

Voter Registration and Voting in Pennsylvania:
Policy and Changes 1996 to Present

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The purpose of this paper is to explore the important changes in the way voting and voter registration is administered that have occurred at the state level in the Commonwealth of Pennsylvania. This analysis is not intended to comment upon political or policy debates surrounding such changes, but rather to state the history and the facts, from which readers can draw what conclusions they may. Few people think about voting beyond where and where they are supposed to cast their next ballot, but we hope to shed some light on voting and voter registration as an aspect of administration that is not only rather complicated, but often highly contentious as well.

Developments in Voter Registration: In the Beginning

Voter registration has a long history in Pennsylvania, stretching back to 1836 when assessors in Philadelphia were instructed to create the first lists of registered voters.¹ In 1868, Pennsylvania passed an act that specified more stringent voter registration provisions in Philadelphia, later found to be unconstitutional.² Early systems of registration lacked unification and were prone to error and fraud, a fact that was often taken advantage of by corrupt political leaders.³ A century later, new legislation mandated that prospective voters appear in person before a registration commission and declare either partisan or independent affiliation.⁴ Once they were registered, a voter's place on the rolls was permanent unless they moved, changed partisanship, or failed to vote frequently enough.⁵ Despite great changes in technology and governance over the decades, many fundamentals of voter registration (such as inscribing voter names onto a list and requiring partisan affiliation) have not changed since the 1930s.

Developments in Voter Registration: 1993 to 2000

The process of registration has been significantly streamlined since the introduction of the federal National Voter Registration Act (NVRA) of 1993, which mandated that states

¹ Jack M. Treadway, *Elections in Pennsylvania: A Century of Partisan Conflict in the Keystone State* (University Park, Pa: Penn State University Press, 2005), 21-22.

² Jacob Tanager, Harold F. Alderfer, and M. Nelson McGeary, *Pennsylvania Government: State & Local* (State College, Pa: Penns Valley Publishers, 1950), 37.

³ Ibid.

⁴ Treadway, *Elections in Pennsylvania*, 21-22.

⁵ Ibid.

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provide at least three means of allowing citizens to register to vote. The first enabled citizens to register at the same time they apply for a driver's license, leading to the bill's "motor voter bill" nickname. The second mandated that public assistance offices and all offices that provide state-funded programs for people with disabilities are required to offer voter registration services. The third allowed citizens to register to vote by mail. The act also mandated set requirements for state maintenance of federal election voter lists so that there would not be significant disparities from state to state.⁶

Although the NVRA was set to come into force on January 1, 1995, the Pennsylvania General Assembly failed to pass enabling legislation in a timely manner and was thus sued by the Justice Department in late January of 1995 to ensure the state complied with federal voting regulations. In addition to failing to set up voter registration at the Department of Motor Vehicles and other public offices, there were also several other state rules that were found by the federal judiciary to be in non-compliance with the act, such as: removing names from voter rolls up to 15 days before an election; requiring illiterate voters to have their registration forms notarized; and requiring people moving within a county to re-register to vote.⁷ Pennsylvania finally fully adhered to the law on July 1, 1995, after passing House Bill 1212.⁸ Within six months, more than 180,000 people registered to vote through the motor voter bill, leading to a then-record high of 6.4 million registrants at the end of 1995.⁹ Despite this, registration increased but voter turnout decreased in all 50 states from 1992 to 1996, perhaps as a result of individuals registering to vote because it was convenient to do so, but who were otherwise uninterested in voting.¹⁰

⁶ "About The National Voter Registration Act," The United States Department of Justice. Accessed February 21, 2018. <https://www.justice.gov/crt/about-national-voter-registration-act>.

⁷ Joseph A. Slobodzian, "Federal Judge Finds PA. In Violation of 'Motor-Voter Law'/Immediate Compliance was not Ordered. The Law Lets People Register When Applying for State Services," *The Philadelphia Inquirer*, March 31, 1995, B01. LexisNexis Academic, <http://www.lexisnexus.com/hottopics/lnacademic/>.

