
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.**No.****842****Session of
1919.**

INTRODUCED BY MR. BRADY, MARCH 10, 1919.

**REFERRED TO COMMITTEE ON ELECTIONS,
MARCH 11, 1919.**

AN ACT

To amend sections ten thirteen fourteen and fifteen of an act entitled "An act regulating certain political parties providing for and regulating the nomination of candidates of such political parties for certain public offices the election of delegates and alternate delegates to National party conventions and of certain party officers including State committeemen a method whereby electors of such political parties may express their choice of candidates for the office of President of the United States and the payment by the several counties and their reimbursement by the State of the expenses of the same authorizing the State committee of a political party to make and to alter amend and revoke rules and providing penalties for the violation of the provisions of this act and for the punishment of certain offenses provided for herein and repealing inconsistent legislation" approved the twelfth day of July Anno Domini one thousand nine hun-

dred and thirteen (Pamphlet Laws seven hundred and nineteen) so as to provide fully how many official and specimen ballots shall be provided for each party at the primaries and to whom the same shall be delivered what other election materials shall be furnished and what printed instructions shall be given voters and election officers how the official ballots shall be given to qualified electors how party membership shall be evidenced and how and when it may be challenged how the vote shall be counted recorded and returned by the election officers what shall be done with the ballots voted their stubs and the unused spoiled and void ballots tally papers oaths of election officers affidavits of voters etc lists of voters of each party triplicate and other return sheets and who shall have the custody of same to require the return and public inspection of all the spoiled and unused ballots from each election district before the computation of any returns therefrom to prescribe the method of computing and canvassing such returns publicly to provide who shall constitute the return board for any county wherein one or more of the commissioners are candidates at any primary to regulate the manner of correcting apparent errors in certain returns and the opening of ballot boxes and the recounting of votes when any county commissioner or judge of the court of common pleas deems it necessary in order to obtain a correct count or upon the petition of three electors

averring fraud or error to assure the right of any authorized representative of any party or candidate to hear record and check up the returns as read as well as to inspect the same and any other public documents relating to any primary election to allow any person aggrieved by any decision of the county commissioners to appeal therefrom to the court of common pleas of the proper county to make certain violations of said act as amended hereby misdemeanors and to provide penalties for the punishment of such offences and to repeal inconsistent legislation

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *section ten of an act approved the twelfth day of July*
5 *Anno Domini one thousand nine hundred and thirteen en-*
6 *titled "An act regulating certain political parties providing*
7 *for and regulating the nomination of candidates of such*
8 *political parties for certain public offices the election of*
9 *delegates and alternate delegates to National party conven-*
10 *tions and of certain party officers including State commit-*
11 *teemen a method whereby electors of such political parties*
12 *may express their choice of candidates for the office of*
13 *President of the United States and the payment by the*
14 *several counties and their reimbursement by the State of*
15 *the expenses of the same authorizing the State committee*
16 *of a political party to make and to alter amend and*
17 *revoke rules and providing penalties for the violation of*
18 *the provisions of this act and for the punishment of*

1 certain offenses provided for herein and repealing incon-
2 sistent legislation" which reads as follows

3 "Section 10 The county commissioners shall prepare and
4 furnish to the election officers for use at the primaries
5 as many official ballots of each party as are equal to
6 double the largest entire vote cast for any candidate of
7 said party within the election district at any of the last
8 three preceding general elections Provided That the county
9 commissioners upon request made in writing by any can-
10 didate of any party within four weeks prior to the pri-
11 mary shall furnish such additional number of ballots in
12 any election district as said county commissioners may
13 deem necessary

14 The county commissioners shall also furnish specimen
15 ballots for the use of electors at the polls equal in
16 number to one-fourth the whole number of official ballots
17 said specimen ballots to be printed on colored paper and
18 to be the same size and form as the official ballot

