

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1316 Session of
2009

INTRODUCED BY CONKLIN, HARKINS, BRENNAN, FLECK, ROEBUCK AND
GEIST, APRIL 21, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 21, 2009

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 peace officers.

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

14 Section 1. Section 1207 of the act of June 3, 1937
15 (P.L.1333, No.320), known as the Pennsylvania Election Code,
16 amended July 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 be present at the polling place in
21 each election district of such borough, township or ward at each
22 primary and election during the continuance thereof, and while

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

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

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