

# VETOES

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Vetp No. 1.

## AN ACT

To further amend section fifteen, of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), 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 offices, 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," by requiring the court of common pleas to open ballot boxes, when fraud or error not manifest on the genera' return, is alleged; and providing for the deposit of cash or the filing of a bond by the petitioners.

Section 1. Be it enacted, &c., That section fifteen, of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), 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," as amended by the act, approved the twenty-fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand one hundred twenty-five) entitled "An act to further amend section fifteen of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred and nineteen), 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,' by empowering the court of common pleas, instead of the return board, to open ballot-boxes when fraud or error not manifest on the general return is alleged," is hereby further amended to read as follows:

Section 15. Any election officer or clerk of election or clerk of the county commissioners or other person who knowingly inserts or knowingly permits to be inserted any fictitious name, false figure, or other fraudulent entry on or in any assessor's list, register, list of voters, affidavit, tally paper, return sheet, statement, certificate, or oath, voucher, ballot, or other record or document, authorized or required to be made, used, signed, returned, or preserved for any public purpose in connection with any primary, or who materially alters or intentionally destroys any entry which has been lawfully made therein, except by public order of the county commissioners, prothonotary, or of the court of common pleas, or who takes or removes any such book, affidavit, return, ballot, or other document or record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as required or permitted by law, or who neglects or refuses to deliver the same into the custody of the officials who are or hereafter may be required by law to use or keep the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for a period not exceeding three years, or, both in the discretion of the court.

Upon petition and the sworn affidavit of three qualified electors of any election precinct, division, or district, of any county, that, upon information which they consider reliable, they believe an act of fraud or error, although not manifest upon the general return of votes made therefrom, which fraud or error shall be alleged in the petition, has been committed therein, the court of common pleas [may] shall, at any time prior to the completion of the computation and canvassing of all the returns for the county, open the ballot-box of such election district, and cause the entire vote thereof to be recounted in manner aforesaid, and if the court discovers any fraud or material error, it shall correct, compute, and certify the votes of such election district justly, regardless of any fraudulent or erroneous returns made by the election officers thereof, and correct any entries previously made in the papers being prepared by the return board accordingly.

Every petition for the opening of a ballot box, under the provisions of this act, shall be filed in the office of the prothonotary of the proper county, accompanied by cash in the amount of twenty-five dollars, or by a bond, signed by the petitioners as principals, and by a corporate surety to be approved by the court, in the amount of fifty dollars (\$50), conditioned upon the payment to the county treasurer of the sum of twenty-five dollars (\$25), in the event that, upon the opening of the ballot box it shall not appear that an act of fraud or error was committed in the computation of the vote cast on the ballots contained therein, or in the marking of the ballots contained therein, or otherwise in connection with such ballots. If, upon opening any ballot box under

the provisions of this act, it shall appear that an act of fraud or error was committed in the computation of the vote cast, on the ballots contained therein, or in the marking of the ballots contained therein, or otherwise in connection with such ballots, it shall be the duty of the court to certify to the prothonotary such fact, and thereupon the prothonotary shall, if the petitioners shall have deposited with him cash in the amount of twenty-five dollars (\$25), return to them the said sum of twenty-five dollars (\$25), and, if the petitioners shall have filed with the prothonotary a bond in lieu of cash, the prothonotary shall forthwith mark said bond "cancelled." If, upon opening any ballot box under the provisions of this act, it shall not appear that an act of fraud or error was committed in the computation of the vote cast, on the ballots contained therein, or in the marking of the ballots contained therein, or otherwise in connection with such ballots, the persons upon whose petition such ballot box shall have been opened shall forfeit to the county the sum of twenty-five dollars (\$25). If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing their petition, the prothonotary shall promptly, upon the certification of the court that fraud or error was not discovered, pay said sum deposited with him to the county treasurer, and, if the petitioners shall have filed with their petition a bond in the sum of fifty dollars (\$50), it shall be the duty of the county treasurer forthwith to collect from the surety on said bond the sum of twenty-five dollars (\$25), and for this purpose he is hereby authorized to institute any necessary legal proceedings.

