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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2098** Session of  
1976

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INTRODUCED BY DeMEDIO, RITTER, FRYER, MEBUS AND WEIDNER,  
FEBRUARY 4, 1976

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 1976

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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 membership of county boards  
12 of elections in counties, excepting counties of the first  
13 class, wherein the office of county commissioner is  
14 abolished.

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

17 Section 1. Subsection (b) of section 301, act of June 3,  
18 1937 (P.L.1333, No.320), known as the "Pennsylvania Election  
19 Code," is amended to read:

20 Section 301. County Boards of Elections; Membership.--

21 \* \* \*

22 (b) In each county of the Commonwealth, the county board of  
23 elections shall consist of the county commissioners of such  
24 county ex officio, or any officials or board who are performing

1 or may perform the duties of the county commissioners, who shall  
2 serve without additional compensation as such: Provided,  
3 however, That in all counties except counties of the first class  
4 wherein minority representation on the governing body is not  
5 provided by law or home rule charter or optional plan of  
6 government as provided by the act of April 13, 1972 (P.L.184,  
7 No.62), known as the "Home Rule Charter and Optional Plans Law,"  
8 the county board of elections shall consist of three  
9 individuals, two of whom shall be appointed by the county  
10 chairman of the party with the highest number of persons  
11 registered to vote and one of whom shall be appointed by the  
12 county chairman of the party with the next highest number of  
13 persons registered to vote in the general election immediately  
14 preceding the date of the commencement of the term of the board  
15 of elections. The county chairman shall not appoint himself.  
16 Should either county chairman fail to appoint an individual or  
17 individuals to the county board of elections prior to thirty  
18 days before the beginning of the term of the board of elections,  
19 said position or positions shall then be filled by an appointee  
20 or appointees of the President Judge of the court of common  
21 pleas, from the party from whom said county chairman or chairmen  
22 was authorized to appoint a member or members of said board.

23 Section 2. The act is amended by adding sections to read:

24 Section 301.1. Electors Only to be Eligible; Incompatible  
25 Offices; Terms.--

26 (a) Registered electors of the county only shall be eligible  
27 to hold the appointive office of a member of the county board of  
28 elections.

29 (b) No person who holds or is a candidate for public or  
30 party office shall be appointed to or hold the appointive office

1 of a member of the county board of elections.

2 (c) Members of the county board of elections so appointed  
3 shall hold office commencing on the effective date of the home  
4 rule charter or optional plan of government, which term shall  
5 expire on the first Tuesday following the first Monday of  
6 January of the year of the election of the President of the  
7 United States. Thereafter the term of office shall be for a  
8 period of four years commencing on the first Tuesday following  
9 the first Monday of January of the year of the year of the  
10 election of the President of the United States.

11 Section 301.2. Filling Vacancies in Appointive Members of  
12 County Boards of Election.--If any vacancy shall occur in the  
13 office of an appointive member of the county board of elections,  
14 such vacancy shall be for the unexpired term and shall be filled  
15 within thirty days after the occurrence of such vacancy. If the  
16 vacancy involves an appointee nominated by a political party  
17 county chairman, the President Judge shall notify the chairman  
18 of such appointee's political party and such chairman may within  
19 ten days after notice of such vacancy nominate in writing a  
20 successor who shall thereupon be appointed. If such chairman of  
21 county committee shall fail to make his nomination within the  
22 times herein specified, the President Judge shall on his own  
23 initiative and within ten days thereafter select and appoint a  
24 member of the party entitled to the appointment.

25 Section 301.3. Oath of Office; Organization; Compensation.--

26 (a) Within ten days following the initial appointment of the  
27 members of the county board of elections, and on or before the  
28 first Tuesday following the first Monday of January in  
29 presidential election years for subsequent appointments, the  
30 members shall meet at the office of the county board of

1 elections, and shall take and subscribe to the oath, or  
2 affirmation, of office required by the Constitution of this  
3 Commonwealth, and in addition to any oath required by any other  
4 act of assembly, take and subscribe to the following oath, or  
5 affirmation: "I further swear (or affirm) that I have not paid  
6 or contributed, either directly or indirectly, any money or  
7 other valuable thing to procure my appointment; that I have not  
8 knowingly violated any election law of this Commonwealth, or  
9 procured it to be done by others in my behalf; that I will not  
10 knowingly receive, directly or indirectly, any money or other  
11 valuable thing for the performance or nonperformance of any act  
12 or duty pertaining to my office, other than the compensation  
13 allowed by law." The oath, or affirmation, shall be administered  
14 by any judge or justice of the peace of the county, and shall be  
15 filed in the office of the prothonotary of such county. Any  
16 member refusing to take said oath shall forfeit his office. Any  
17 person who shall be convicted of having sworn or affirmed  
18 falsely, or of having violated said oath or affirmation, shall  
19 be guilty of perjury, and be forever disqualified from holding  
20 any office of trust or profit within this Commonwealth.

21 (b) The members shall organize and shall elect one of their  
22 number as chairman and one of their number as secretary who  
23 shall hold such offices at the pleasure of such members.

24 (c) The members of an appointed county board of elections  
25 shall be compensated for their services incurred in the  
26 discharge of their duties at a rate of twenty-five (\$25.00)  
27 dollars per diem not to exceed five hundred (\$500.00) dollars  
28 maximum per year plus mileage at the rate of twelve (.12) cents  
29 per circular mile.

30 Section 301.4. Removal from Office.--A member of an

1 appointive county board of elections shall be removed from  
2 office only for reasonable cause, after due notice and full  
3 hearing, on the advice of two-thirds of the legislative body, or  
4 upon conviction of misbehavior in office or of any infamous  
5 crime.