

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1661 Session of  
1999

INTRODUCED BY STETLER, DeWEESE, GRUCELA, STURLA AND WILLIAMS,  
JUNE 14, 1999

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 14, 1999

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," further providing for county boards of elections.

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

14 Section 1. Section 301 of the act of June 3, 1937 (P.L.1333,  
15 No.320), known as the Pennsylvania Election Code, amended July  
16 21, 1979, (P.L.189, No.63) and June 10, 1982 (P.L.458, No.135),  
17 is amended to read:

18 Section 301. County Boards of Elections; Membership.--

19 (a) There shall be a county board of elections in and for  
20 each county of this Commonwealth, which shall have jurisdiction  
21 over the conduct of primaries and elections in such county, in  
22 accordance with the provisions of this act.

1 (b) In each county of the Commonwealth, the county board of  
2 elections shall consist of the county commissioners of such  
3 county ex officio, or any officials or board who are performing  
4 or may perform the duties of the county commissioners, who shall  
5 serve without additional compensation as such. Except in  
6 counties of the first class, in counties which have adopted home  
7 rule charters or optional plans the board of elections shall  
8 consist of the members of the county body which performs  
9 legislative functions unless the county charter or optional plan  
10 provides for the appointment of the board of elections. In  
11 either case, there shall be minority representation on the  
12 board. The county body which performs legislative functions  
13 shall in the case where the board does not contain minority  
14 representation appoint such representation from a list submitted  
15 by the county chairman of the minority party.

16 (c) Whenever a member of the board of county commissioners  
17 is a candidate for nomination or election to any public office,  
18 the President Judge of the Court of Common Pleas shall appoint a  
19 judge or an elector of the county to serve in his stead.  
20 Whenever there appears on the ballot a question relating to the  
21 adoption of a Home Rule Charter for the county or amendments to  
22 an existing county Home Rule Charter, the President Judge of the  
23 Court of Common Pleas shall appoint judges or electors of the  
24 county to serve in the stead of the county commissioners.  
25 Appointees who are not currently elected office holders shall  
26 receive compensation for such service as determined by the  
27 salary board plus mileage as specified by the county for  
28 expenses incurred when performing election board business.

29 (d) No member of a county board of elections shall hold any  
30 publicly elected office, other than county commissioner, or any

appointed or elected office in a political party or be a paid  
employee of the Federal or State government or any political  
subdivision of this Commonwealth.

(e) No member of a county board of elections shall become a  
candidate for office during an election year that member served  
on the board.

(f) A member of a county board of elections shall be  
required to recuse himself or be removed by the President Judge  
of the Court of Common Pleas and replaced by an appointment by  
the President Judge of the Court of Common Pleas:

1. From a matter in which the member has a personal bias or  
prejudice;

2. Where the member has personal knowledge of disputed  
evidentiary facts concerning a proceeding;

3. From a complaint or matter which involves a person with  
whom the member has a direct involvement, personally or  
financially or involving any candidate that the member has made  
any contribution either directly or to the candidate's political  
committee.

4. From a matter which involves a person with whom the  
member is involved in a court case; or

5. If any circumstances exist which would create an  
appearance of impropriety.

(g) A member of a county board of elections shall be deemed  
to have a direct personal involvement with his or her spouse or  
a person with the third degree of relationship to either of them  
or the spouse of such a person.

(h) A member of a county board of elections has a direct  
financial involvement with a person who owns a part of, or is  
employed by, a business with which the member has been

associated with within two years immediately preceding the time  
a matter comes before the county board of elections if the  
financial involvement was of more than a de minimis nature.

(i) 1. Employees of a county board of elections may not  
actively participate in or contribute to a political campaign or  
a political action committee supporting candidates for elections  
which are under supervision of the county board of elections by  
whom they are employed or hold an office or actively participate  
in a political party to further a candidacy.

2. For purposes of this subsection, "active participation in  
a campaign or a political party" includes attempting to assist a  
candidate or nominee to obtain public office beyond the normal  
office functions, soliciting support or information,  
distributing campaign materials or advertisements, fundraising,  
publicly supporting a candidate, participating in an organized  
effort for the purpose of helping a candidate or nominee or  
attending a fundraiser or dinner on behalf of a candidate. For  
purposes of this subsection, "holding office in a political  
party" includes serving as chair, vice chair, secretary,  
treasurer or as a committee chair in any political party or a  
member of any county party's executive committee; serving as a  
member of a party's national, State or local committee.

3. All complaints or other information that members or staff  
of a county board of elections have violated any provisions of  
this section or that staff have actively participated in or  
contributed to a political campaign, a political action  
committee or are holding an office or actively participating in  
a political party to further a candidacy must be directed to the  
President Judge of the Court of Common Pleas. The President  
Judge of the Court of Common Pleas shall have all complaints

1 investigated and publicly announce the final determination. The  
2 President Judge of the Court of Common Pleas must remove any  
3 member of a board of elections found to have violated this  
4 section and must publicly recommend specific action to be taken  
5 against any employes of a county board of elections found to  
6 have violated this section.

7 4. This subsection shall not be construed to abridge the  
8 right of an employe of a county board of elections to vote or  
9 attend a debate, speech or similar event that is held primarily  
10 for the purpose of communicating a candidate's platform or  
11 position on issues of public concern.

12 Section 2. This act shall take effect in 60 days.