⁸ Mark Fazlollah, "Judge Oks 'Motor Voter' Plan for PA. The State will Comply with the Federal Act by July 1. Some Measures will Start a Month Earlier," *The Philadelphia Inquirer*, April 29, 1995, B01. LexisNexis Academic, <http://www.lexisnexus.com/hottopics/lnacademic/>; "Bills and Amendments," Pennsylvania General Assembly, Accessed March 7, 2018, <http://www.palegis.us/bills/?q=1995/0/N/HB1212>.

⁹ Robert Zausner, "'Motor Voter' Law Boosts PA. Election Rolls to Record<From June to December 1995, 183,786 Drivers Signed up to Vote," *The Philadelphia Inquirer*, July 2, 1996, B01. LexisNexis Academic, <http://www.lexisnexus.com/hottopics/lnacademic/>.

¹⁰ Treadway, *Elections in Pennsylvania*, 42.

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Prior to the passage of the motor voter bill in Pennsylvania, residents would be purged from voter rolls after only two and half years, meaning those who only voted in presidential elections (a significant number of people) would find themselves without the means to vote.¹¹ A significant debate occurred while the motor voter bill was being discussed, largely over the right to conduct large-scale voter purging from the rolls, which Republicans insisted was essential for stopping voter fraud, and which was explicitly prohibited in the National Voter Registration Act.¹² In fact, the only valid reasons that the NVRA list for the removal a person's name from state voter rolls are mental incapacity, criminal conviction, death, or a change in residence.¹³

Another controversial aspect of the Pennsylvania motor voter bill was an amendment quietly added to it with no debate and no hearings that banned freed felons from voting in elections for five years after their release.¹⁴ The provision was in effect from the passage of the bill until late September 2000, when it was struck down by the Pennsylvania Supreme Court as unconstitutional.¹⁵ Today, voting rights are restored to ex-felons immediately upon release.¹⁶

Developments in Voter Registration: 2000 to Present

In the aftermath of the controversial 2000 United States Presidential Election, in which George W. Bush was awarded Florida's electoral votes over Al Gore, Congress passed the federal Help America Vote Act (HAVA) in 2002. This act required a number of provisions be implemented by the states, including (among other things): the creation of provisional voting for voters who are not listed as eligible to vote but who believe that they

¹¹ Mark Fazlollah, "U.S. Sues PA. Over Inaction on Voting Law the Justice Department Wants the "Motor-Voter Act Obeyed. A GOP-Led Showdown may be Ahead," *The Philadelphia Inquirer* January 24, 1995, A01. LexisNexis Academic, <http://www.lexisnexis.com.proxy.library.cmu.edu/hottopics/lnacademic/>.

¹² Mark Fazlollah, "PA. Orders end to Voter Roll Purges the U.S. Compels it. Some Counties must Backtrack," *The Philadelphia Inquirer*, April 13, 1995, B01. LexisNexis Academic, <http://www.lexisnexis.com.proxy.library.cmu.edu/hottopics/lnacademic/>.

¹³ "The National Voter Registration Act of 1993 (NVRA)," United States Department of Justice, August 7, 2017, Accessed February 22, 2018, <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

¹⁴ Evan Halper, "Freed Felons May Vote, Judge Rules the PA. Law Bans Convicts from Voting for Five Years After Release. The Judge Ruled it Unconstitutional," *The Philadelphia Inquirer*, September 20, 2000, B02. LexisNexis Academic, <http://www.lexisnexis.com/hottopics/lnacademic/>.

¹⁵ *Ibid.*

¹⁶ Rev. Martin D. Odom, "Ex-Offenders have Right to Vote in Pennsylvania," *Penn Live*, March 28, 2010, Accessed February 22, 2018, http://www.pennlive.com/editorials/index.ssf/2010/03/ex-offenders_have_right_to_vot.html.