Any person aggrieved by any order or decision of any return board, not consisting of a judge or judges of the court of common pleas, regarding the computation or canvassing of the returns, may appeal therefrom, within two days thereafter, to the court of common pleas of the proper county, setting forth why he feels that an injustice has been done, and praying for such order as will give him relief, and upon the payment to the prothonotary of a fee of three dollars for filing such appeal, a judge of the said court shall fix a time and place for hearing the matter in dispute within three days thereafter, of which due notice shall be served, with a copy of said appeal, by the appellant, upon one of the return board whose action is complained of, and upon every attorney who opposed the contention of the appellant before such return board, and upon any other person that said judge shall direct, at least two days before said matter shall be reviewed by the court, and proof of such notice or the waiver thereof must be filed therein before any appeal is sustained. The court, on such appeal and upon the opening of any ballot-box, shall have full power and authority to hear and determine all matters pertaining to any fraud or error committed in any election district to which such appeal or petition to open a ballot-box relates and to make such decree as right and justice may require, and, pending such appeal, or the opening of any ballot-box, the return board shall suspend any official certification of the votes cast in such election district, but none of the orders or decisions of either the return board, or any judge or judges acting as a return board, or the court of common pleas on any appeal, or the opening of any ballot-box, shall be deemed a final adjudication regarding the results of any primary election so as to preclude any contest thereof. Contests of primaries shall originate and be conducted as in cases of

elections. No appeal shall be allowed from any decision of any judge or judges acting, as a return board, or from any order or decree of the court of common pleas made in pursuance of this section, and the said court may compel the appellant, or any opposing party, other than the commissioners or prothonotary, to pay all the witness fees, if any, and other legal costs of rehearing any matter in dispute, which costs may be taxed by the prothonotary in the usual manner.

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Commonwealth of Pennsylvania,  
Governor's Office,  
February 20, 1926.

I file herewith in the office of the Secretary of the Commonwealth with my objections Senate Bill No. 46, entitled, "An act to further amend section fifteen of the act approved the twelfth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred nineteen), 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 offices 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" by requiring the court of common pleas to open ballot boxes when fraud or error not manifest on the general return is alleged and providing for the deposit of cash of the filing of a bond by the petitioners."

As the law which controls the opening of ballot boxes now stands, the Court of Common Pleas "may" open the ballot box of any district upon the petition of three qualified electors thereof stating that, upon information which they consider reliable, they believe that an act of fraud or error was committed therein.

When this bill was first presented in the Senate, it merely changed the word "may" to the word "shall," thus rendering the opening of the ballot box mandatory instead of discretionary. While the change thus made fell far below the needs of the situation, it was at least a change in the right direction.

During the course of its passage through the Senate there was incorporated with it the Stites Amendment, under which the petitioners would be obliged to allege in their petition the specific act of fraud or error upon which they relied. This the present law does not require. It would, therefore, set before any would-be petitioners a new and serious obstacle above and beyond the provisions of the present statute.

This bill passed the Senate with the Stites Amendment. When it reached the House, the friends of honest elections eliminated the objectionable clause, by a vote of 99 to 85. The gang had been caught unaware.

At once, however, it undertook to restore the Stites Amendment.

For that purpose it proceeded to apply pressure to every member it could reach. After a delay of several hours, during part of which the assembling of the Senate was postponed in order to permit W. Harry Baker, Clerk of the Senate and Chairman of the Republican State Committee, to use his personal influence upon members of the House, the Stites Amendment was restored to the bill by a vote of 99 to 91.

If there had been the slightest doubt that the Stites Amendment was intended to make harder instead of to make easier the opening of ballot boxes in which fraud is suspected, the violent and successful effort of the gang to restore it would effectually remove that doubt.

Many members who voted against the Stites Amendment in the House voted for the bill on final passage. They did so fearing lest their constituents would not understand that the Woodward Bill as passed is actually opposed to honest elections, and so might believe they had voted against election reform.

The Woodward Bill with the Stites Amendment is obviously intended as a stalking horse to draw attention from the killing of the corresponding bill prepared by the Commission of Seventy-six, which, in actual fact would have made easier the opening of ballot boxes to discover fraud, but which was killed by the gang in the Senate.

Like other thieves, election thieves do their utmost to cover their tracks. To specify in advance of the opening of a ballot box the particular act of fraud or error which was committed therein is exceedingly difficult. Often it is impossible. To require that it shall be done would have the obvious result of deterring possible complainants from complaining at all—and this is especially true when to this difficulty is added the threat of a prosecution for perjury if the particular act of fraud or error alleged is not in fact found to have been committed.

