

COMMONWEALTH OFFICIALS, CONFLICT OF INTEREST

Act of May 15, 1874, P.L. 186, No. 120

Cl. 65

AN ACT

Declaring what offices are incompatible.

Section 1. Be it enacted, &c., That every person who shall hold any office, or appointment of profit or trust, under the government of the United States, whether an officer, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary departments of the United States, and also every member of congress, is hereby declared to be incapable of holding or exercising, at the same time, the office or appointment of justice of the peace, notary public, mayor, recorder, burgess or alderman of any city, corporate town or borough, resident physician of the lazaretto, constable, judge, inspector or clerk of election under this commonwealth: Provided, however, That the provisions hereof shall not apply to any person who shall enlist, enroll or be called or drafted into the active military or naval service of the United States or any branch or unit thereof during any war or emergency as hereinafter defined.

(1 amended July 2, 1941, P.L.231, No.106)

Section 2. Offices so holden void

The holding of any of the aforesaid offices or appointments under this State, is hereby declared to be incompatible with any office or appointment under the United States, and every such commission, office or appointment, so holden under the Government of this State, contrary to the true intent and meaning of this act, shall be and is hereby declared to be null and void. 1874, May 15, P.L. 186, Sec. 2.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 3. Penalty for exercising

If any person, after the expiration of six months from the passing of this act, shall exercise any offices or appointments, the exercise of which is by this act declared to be incompatible, every person so offending shall, for every such offense, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty nor more than five hundred dollars, at the discretion of the court, one moiety of the said forfeiture to be paid to the overseers, guardians or directors of the poor of the township, district, county or place where such offense shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor who shall sue for the same. 1874, May 15, P.L. 186, Sec. 3.

Section 4. Offices of justice of the peace and prothonotary

No person hereafter elected shall be capable of holding and exercising, at the same time, the office of justice of the peace and that of prothonotary or clerk of any court. 1874, May 15, P.L. 186, Sec. 4.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 5. Offices of associate judge and justice of the peace

The offices of associate judge and justice of the peace shall be incompatible with each other. 1874, May 15, P.L. 186, Sec. 5.

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 5.1. The office of alderman or justice of the peace shall be incompatible with the office of treasurer or tax collector or assessor of any city, borough, town or township of the first class and with the office of secretary or secretary-treasurer or tax collector or assessor of any township of the second class. (5.1 added Aug. 1, 1963, P.L.436, No.229)

**Compiler's Note:** Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 6. Office of district attorney and any other office  
No district attorney shall be eligible to a seat in the Legislature, or to any other office under the laws and Constitution of the State, during his continuance in office. 1874, May 15, P.L. 186, Sec. 6.

Section 7. Offices of county commissioner and member of board of health

No county commissioner shall be eligible to serve as member of the board of health, or director of the public schools, during his continuance in office. 1874, May 15, P.L. 186, Sec. 7.

Section 8. Aldermen and attorneys not to be prison inspectors

No alderman or practicing attorney shall be eligible to the office of an inspector of the county prison. 1874, May 15, P.L. 186, Sec. 8.

Section 9. Offices of councilman and guardian of the poor

No person shall, at the same time, be a member of more than one of the following bodies, to wit: The city councils, the guardians of the poor, the board of health and the inspectors of the county prison, nor shall any person be a member of any of these bodies who is at the same time a salaried officer under the same or under any of them. 1874, May 15, P.L. 186, Sec. 9.

Section 10. Offices of member of Legislature and councilman

It shall not be lawful for any member of either branch of the Legislature to hold or to exercise the office of councilman in any incorporated city of this Commonwealth. 1874, May 15, P.L. 186, Sec. 10.

Section 11. Councilmen ineligible to city offices in choice of councils

No member of council of any city shall be eligible to any office, employment or agency directly chosen by councils, or either branch of them, during the term for which he shall have been elected to councils. 1874, May 15, P.L. 186, Sec. 11.

Section 12. Removal of residence forfeiture of office, when

Whenever, by the requirements of any law, a particular residence is a necessary qualification for the election or appointment of any officer, a removal from such residence shall operate as a forfeiture of the office. 1874, May 15, P.L. 186, sec. 12.

Section 13. Councilmen not to hold offices in choice of councils

No member of said councils shall hereafter hold any office or employment in the choice of said councils during the term for which he shall have been elected. 1874, May 15, P.L. 186, sec. 13.

Section 14. Councilmen ineligible to city or county offices  
Members of councils shall not hereafter hold any city or county offices in the choice of the people while serving as a member of said councils. 1874, May 15, P.L. 186, sec. 14.

Section 15. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth; and no member of congress or other person holding any office, except of attorney-at-law or in the militia under the United States or this commonwealth, shall be a member of either house during his continuance in office. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this state or any other state. 1874, May 15, P.L. 186, sec. 15.