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are; the creation of statewide computerized voter registration databases, which had previously been left up to local election officials; the updating and upgrading of voter equipment that notifies voters of possible mistakes on a ballot before it is submitted; the improvement of voting access for disabled voters; and the creation of a system for filing complaints.¹⁷ To comply with the act, the Pennsylvania General Assembly passed Act 150 to bring the state election code up to date.¹⁸

Nationally, the greatest change in the voter registration process since the HAVA has been the advent of online voter registration. However, because of the relative infancy of the internet when the NVRA and the HAVA were passed, online voter registration was not included as a required provision for states to implement. As a result, only certain states offer the service. Pennsylvania was a relatively late adopter of online voter registration, having only implemented it in 2015.¹⁹ Between August 27 and September 2 of that year, more than 5,000 people utilized the new online voter registration tool to register or update their information.²⁰

Despite these advances in voter registration methods, the state still lags behind some others. Another recent development in the administration of voter registration is the automatic registration of eligible residents. Only a handful of states have passed automatic voter registration to date, including Oregon, West Virginia, California, Vermont, and Illinois.²¹ A common approach to automatic voter registration is to create system wherein any time an individual interacts with the Department of Motor Vehicles, their information is scanned to determine whether or not they are eligible to vote, and whether or not they are already registered. The DMV then sends a list containing the names of anyone who is eligible but unregistered to the state election office. This office sends out a postcard that allows the individual to sign and return it, while also selecting their partisan affiliation.

¹⁷ “LII Backgrounder on the Help America Vote Act of 2002,” Cornell Law School Legal Information Institute, Accessed March 10, 2018, <https://www.law.cornell.edu/background/HAVA.html>.

¹⁸ “Election Laws Background,” League of Women Voters of Pennsylvania, Accessed March 10, 2018, http://www.palwv.org/wp-content/uploads/2014/03/157_ElectionLawsBackground.pdf.

¹⁹ “Online Voter Registration,” National Conference of State Legislatures, Accessed February 22, 2018, <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>.

²⁰ Marian K. Schneider, “OP-ED: Long Overdue Pa. Online Voter Registration Option,” *The York Dispatch*, September 8, 2015, Opinion. LexisNexis Academic, <http://www.lexisnexis.com/hottopic/academic/>.

²¹ “Automatic Voter Registration,” Brennan Center for Justice, Accessed March 2, 2018, <https://www.brennancenter.org/analysis/automatic-voter-registration>.

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Should they fail to return the postcard, they will be registered as “unaffiliated.” If they do not wish to be registered to vote, they can sign and return the postcard stating so. Oregon saw an increase in voter turnout of 4.1% between 2012 and 2016, with an estimated one-third of that increase coming from automatic registration.²² In January 2017, a bill was introduced to the Pennsylvania General Assembly to introduce automatic voter registration, but it has not been passed or enacted.²³

Voter Registration and Elections Today

Today, voter registration is open to anyone in Pennsylvania who will be 18 years old by the next election, has been a U.S. citizen for at least one month before the next election, and has been a resident of Pennsylvania for 30 days before the next election.²⁴ Unlike some states, residents are prompted to register with a political party when registering to vote. This is only used for primary elections and does not restrict the ability to vote for any candidate in a general election. A resident can register with any listed political party, or choose unaffiliated, but this is not a permanent choice. A resident who wishes to change the party they are register with can do so by submitting another voter registration form with the appropriate party selected.²⁵

An individual who no longer wishes to vote in Pennsylvania can cancel their registration by filling out and sending in a Request to Cancel Voter Registration form.²⁶ Residents of Pennsylvania who have moved residences have to send in a new voter application form and indicate the reason is a change of address.²⁷

²² Paul Gronke and Robert Griffin, “More states are registering voters automatically. Here’s how that affects voting,” *The Washington Post*, June 16, 2017, https://www.washingtonpost.com/news/monkey-cage/wp/2017/06/16/more-states-are-registering-voters-automatically-heres-how-that-affects-voting/?utm_term=.c4014602b21a.

²³ “House Bill 193,” Bill Information, Pennsylvania General Assembly, Accessed March 2, 2018,

<http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2017&sInd=0&body=H&type=B&bn=0193>

²⁴ “Pennsylvania Voter Registration Application,” PA Online Voter Registration, Accessed February 21, 2018, <http://www.votespa.com/en-us/Documents/VRMA%20English.pdf>.

²⁵ *Ibid.*

²⁶ “Request to Cancel Voter Registration,” Pennsylvania Department of State, Accessed February 22, 2018, <http://www.votespa.com/en-us/Documents/CANCELVOTERREGISTRATION.pdf>.

