



Helping Voters Register Under Pennsylvania Law

Important: Voter registration drives in Pennsylvania have to follow certain state laws and rules, such as a requirement that people who assist in the completion of a registration application put certain information on the application, and rules about compensating workers. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Who is Eligible, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Pennsylvania, an individual may register to vote if she:¹

- Has been a U.S. citizen for at least one month prior to the next election;
- Has resided in the election district where she offers to vote for at least 30 days immediately preceding the election;
- Will be at least 18 years of age on the day of the next election; and
- If sentenced for a felony conviction, has been released from imprisonment.²

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

- **Homeless Applicants:** An applicant without a specific address may indicate on the map on the voter registration application where the applicant lives. If the applicant has no permanent address, the applicant must note on the map the place where the applicant spends most of his time, which serves as the applicant's residence, and must also provide a mailing address, which may be a post office box, general delivery at a post office or a shelter where the applicant spends time.³
- **Felony Convictions:** Persons who have been sentenced for a felony conviction may register and vote if they have been released from imprisonment and are otherwise qualified. Convicted felons who are incarcerated on the date of a primary or general election are not eligible to vote, regardless of whether they are registered.⁴
- **College Students:** An applicant who is a student at an institution of higher education located within the Commonwealth may register in the district in which the applicant resides while attending the institution.⁵

PART 3: FILLING OUT AN APPLICATION

Pennsylvania's voter registration form and related regulations include the following fields not designated optional:⁶

- Full name
- Checkboxes for the applicant to indicate whether the person is a U.S. citizen and will be 18 by Election Day.
- Reason for the submission, e.g. whether the form is to submit a new registration or change
- Date of birth
- Address of residence
 - If the person does not have a street address or permanent residence, the applicant may check that box and show on the map on the back of the application where the person spends most of the person's time, or provide rural address information, if applicable.
- Mailing address if different from residence (not required for acceptance of form, but required for receiving election-related mail)
- Identification number:
 - If the person has a PennDOT number they must use it. If not use the last four digits of the person's Social Security number.
 - There is a checkbox to indicate if the person has neither a PennDOT number or a Social Security number
- Political Party
 - Party is not required to register, but the form indicates applicants must register with a party if the applicant wishes to take part in that party's primary
- Name, address, phone number and signature of person who helped with form
 - The form indicates that it should be filled in if someone helped the applicant with the form or witnessed the applicant make a mark for the applicant's signature
- Signature of applicant, date, and affirmation of eligibility and that the information in the application is true
 - If unable to sign the application, a mark witnessed by another person who is not the applicant's employer or agent of the applicant's union will satisfy this requirement. The witness must give her name, address, and telephone number.⁷
- Information regarding the voter's need for assistance to vote

PART 4: VOTER REGISTRATION DEADLINE

Applications must be received or postmarked no later than 30 days before the election, or in the case of an illegible or missing postmark, applications must be received no later than five days after the deadline to register for the next election.⁸

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register or file other information detailing</i>	No.
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<i>their voter registration activities?</i>	
<i>Are there restrictions on getting voter registration forms?</i>	Forms may be printed, but the content and paper quality of forms used must comply with department of state regulations for voter registration applications, or the forms used must have received prior approval from the secretary. ⁹ Pennsylvania law requires elections officials to supply applications to persons and organizations who request them ¹⁰ ; the Department of State's website indicates that to request multiple state voter registration applications for voter registration drives, drives may call 1-877-868-3772 (VOTES-PA). ¹¹
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Pennsylvania law does not directly address this issue, however, the content and paper quality of forms printed and used for voter registration must comply with department of state regulations for voter registration applications, or the forms used must have received prior approval from the secretary. ¹²
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers?</i>	Yes. See question A below.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes. See question B below.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	Yes. Any person who assists in the completion of a registration application must sign the application and indicate the person's address. Additional rules apply if an applicant is unable to sign. See question C below.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.

<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	This is not addressed in Pennsylvania law.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	This is not addressed in Pennsylvania law.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	No, but all completed voter registration applications must be submitted before the voter registration period ends (no later than 30 days before the election) in order for the applicant to be able to vote in that election. ¹³
<i>What are the consequences for failing to submit applications on time?</i>	This is not directly addressed in Pennsylvania law, but criminal penalties apply for intentionally preventing a qualified applicant from being registered. See question D below.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	This is not addressed in Pennsylvania law.
<i>How will an applicant know whether the election official received the application?</i>	The election commission must mail a notice with the reason for rejection to applicants who are rejected. If the application is approved, the commission must mail a voter identification card. For details, see below question E.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Election commissions must use reasonable efforts to obtain missing information from applicants. This may include mail or phone. For details, see below question F.
<i>Who investigates and enforces the state rules?</i>	The Department of State/Secretary of the Commonwealth/Attorney General/District Attorneys. See below question G for details.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. *Does the state have restrictions on paying drive workers?*

Yes. A person may not give, solicit or accept payment or financial incentive to obtain voter registrations if the payment or incentive is based upon the number of registrations or applications obtained. A person who violates this law commits a misdemeanor in the third degree. The violator will be fined not less than \$500 nor more than \$2,500, imprisoned for not less than one month nor more than one year, or both.¹⁴ A federal court held that this statute does not prohibit an organization from discharging a paid canvasser for failing to secure a minimum number of voter registration applications during a particular shift (or over the course of several shifts).¹⁵

B. *Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?*

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."¹⁶ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."¹⁷

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."¹⁸

Pennsylvania law states that a person may not 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. This offense is a misdemeanor of the first degree and is punishable by a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.¹⁹

DURING THE DRIVE

C. *Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?*

Yes. Any person who assists in the completion of a registration application must sign the application and indicate the person's address.²⁰ Further, if an applicant is unable to sign the voter registration application, the applicant must 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. That witness must put his name, address, and telephone number on the application.²¹

