

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 2022-03]

Expansion of Voter Registration Opportunities

September 7, 2022

Whereas, this Administration is committed to ensuring that all Pennsylvania citizens eligible to vote have the opportunity to register to do so; and

Whereas, Article 1, Section 5 of the Pennsylvania Constitution recognizes the importance of the free exercise of the right of suffrage; and

Whereas, Section 4(a) of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20503(a), requires that every State establish procedures to allow eligible voters to register to vote through application made simultaneously with an application for a motor vehicle driver’s license, by mail application, and by application in person; and

Whereas, Section 7(a)(2) of the NVRA provides that each State “shall designate as voter registration agencies” for the registration of voters in elections for Federal office all offices in the State that provide public assistance and that provide State-funded programs primarily engaged in providing services to persons with disabilities, 52 U.S.C. § 20506(a)(2); and

Whereas, Section 7(a)(3) of the NVRA further provides that each State “shall designate other offices within the State as voter registration agencies” which “may include” various other types of State or local government offices, 52 U.S.C. § 20506(a)(3); and

Whereas, the Pennsylvania voter registration law, 25 Pa.C.S. Part IV, implements the aforesaid provisions of the NVRA; and

Whereas, Section 1325(a) of the Pennsylvania voter registration law, 25 Pa.C.S. § 1325(a), provides that the Secretary of the Commonwealth “shall administer a system whereby all offices in this Commonwealth that provide public assistance, each county clerk of orphan’s court, including each marriage license bureau, all offices in this Commonwealth that provide State-funded programs primarily engaged in providing services to persons with disabilities and all armed forces recruitment centers” are required to perform voter registration activities mandated by the NVRA; and

Whereas, each aforesaid office described in Section 1325(a) of the Pennsylvania voter registration law is colloquially known and referred to as an “NVRA Agency”, and the collection of offices taken together as “NVRA Agencies”; and

Whereas, Section 1327(c) of the Pennsylvania voter registration law, 25 Pa.C.S. § 1327(c), requires that the Secretary of the Commonwealth make voter registration forms available for distribution to other entities so that such entities can provide voter registration application materials to their constituents; and

Whereas, the entities described in 25 Pa.C.S. § 1327(c) include: public libraries, public schools, State-related institutions of higher education, offices operated by the Department of Revenue, offices operated by the Department of Aging, area agencies on aging, offices operated by the Pennsylvania Game Commission or any of its authorized license-issuing agents, offices operated by the Pennsylvania Fish and Boat Commission or any of its authorized licensing agents, and offices that provide unemployment compensation; and

Whereas, it is the intention of this Executive Order to expand the availability of voter registration materials in state agencies for voter registration in addition to those already provided through the NVRA and the Pennsylvania voter registration law as described above; and

Whereas, it is imperative to provide the opportunity to register to vote to all citizens of the Commonwealth eligible to vote; and

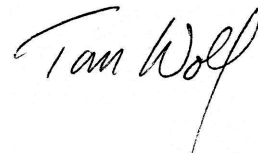
Whereas, federal Executive Order No. 14019 of March 7, 2021, 86 Fed. Reg. 13623, recognizes that the right to vote “is the foundation of American democracy” and is focused upon promoting voting registration and participation opportunities for eligible citizens; and

Whereas, the Governor’s Executive Order No. 2019-04 encourages a “Citizen-First framework that promotes the innovative spirit and skills of the Enterprise through its personnel and technologies,” including expanding the use of Keystone login and allowing for alignment and integration of business and IT functions across agencies; and

Whereas, the Department of State is the entity charged with implementing the Pennsylvania voter registration law and will provide a working group to support all entities impacted by this Executive Order, which will provide training and support on all implementation and reporting requirements; and

Whereas, this Administration is committed to expanding the opportunities for eligible citizens to register to vote and facilitate that process when citizens interact with State Executive branch and cooperating federal agencies.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct the following:



Governor

Fiscal Note: Executive Order 2022-03. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR’S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter GGG. EXPANSION OF VOTER REGISTRATION OPPORTUNITIES

- Sec.
- 7.931. Definitions.
- 7.932. Designation of voter registration distribution agencies.
- 7.933. Duties of voter registration distribution agencies.
- 7.934. Prohibitions on voter registration distribution agencies.
- 7.935. Coordination with Federal agencies.
- 7.936. Designation of lead agency to implement this subchapter.
- 7.937. Voter registration month.
- 7.938. General.
- 7.939. Effective date.

