

No. 122

AN ACT

SB 285

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," increasing the compensation of election officers, constables and their deputies.

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

Section 1. Subsection (b) of section 412, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," amended October 6, 1972 (P.L.895, No.211), is amended to read:

Section 412. Compensation of Election Officers.—* * *

(b) In *all* counties [~~of the fourth, fifth, sixth, seventh, and eighth classes,~~] the compensation of judges, inspectors, clerks and machine inspectors [~~in districts using voting machines~~] shall be fixed by the county board of elections of the county at not less than the following: judges of election, [~~sixteen dollars (\$16.00)] *thirty dollars (\$30.00)*~~; inspectors and clerks, [~~fourteen dollars (\$14.00)] *twenty-five dollars (\$25.00)*~~; and machine operators, [~~twelve dollars (\$12.00)] *twenty-five dollars (\$25.00)*~~; and not more than the following: judges of election, [~~twenty-eight dollars (\$28.00)] *forty-five dollars (\$45.00)*~~; inspectors and clerks, [~~twenty-six dollars (\$26.00)] *forty dollars (\$40.00)*~~; and machine operators, [~~twenty-four dollars (\$24.00)] *forty dollars (\$40.00)*~~; for each primary and election. [~~In districts using voting machines the~~] *The* county board of elections may, in its discretion, establish different per diem rates within the above mentioned minima and maxima based on the number of votes cast for the following groups: 150 votes or less, 151 to 500 votes, 501 to 1000 votes, over 1000 votes. [~~In every election district using paper ballots in such counties, the compensation of judges, inspectors and clerks shall be fixed by the county board of elections of the county at not less than sixteen dollars (\$16.00) nor more than twenty-one dollars (\$21.00) for each primary and election. In any election district using paper ballots in such counties and in counties of the third class in which more than one hundred votes are cast at any primary or election all such officers and clerks shall each receive additional compensation at the rate of two dollars (\$2.00) for each fifty votes, or fraction thereof, cast after the first one hundred votes. But in~~

no case shall total compensation for any judge, inspector or clerk exceed the sum of thirty-nine dollars (\$39.00) for any one primary or election.]

* * *

Section 2. Section 1207 of the act, amended June 19, 1969 (P.L.83, No.29), 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 **[not less than ten (\$10) dollars, nor more than twenty (\$20) dollars. The compensation to be paid in each of the counties shall be fixed by the commissioners of each county, and]** *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. 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. This act shall take effect immediately.

APPROVED—The 19th day of June, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 122.



Secretary of the Commonwealth.