled or permitted to vote at any primary or
28 election at any polling place outside the election district in
29 which he resides, nor shall he be permitted to vote in the
30 election district in which he resides, unless he has been

1 personally registered as an elector and his registration card
2 appears in the district register of such election district,
3 except by order of the court of common pleas as provided in this
4 act, and any person, although personally registered as an
5 elector, may be challenged by any qualified elector, election
6 officer, overseer, or watcher at any primary or election as to
7 his identity, as to his continued residence in the election
8 district or as to any alleged violation of the provisions of
9 section 1210 of this act, and if challenged as to identity or
10 residence, he shall produce at least one qualified elector of
11 the election district as a witness, who shall make affidavit of
12 his identity or continued residence in the election district:
13 Provided, however, That no person shall be entitled to vote as a
14 member of a party at any primary, unless he is registered and
15 enrolled as a member of such party upon the district register,
16 which enrollment shall be conclusive as to his party membership
17 and shall not be subject to challenge on the day of the primary.

18 (e) A person who wilfully commits fraud or who conspires to
19 wilfully commit fraud in relation to any of the provisions of
20 this section commits a felony of the third degree and, upon
21 conviction, shall be sentenced to pay a fine not exceeding
22 fifteen thousand dollars (\$15,000) or to undergo a term of
23 imprisonment of not more than seven years, or both. An
24 individual convicted under this subsection shall be barred for
25 life from serving as a judge, inspector or clerk of election,
26 machine inspector translator, county election board official,
27 poll watcher or in any other official capacity relating to the
28 sanctity, observation or conduct of Pennsylvania elections.

29 [(f) As used in this section, "care facility" means any of
30 the following:

1 (1) A long-term care nursing facility as defined in section
2 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the
3 "Health Care Facilities Act."

4 (2) An assisted living residence or a personal care home as
5 defined in section 1001 of the act of June 13, 1967 (P.L.31,
6 No.21), known as the "Public Welfare Code."]

7 Section 4. The amendment of section 1210 of the act shall
8 apply to elections held after January 1, 2016.

9 Section 5. This act shall take effect immediately.