19 On the back of each specimen ballot for the primary
20 next preceding the election of a President of the United
21 States the county commissioners shall print subdivision (c)
22 of section six of this act

23 The official ballots shall be bound in books of one
24 hundred each in the same manner as ballots at elec-
25 tions and shall be delivered to the officers of election in
26 the same manner as ballots are or hereafter may be
27 required by law to be delivered to officers of elections
28 for use at elections

29 The county commissioners shall prepare and furnish to

1 the election officers at the primaries such ballot boxes
2 properly numbered for each election district list of voters
3 forms—including forms of affidavits for obtaining assistance
4 in marking ballots and for voters challenged as to
5 identity party membership residence and bribery—blanks re-
6 turn sheets blank books and other supplies as they are
7 or hereafter may be required to furnish by law to said
8 officers for use at elections and shall deliver them in
9 the same manner as at elections. The said supplies shall
10 have printed upon them appropriate instructions and shall
11 be in appropriate form for use at the primaries. They
12 shall also provide for opening of the polling-places for
13 the compensation of the owners thereof shall see that they
14 are in proper order and provided with voting booths as
15 at elections” shall be and the same is hereby amended
16 to read as follows

17 Section 10 The county commissioners shall prepare and
18 furnish to the election officers in each election district in
19 due time for use at the primaries one book of fifty
20 official ballots of each party for every forty and fraction
21 of forty votes cast within the particular election district
22 for the candidate of the particular party who received
23 the largest vote cast for any candidate of such party
24 at any of the last three preceding elections either gen-
25 eral or municipal and no additional official ballots shall
26 be furnished any party in any election district unless the
27 number of electors registered and enrolled as members of
28 any particular party in any election district shall exceed

1 the largest vote aforesaid in which case the county com-
2 missioners shall furnish official ballots for said party in
3 the ratio aforesaid upon the basis of such enrollment or
4 registration

5 With the official ballots to be furnished in advance
6 of the primaries the county commissioners shall also
7 furnish and deliver to the election officers specimen ballots
8 for the use of electors at the polls equal in number
9 to one-fifth the whole number of such official ballots said
10 specimen ballots to be printed on colored paper and to
11 be of the same size and form as the official ballots
12 but without any permanent binding or stubs and in ad-
13 dition thereto on the Wednesday preceding every primary
14 the county commissioners shall upon request made at their
15 office there deliver to each candidate whose name is
16 printed on any party ballot or to his authorized rep-
17 resentative without charge three specimen ballots of such
18 party for each election district in the county or city or
19 political district thereof in which such candidate may be
20 voted for for the use of such candidate and the watch-
21 ers whom he may appoint as hereinafter provided

22 On the back of each specimen ballot for the primary
23 next preceding the election of a President of the United
24 States the county commissioners shall print subdivision (c)
25 of section six of this act

26 The official ballots shall be attached to stubs which
27 shall be numbered consecutively from one to the highest
28 number to be furnished to each particular election dis-
29 trict and bound in books of fifty each which shall be

1 numbered in the order of the numbers of their stubs
2 in the same manner as at elections and the county com-
3 missioners shall keep a record of the number of such
4 books and ballots printed and delivered to each election
5 district and of the number of stubs unused ballots and
6 spoiled and cancelled ballots subsequently returned there-
7 from

8 In addition to official and specimen ballots as afore-
9 said the county commissioners shall prepare and furnish
10 to the election officers in due time for use at the
11 primaries sufficient ballots boxes and other election ma-
12 terials properly numbered for each election district includ-
13 ing the assessor's lists or registers known as the "ballot
14 check list" and the "voting check list" respectively blank
15 forms including forms for the duplicate oaths of the elec-
16 tion officers and forms of affidavits for electors desiring
17 assistance in marking their ballots and for those chal-
18 lenged as to their identity party membership residence or
19 bribery to make proof of their right to vote blank tally
20 papers and triplicate return sheets for each party blank
21 statements for general returns of all votes cast blank
22 books for making lists of persons voting with sufficient
23 space for noting their party enrollments printed instruc-
24 tions and notice of penalties for the information of
25 electors and election officers and such other supplies as
26 they are or hereafter may be required by law to furnish
27 to said election officers for use at elections and shall
28 deliver them in the same manner as at elections the
29 said forms blanks books and other supplies shall have

