

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1654 Session of
1977

INTRODUCED BY MEBUS, HOFFEL, CESSAR, RYAN, CAPUTO AND WEIDNER,
SEPTEMBER 27, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 27, 1977

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 that all county election officers
12 receive compensation based on the same rate schedules and
13 making editorial changes.

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

16 Section 1. Subsection (a) of section 412, act of June 3,
17 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
18 Code," is repealed.

19 Section 2. Subsection (b) of section 412 of the act, amended
20 December 2, 1976 (P.L.1221, No.269), is reenacted to read:

21 Section 412. Compensation of Election Officers.--* * *

22 (b) In all counties the compensation of judges, inspectors,
23 clerks and machine inspectors shall be fixed by the county board

1 of elections of the county at not less than the following:
2 judges of election, forty-five dollars (\$45.00); inspectors and
3 clerks, forty dollars (\$40.00); and machine operators, forty
4 dollars (\$40.00); and not more than the following: judges of
5 election, sixty dollars (\$60.00); inspectors and clerks, fifty-
6 five dollars (\$55.00); and machine operators, fifty-five dollars
7 (\$55.00); for each primary and election. The county board of
8 elections may, in its discretion, establish different per diem
9 rates within the above mentioned minima and maxima based on the
10 number of votes cast for the following groups: 150 votes or
11 less, 151 to 500 votes, 501 to 1000 votes, over 1000 votes.

12 * * *

13 Section 3. Section 1207 of the act, amended July 1, 1976
14 (P.L.523, No.124), is amended to read:

15 Section 1207. Peace Officers; No Police Officer to Be Within
16 One Hundred Feet of Polling Place; Exceptions; Presence of
17 Soldiers Prohibited.--The constable of each borough, township or
18 ward, or his deputy shall be present at the polling place in
19 each election district of such borough, township or ward at each
20 primary and election during the continuance thereof, and while
21 the votes are being counted, for the purpose of preserving the
22 peace, and shall serve at all elections for which services the
23 said constable and each of such deputies performing such
24 services shall receive the [same] sum of twenty-five dollars
25 (\$25.00) as compensation [payable to inspectors and clerks under
26 section 412 (a) of this act] which shall be paid by the county.
27 Such sum shall include pay for serving notices in writing to
28 persons elected at such election. The election officers, or any
29 three qualified electors of any election district, may call upon
30 any mayor, chief burgess, sheriff, deputy sheriff, constable,

1 deputy constable, or police officer, to clear an avenue to the
2 door of any polling place which is obstructed in such a way as
3 to prevent electors from approaching, or to maintain order and
4 quell any disturbance, if such arises. No police officer in
5 commission, whether in uniform or in citizen's clothes, shall be
6 within one hundred feet of a polling place during the conduct of
7 any primary or election, unless in the exercise of his privilege
8 of voting, or for the purpose of serving warrants, or unless
9 called upon to preserve the peace, as provided by this act:
10 Provided, however, That such prohibition shall not apply to such
11 police officers assigned to a police station or headquarters
12 located in a building or on the premises where the polling place
13 is located and such police officers must be within one hundred
14 (100) feet of the polling place to enter and exit such police
15 station or headquarters: And provided further, That in no event
16 may any police officer unlawfully use or practice any
17 intimidation, threats, force or violence nor, in any manner,
18 unduly influence or overawe any elector or prevent him from
19 voting or restrain his freedom of choice, nor may any such
20 police officer electioneer or directly or indirectly attempt to
21 influence the election or electors while within one hundred
22 (100) feet of a polling place as herein set forth: And provided
23 further, That where polling places are located in buildings or
24 on premises where a police station or headquarters are located,
25 the polling place shall be located in a separate room. No body
26 of troops in the Army of the United States or of this
27 Commonwealth shall be present, either armed or unarmed, at any
28 place of election within this Commonwealth during the time of
29 any primary or election: Provided, however, That no officer or
30 soldier shall be prevented from exercising the right of suffrage

1 in the election district in which he resides, if otherwise
2 qualified.

3 Section 4. This act shall take effect in 60 days.