

No. 2002-44

AN ACT

SB 1240

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," further providing for appointment of watchers and for restrictions on election district alteration; providing for the Statewide Uniform Registry of Electors Advisory Board; and making a repeal.

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

Section 1. Section 417(b) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended August 14, 1963 (P.L.1048, No.453), is amended to read:

Section 417. Appointment of Watchers.—

* * *

(b) All watchers so appointed shall serve in only one district and must be qualified registered electors of the [municipality or township] county in which the district where they are authorized to act is located. *It shall not be a requirement that they be residents of the district where they are authorized to act.* Only one watcher for each candidate at primaries, or for each party or political body at general, municipal or special elections, shall be allowed to remain in the polling place at any one time prior to the close of the polls, and all watchers in the room shall remain outside the enclosed space. After the close of the polls and while the ballots are being counted or voting machine canvassed, all the watchers shall be permitted to be in the polling place outside the enclosed space. Each watcher shall be provided with a certificate from the county board of elections, stating his name and the name of the candidate, party or political body he represents. Watchers shall be required to show their certificates when requested to do so. Watchers allowed in the polling place under the provisions of this act, shall be permitted to keep a list of voters and shall be entitled to challenge any person making application to vote and to require proof of his qualifications, as provided by this act. [All watchers so appointed as set forth above, who are to serve in a district other than the one from which they are registered electors, are to be appointed on petition to the court of common pleas. Said petition shall set forth that the watcher is a qualified voter of the municipality or township in which the district is located and that said watcher is a law abiding citizen and of good

repute, and the court shall consider all factors relevant to said petition before granting or refusing same.]

*** * ***

Section 2. Section 536 of the act, added November 24, 1999 (P.L.543, No.51), is amended to read:

Section 536. Restrictions on Alteration.—(a) Except as provided in subsection (b), there shall be no power to establish, abolish, divide [or], consolidate *or alter in any manner* an election district during the period June 1, 2000, through [April] *June 30, 2002, or through resolution of all judicial appeals to the 2002 Congressional Reapportionment Plan, whichever occurs later.*

(b) During the period from June 1, 2000, through December 31, 2000, an election district may be divided or election districts may be combined if the following are met:

(1) In the case of the division of an election district, the boundary of each resulting district is composed entirely of clearly visible physical features conforming with the census block lines or portions of the original boundary of the election district which was divided.

(2) In the case of the combination of election districts, the boundary of each resulting district is composed entirely of portions of the original boundaries of the election districts which were combined.

(c) If an alteration of an election district under subsection (b) is sought, the following shall apply:

(1) The county board of elections shall notify the bureau, in writing, of the proposed alteration. The notice shall include a map and a description of the proposed boundary of any new or altered district or districts. The bureau shall forward a copy of any notice of proposed alteration to the Legislative Data Processing Center within seven (7) days of receipt.

(2) Before a county board of elections may petition the court for a change in the boundary of an election district under this act, the secretary must make a determination that the board has complied with subsection (b). Any of the following constitute evidence of the determination under this clause:

(i) A certification by the secretary that the determination has been made.

(ii) A certification by the board that notice under this clause has been given to the bureau and that the secretary has not acted within forty-five (45) days of the notice.

(3) The board shall forward a copy of the order approving any alteration to the secretary and the Legislative Data Processing Center within seven (7) days of the issuance of that order.

Section 3. The act is amended by adding an article to read:

ARTICLE XIII-C

Statewide Uniform Registry of Electors Advisory Board

Section 1301-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of State of the Commonwealth.

“Secretary.” The Secretary of the Commonwealth.

“Statewide Uniform Registry of Electors” or “SURE system.” The integrated voter registration system of all registered electors in this Commonwealth established in 25 Pa.C.S. Ch. 12 Subch. B (relating to Statewide Uniform Registry of Electors (SURE)).

Section 1302-C. SURE System Advisory Board.

(a) Establishment.—The secretary shall form an advisory board to confer with the department regarding the SURE system.

(b) Composition.—The advisory board shall be comprised of six directors of elections who have been appointed as follows:

(1) Two directors by the Senate, one appointed by the Minority Leader and one appointed by the President pro tempore of the Senate.

(2) Two directors by the House of Representatives, one appointed by the Minority Leader and one appointed by the Speaker of the House of Representatives.

(3) Two directors appointed by the secretary.

(c) Terms.—The term of office of each member of the advisory board shall be coterminous with the term of the authority appointing that member.

Section 4. The provisions of 25 Pa.C.S. § 1222(b) are repealed.

Section 5. The amendment of section 536 of the act shall apply retroactively to November 24, 1999.

Section 6. This act shall take effect immediately.

APPROVED—The 16th day of May, A.D. 2002.

MARK S. SCHWEIKER