1 printed upon them appropriate instructions and shall be
2 in appropriate form for use at the primaries The county
3 commissioners shall also provide for the opening of the
4 polling-places and for the compensation of the owners
5 thereof and shall see that they are in proper order and
6 provided with voting booths as at elections

7 The county commissioners shall provide each election
8 district with cards of instructions as aforesaid equal in
9 number to one-fifth of the whole number of official bal-
10 lots furnished thereto on which shall be printed the last
11 paragraph of section eleven of this act and all of sec-
12 tion thirteen hereof and such part of section fourteen as
13 relates to the duties of the election officers after the
14 closing of the polls and such other directions regarding
15 the marking and counting of ballots or the general elec-
16 tion laws not inconsistent herewith as the county com-
17 missioners may think proper The election officers shall
18 post at least three cards of instructions in the voting
19 room outside of the guard rail as soon as the polls
20 are open and thereafter give such cards to such persons
21 desiring to vote as shall request the same

22 Section 2 That section thirteen of the aforesaid act
23 which reads as follows

24 "Section 13 The qualifications of electors entitled to
25 vote at a primary shall be the same as the qualifica-
26 tions of electors entitled to vote at elections within the
27 election district where the primary is held except that
28 with respect to the payment of taxes it shall be suf-
29 ficient if an elector shall have paid within two years

1 before the next succeeding election a state or county tax
2 which shall have been assessed at least two months be-
3 fore the said election and paid on or before the day
4 of the primary and in cases where personal registration
5 is required on or before the registration day on which
6 the elector registers Each elector shall prove his qualifi-
7 cations and his identity in the same manner in which
8 electors in the election district in which he offers to
9 vote are or hereafter may be required by law to prove
10 their qualifications or identity on election day and may
11 be challenged as at elections

12 Each elector shall have the right to receive the bal-
13 lot of the party for which he asks Provided That if he
14 is challenged he shall be required to make oath or
15 affirmation that at the last preceding election at which
16 he voted for a majority of the candidates of the party
17 for whose ballot he asks

18 If such last preceding election at which such elector
19 voted was a general election at which Presidential electors
20 were voted for he shall in determining the number of
21 candidates for which he voted at such last preceding elec-
22 tion count the group of Presidential electors as two can-
23 didates

24 Upon executing such affidavit the voter shall be en-
25 titled to receive the ballot for which he has called and
26 to cast his vote according to law If he is unable or
27 unwilling to make such affidavit he shall be denied the
28 right to receive such ballot but he shall not be deemed

1 thereby to be guilty of any violation or attempted viola-
2 tion of this law" shall be and the same is hereby
3 amended to read as follows

4 Section 13 No official ballot shall be taken or de-
5 tached from its stub in any book of ballots except by
6 an election officer when a person desiring to vote has
7 been found to be a qualified elector entitled to vote as
8 hereinafter stated and not more than one ballot shall
9 be removed at any one time or given to any voter
10 except when a voter inadvertently spoils a ballot and
11 immediately returns it to the election officers for cancel-
12 lation in which case he may be given another Any
13 person removing any ballot from any book of official bal-
14 lots except in the manner aforesaid shall be guilty of
15 a misdemeanor and upon conviction shall be sentenced to
16 pay a fine not exceeding one thousand dollars or to un-
17 dergo an imprisonment ~~for not~~ more than one year or
18 both at the discretion of the Court for each offense

