

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 573 Session of 2021

INTRODUCED BY MASTRIANO, PITTMAN, BROOKS, HUTCHINSON AND STEFANO, APRIL 16, 2021

REFERRED TO STATE GOVERNMENT, APRIL 16, 2021

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 appointment of watchers; and, in penalties, further  
 13 providing for refusal to permit overseers, watchers,  
 14 attorneys or candidates to act and for hindering or delaying  
 15 performance of duty.

16 The General Assembly of the Commonwealth of Pennsylvania  
 17 hereby enacts as follows:

18 Section 1. Section 417, 1806 and 1849 of the act of June 3,  
 19 1937 (P.L.1333, No.320), known as the Pennsylvania Election  
 20 Code, are amended to read:

21 Section 417. Appointment of Watchers.--

22 (a) Each candidate for nomination or election at any  
 23 election shall be entitled to appoint [two watchers for] three  
 24 watchers at any general, municipal or special election, each

1 election district in which such candidate is voted for. Each  
2 political party and each political body which has nominated  
3 candidates in accordance with the provisions of this act, shall  
4 be entitled to appoint three watchers at any general, municipal  
5 or special election for each election district in which the  
6 candidates of such party or political body are to be voted for.  
7 Such watchers shall serve without expense to the county.

8 (b) Each watcher so appointed must be a qualified registered  
9 elector [of the county in which the election district for which  
10 the watcher was appointed is located] of the Commonwealth. Each  
11 watcher so appointed shall be authorized to serve in the  
12 election district for which the watcher was appointed and, when  
13 the watcher is not serving in the election district for which  
14 the watcher was appointed, in any other election district in the  
15 [county in which the watcher is a qualified registered elector]  
16 Commonwealth: Provided, That only one watcher for each candidate  
17 [at primaries, or] and one watcher for each party or political  
18 body at general, municipal or special elections, shall be  
19 present in the polling place at any one time from the time that  
20 the election officers meet prior to the opening of the polls  
21 under section 1208 until the time that the counting of votes is  
22 complete and the district register and voting check list is  
23 locked and sealed, and all watchers in the room shall remain  
24 outside the enclosed space. It shall not be a requirement that a  
25 watcher be a resident of the election district for which the  
26 watcher is appointed. After the close of the polls and while the  
27 ballots are being counted or voting machine canvassed, all the  
28 watchers shall be permitted to be in the polling place [outside]  
29 inside the enclosed space, but may not interfere with the  
30 counting of ballots. Each watcher shall be provided with a

1 certificate from the county board of elections, stating his name  
2 and the name of the candidate, party or political body he  
3 represents. Watchers shall be required to show their  
4 certificates when requested to do so. Watchers allowed in the  
5 polling place under the provisions of this act, shall be  
6 permitted to keep a list of voters and shall be entitled to  
7 challenge any person making application to vote and to require  
8 proof of his qualifications at any facility where votes are  
9 collected, as provided by this act. During those intervals when  
10 voters are not present in the polling place either voting or  
11 waiting to vote, the judge of elections shall permit watchers,  
12 upon request, to inspect the voting check list and either of the  
13 two numbered lists of voters maintained by the county board:

14 Provided, That the watcher shall not mark upon or alter these  
15 official election records. The judge of elections shall  
16 supervise or delegate the inspection of any requested documents.

17 (c) No candidate or committee of a political party or of a  
18 political body, nor any other person or persons shall pay to any  
19 watcher compensation in excess of one hundred twenty (\$120.00)  
20 dollars per diem.

21 (d) A watcher whose watcher's certificate is destroyed or  
22 lost on election day may appear before the court of common pleas  
23 under section 1206 and, after swearing under oath or affirmation  
24 that the watcher's certificate was destroyed or lost, may  
25 immediately receive a replacement watcher's certificate issued  
26 by the court.

27 Section 1806. Refusal to Permit Overseers, Watchers,  
28 Attorneys or Candidates to Act.--Any member of a county board of  
29 elections, judge of election or inspector of election who shall  
30 refuse to permit any overseer or watcher, attorney or candidate

1 to be present, as authorized by this act, at any session of a  
2 county board, computation and canvassing of returns of any  
3 primary or election, recount of ballots or recanvass of voting  
4 machines, as authorized by this act, or at any polling place  
5 during the time the polls are open at any primary or election,  
6 and after the close of the polls during the time the ballots are  
7 counted or voting machine canvassed and until the returns of  
8 such primary or election have been made up and signed, shall be  
9 guilty of a misdemeanor of the second degree, and, upon  
10 conviction thereof, shall be sentenced to pay a fine not  
11 exceeding one thousand (\$1,000) dollars, or to undergo an  
12 imprisonment not exceeding one (1) year, or both, in the  
13 discretion of the court. An individual who violates this section  
14 shall forfeit any compensation for election services rendered or  
15 shall repay compensation to the county, whichever applies.

16 Section 1849. Hindering or Delaying Performance of Duty.--  
17 Any person who intentionally interferes with, hinders or delays  
18 or attempts to interfere with, hinder or delay any other person  
19 in the performance of any act or duty authorized or imposed by  
20 this act, shall be guilty of a misdemeanor of the second degree,  
21 and, upon conviction thereof, shall be sentenced to pay a fine  
22 not exceeding five hundred (\$500) dollars, or to undergo an  
23 imprisonment of not more than one (1) year, or both, in the  
24 discretion of the court.

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