

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1654

Session of
1977

INTRODUCED BY MESSRS. MEBUS, HOEFFEL, CESSAR, RYAN, CAPUTO AND
WEIDNER, SEPTEMBER 27, 1977

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED JANUARY 30, 1978

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 AND REMOVING PROVISIONS RELATING TO <—
14 CONSTABLES PRESENCE AT THE POLLS IN SECOND CLASS COUNTIES.

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

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19 Code," is repealed.

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

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

23 (b) In all counties the compensation of judges, inspectors,

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

13 * * *

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

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

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

1 election: Provided, however, That no officer or soldier shall be
2 prevented from exercising the right of suffrage in the election
3 district in which he resides, if otherwise qualified.

4 SECTION 4. ANY INCREASES PAYABLE UNDER SECTION 412(B) OF THE <—
5 "ELECTION CODE," AS A RESULT OF THIS AMENDATORY ACT ARE HEREBY
6 FOUND AND DETERMINED TO BE ADJUSTMENTS IN COMPENSATION RATES
7 NECESSARY TO MAINTAIN ESTABLISHED COMPENSATION LEVELS AND SHALL
8 NOT BE DEEMED TO CONSTITUTE AN INCREASE IN SALARY OR OTHER
9 COMPENSATION UNDER ANY PROVISION OF THE CONSTITUTION OF
10 PENNSYLVANIA.

11 Section ~~4.~~ 5. This act shall take effect ~~in 60 days.~~ <—
12 IMMEDIATELY. <—