19 Qualifications of electors entitled to vote at a primary
20 shall be the same as the qualifications of the electors
21 entitled to vote at elections within the election district
22 where the primary is held except that with respect to
23 the payment of taxes it shall be sufficient if an elector
24 shall have paid within two years before the next suc-
25 ceeding election on a state or county tax which shall
26 have been assessed at least two months before the said
27 election and paid on or before the day of the primary
28 and in cases where personal registration is required on
29 or before the registration day on which the elector regis-

1 ters Provided That no elector who is not registered and
2 enrolled as a member of a designated political party in
3 accordance with the law requiring such registration and
4 enrollment now or hereafter in force shall be permitted
5 to vote the ballot of such party or any other party
6 ballot at any primary Each elector may be challenged
7 and if challenged shall prove the aforesaid qualifications
8 and his identity in the same manner in which electors
9 in the election district in which he offers to vote are
10 or hereafter may be required by law to prove their
11 qualifications or identity on election day except that in
12 cases as in cities of the first second and third classes
13 where personal registration is required all challenges re-
14 specting party membership must be made at the time of
15 such registration and in such cases the designation of
16 the political party of the elector on the register shall
17 be conclusive evidence of such membership at the succeed-
18 ing primary or primaries In other cases as in districts
19 other than in said cities if an elector although enrolled
20 as a member of any particular party is challenged re-
21 garding such membership he shall be required to make
22 oath or affirmation that at the last preceding election at
23 which he voted he voted for a majority of the candi-
24 dates of said party and upon executing such affidavit he
25 shall be entitled to receive and vote the ballot of such
26 party but if he is unable or unwilling to make such
27 affidavit he shall be denied the right to receive such
28 ballot but he shall not be deemed to be guilty of any
29 violation or attempted violation of any law by reason of

1 having asked for a ballot of the party with which he
2 is enrolled

3 If such last preceding election at which such elector
4 voted was a general election at which Presidential elec-
5 tors were voted for he shall in determining the number
6 of candidates for which he voted thereat count the group
7 of Presidential electors as two candidates

8 Section 3 That Section fourteen of the aforesaid act
9 which reads as follows

10 "Section 14 The ballot boxes lists of voters (a copy
11 of which shall be posted outside the polling-place) and
12 other records shall be delivered into the custody of the
13 officers who are or hereafter may be required by law
14 to keep similar records of elections

15 Upon the closing of the polls at such primary the
16 election officers shall forthwith proceed to open the ballot
17 boxes and take therefrom the ballots and first count the
18 number cast for each party and make a record thereof
19 and then count the vote cast for the different persons
20 named upon said party ballots and make a record there-
21 of and when said count is finally completed they shall
22 certify in due and proper form to the number of votes
23 cast for each person upon the respective party tickets
24 They shall then replace the ballots so counted and
25 canvassed in the boxes and lock the same They shall
26 then place all stubs and unused ballots in an envelope
27 or package to be furnished by the county commissioners
28 and forthwith seal the same and they shall also place
29 the returns of votes and the register of voters aforesaid

1 for each party together with affidavits made pursuant to
2 the provisions of this act in separate envelopes and forth-
3 with seal the same All of said envelopes shall then be
4 kept by the judge of election and shall on or before
5 noon of the Thursday following be deposited by him in
6 person or by registered mail with the county commis-
7 sioners who shall on the succeeding day at noon publicly
8 commence the computation and canvassing of the returns
9 and continue the same from day to day until completed
10 and for that purpose to have the right to petition the
11 court of common pleas for the use of its processes to
12 enforce the provisions of this act in relation to the re-
13 turns of the election officers

14 The stubs and unused ballots and all returns of votes
15 registers of voters and affidavits returned to the county
16 commissioners as aforesaid shall be carefully preserved by
17 them for a period of at least one year" shall be and
18 the same is hereby amended to read as follows

