

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1108 Session of 2025

INTRODUCED BY BOSCOLA, FONTANA, COSTA AND STEFANO,
DECEMBER 22, 2025

REFERRED TO STATE GOVERNMENT, DECEMBER 22, 2025

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, further providing
12 for district election boards and election and for
13 qualifications of election officers, repealing provisions
14 relating to tie votes for judge and inspector and further
15 providing for vacancies in election boards, appointment,
16 judge and majority inspector to be members of majority party
17 and minority inspector to be member of minority party.

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

20 Section 1. Sections 401 and 402(a) of the act of June 3,
21 1937 (P.L.1333, No.320), known as the Pennsylvania Election
22 Code, are amended to read:

23 Section 401. District Election Boards; Election.--All
24 primaries and elections shall be conducted in each election
25 district by a district election board consisting of a judge of

1 election, a majority inspector of election and a minority
2 inspector of election, assisted by clerks and machine inspectors
3 in certain cases, as hereinafter provided. The judge and
4 inspectors of election of each election district shall be
5 [elected by the electors thereof at the municipal election, and
6 shall hold office for a term of four years from the first Monday
7 of January next succeeding their election. Each elector may vote
8 for one person as judge and for one person as inspector, and the
9 person receiving the highest number of votes for judge shall be
10 declared elected judge of election, the person receiving the
11 highest number of votes for inspector shall be declared elected
12 majority inspector of election, and the person receiving the
13 second highest number of votes for inspector shall be declared
14 elected minority inspector of election.] appointed by the county
15 board of elections as provided in this article.

16 Section 402. Qualifications of Election Officers.--(a)
17 Except as provided in subsection (b), election officers shall be
18 qualified registered electors of the district in which they are
19 [elected or] appointed. No person shall be qualified to serve as
20 an election officer who shall hold, or shall within two months
21 have held, any office, appointment or employment in or under the
22 Government of the United States or of this State or of any city
23 or county or poor district, of any municipal board, commission
24 or trust in any city, save only district justices, notaries
25 public and persons in the militia service of the State; nor
26 shall any election officer be eligible to any civil office to be
27 voted for at a primary or election at which he shall serve[,
28 except that of an election officer].

29 * * *

30 Section 2. Section 403 of the act is repealed:

1 [Section 403. Tie Votes for Judge and Inspector.--If at any
2 municipal election in any district there shall be a tie vote for
3 the office of judge of election, the majority inspector of
4 election elected at said election shall decide the tie vote. If
5 at any municipal election in any district there is a tie vote
6 for inspectors, the two candidates who receive the same number
7 of votes shall determine by lot which of them shall be the
8 majority inspector, and the other candidate shall be the
9 minority inspector, and in case of a tie vote also for judge of
10 election at said election, the tie shall be decided by the
11 person so determined to be majority inspector. The county board
12 shall be notified immediately upon the determination of any such
13 tie vote.]

14 Section 3. Section 405 heading, (a), (b) and (c) of the act
15 are amended and the section is amended by adding subsections to
16 read:

17 Section 405. Vacancies in Election Boards; Appointment;
18 Judge and Majority Inspector to Be Members of Majority Party;
19 Minority Inspector to Be Member of Minority Party; Transition of
20 Elected Officers.--(a) Vacancies in election boards existing by
21 reason of the disqualification, removal, resignation or death of
22 an election officer, or from any other cause, occurring prior to
23 the fifth day before any primary or election, shall, in all
24 cases, be filled by appointment, by the [court of the proper
25 county] county board of elections, of competent persons,
26 qualified in accordance with the provisions of this act[, who
27 shall serve for the unexpired term of the person whose place he
28 is appointed to fill]: Provided, however, That any district
29 election officer who, after his election or appointment, changes
30 his political affiliation, shall not thereby become disqualified

1 to serve on said election board, and shall not thereby be
2 subject to removal. In making such appointments, the [court]
3 board shall receive and consider any petitions filed by
4 qualified electors of the district affected, and shall make no
5 appointment to fill any vacancy unless notice of the time at
6 which they will make such appointment shall have been posted on
7 the polling place of such district, and in the immediate
8 vicinity thereof, at least five days prior thereto. In the
9 appointment of inspectors in any election district, both shall
10 not be of the same political party at the time of said
11 appointment, but one shall be of the party having the largest
12 number of votes and the other shall be of the party having the
13 second largest number of votes in said district at the last
14 preceding November election, as nearly as the judge or judges
15 can ascertain the fact. The judge of election shall, in all
16 cases of appointment, be of the political party having the
17 majority of votes in said district at the last preceding
18 November election, as nearly as the judge or judges can
19 ascertain the fact. [Immediately upon the entry of an order of
20 court filling any vacancy on an election board, the clerk of
21 said court shall forthwith transmit a certified copy of said
22 order to the county board, giving the name and address of said
23 appointee.] Notwithstanding any provisions to the contrary, in
24 counties which have adopted home rule charters or optional plans
25 and which appoint the members of the county election board under
26 section 301(b), vacancies in the county board of elections shall
27 be filled consistent with the provisions for appointment of
28 county election board members under that section.

29 * * *

30 [(b) The first election board for any new district shall be

1 selected, by the court of the proper county, of competent
2 persons, qualified in accordance with the provisions of this
3 act, who shall serve until the next municipal election at which
4 all election officials are elected under the provisions of
5 section 401.

6 (c) Vacancies in election boards occurring at any time
7 during the five days immediately preceding any primary or
8 election or on the day of the primary or election may be filled
9 by appointment by the county board of elections from a pool of
10 competent persons who are qualified registered electors of the
11 county and who have been trained by the county to perform the
12 duties of election officers which are required by this act. Any
13 person appointed to fill a vacancy in accordance with this
14 subsection shall serve as a member of the election board on the
15 day of the primary or election only. Any election board position
16 filled in accordance with this subsection shall be deemed vacant
17 on the day immediately following the primary or election and
18 subsequently shall be filled in accordance with subsection (a).]

19 (d) Any person elected to a district election board prior to
20 November 2, 2027, shall remain an officer of the district
21 election board until the person is appointed by a county board
22 of elections or replaced by another person in accordance with
23 section 401.

24 (e) No later than January 30, 2028, a county board of
25 elections shall complete appointments to each district election
26 board.

27 Section 4. This act shall take effect in 60 days.