



MEMORANDUM

TO: The Pennsylvania House of Representatives

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: September 19, 2022

RE: OPPOSITION TO HB 143 P.N. 109 (DIAMOND)

Bill summary: [HB 143](#) (PN 109) would amend [Title 25](#) to require several processes intended to keep voter registration lists updated. While the ACLU-PA certainly supports well-maintained voter rolls, HB 143 includes provisions that would violate federal law, are impossible to implement, and are vague or redundant.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 143.

HB 143 would violate the National Voter Registration Act.

As currently written, HB 143 would violate the National Voter Registration Act, which requires that all systematic programs used to remove ineligible voters from the voter rolls be completed 90 days before an election. Although the bill does include a prohibition on removing people 30 days before an election, HB 143 needs at least a **90-day carve out** to comply with federal law and avoid inevitable court challenges.

HB 143 proposes two requirements that would be impossible to implement.

1. **Canceling registration:** HB 143 would amend [25 § 1328](#) to require county election offices to cancel the registration of voters who move out of state after receiving notification of a change of address. In theory, there is nothing objectionable about such a provision. However, counties rely on notifications received from PennDOT. PennDOT's current change of address process only provides notice of in-state moves. And because PennDOT does not receive uniform change of address notices from out of state DMVs (if at all), it would be impossible to comply with this requirement under HB 143. [[page 2, line 20](#)]
2. **Voting after moving out of state:** HB 143 would amend [25 § 1501](#) to give voters an opportunity to vote one more time in PA if they move out of state, but haven't yet registered in their new state. However, this process includes a requirement that counties "transfer the registration" of PA voters to their new state. However, compliance with this requirement is impossible because there is currently no mechanism to transfer registrations between states. [[page 3, line 28](#)]

HB 143 would permit using vague data sources to remove a voter from the registration list.

Current law under [25 § 1505](#) only permits using specific sources of data to confirm the death of a voter before canceling their registration. HB 143 would allow "any other source of verified data" to be used, a vague and undefined reference which could lead to inadvertent removal from the voter rolls. If, for example, a county relies on an obituary for its data, people with the same name but different birth dates could cause the active voter to be mistakenly removed. [[page 5, line 5](#)]

HB 143 creates redundant processes for removing voters from the voter rolls.

HB 143 proposes a redundant process to remove dead people from the voter rolls. Under [25 § 1505](#), the PA Department of State already has a program to remove dead voters from data received by the Department of Health. And the data HB 143 seeks from local registrars uses the same data currently provided by the Department of Health. [[page 1, line 14](#)]

For these reasons, we urge you to oppose House Bill 143.