19 Section 14 Upon the closing of the polls at such
20 primary and before the ballot boxes are opened the num-
21 ber of ballots issued to the voters of each party as
22 shown by the stubs and the number of ballots of each
23 party if any spoiled and returned by voters and can-
24 celled shall be announced to all present in the voting
25 room and entered on the general return sheets aforesaid
26 and then the names checked as having voted in the two
27 assessor's lists or registers marked "bollet check list" and
28 "voting check list" respectively shall be immediately counted

1 and, the result announced and compared with the number
2 of ballots issued as above ascertained after deducting the
3 number spoiled and cancelled and said results shall also
4 be compared with the number of names written in the
5 numbered lists of voters which shall be made as at
6 elections as the electors receive and cast their ballots
7 with the addition of a note of each elector's party en-
8 rollment after his name. If any differences exist which
9 are not found to be due merely to clerical errors such
10 differences shall also be noted on the general return
11 sheets aforesaid. Then the numbered lists of voters (ex-
12 cept a copy of the latter which shall be hung outside
13 of the polling place) shall be placed in the separate
14 envelopes provided for them respectively and sealed. In
15 cities the voting and ballot check lists shall be put in
16 one envelope and sealed and subsequently delivered to the
17 registration commissioners or county commissioners as re-
18 quired by the personal registration acts relating to cities
19 of various classes.

20 Also the stubs of all ballots used together with all
21 unused ballots and all spoiled and cancelled ballots of
22 each party and the ballot check list in boroughs town-
23 ships and districts other than in cities shall be placed
24 in a separate envelope and sealed before the ballot boxes
25 are opened which package shall be kept by the majority
26 inspector and delivered by him in person to the county
27 commissioners at such place as they shall designate on
28 or before noon of the Thursday following such primary

29 As soon as all the ballots of each party have been

1 properly accounted for and those outside the ballot boxes
2 as well as the said lists sealed as aforesaid the elec-
3 tion officers shall forthwith open the ballot boxes and
4 take therefrom all ballots therein and separate the same
5 according to the party to which they belong and first
6 audibly count the number cast for each party one by
7 one and make a record thereof and then the judge or
8 one of the inspectors in the presence of the other elec-
9 tion officers shall read aloud the names marked or in-
10 serted upon each ballot keeping the ballots of each party
11 in sequence together with the office for which the person
12 named is a candidate and any other relevant matters
13 necessary to identify him and the clerks shall carefully
14 enter each vote as read and keep account of the same
15 in triplicate tally papers for each party to be provided
16 as aforesaid All ballots after being removed from the
17 box shall be kept within the unobstructed view of all
18 persons in the voting room until replaced in said box
19 and no person while handling same shall have in his
20 hand any pencil pen stamp or other means of marking
21 or spoiling any ballot When the vote cast for the dif-
22 ferent persons named upon said party ballots shall have
23 been fully recorded on said tally papers and counted the
24 election officers shall duly certify to the number of votes
25 cast for each person upon the respective party tickets
26 and shall prepare triplicate returns thereof for each party
27 and also general returns in duplicate showing besides the
28 entries made thereon as aforesaid the number of ballots
29 of each party cast and the number of ballots of each

1 party declared, altogether void including any blank ballots
2 cast as well as the votes cast for each candidate on
3 each party ticket one of which statements shall be im-
4 mediately posted for the information of the public out-
5 side the voting room or polling place and the other of
6 which shall be entrusted to the majority inspector for
7 delivery to the county commissioners with the package of
8 unused ballots etc aforesaid The election officers shall
9 then replace the ballots cast so counted and canvassed
10 in the boxes including those declared void together with
11 one set of tally papers one set of said triplicate return
12 sheets one numbered list of voters sealed as aforesaid
13 (and the voting check list in districts other than in
14 cities) and one oath of each election officer and lock
15 and seal each ballot box so that nothing can be in-
16 serted therein until it be opened again and the judge
17 and minority inspector shall deliver them to the county
18 commissioners at the place designated by them or by law
19 on or before noon of the Thursday following such pri-
20 mary and the county commissioners shall not compute any
21 returns from any election district until the ballot boxes
22 thereof as well as the package of unused ballots etc
23 aforesaid therefrom is returned to them as aforesaid