D. *What are the consequences for failing to submit voter registration applications on time?*

Pennsylvania election law does not address this issue. However, it is a misdemeanor for any person to knowingly and intentionally prevent an applicant who is a qualified elector from being registered. Punishment may include a fine not more than \$10,000, imprisonment for not more than 5 years, or both.²²

E. How will an applicant know whether the election official received the application?

Upon receiving each application, the clerk or registrar of the commission must do the following:

- Initial and date the receipt of the application; and
- Examine the application for completeness and verify eligibility for new or changed/transferred registration.²³

If the application is rejected, the commission must mail the applicant a notice with the reason for rejection. Rejections must be made no later than 10 days before the election succeeding the filing of the application.²⁴

If approved, the commission must mail a voter identification card to the voter.²⁵ Within 10 days of mailing the voter identification card, if the card has not been returned to the commission, the applicant must be deemed a registered elector of the county and her information must be entered into the general register.²⁶ Each registered elector must be assigned a single and unique SURE registration number.²⁷

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.²⁸

F. How may an applicant correct an incomplete application after it has been submitted to election officials?

A commission must use reasonable efforts to ascertain information that is necessary for voter registration and is incomplete, inconsistent, or unclear on an applicant's application form. Reasonable efforts include mailing a notice to the applicant or contacting the applicant by phone, if available. The commission must notify the applicant of the reason the application could not be accepted and provide the opportunity for the applicant to complete the form.²⁹ Applicants who do not receive voter registration cards within 14 days of the date the application was sent to the registration office should contact their election commission to determine the status of their application.³⁰

G. Who is responsible for investigating and enforcing the state rules?

The Department of State is responsible for developing, establishing, implementing and administering a Statewide Uniform Registry of Electors (SURE).³¹ The Secretary of the Commonwealth is responsible for investigating alleged violations of registration regulations relating to application with driver's license applications and through government agencies and must report violations to the Attorney General for prosecution, who has jurisdiction of these reported violations.³² Otherwise, each commission must investigate alleged violations within its county and report apparent violations to the district attorney of the county, who has jurisdiction over those violations.³³ The Department of State has the authority to take any actions necessary to ensure compliance and participation by the commissions.³⁴

WEB PAGE WITH STATUTE

<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/25/25.HTM>

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¹ 25 Pa. Cons. Stat. § 1301

² Pennsylvania statutes have a provision that requires felons to have been released from prison for 5 years to be eligible to register to vote, *see* 25 Pa. Cons. Stat. Ann. § 1301(a); however, a Pennsylvania court addressed a prior version of the statute with the same requirement and held that the prohibition against registration for five years after release from confinement violated Pennsylvania's constitution. *Mixon v. Com.* 759 A.2d 442, 452 (Pa. Cmwlth. 2000), *aff'd* 566 Pa. 616 (Pa. 2001).

³ 4 Pa. Admin. Code § 183.3(a)(3)

⁴ Pa. Dep't of State, Convicted Felon, Misdemeanant or Pretrial Detainee, <http://www.votespa.com/portal/server.pt?open=514&objID=1174123&mode=2> (last visited Feb. 8, 2016).

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⁵ 4 Pa. Admin. Code § 183.3(a)(4)

⁶ Pa. Voter Registration Form, *available at* http://www.portal.state.pa.us/portal/http://www.portal.state.pa.us;80/portal/server.pt/gateway/PTARGS_0_160329_1542326_0_0_18/VRMA%20English.pdf; 4 Pa. Admin. Code § 183.5; *see also* 25 Pa. Cons. Stat. § 1327(a)(1)

⁷ 25 Pa. Cons. Stat. § 1327(b)(3)

⁸ 25 Pa. Cons. Stat. § 1326(b)

⁹ 25 Pa. Cons. Stat. § 1327(a)(8)

¹⁰ 25 Pa. Cons. Stat. § 1327(c)(6)

¹¹ <http://www.votespa.com/portal/server.pt?mode=2&objID=1174117&open=514&parentid=1&parentname=ObjMgr>

¹² 25 Pa. Cons. Stat. § 1327(a)(8)

¹³ 25 Pa. Cons. Stat. § 1326(b)

¹⁴ 25 Pa. Cons. Stat. § 1713(a)-(b)

¹⁵ *Project Vote v. Kelly*, 805 F. Supp. 2d 152, 170 (W.D. Pa. 2011)

¹⁶ 52 U.S.C. § 10307(c).

¹⁷ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

¹⁸ California Secretary of State, Guide to Voter Registration Drives 11, *available at* <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised Jan. 2016).

¹⁹ 25 Pa. Cons. Stat. § 1711

²⁰ 25 Pa. Cons. Stat. § 1327(a)(3)

²¹ 25 Pa. Cons. Stat. § 1327(b)(3)

²² 25 Pa. Cons. Stat. § 1711

²³ 25 Pa. Cons. Stat. § 1328(a)

²⁴ 25 Pa. Cons. Stat. § 1328(b)(2)

²⁵ 25 Pa. Cons. Stat. § 1328 (c)(1)-(2)

²⁶ 25 Pa. Cons. Stat. § 1328(c)(4)

²⁷ 25 Pa. Cons. Stat. § 1328.1

²⁸ 25 Pa. Cons. Stat. § 1330(a)

²⁹ 4 Pa. Admin. Code § 183.5(c)

³⁰ *See* 25 Pa. Cons. Stat. § 1327(a)(4)(v)

³¹ 25 Pa. Cons. Stat. § 1201(3)

³² 25 Pa. Cons. Stat. § 1801

³³ 25 Pa. Cons. Stat. § 1802

³⁴ 25 Pa. Cons. Stat. § 1803