

No. 124

AN ACT

HB 153

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," requiring election districts to be contiguous in regions of certain school districts, further providing for certain activities by corporations and unincorporated associations, providing for an accounting exception for small contributions and providing an exception for police officers to be within a certain distance of a polling place.

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

Section 1. Section 502, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," reenacted April 4, 1945 (P.L.143, No.64) and amended September 2, 1961 (P.L.1228, No.537), is amended to read:

Section 502. Court to Create New Election Districts.—Subject to the provisions of section 501 of this act, the court of quarter sessions of the county in which the same are located, may form or create new election districts by dividing or redividing any borough, township, ward or election district into two or more election districts of compact and contiguous territory, or alter the bounds of any election district, or form an election district out of two or more adjacent districts or parts of districts, or consolidate adjoining election districts, so as to suit the convenience of the electors and to promote the public interests. Election districts so formed shall contain between six hundred (600) and eight hundred (800) registered electors as nearly as may be. No election district shall be formed that shall contain less than one hundred (100) registered electors. ***When a school district crosses county lines, the regions of the school district shall be composed of contiguous election districts.***

Section 2. Section 1207 of the act, amended June 19, 1974 (P.L.366, No.122), is amended to read:

Section 1207. Peace Officers; No Police Officer to Be Within One Hundred Feet of Polling Place; Exceptions; Presence of Soldiers Prohibited.—The constable of each borough, township or ward, or his deputy shall be present at the polling place in each election district of such borough, township or ward at each primary and election during the continuance thereof, and while the votes are being counted, for the purpose of preserving the peace, and shall serve at all elections for which services the said constable and each of such deputies performing such services shall

receive the same compensation payable to inspectors and clerks under section 412 (a) of this act which shall be paid by the county. Such sum shall include pay for serving notices in writing to persons elected at such election. The election officers, or any three qualified electors of any election district, may call upon any mayor, chief burgess, sheriff, deputy sheriff, constable, deputy constable, or police officer, to clear an avenue to the door of any polling place which is obstructed in such a way as to prevent electors from approaching, or to maintain order and quell any disturbance, if such arises. No police officer in commission, whether in uniform or in citizen's clothes, shall be within one hundred feet of a polling place during the conduct of any primary or election, unless in the exercise of his privilege of voting, or for the purpose of serving warrants, or unless called upon to preserve the peace, as provided by this act: ***Provided, however, That such prohibition shall not apply to such police officers assigned to a police station or headquarters located in a building or on the premises where the polling place is located and such police officers must be within one hundred (100) feet of the polling place to enter and exit such police station or headquarters: And provided further, That in no event may any police officer unlawfully use or practice any intimidation, threats, force or violence nor, in any manner, unduly influence or overawe any elector or prevent him from voting or restrain his freedom of choice, nor may any such police officer electioneer or directly or indirectly attempt to influence the election or electors while within one hundred (100) feet of a polling place as herein set forth: And provided further, That where polling places are located in buildings or on premises where a police station or headquarters are located, the polling place shall be located in a separate room.*** No body of troops in the Army of the United States or of this Commonwealth shall be present, either armed or unarmed, at any place of election within this Commonwealth during the time of any primary or election: ***Provided, however, That no officer or soldier shall be prevented from exercising the right of suffrage in the election district in which he resides, if otherwise qualified.***

Section 3. Section 1605 of the act is amended by adding a subsection to read:

Section 1605. Contributions for Election Expenses to Be Made to Candidates or Treasurers; Contributions by Corporations and Unincorporated Associations Prohibited.—

* * *

(c) Neither the provisions of this section, nor the provisions of section 1604(a) nor any other provisions of the laws of this Commonwealth shall be deemed to prohibit direct private communications by a corporation to its stockholders and their families or by an unincorporated association to its members and their families on any subject; non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families or by an unincorporated association aimed at its members and their families; and the establishment, and administration by a

corporation or an unincorporated association of a separate segregated fund which fund is to be created by voluntary individual contributions and to be utilized for political purposes, provided that any such separate segregated fund shall be deemed to be a political committee for the purposes of section 1607 of this act.

Section 4. Subsection (a) of section 1607 of the act, amended July 17, 1963 (P.L.266, No.141), is amended to read:

Section 1607. Expense Accounts to Be Filed.—

(a) Every candidate for nomination or election, and every treasurer of a political committee, or person acting as such treasurer, shall, within thirty days after every primary and election at which such candidate was voted for or with which such political committee was concerned, if the amount received or expended or liabilities incurred shall exceed the sum of one hundred fifty dollars, file a full, true and detailed account, subscribed and sworn to by him, setting forth each and every sum of money received, contributed or disbursed by him for primary or election expenses, the date of each receipt, contribution and disbursement, the name of the person from whom received or to whom paid, and the specific object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and liabilities of any such candidate or committee for primary or election expenses, with the nature and amount of each, and to whom owing. In the case of the treasurer of a political committee, the account shall include any unexpended balance of contributions or other receipts appearing from the last previous account filed by him, and shall also include a complete listing of all receipts and disbursements made by such committee for any purpose, including all receipts and disbursements from the publication and sale of all publications, and from the time of the last account or from the time of the formation of the political committee if no prior account has been filed. In the case of candidates for election who have previously filed accounts of their primary expenses as candidates for nomination, the accounts shall only include receipts, contributions and disbursements subsequent to the date of such prior accounts.

Notwithstanding the foregoing paragraph, where any amount received or contributed is not more than fifty (\$50) dollars, such amounts may be aggregated according to the date of receipt or contribution. In such cases, the name of the person from whom received or contributed need not be set forth. However, where the candidate for nomination or election, treasurer of a political committee, or person acting as a treasurer, knows or has reason to know that a person has, through multiple contributions, contributed more than a total of fifty (\$50) dollars, he must make a full, true and detailed account and report of what he knows or has reason to know.

* * *

Section 5. Section 1820 of the act is amended to read:

Section 1820. Police Officers at Polling Places.—Any police officer in commission, whether in uniform or in citizen's clothes, who shall be within

one hundred (100) feet of a polling place during the conduct of any primary or election, except in the exercise of his privilege of voting or for the purpose of serving warrants, *or in accordance with the provisions of the exception set forth in section 1207 of this act where the police station or headquarters is located in the same building or on the premises where the polling place is located* or unless called upon to preserve the peace, as provided by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not more than one (1) year, or both, in the discretion of the court.

Section 6. Any school district which crosses county lines and in which regions are composed of non-contiguous election districts shall be reapportioned. If a school district is not reapportioned within six months after enactment hereof, the court of common pleas of the county in which the largest part in land area of the school district is located shall form new regions in the manner provided for the formation of election districts. School directors elected in 1975 and incumbent school directors shall serve the terms for which they were elected; their successors shall be elected in accordance with the reapportioned regions.

Section 7. This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1976.

MILTON J. SHAPP