

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **127** Session of
2023

INTRODUCED BY LANGERHOLC, DUSH, LAUGHLIN, MASTRIANO, BARTOLOTTA
AND VOGEL, JANUARY 18, 2023

REFERRED TO STATE GOVERNMENT, JANUARY 18, 2023

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 county boards of elections, further providing
12 for county boards of elections and membership.

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

15 Section 1. Section 301 of the act of June 3, 1937 (P.L.1333,
16 No.320), known as the Pennsylvania Election Code, is amended to
17 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.

23 (b) In each county of the Commonwealth, the county board of

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

17 (c) Whenever a member of the board of county commissioners
18 is a candidate for nomination or election to any public office,
19 the President Judge of the Court of Common Pleas shall appoint a
20 judge or an elector of the county to serve in his stead.

21 Whenever there appears on the ballot a question relating to the
22 adoption of a Home Rule Charter for the county or amendments to
23 an existing county Home Rule Charter, the President Judge of the
24 Court of Common Pleas shall appoint judges or electors of the
25 county to serve in the stead of the county commissioners.

26 Appointees who are not currently elected office holders shall
27 receive compensation for such service as determined by the
28 salary board plus mileage as specified by the county for
29 expenses incurred when performing election board business. An
30 appointee may not serve as a State party officer.

1 (d) As used in this section, the following words and phrases
2 shall have the meanings given to them in this subsection unless
3 the context clearly indicates otherwise:

4 "State party officer." An individual elected by the members
5 of the State committee of a political party to serve as an
6 officer or in a leadership role.

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