

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 186 Session of 2017

INTRODUCED BY McGARRIGLE, RESCHENTHALER AND MARTIN,
JANUARY 25, 2017

REFERRED TO STATE GOVERNMENT, JANUARY 25, 2017

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 district election officers, further providing
12 for vacancies in election boards.

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

15 Section 1. Section 405 of the act of June 3, 1937 (P.L.1333,
16 No.320), known as the Pennsylvania Election Code, is amended to
17 read:

18 Section 405. Vacancies in Election Boards; Appointment;
19 Judge and Majority Inspector to Be Members of Majority Party;
20 Minority Inspector to Be Member of Minority Party.--(a)
21 Vacancies in election boards existing by reason of the
22 disqualification, removal, resignation or death of an election
23 officer, or from any other cause, occurring prior to the fifth

1 day before any primary or election, shall, in all cases, be
2 filled by appointment, by the [court of the proper county]
3 county board of elections, of competent persons, qualified in
4 accordance with the provisions of this act, who shall serve for
5 the unexpired term of the person whose place he is appointed to
6 fill: Provided, however, That any district election officer who,
7 after his election or appointment, changes his political
8 affiliation, shall not thereby become disqualified to serve on
9 said election board, and shall not thereby be subject to
10 removal. In making such appointments, the [court] county board
11 of elections shall receive and consider any petitions filed by
12 qualified electors of the district affected, and shall make no
13 appointment to fill any vacancy unless notice of the time at
14 which they will make such appointment shall have been posted on
15 the polling place of such district, and in the immediate
16 vicinity thereof, at least five days prior thereto. In the
17 appointment of inspectors in any election district, both shall
18 not be of the same political party at the time of said
19 appointment, but one shall be of the party having the largest
20 number of votes and the other shall be of the party having the
21 second largest number of votes in said district at the last
22 preceding November election, as nearly as the [judge or judges]
23 county board of elections can ascertain the fact. The judge of
24 election shall, in all cases of appointment, be of the political
25 party having the majority of votes in said district at the last
26 preceding November election, as nearly as the [judge or judges]
27 county board of elections can ascertain the fact. Immediately
28 upon the [entry of an order of court filling any vacancy on an
29 election board, the clerk of said court shall forthwith transmit
30 a certified copy of said order to the county board, giving the

1 name and address of said appointee.] appointment by the county
2 board of elections filling a vacancy on an election board, the
3 county board shall amend its records to include the name and
4 address of said appointee. Notwithstanding any provisions to the
5 contrary, in counties which have adopted home rule charters or
6 optional plans and which appoint the members of the county
7 election board under section 301(b), vacancies in the county
8 board of elections shall be filled consistent with the
9 provisions for appointment of county election board members
10 under that section.

11 (a.1) Vacancies in county boards existing by reason of the
12 disqualification, removal, resignation or death of a clerk or
13 machine inspector appointed pursuant to section 404 or a vacancy
14 of a clerk or machine inspector from any other cause occurring
15 prior to the day of any primary or election may be filled by a
16 student pursuant to section 402(b).

17 (b) The first election board for any new district shall be
18 selected, by the [court of the proper county] county board of
19 elections, of competent persons, qualified in accordance with
20 the provisions of this act, who shall serve until the next
21 municipal election at which all election officials are elected
22 under the provisions of section 401.

23 (c) Vacancies in election boards occurring at any time
24 during the five days immediately preceding any primary or
25 election or on the day of the primary or election may be filled
26 by appointment by the county board of elections from a pool of
27 competent persons who are qualified registered electors of the
28 county and who have been trained by the county to perform the
29 duties of election officers which are required by this act. Any
30 person appointed to fill a vacancy in accordance with this

1 subsection shall serve as a member of the election board on the
2 day of the primary or election only. Any election board position
3 filled in accordance with this subsection shall be deemed vacant
4 on the day immediately following the primary or election and
5 subsequently shall be filled in accordance with subsection (a).

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