THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 161   Session of 1985

INTRODUCED BY SEVENTY, DUFFY, CESSAR, MARKOSEK, COWELL, DAWIDA, MICHLOVIC, VAN HORNE, LEVDANSKY, TRELLO AND SALOOM, FEBRUARY 4, 1985

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 1985

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," providing for the duties of magistrates and
12   district justices on primary and election days.

13   The General Assembly of the Commonwealth of Pennsylvania

14 hereby enacts as follows:

15   Section 1. Section 1206 of the act of June 3, 1937

16 (P.L.1333, No.320), known as the Pennsylvania Election Code,

17 amended July 13, 1961 (P.L.603, No.303), is amended to read:

18   Section 1206. Duties of Common Pleas Court, Magistrates and

19 District Justices on Days of Primaries and Elections.--The court

20 of common pleas of each county of the Commonwealth or a judge or

21 judges thereof, shall be in continuous session at the courthouse

22 of said county, or, in judicial districts composed of more than

1 one county, at the courthouse of the county in which such judge

2 or judges reside, on the day of each primary and election from 7

3 o'clock A. M. until 10 o'clock P. M. and so long thereafter as

4 it may appear that the process of said court will be necessary

5 to secure a free, fair and correct computation and canvass of

6 the votes cast at said election. In judicial districts having

7 but one judge of the court of common pleas, such judge shall not

8 be required to be in session, as aforesaid, between the hours of

9 12 o'clock noon and 2 o'clock P. M., nor between the hours of

10 5:30 o'clock P. M. and 7 o'clock P. M. In counties of the second

11 class the court shall also appoint such number of magistrates or

12 district justices as it deems necessary to sit in session in

13 their offices during the same hours as a judge sits in a

14 judicial district having but one judge. During such period said

15 court, or in counties of the second class the court magistrate

16 or district justice, shall act as a committing magistrate for

17 any violation of the election laws; shall settle summarily

18 controversies that may arise with respect to the conduct of the

19 election; shall issue process, if necessary, to enforce and

20 secure compliance with the election laws; and shall decide such

21 other matters pertaining to the election as may be necessary to

22 carry out the intent of this act; and in counties of the third

23 class the court shall have power to appoint additional clerks at

24 the polling places where needed and requested by the election

25 board: Provided, That for each clerk appointed from the majority

26 political party, a clerk from the minority political party must

27 also be appointed.

28   Section 2. This act shall take effect immediately.