

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1916 Session of 2021

INTRODUCED BY WEBSTER, HILL-EVANS, KINSEY, HOHENSTEIN, DELLOSO AND SANCHEZ, SEPTEMBER 27, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 27, 2021

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. The following apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (a.1) Vacancies in county boards existing by reason of the
29 disqualification, removal, resignation or death of a clerk or
30 machine inspector appointed pursuant to section 404 or a vacancy

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

5 * * *

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