§ 7.931. Definitions.

The words and phrases used in this subchapter shall have the following meanings:

Department of State. The Commonwealth of Pennsylvania Department of State.

Voter registration distribution coordinator (coordinator). An individual designated at each identified Voter Registration Distribution Agency, who serves as the point of contact for the Department of State for any training, reporting, or other related items and manages the implementation of the voter registration distribution process. Coordinators will also participate in the Department of State NVRA Working Group and all trainings provided by the Department of State.

Voter registration materials. An official voter registration mail application not specific to any county registration office, an accompanying non-postage paid envelope, and instructions as to where the completed voter registration application is to be sent, all of which are to be provided by the Department of State.

Voter registration signage. Nonpartisan signs or posters that indicate official voter registration materials are available on the premises.

§ 7.932. Designation of voter registration distribution agencies.

The following Commonwealth agencies and programs are hereby designated as voter registration distribution agencies and shall have the duties as set forth in § 7.933 (relating to duties of voter registration distribution agencies): Department of State, Department of Agriculture, Department of Conservation and Natural Resources, Bureau of Community Corrections at the Department of Corrections, Department of Education, Labor and Industry programs at PA CareerLink(R) offices and Department of Military and Veterans Affairs.

§ 7.933. Duties of voter registration distribution agencies.

Voter registration distribution agencies are directed to do the following:

- (1) designate a voter registration distribution coordinator;
- (2) make voter registration materials available on the premises;
- (3) provide voter registration materials to any individual interacting with voter registration distribution agencies who shall request voter registration materials;
- (4) display prominently in a conspicuous location voter registration signage;
- (5) work with the Office of Administration to establish a timeline for implementation of the Department of State's voter registration web application into voter registration distribution agencies' customer facing portal(s) as appropriate;
- (6) provide a link to the Pennsylvania online voter registration application on their internet home page until the time that the voter registration web application has been implemented in customer facing portal(s); and
- (7) provide statistical information to the Department of State quarterly to assess the effectiveness of this voter registration program.

§ 7.934. Prohibitions on voter registration distribution agencies.

Employees of voter registration distribution agencies, in fulfilling their duties set forth under § 7.933 (relating to duties of voter registration distribution agencies), shall not:

- (1) seek to influence any individual's political preference or party registration or display any political preference or party allegiance;
- (2) make any statement to any individual or take any action the purpose or effect of which is to discourage anyone from registering to vote; or
- (3) make any statement or take any action the purpose or effect of which is to lead an individual to believe that a decision to register or not to register has any bearing on or will impact in any way the availability of services or benefits provided to the individual by said agency.

§ 7.935. Coordination with Federal agencies.

The Department of State shall work with the Federal government to identify Federal agencies that interact with residents in this Commonwealth and are authorized to enter agreements with these Federal agencies by which those agencies will provide voter registration materials as described in § 7.933 (relating to duties of voter registration distribution agencies), consistent with all applicable laws.

§ 7.936. Designation of lead agency to implement this subchapter.

The Department of State is hereby designated as the lead agency under the Governor's jurisdiction to coordinate implementation of this subchapter.

§ 7.937. Voter registration month.

This subchapter designates September as voter registration month and encourages all NVRA Agencies or voter registration distribution agencies to engage with the Department of State in encouraging voters to register, or if they are registered, to review and update their voter registration during the month of September. The Department of State will provide materials and lead coordination of voter registration month efforts.

§ 7.938. General.

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other persons.

§ 7.939. Effective date.

This subchapter shall take effect immediately and shall remain in effect until revised or rescinded by the Governor.

[Pa.B. Doc. No. 22-1505. Filed for public inspection September 30, 2022, 9:00 a.m.]