24 The minority inspector shall retain one complete set
25 of tally papers and one of the triplicate return sheets
26 for each party and one set of the affidavits of voters
27 and other persons except oaths of election officers made
28 pursuant to the provisions of this act at such primary
29 and carefully preserve the same for the period of at

1 least one year. The remaining tally papers triplicate re-
2 turn sheets and affidavits of voters and others including
3 oaths of election officers shall be placed in separate en-
4 velopes to be provided for the same and sealed as soon
5 as the count is finally completed. All of such envelopes
6 and the other numbered list of voters previously sealed
7 as aforesaid shall be entrusted to the judge of election
8 and shall on or before noon of the Thursday following
9 be deposited by him in person or by registered mail
10 with the county commissioners who shall on the succeed-
11 ing day at noon publicly commence the computation and
12 canvassing of the returns and continue the same from
13 day to day until completed in the manner hereinafter
14 provided except that if any of the county commissioners
15 of any county shall be a candidate for any nomination
16 at any primary he shall not act as a member of the
17 return board for computing or canvassing any returns of
18 such primary but the other two commissioners if both
19 are qualified shall act and in case in any county there
20 are not at least two commissioners so qualified at least
21 two judges of the court of common pleas of such county
22 shall be designated by said court to act as a return
23 board. Provided That neither of them are candidates for
24 any nomination at such primary either on a party or a
25 non-partisan ballot and if less than two judges are quali-
26 fied and able to act in such county one or more judge
27 may be called from any other county to sit as such
28 return board.

1 The general returns from the various districts shall
2 be open to public inspection at the office of the county
3 commissioners as soon as they receive same from the ma-
4 jority inspectors thereof

5 The county commissioners shall provide a convenient
6 public place for holding the sessions of the return
7 board whoever may compose it as aforesaid with adequate
8 accommodations for the authorized representatives of each
9 party and candidate concerned in any such primary not
10 exceeding two such representatives for each of them at
11 any one time to attend and to keep or check up their
12 own computations of the votes cast in the several elec-
13 tion districts as the returns from the same are read
14 as hereinafter directed and the county commissioners shall
15 give at least one week's previous notice by advertising
16 once in at least two newspapers of a large paid cir-
17 culation published at the county seat of the time afore-
18 said and place when and where such return board will
19 commence and hold its sessions and keep copies of such
20 advertisements posted in their office during said period

21 At noon on the Friday following any such primary
22 the county commissioners shall have ready a sufficient
23 number of blank forms of returns made out in a proper
24 manner and headed as the nature of the ballots may
25 require for making out full and fair statements of all
26 votes which shall have been given within the county
27 or any political district therein according to the returns
28 from the several election districts thereof for any person
29 voted for therein for any party nomination or party office

1 All the clerks of the county commissioners and other
2 persons assisting in the official computation and canvassing
3 of the votes shall be first sworn to perform their duties
4 impartially and not to read write count or certify any
5 return or vote falsely or fraudulently

6 The general returns made by the majority inspectors
7 as aforesaid from the various election districts shall be
8 read one after another in the usual order slowly and
9 audibly by one of the clerks who shall in each case
10 read therefrom the number of ballots of each party is-
11 sued spoiled and cancelled and cast respectively whereupon
12 the clerk having charge of the records of the county com-
13 missioners showing the number of ballots of each party
14 furnished for each election district and the number of
15 stubs and unused ballots and spoiled and cancelled ballots
16 returned shall publicly announce the number of same re-
17 spectively and unless it appears by said numbers or cal-
18 culations therefrom that said records and the said general
19 return correspond no further returns shall be read from
20 the latter until all the ballots issued are fully accounted
21 for and all the stubs and unused ballots spoiled and
22 cancelled ballots as well as the other election returns
23 aforesaid shall be open to public inspection and shall be
24 carefully preserved together with the contents of the bal-
25 lot box by the county commissioners for at least eleven
26 months and not destroyed in any event without the
27 previous consent in writing by the district attorney None
28 of the envelopes sealed by election officers and entrusted
29 to the judges of election shall be opened by any person