²⁷ “Person who has Recently Moved,” VotesPA, Accessed February 22, 2018, <http://www.votespa.com/en-us/Pages/Person-Who-Has-Recently-Moved.aspx>.

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When election day arrives, voters are required to go in-person to their nearby polling center and submit a ballot. A resident of Pennsylvania is allowed to vote absentee only if they will not be present in the municipality on election day, or if an illness precludes them from voting in person. Voting absentee requires filling out an absentee ballot and returning it to the local County Board of Elections. The last day to apply for an absentee ballot is 5:00pm on the Tuesday before the election, and the last day to turn it in is 5:00pm on the Friday before the election.²⁸ There is no other mechanism for voting early in Pennsylvania, and the state is one of just thirteen that does not allow early voting or no-excuse absentee voting.²⁹

A resident is required to show a form of identification the first time they cast a ballot in the district in which they reside. Commonly-accepted forms of identification include a Pennsylvania Driver's License, student ID, and U.S. Passport, but non-photo identification such as a paycheck, utility bill, or firearm permit are acceptable as well. In subsequent elections, an individual is not required to present identification in order to vote.^{30, 31} In 2012, the Republican-led Pennsylvania legislature passed a law that required voters to present photographic identification before casting a ballot. This legislation was widely criticized by democratic groups who accused the Republicans of attempting to disenfranchise voting groups that tend to favor Democratic candidates. A legal challenge prevented the ID requirement from being implemented in the 2012 presidential election, and in 2014 the law itself was struck down as unconstitutional by state courts.³²

Conclusion

The past two decades have perhaps seen more major developments in the way voting is administered in Pennsylvania than the past two centuries, and during this time,

²⁸ "Absentee Ballot Application," VotesPA, Accessed February 22, 2018, http://www.votespa.com/en-us/Documents/Absentee_Ballot_Application.pdf.

²⁹ "Absentee and Early Voting," National Council of State Legislatures, Accessed March 2, 2018, <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.

³⁰ "Voter Identification Requirements," Pennsylvania Department of State, May 2015, Accessed February 22, 2018, <http://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/Voter%20ID%20Guidance%20FINAL.pdf>.

³¹ "Pennsylvania Voter Registration Application," PA Online Voter Registration, Accessed February 21, 2018, <http://www.votespa.com/en-us/Documents/VRMA%20English.pdf>.

³² Sari Horwitz, "Pennsylvania Judge tosses Voter ID Law," *The Washington Post*, January 18, 2014, A03. LexisNexis Academic, <http://www.lexisnexis.com/hottopics/lnacademic/>.

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demographic growth and increasing ease of registration has driven Pennsylvania voter rolls to near-record heights. From national registration standards and broader registration opportunities to the ongoing debate over automatic voter registration, it is clear that the process of voter registration in Pennsylvania is still evolving.

For a summary of voter registration and voting trends in Pennsylvania, see “Twenty Years of Voter Registration for Presidential Elections in Pennsylvania: 1996 to 2016” and “County Trends in Voter Registration by Party for Presidential Elections in Pennsylvania: 1996 to 2016” by the Center for Economic Development at Carnegie Mellon University at <https://www.heinz.cmu.edu/ced/visualizations-aesop>.

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The Center for Economic Development at the College exists to help local institutions address challenges in the Pittsburgh region and the Commonwealth of Pennsylvania. Since its inception under the College in 1987, the Center has also followed an interdisciplinary approach to help the region and state confront problems and opportunities in economic, workforce, and community development. Through objective research and technical tools, the Center helps clients manage change through policy, strategy, and programming. Our toolkit includes economic, demographic, geographic, and institutional data analysis, economic and statistical modeling, survey design and analysis, performance measurement, and program design and evaluation. Since 2008, with the assistance of its EDO partners and C-level Executive Fellows, the CED has also provided a steady pipeline of academic, extracurricular, and experiential learning opportunities for master's students interested in economic development in the U.S. context. See www.cmu.edu/ced

