

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 275 Session of 2023

INTRODUCED BY WEBSTER, MADDEN, ROZZI, SANCHEZ, KINSEY, KINKEAD,
D. WILLIAMS AND CONKLIN, MARCH 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2023

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, providing for
12 master list of prospective clerks of election and for clerk
13 of election vacancies and further providing for vacancies in
14 election boards, appointment, judge and majority inspector to
15 be members of majority party and minority inspector to be
16 member of minority party.

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

19 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
20 as the Pennsylvania Election Code, is amended by adding sections
21 to read:

22 Section 404.1. Master List of Prospective Clerks of
23 Election.--(a) At least annually, each county election board
24 shall prepare a master list of prospective clerks of election
25 within the county. The master list shall contain:

1 (1) The most recent available address for each prospective
2 clerk of election.

3 (2) All qualified registered electors and all voter
4 registration lists within the county.

5 (b) The master list under subsection (a) shall be open to
6 the public for inspection.

7 Section 404.2. Clerk of Election Vacancies.--(a) A vacancy
8 of a clerk appointed under section 404 or from any other cause
9 occurring prior to the day of a primary or election may be
10 filled by a selection at random from a cross section of
11 qualified registered electors of a county. When a vacancy is
12 filled under this section, the following apply:

13 (1) Each qualified registered elector of the county shall
14 have the opportunity to be considered for service as a clerk of
15 election.

16 (2) Each qualified registered elector shall fulfill the
17 obligation to serve as a clerk of election as prescribed by
18 section 404.

19 (3) A qualified registered elector may not be excluded from
20 service as a clerk of election as a result of discrimination
21 based upon race, color, religion, sex, national origin or
22 economic status.

23 (4) A qualified registered elector may not be excluded from
24 service as a clerk of election except the following:

25 (i) A member of the Pennsylvania National Guard or a member
26 of an active or reserve component of the armed forces of the
27 United States who is serving on active duty.

28 (ii) An individual who served as a clerk of election by
29 random selection within the primary or election of the same
30 election cycle unless the individual has opted to serve as a

1 clerk of election by choice.

2 (iii) An individual who demonstrates to the county election
3 board undue hardship or extreme inconvenience. The following
4 apply:

5 (A) The individual may be excused permanently or for a
6 period as the county election board determines is necessary.

7 (B) If excused for a limited period, the individual shall,
8 at the end of the period, be assigned to the next clerk array.

9 (iv) An individual who is seventy-five (75) years of age or
10 older and requests to be excused.

11 (v) A woman who is breastfeeding and requests to be excused.

12 (b) The county election board shall maintain a master list
13 and shall place therein the names of individuals included on the
14 list of qualified registered electors.

15 (c) Upon determination of an insufficient number of clerks
16 of election, the county election board shall publicly select at
17 random from the master list the number of names of qualified
18 registered electors as may be required to maintain a polling
19 place in accordance with section 404.

20 (d) A separate list of names and addresses of qualified
21 registered electors assigned to each polling place shall be
22 prepared and made available for public inspection at the offices
23 of the county election board no later than thirty days prior to
24 the first date on which the clerk of election is to serve.

25 Section 2. Section 405(a.1) of the act is amended to read:

26 Section 405. Vacancies in Election Boards; Appointment;
27 Judge and Majority Inspector to Be Members of Majority Party;
28 Minority Inspector to Be Member of Minority Party.--* * *

29 (a.1) Vacancies in county boards existing by reason of the
30 disqualification, removal, resignation or death of a clerk or

1 machine inspector appointed pursuant to section 404 or a vacancy
2 of a clerk or machine inspector from any other cause occurring
3 prior to the day of any primary or election may be filled by a
4 [student] qualified registered elector pursuant to section
5 [402(b)] 404.2(a).

6 * * *

7 Section 3. This act shall take effect in 60 days.