1 except by order of the return board or of the court
2 of common pleas

3 When the records agree with the said returns regard-
4 ing the ballots the votes recorded for each candidate on
5 each party ticket shall be read by the said clerk slowly
6 audibly and in an orderly manner from the said returns
7 and the figures announced shall be compared by other
8 clerks with the return sheets of each party for the re-
9 spective districts and discrepancies shall be immediately
10 called to the attention of the return board which shall
11 thereupon compare said return sheets with the tally papers
12 for the same election district respecting the same candi-
13 dates or party ballots and if the tally papers and party
14 return sheets agree the general return shall be forthwith
15 corrected to conform thereto but in every other case the
16 return board shall forthwith cause the ballot box of such
17 division to be brought before it and opened under its
18 direction and the ballots therein recounted respecting any
19 vote in the question in the presence of representatives of each
20 party and candidate interested who are attending the
21 canvass of such votes and if such recount shall not be
22 sufficient to correct the error in any of the said re-
23 turns the return board may summon the election officers
24 and overseers if any to appear forthwith with all elec-
25 tion papers in their possession and the court of common
26 pleas shall use its processes to enforce such summons if
27 necessary and if any error or fraud is discovered the
28 return board shall compute and certify the votes justly
29 regardless of any fraudulent or erroneous returns presented

1 to it and report the facts to the district attorney of
2 the proper county for action in cases that appear to
3 warrant same

4 As the returns from each election district are read
5 computed and found to be correct or corrected as afore-
6 said they shall be recorded on the blanks prepared for
7 the purpose of casting up the total vote of each candi-
8 date on each party ticket until all the returns from the
9 various election districts which are entitled to be counted
10 shall have been duly recorded when they shall be added
11 together announced and attested by the clerks who made
12 and computed the entries respectively and thereupon the re-
13 turn board shall certify the several returns accordingly to
14 the secretary of the commonwealth in the manner in
15 which the county commissioners are hereinafter required to
16 do unless upon appeals taken from any decision the court
17 of common pleas shall direct any returns to be revised

18 Section 5 That section fifteen of the aforesaid act
19 which reads as follows

20 "Section 15 Upon the sworn petition of five qualified
21 electors of any election precinct division or district that
22 any act of fraud or error which upon information which
23 they consider reliable they believe has been committed in
24 any election precinct division or district of the county the
25 court of common pleas of said county shall order the
26 county commissioners to open the ballot box of such elec-
27 tion precinct division or district and recount the votes such
28 recount to be conducted in such manner and under such

1 condition as the court shall prescribe. Any person aggrieved
2 by any decision of the county commissioners may appeal
3 therefrom within ten days from the decision of the county
4 commissioners to the court of common pleas of the proper
5 county whose duty it shall be to hear the said appeal
6 The court on said appeal shall have full power and
7 authority to hear and determine all matters pertaining to
8 any fraud or error committed in said election precinct di-
9 vision or district and to make such decree as right and
10 justice may require. Contests of primaries shall be origi-
11 nated and conducted as in cases of elections" shall be
12 and the same is hereby amended to read as follows

13 Section 15 Any election officer or clerk of election
14 or clerk of the county commissioners or other person who
15 knowingly inserts or knowingly permits to be inserted any
16 fictitious name false figure or other material entry on or
17 in any assessor's list register list of voters affidavit tally
18 paper return sheet statement certificate or oath voucher
19 ballot or other record or document authorized or required
20 to be made used signed returned or preserved for any
21 public purpose in connection with any primary or who
22 materially alters or intentionally destroys any entry which
23 has been lawfully made therein except by public order
24 of the county commissioners or of the court of common
25 pleas or who takes or removes any such book affidavits
26 return ballot or other document or record from the cus-
27 tody of any person having lawful charge thereof in or-
28 der to prevent the same from being used or inspected
29 or copied as required or permitted by law or who neg-

