

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1307

Session of
1981

INTRODUCED BY HEISER, MARMION, FLECK, McVERRY, TADDONIO AND
CESSAR, APRIL 27, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 27, 1981

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 the duties of constables.

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

14 Section 1. Section 1207, act of June 3, 1937 (P.L.1333,
15 No.320), known as the "Pennsylvania Election Code," amended July
16 1, 1976 (P.L.523, No.124), is amended to read:

17 Section 1207. Peace Officers; No Police Officer to Be Within
18 One Hundred Feet of Polling Place; Exceptions; Presence of
19 Soldiers Prohibited.--{The constable of each borough, township <—
20 or ward, or his deputy [shall] MAY be present at the polling <—
21 place in each election district of such borough, township or

1 ward at each primary and election during the continuance
2 thereof, and while the votes are being counted, for the purpose
3 of preserving the peace, and shall serve at all elections for
4 which services the said constable and each of such deputies
5 performing such services shall receive the same compensation
6 payable to inspectors and clerks under section 412 (a) of this
7 act which shall be paid by the county. Such sum shall include
8 pay for serving notices in writing to persons elected at such
9 election.† The election officers, or any three qualified
10 electors of any election district, may call upon any mayor,
11 chief burgess, sheriff, deputy sheriff, constable, deputy
12 constable, or police officer, to clear an avenue to the door of
13 any polling place which is obstructed in such a way as to
14 prevent electors from approaching, or to maintain order and
15 quell any disturbance, if such arises. No police officer in
16 commission, whether in uniform or in citizen's clothes, shall be
17 within one hundred feet of a polling place during the conduct of
18 any primary or election, unless in the exercise of his privilege
19 of voting, or for the purpose of serving warrants, or unless
20 called upon to preserve the peace, as provided by this act:
21 Provided, however, That such prohibition shall not apply to such
22 police officers assigned to a police station or headquarters
23 located in a building or on the premises where the polling place
24 is located and such police officers must be within one hundred
25 (100) feet of the polling place to enter and exit such police
26 station or headquarters: And provided further, That in no event
27 may any police officer unlawfully use or practice any
28 intimidation, threats, force or violence nor, in any manner,
29 unduly influence or overawe any elector or prevent him from
30 voting or restrain his freedom of choice, nor may any such

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1 police officer electioneer or directly or indirectly attempt to
2 influence the election or electors while within one hundred
3 (100) feet of a polling place as herein set forth: And provided
4 further, That where polling places are located in buildings or
5 on premises where a police station or headquarters are located,
6 the polling place shall be located in a separate room. No body
7 of troops in the Army of the United States or of this
8 Commonwealth shall be present, either armed or unarmed, at any
9 place of election within this Commonwealth during the time of
10 any primary or election: Provided, however, That no officer or
11 soldier shall be prevented from exercising the right of suffrage
12 in the election district in which he resides, if otherwise
13 qualified.

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