

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2596 Session of
1980

INTRODUCED BY McVERRY, JUNE 2, 1980

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 2, 1980

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 in
12 counties of the second class.

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

15 Section 1. Section 1207, act of June 3, 1937 (P.L.1333,
16 No.320), known as the "Pennsylvania Election Code," amended July
17 1, 1976 (P.L.523, No.124), is amended to read:

18 Section 1207. Peace Officers; No Police Officer to Be Within
19 One Hundred Feet of Polling Place; Exceptions; Presence of
20 Soldiers Prohibited.--[The] Except for constables and deputy
21 constables in counties of the second class, the constable of
22 each borough, township or ward, or his deputy shall be present

1 at the polling place in each election district of such borough,
2 township or ward at each primary and election during the
3 continuance thereof, and while the votes are being counted, for
4 the purpose of preserving the peace, and shall serve at all
5 elections for which services the said constable and each of such
6 deputies performing such services shall receive the same
7 compensation payable to inspectors and clerks under section 412
8 (a) of this act which shall be paid by the county. Such sum
9 shall include pay for serving notices in writing to persons
10 elected at such election. Constables and deputy constables in
11 counties of the second class shall not be required to be present
12 at such polling places, and if present, shall not be
13 compensated. The election officers, or any three qualified
14 electors of any election district, may call upon any mayor,
15 chief burgess, sheriff, deputy sheriff, constable, deputy
16 constable, or police officer, to clear an avenue to the door of
17 any polling place which is obstructed in such a way as to
18 prevent electors from approaching, or to maintain order and
19 quell any disturbance, if such arises. No police officer in
20 commission, whether in uniform or in citizen's clothes, shall be
21 within one hundred feet of a polling place during the conduct of
22 any primary or election, unless in the exercise of his privilege
23 of voting, or for the purpose of serving warrants, or unless
24 called upon to preserve the peace, as provided by this act:
25 Provided, however, That such prohibition shall not apply to such
26 police officers assigned to a police station or headquarters
27 located in a building or on the premises where the polling place
28 is located and such police officers must be within one hundred
29 (100) feet of the polling place to enter and exit such police
30 station or headquarters: And provided further, That in no event

1 may any police officer unlawfully use or practice any
2 intimidation, threats, force or violence nor, in any manner,
3 unduly influence or overawe any elector or prevent him from
4 voting or restrain his freedom of choice, nor may any such
5 police officer electioneer or directly or indirectly attempt to
6 influence the election or electors while within one hundred
7 (100) feet of a polling place as herein set forth: And provided
8 further, That where polling places are located in buildings or
9 on premises where a police station or headquarters are located,
10 the polling place shall be located in a separate room. No body
11 of troops in the Army of the United States or of this
12 Commonwealth shall be present, either armed or unarmed, at any
13 place of election within this Commonwealth during the time of
14 any primary or election: Provided, however, That no officer or
15 soldier shall be prevented from exercising the right of suffrage
16 in the election district in which he resides, if otherwise
17 qualified.

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