

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No: HB0934 PN1003

Committee: State Government

Sponsor: Metcalfe, Daryl

Date: 2011-03-14

Prepared by: Matt Hurlburt

717-787-8529

Executive

Director: Kim Hileman

A. Brief Summary

This legislation would amend the Election Code by eliminating the requirement of voters who vote in an election district for the first time to show specified photo identification or other proof of name and address and instead requires all voters at every election to show a valid proof of identification issued by the United States or the Commonwealth that includes the voter's name, address, photograph, and expiration date at every election.

The bill provides for voting provisional ballots if the presentation of proof of identification conflicts with the religious beliefs or practices of the elector or if the elector is indigent and unable to obtain proof of identification without the payment of a fee, or if the elector's identification is challenged by the judge of elections. The bill also provides for whether or not such ballots would not be counted.

The Secretary of the Commonwealth would be required to prepare and disseminate information to the public regarding the new photo identification requirements and prepare forms.

The Secretary of the Commonwealth, the Secretary of Transportation, and the county boards of election disseminate information to the public regarding the availability of identification cards at no cost to electors unable to pay the required fee for the identification card.

B. Analysis of the Bill

This legislation would amend Section 1210 of the Election Code by eliminating the requirement of voters who vote in an election district for the first time to show specified photo identification or other proof of name and address and instead requires all voters at every election to show "proof of identification" at every election.

The words "proof of identification" is defined as a document that satisfies all of the following:

- The document shows the name of the individual to whom the document was issued and the name conforms to the name of the individual as it appears in the district register.
- The document shows a photograph of the individual to whom the document was issued.
- The document includes an expiration date.
- The document is not expired or expired after the date of the most recent general election.
- The document was issued by the United States or the Commonwealth.

An elector would be permitted to cast a provisional ballot if the elector is unable to produce proof of identification for any of the following reasons:

- on the grounds that presentation of proof of identification conflicts with the religious beliefs or practices of the elector;
- on the grounds that the elector is indigent and unable to obtain proof of identification without the payment of a fee; or
- on any other grounds or the elector's identification is challenged by the judge of elections.

The provisional ballot would not be counted in the case of a provisional ballot that was cast **on the grounds that presentation of proof of identification conflicts with the religious beliefs or practices of the elector**, if the elector fails to appear before the county board of elections within six calendar days following the election to execute an affidavit affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector's religious beliefs or practices conflict with presentation of proof of identification.

The provisional ballot would not be counted in the case of a provisional ballot that was cast **on the grounds that the elector is indigent and unable to obtain proof of identification without the payment of a fee**, the elector fails to appear before the county board of elections within six calendar days following the election to execute an affidavit affirming, under penalty of perjury, that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot and that the elector is indigent and unable to obtain proof of identification without the payment of a fee.

The provisional ballot would not be counted in the case of a provisional ballot that was cast **on any other grounds or the elector's identification is challenged by the judge of elections**, the elector fails to appear before the county board of elections within six calendar days following the election to present proof of identification and execute an affidavit affirming under penalty of perjury that the elector is the same individual who personally appeared before the district election board on the day of the election and cast a provisional ballot.

The Secretary of the Commonwealth would be required to prepare and disseminate information to the public regarding the photo identification requirements established under the bill.

The Department of Transportation would be required to issue an identification card at no cost to any registered elector who has made application and has included with the completed application a signed affidavit stating that the elector is unable to obtain another form of photo identification, including a driver's license, that the elector is unable to pay the required fee for the identification card and that the elector is a registered elector.

The Secretary of the Commonwealth would be required to prepare the form of the affidavit and distribute the form to the counties and the Department of Transportation. The Secretary of the Commonwealth, the Secretary of Transportation, and the county boards of election disseminate information to the public regarding the availability of identification cards at no cost electors unable to pay the required fee for the identification card.

Effective Date: This legislation would take effect in 60 days.

C. Existing Law

Section 303 of the Help America Vote Act requires a person who registers to vote by mail to provide verification as follows:

In the case of an individual who votes in person, he or she must present to the appropriate State or local election official a current and valid photo identification or present to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

In the case of an individual who votes by mail, he or she must submit with the ballot a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Section 1210 of the Election Code requires an elector who appears to vote in an election district for the first time (regardless of whether he or she registers to vote by mail) to present to an election officer one

of the following forms of photo identification:

- a valid driver's license or identification card issued by the Department of Transportation;
- a valid identification card issued by any other agency of the Commonwealth;
- a valid identification card issued by the United States Government;
- a valid United States passport;
- a valid student identification card;
- a valid employee identification card; or
- a valid armed forces of the United States identification card.

If an elector does not have a photo identification, the elector must present for examination one of the following forms of identification that shows the name and address of the elector:

- non-photo identification issued by the Commonwealth, or any agency thereof;
- non-photo identification issued by the United States Government, or agency thereof;
- a firearm permit;
- a current utility bill;
- a current bank statement;
- a paycheck;
- a government check.

D. Prior Session (Previous Bill Numbers & House/Senate Votes)

In the 2005/2006 Legislative Session, House Bill 1318 included a similar requirement of photo identification to vote. Governor Rendell vetoed the bill saying at the time that it "places an unnecessary new burden on electors that will result in some losing their right to vote, and I will do all I can to make sure that actions like this cannot happen on my watch."

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.