1 lects or refuses to deliver the same into the custody of
2 the officials who are or hereafter may be required by
3 law to use or keep the same shall be guilty of a
4 misdemeanor and upon conviction thereof shall be sentenced
5 to pay a fine not exceeding one thousand dollars or to
6 undergo an imprisonment for a period not exceeding three
7 years or both in the discretion of the court

8 Upon the sworn affidavit of three qualified electors of
9 any county that upon information which they consider re-
10 liable they believe an act of fraud or error although not
11 manifest upon the general return of votes made therefrom
12 has been committed therein the return board shall at any
13 time prior to the completion of the computation and can-
14 vassing of all the returns for the county open the bal-
15 lot box of such election district and cause the entire
16 vote thereof to be recounted in manner aforesaid and if
17 they discover any fraud or material error they shall cor-
18 rect compute and certify the votes of such election dis-
19 trict justly regardless of any fraudulent or erroneous re-
20 turns made by the election officers thereof and correct any
21 entries previously made in the papers being prepared by
22 the return board accordingly

23 Any person aggrieved by any order or decision of
24 any county commissioners regarding the computation or can-
25 vassing of the returns or by their refusal to open the
26 ballot box of any election district upon a proper pe-
27 tition as aforesaid may appeal therefrom within ten days
28 thereafter to the court of common pleas of the proper
29 county setting forth why he feels that an injustice has

1 been done and praying for such order as will give him
2 relief and upon the payment to the prothonotary of a
3 fee of three dollars for filing such appeal any judge of
4 the said court may fix a time and place for hearing
5 the matter in dispute of which due notice shall be
6 served with a copy of said appeal by the appellant upon
7 one of the commissioners whose action is complained of
8 and upon every attorney who opposed the contention of
9 the appellant before such commissioners and upon any
10 other person that said judge shall direct at least three
11 days before said matter shall be reviewed by the court
12 and proof of such notice or the waiver thereof must be
13 filed therein before any appeal is sustained The court
14 on such appeal shall have full power and authority to
15 hear and determine all matters pertaining to any fraud
16 or error committed in any election district to which such
17 appeal relates and to make such decree as right and
18 justice may require and pending such appeal the county
19 commissioners shall suspend any official certification of the
20 votes cast in such election district but none of the orders
21 or decisions of either the county commissioners or any
22 judges acting as a return board or the court of com-
23 mon pleas on any appeal shall be deemed a final ad-
24 judication regarding the results of any primary election so
25 as to preclude any contest thereof Contest of primaries
26 shall originate and be conducted as in cases of elec-
27 tions No appeal shall be allowed from any decision of
28 any judges acting as a return board or from any order
29 or decree of the court of common pleas made in pur-

1 suance of this section and the said court may compel
2 the appellant or any opposing party other than the com-
3 missioners to pay all the witness fees if any and other
4 legal costs of rehearing any matter in dispute which costs
5 may be taxed by the prothonotary in the usual manner

6 Section 5 That all acts or parts of acts inconsistent
7 herewith be and the same are hereby repealed Provided
8 However that the repeal thereof shall not affect any act
9 done liability incurred or right accrued or vested or
10 affect any suit or prosecution pending or to be instituted
11 to enforce any right or penalty or punish any offence
12 under the authority of such repealed acts or parts of
13 acts in conflict herewith and Provided further that noth-
14 ing herein contained shall repeal any act providing a non-
15 partisan method of nominating or electing candidates at
16 any primary or regulating the manner of printing furnish-
17 ing voting counting or preserving the non-partisan ballots
18 or canvassing or computing the votes cast thereby