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About Heinz College

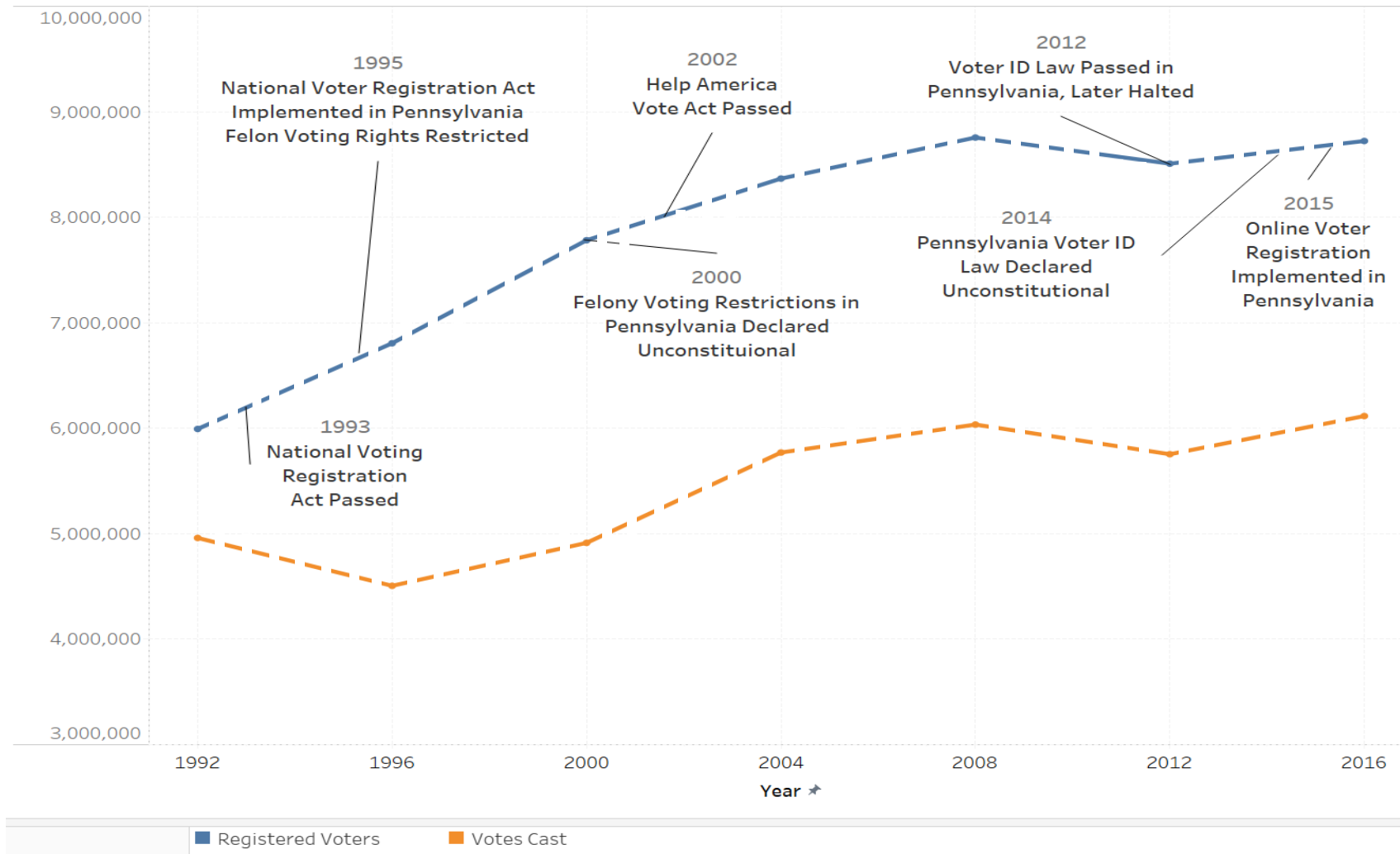
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Trends in Voting and Voter Registration in Pennsylvania During Presidential Elections, 1992-2016



Source: "Presidential Elections Data," University of California Santa Barbara American Presidency Project, Accessed March 16, 2018, <http://www.presidency.ucsb.edu/elections.php> and "Voting and Election Statistics," Pennsylvania Department of State, Accessed March 7, 2018, <http://www.dos.pa.gov/VotingElections/OtherServicesEvents/VotingElectionStatistics/Pages/VotingElectionStatistics.aspx>.