

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 502

Session of  
1979

INTRODUCED BY D. S. HAYES AND BOWSER, MARCH 6, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 6, 1979

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," authorizing the appointment of persons 15 to 18  
12 years of age as junior poll watchers.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Subsection (e) of section 302, act of June 3,  
16 1937 (P.L.1333, No.320), known as the "Pennsylvania Election  
17 Code," is amended to read:

18 Section 302. Powers and Duties of County Boards.--

19 The county boards of elections, within their respective  
20 counties, shall exercise, in the manner provided by this act,  
21 all powers granted to them by this act, and shall perform all  
22 the duties imposed upon them by this act, which shall include  
23 the following:

1       \* \* \*

2       (e) To issue certificates of appointment to watchers and  
3 junior watchers at primaries and elections. For purposes of this  
4 act a "junior watcher" is a person fifteen (15) to eighteen (18)  
5 years of age.

6       \* \* \*

7       Section 2. Subsections (a) and (b) of section 417 of the  
8 act, subsection (b) amended August 14, 1963 (P.L.1048, No.453),  
9 are amended to read:

10      Section 417. Appointment of Watchers.--

11      (a) Each candidate for nomination or election at any primary  
12 shall be entitled to appoint two watchers and one junior watcher  
13 in each election district in which such candidate is voted for.  
14 Each political party and each political body which has nominated  
15 candidates in accordance with the provisions of this act, shall  
16 be entitled to appoint three watchers and two junior watchers at  
17 any general, municipal or special election in each election  
18 district in which the candidates of such party or political body  
19 are to be voted for. Such watchers and junior watchers shall  
20 serve without expense to the county.

21      (b) All watchers so appointed shall serve in only one  
22 district and must be qualified registered electors of the  
23 municipality or township in which the district where they are  
24 authorized to act is located. All junior watchers so appointed  
25 shall serve in only one district and must be a resident of the  
26 municipality or township in which the district where they are  
27 authorized to act is located. Only one watcher and one junior  
28 watcher for each candidate at primaries, or for each party or  
29 political body at general, municipal or special elections, shall  
30 be allowed to remain in the polling place at any one time prior

1 to the close of the polls, and all watchers and junior watchers  
2 in the room shall remain outside the enclosed space. After the  
3 close of the polls and while the ballots are being counted or  
4 voting machine canvassed, all the watchers and junior watchers  
5 shall be permitted to be in the polling place outside the  
6 enclosed space. Each watcher and junior watcher shall be  
7 provided with a certificate from the county board of elections,  
8 stating his name and the name of the candidate, party or  
9 political body he represents. Watchers and junior watchers shall  
10 be required to show their certificates when requested to do so.  
11 Watchers and junior watchers allowed in the polling place under  
12 the provisions of this act, shall be permitted to keep a list of  
13 voters. [and] Watchers but not junior watchers allowed in the  
14 polling place under the provisions of this act shall be entitled  
15 to challenge any person making application to vote and to  
16 require proof of his qualifications, as provided by this act.  
17 All watchers so appointed as set forth above, who are to serve  
18 in a district other than the one from which they are registered  
19 electors, are to be appointed on petition to the court of common  
20 pleas. Said petition shall set forth that the watcher is a  
21 qualified voter of the municipality or township in which the  
22 district is located and that said watcher is a law abiding  
23 citizen and of good repute, and the court shall consider all  
24 factors relevant to said petition before granting or refusing  
25 same. All junior watchers so appointed as set forth above, who  
26 are to serve in a district other than the one in which they  
27 reside are to be appointed on petition to the court of common  
28 pleas. Said petition shall set forth that the junior watcher is  
29 a resident of the municipality or township in which the district  
30 is located, is between fifteen and eighteen years of age

1 inclusive, is a law abiding citizen and of good repute, and the  
2 court shall consider all factors relevant to said petition  
3 before granting or refusing same.

4 \* \* \*

5 Section 3. Section 1206.1 of the act, added June 19, 1939  
6 (P.L.449, No.255), is amended to read:

7 Section 1206.1. Duties of Counsel for County Board of  
8 Elections.--The counsel for the county board of elections shall  
9 be in constant attendance at the office of the board on the day  
10 of each primary and election from 7 o'clock A.M. until 12  
11 o'clock noon, and from 2 o'clock P.M. until 5:30 o'clock P.M.,  
12 and from 7 o'clock P.M. until 10 o'clock P.M., and shall, upon  
13 request, instruct election officers, overseers, watchers, junior  
14 watchers and electors as to their rights and duties in election  
15 matters.

16 Section 4. Subsections (a) and (d) of section 1220 of the  
17 act are amended to read:

18 Section 1220. Regulations in Force at Polling Places.--(a)  
19 Until the polls are closed, no person shall be allowed in the  
20 polling place outside of the enclosed space at any primary or  
21 election, except the watchers, junior watchers, voters not  
22 exceeding ten at any one time who are awaiting their turn to  
23 vote, and peace officers, when necessary for the preservation of  
24 the peace. No elector shall be allowed to occupy a voting  
25 compartment or voting machine booth already occupied by another,  
26 except when giving assistance as permitted by this act.

27 \* \* \*

28 (d) All persons, except election officers, clerks, machine  
29 inspectors, overseers, watchers, junior watchers, persons in the  
30 course of voting, persons lawfully giving assistance to voters,

1 and peace and police officers, when permitted by the provisions  
2 of this act, must remain at least ten (10) feet distant from the  
3 polling place during the progress of the voting.

4 \* \* \*

5 Section 5. Sections 1806 and 1807 of the act are amended to  
6 read:

7 Section 1806. Refusal to Permit Overseers, Watchers,  
8 Attorneys or Candidates to Act.--Any member of a county board of  
9 elections, judge of election or inspector of election who shall  
10 refuse to permit any overseer or watcher, junior watcher,  
11 attorney or candidate to be present, as authorized by this act,  
12 at any session of a county board, computation and canvassing of  
13 returns of any primary or election, recount of ballots or  
14 recanvass of voting machines, as authorized by this act, or at  
15 any polling place during the time the polls are open at any  
16 primary or election, and after the close of the polls during the  
17 time the ballots are counted or voting machine canvassed and  
18 until the returns of such primary or election have been made up  
19 and signed, shall be guilty of a misdemeanor, and, upon  
20 conviction thereof, shall be sentenced to pay a fine not  
21 exceeding one thousand (\$1,000) dollars, or to undergo an  
22 imprisonment not exceeding one (1) year, or both, in the  
23 discretion of the court.

24 Section 1807. Driving away Watchers, Attorneys, Candidates  
25 or Overseers.--Any person who by violence or intimidation shall  
26 threaten or drive away any watcher, junior watcher, attorney,  
27 candidate or overseer, or representative of the county board of  
28 elections, or of the Secretary of the Commonwealth, required or  
29 permitted to be present at any polling place, or who shall in  
30 any manner prevent any overseer, or representative of the county

1 board of elections or of the Secretary of the Commonwealth from  
2 performing his duty under this act, shall be guilty of a  
3 misdemeanor, and, upon conviction thereof, shall be sentenced to  
4 pay a fine not exceeding one thousand (\$1,000) dollars, or to  
5 undergo an imprisonment of not less than one (1) month nor more  
6 than two (2) years, or both, in the discretion of the court.

7 Section 6. This act shall take effect in 60 days.