

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 403 Session of 2015

INTRODUCED BY CRUZ, YOUNGBLOOD, THOMAS AND D. COSTA,
FEBRUARY 9, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 9, 2015

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," in the Secretary of the Commonwealth, further
12 providing for powers and duties of the Secretary of the
13 Commonwealth; and, in district election officers, further
14 providing for appointment of watchers.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 201 of the act of June 3, 1937 (P.L.1333,
18 No.320), known as the Pennsylvania Election Code, is amended by
19 adding a subsection to read:

20 Section 201. Powers and Duties of the Secretary of the
21 Commonwealth.--The Secretary of the Commonwealth shall exercise
22 in the manner provided by this act all powers granted to him by
23 this act, and shall perform all the duties imposed upon him by
24 this act, which shall include the following:

1 * * *

2 (f.3) To develop a mandatory professional certification and
3 poll watcher training program for use by county election
4 officials in consultation with county boards. Each poll watcher
5 shall attend at least one training class provided by the county
6 of residence before each election at which the watcher will
7 serve. A certificate of training shall be provided to a poll
8 watcher at the successful completion of training. The
9 certificate must be presented by the poll watcher at the polling
10 place before poll watching to verify training.

11 * * *

12 Section 2. Section 417(b) of the act, amended October 8,
13 2004 (P.L.807, No.97), is amended to read:

14 Section 417. Appointment of Watchers.--

15 * * *

16 (b) Each watcher so appointed must be a qualified registered
17 elector of the county in which the election district for which
18 the watcher was appointed is located. Each watcher so appointed
19 shall be authorized to serve only in the election district for
20 which the watcher was appointed [and, when the watcher is not
21 serving in the election district for which the watcher was
22 appointed, in any other election district in the county in which
23 the watcher is a qualified registered elector]: Provided, That
24 only one watcher for each candidate at primaries, or for each
25 party or political body at general, municipal or special
26 elections, shall be present in the polling place at any one time
27 from the time that the election officers meet prior to the
28 opening of the polls under section 1208 until the time that the
29 counting of votes is complete and the district register and
30 voting check list is locked and sealed, and all watchers in the

1 room shall remain outside the enclosed space. [It shall not be a
2 requirement that a watcher] A watcher must be a resident of the
3 election district for which the watcher is appointed. After the
4 close of the polls and while the ballots are being counted or
5 voting machine canvassed, all the watchers shall be permitted to
6 be in the polling place outside the enclosed space. Each watcher
7 shall be provided with a certificate from the county board of
8 elections, stating his name and the name of the candidate, party
9 or political body he represents. Watchers shall be required to
10 show their certificates when requested to do so. Watchers
11 allowed in the polling place under the provisions of this act,
12 shall be permitted to keep a list of voters and shall be
13 entitled to challenge any person making application to vote and
14 to require proof of his qualifications, as provided by this act.
15 During those intervals when voters are not present in the
16 polling place either voting or waiting to vote, the judge of
17 elections shall permit watchers, upon request, to inspect the
18 voting check list and either of the two numbered lists of voters
19 maintained by the county board: Provided, That the watcher shall
20 not mark upon or alter these official election records. The
21 judge of elections shall supervise or delegate the inspection of
22 any requested documents.

23 * * *

24 Section 3. This act shall take effect in 60 days.