

No. 1997-48

AN ACT

SB 1136

Amending the act of November 1, 1971 (P.L.495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," providing for the compensation of district election officers; and making repeals.

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

Section 1. The title of the act of November 1, 1971 (P.L.495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," amended October 29, 1987 (P.L.373, No.74), is amended to read:

AN ACT

Providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, *for compensation of district election officers in all counties*, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers.

Section 2. The act is amended by adding a section to read:

Section 10.2. (a) In all counties regardless of class, the compensation of judges of election, inspectors of election, clerks and machine operators as provided in Article IV of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," shall be fixed by the county board of elections for each election in accordance with the following:

<i>Election Officers</i>	<i>Minimum Compensation</i>	<i>Maximum Compensation</i>
<i>Judges of election</i>	<i>\$45</i>	<i>\$100</i>
<i>Inspectors of election, clerks and machine operators</i>	<i>\$40</i>	<i>\$95</i>

(b) The county board of elections may, in its discretion, establish different per diem rates within the minima and maxima provided for in subsection (a) based on the number of votes cast for the following groups:

- (1) 150 votes or less.**
- (2) 151 to 300 votes.**

- (3) 301 to 500 votes.
- (4) 501 to 750 votes.
- (5) 751 votes and over.

(c) *For transmitting returns of elections and the ballot box or boxes, all judges of election shall be entitled to receive the additional sum of ten dollars (\$10).*

(d) *The county board of elections may, in its discretion, require the minority inspector of election to accompany the judge of election in transmitting the returns of elections, in which case the minority inspector of election shall be entitled to receive the additional sum of ten dollars (\$10).*

(e) *The person furnishing transportation to the judge of election and the minority inspector in transmitting returns and ballot boxes shall be entitled to a minimum of thirty cents (\$.30) per circular mile from the polling place to the county court house. The name of such person shall appear on the voucher of the judge of election, and only one person shall receive mileage compensation.*

(f) *A constable or deputy constable performing duties under section 1207 of the "Pennsylvania Election Code" shall receive compensation at the same rate payable to an inspector.*

(g) *When a primary and special election or a special election and a general or municipal election take place on the same date, they shall be construed as one election for the purpose of receiving compensation.*

(h) *Compensation and other payments received by election officials pursuant to this section shall not be deemed income classified and categorized under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."*

(i) *As used in this section, unless the context otherwise requires:*

"District election board" means election officers required for the conduct of elections in any election district in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

"Election" means any general, municipal, special or primary election.

"Election district" means a district, division or precinct established in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," in which all qualified electors are eligible to vote in the same polling place.

Section 3. (a) Section 412.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is repealed.

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. This act shall be applicable as constitutionally permissible.

Section 5. This act shall take effect January 1, 1998.

APPROVED—The 31st day of October, A.D. 1997.

THOMAS J. RIDGE