No one who is familiar with the ballot box frauds which have been recently committed in Pennsylvania, and with the character of men who committed them, can for one moment doubt that the Stites Amendment would be used to the limit to intimidate honest voters and prevent them from questioning the validity of fraudulent returns.

This bill is not an election reform measure. It is not a bill to facilitate the detection of election fraud. As it stands now, it is a bill to discourage the opening of ballot boxes and make the discovery of fraud harder than it is today. Its approval would give further aid, comfort, and protection to election thieves.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

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### Veto No. 2.

#### A JOINT RESOLUTION

Creating an Election Law Commission, to codify and revise the election and primary election laws, defining its powers and duties and making an appropriation.

Whereas, The Governor of the Commonwealth has included in his proclamation calling the extraordinary session of the Legislature of one thousand nine hundred and twenty-six, a suggestion for the revision of the election laws, so as to insure an honest vote and an honest

count at primary and regular elections, and, in pursuance of said call, various election bills have been introduced for consideration by the Senate and House of Representatives; and

Whereas, No bill for the general revision of the election laws has been introduced for consideration, and not sufficient time remains to undertake such a revision at this session; and

Whereas, It appears that the bills introduced, aside from those relating to the use of voting machines, are largely a restatement of the present laws, with certain changes, and that many of such bills do not amend the present statutes relating to the same subject, and do not specifically repeal inconsistent statutes, all of which tends to greater confusion and uncertainty in the election law; and

Whereas, There is grave question of the constitutionality of certain election measures introduced at the present session; and

Whereas, The existing election laws are contained in numerous separate acts, and are spread over a great number of years, some being in force since one thousand eight hundred and thirty-nine, and since there has never been a codification or revision of these laws, whereby overlapping inconsistent and obsolete provisions could be eliminated, confusion avoided and the certainty of the law be established; therefore

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That there is hereby created an official commission, to be known as "The Election Law Commission." Said Commission shall consist of three citizens to be appointed by the Governor, the President pro tempore of the Senate, and three citizens to be appointed by the President pro tempore of the Senate, the Speaker of the House of Representatives, and three citizens to be appointed by the Speaker of the House of Representatives, the State chairman of the following political parties, to wit: the Republican, Democratic, Prohibition, Socialist, and Labor parties, and the Superintendent of the election and legislative bureau of the State Department.

Section 2. The Commission shall, as soon as possible after its appointment, organize by the election of a chairman. The committee shall have power to appoint a secretary, who need not be a member of the commission, and a stenographer, and to fix their compensation, payable from the appropriation hereinafter made. The members of the Commission shall serve without compensation, but shall be allowed all travelling and hotel expenses incurred in the discharge of their duties.

Section 3. It shall be the duty of the said Commission to prepare and submit to the General Assembly of one thousand nine hundred and twenty-seven a complete codification of the existing election laws, including those relating to general, municipal, and primary elections, and the assessment, registration and enrollment of voters, and to eliminate and exclude from such codification all over-lapping, inconsistent and obsolete provisions in the present laws, and to include therein such revision, change and restatement of particular features of the present election laws as may be deemed of benefit by the Commission to the practical operation of the election laws and to aid in their enforcement.

Section 4. The Commission shall make a report of its proceedings

and work to the General Assembly of one thousand nine hundred and twenty-seven. For the benefit and information of the General Assembly and the public it shall, in said report, set forth fully and clearly all changes from the existing law which it has suggested in the legislation submitted for consideration.

Section 5. The Commission shall have power to hold such meetings, at different places within the Commonwealth, as to it may appear necessary to accomplish its purposes. It shall hear the evidence of all citizens appearing before it. It shall have power to issue subpoenas, under the name and seal of the chairman, to require the attendance of the name and seal of the chairman, to require the attendance of witnesses, and their testimony, and the production of books and papers relating to matters which it is authorized to consider.

Section 6. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated for the payment of the compensation and expenses of the secretary and stenographer, the expenses of the members of the Commission and all other charges and expenses incurred by the Commission in the performance of its duties.

Section 7. The Legislative Reference Bureau shall, upon request, give such aid and assistance in the preparation and drafting of such codification and revision of the election laws as the Commission may require.

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Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, March 8, 1926.

I file herewith in the office of the Secretary of the Commonwealth with my objections Senate Bill No. 53 entitled, "A Joint Resolution creating an Election Law Commission to codify and revise the election and primary election laws defining its powers and duties and making an appropriation."

