

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1282 Session of
2007

INTRODUCED BY FREEMAN, CLYMER, JOSEPHS, BRENNAN, CURRY,
FABRIZIO, FRANKEL, GIBBONS, GRELL, GRUCELA, HARHAI, HARRIS,
HERSHEY, HORNAMAN, HUTCHINSON, KIRKLAND, KORTZ, KULA, LEACH,
LEVDANSKY, LONGIETTI, MCGEEHAN, NAILOR, OLIVER, O'NEILL,
PALLONE, SAYLOR, SCHRODER, SIPTROTH, MCILVAINE SMITH, THOMAS
AND YOUNGBLOOD, MAY 18, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 18, 2007

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 district election boards.

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

14 Section 1. Section 401 of the act of June 3, 1937 (P.L.1333,
15 No.320), known as the Pennsylvania Election Code, amended
16 February 10, 1956 (1955 P.L.1019, No.319), is amended to read:

17 Section 401. District Election Boards; Election.--(a) All
18 primaries and elections shall be conducted in each election
19 district by a district election board consisting of a judge of
20 election, a majority inspector of election and a minority

1 inspector of election, assisted by clerks and machine inspectors
2 in certain cases, as hereinafter provided.

3 (b) (1) No later than the Monday preceding the thirteenth
4 Tuesday preceding a primary in which persons seek a party
5 nomination for the office of judge of election or inspector of
6 election, a county board may opt by majority vote to permit
7 persons qualified to serve as and seeking election to the office
8 of judge of election or inspector of election to have their
9 names placed upon the primary ballots by filing a declaration of
10 candidacy with the county board as an alternative to presenting
11 a nominating petition as required by section 912.1.

12 (2) A decision to proceed under this subsection shall remain
13 in effect until rescinded by majority vote of the county board,
14 except that the county board may not rescind its decision at any
15 time between the thirteenth Tuesday preceding a primary in which
16 persons seek a party nomination for the office of judge of
17 election or inspector of election and the Wednesday following
18 the tenth Tuesday prior to such primary.

19 (3) Nothing in this subsection shall be construed to limit
20 the number of times a county board may opt to proceed under this
21 section. The Secretary of the Commonwealth shall prescribe the
22 format of the declaration of candidacy. The declaration of
23 candidacy shall include a candidate affidavit.

24 (c) The judge and inspectors of election of each election
25 district shall be elected by the electors thereof at the
26 municipal election, and shall hold office for a term of four
27 years from the first Monday of January next succeeding their
28 election.

29 (d) Each elector may vote for one person as judge and for
30 one person as inspector, and the person receiving the highest

1 number of votes for judge shall be declared elected judge of
2 election, the person receiving the highest number of votes for
3 inspector shall be declared elected majority inspector of
4 election, and the person receiving the second highest number of
5 votes for inspector shall be declared elected minority inspector
6 of election.

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