

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1040 Session of
2013

INTRODUCED BY HACKETT, SCHLOSSBERG, COHEN, MICOZZIE, MASSER,
D. COSTA, EMRICK, KNOWLES, METCALFE, MILLARD, BLOOM, TOEPEL,
FLECK, WATSON, KAUFFMAN, SIMMONS, HAHN, GINGRICH, GABLER,
HEFFLEY, MARSICO, GILLEN, QUINN, MURT AND MILLER,
MARCH 20, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 20, 2013

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," in preparation for and conduct of primaries and
12 elections, further providing for peace officers and no peace
13 officers within 100 feet of polling place.

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

16 Section 1. Section 1207 of the act of June 3, 1937
17 (P.L.1333, No.320), known as the Pennsylvania Election Code,
18 amended July 1, 1976 (P.L.523, No.124) and repealed in part
19 October 9, 2009 (P.L.494, No.49), is amended to read:

20 Section 1207. Peace Officers; No Police Officer to Be Within
21 One Hundred Feet of Polling Place; Exceptions; Presence of
22 Soldiers Prohibited.--The election officers, or any three

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

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

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