This resolution provides for the creation of a commission to prepare and submit to the 1927 session of the Legislature a codification of the registration and election laws.

In addition to the twelve bills which it regarded as immediately necessary, the Commission of Seventy-six recommended that a commission should be empowered to make a thorough study of our whole election system. A properly constituted commission for this purpose I would gladly approve.

But the membership of the commission named in this resolution is such as to put the matter of clean elections into the hands of its enemies. A majority of its members would be under the control of the same gang which has just refused to pass any legislation to satisfy the demands of the decent people of this Commonwealth, and to halt the work of election thieves and ballot box crooks.

This resolution is also intended to serve as a smoke screen and excuse for the refusal of the majority at the extra session to enact any effective legislation in the interest of clean elections. Another purpose is

to postpone the consideration of election questions until the present public interest in that vital subject has a chance to subside.

If I were to approve this resolution it would do nothing to prevent the repetition of the recent election scandals in Philadelphia, Pittsburgh, Scranton, and other parts of the State.

This resolution is intended to persuade the people that legislators who in fact oppose clean elections are in favor of them. I decline to lend myself to any such deception.

For these reasons the bill is not approved.

GIFFORD PINCHOT.

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Veto No. 3.

In the Senate, February 17, 1926.

Whereas, The Governor in his proclamation calling the extraordinary session of the Legislature included among the subjects of the call the revision of the laws concerning banks, trust companies, and building and loan associations, and

Whereas, There is not sufficient time at the present session of the Legislature to consider a codification and revision of the banking and trust company laws, therefore be it

Resolved, (if the House of Representatives concur) That the General Assembly hereby request the Pennsylvania Bankers' Association to consider the question and the necessity of a codification and revision of the banking and trust company laws of the Commonwealth of Pennsylvania, and in connection with its study of the question to take into consideration the proposed codification and revision of said laws submitted to the sessions of the Legislature of one thousand nine hundred and twenty-three and one thousand nine hundred and twenty-six, and to make a report on said subject to the Legislature of one thousand nine hundred and twenty-seven with such recommendations and suggestions as the said Association deems advisable.

Resolved, That a copy of this resolution, shall be transmitted by the Secretary of the Commonwealth to the President of the Pennsylvania Bankers' Association.

W. P. GALLAGHER,  
Chief Clerk of the Senate.

The foregoing Resolution was concurred in by the House of Representatives, February 17, 1926.

E. F. WHITE,  
Chief Clerk of the House of Representatives.

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Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, March 16, 1926.

I file herewith in the office of the Secretary of the Commonwealth with my objections Senate Resolution of February 17, 1926.

This Resolution consists of a request by the Legislature that the



Pennsylvania Bankers Association consider the question whether a codification and revision of the banking and trust company laws of this Commonwealth is necessary and a further request that the same association study the codification and revision of said laws which were introduced into the Legislature at the regular session of 1923 and at the special session of 1926, reporting to the Legislature of 1927, such recommendations and suggestions as the association deems advisable.

The Legislatures of 1917, 1919, 1921, and 1923 declared a codification and revision of the banking and trust company laws of this Commonwealth necessary. The 1917 Legislature provided for the appointment of a Commission to prepare such codification and revision of the laws. The 1919, 1921, and 1923 Legislatures continued the Commission. Its report was made to the 1923 Legislature which failed to enact the Legislation recommended by the Commission, but continued the Commission for two years. While the 1925 Legislature did not continue the Commission, the Commission functioned unofficially and its members prepared for introduction at the special session of 1926 a bill embodying the results of the eight years work of the Commission.

After an official Commission at the Legislature's behest has expended eight years in the codification and revision of the banking laws it would be an absurdity for the Legislature to call upon any Association composed of the banks to be regulated by a codification and revision of the banking laws to advise it whether they desire the laws regulating them to be codified and revised.

This Resolution is nothing more than an attempt to justify the refusal of the Extraordinary Session of the Legislature to take any action looking towards the further safeguarding of depositors in State banks and trust companies and stockholders in building and loan associations.

For these reasons the Resolution is not approved.

GIFFORD PINCHOT.

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Veto No. 4.

Whereas, The last annual report of the Department of Insurance, made available for public use as for the year of one thousand nine hundred and seventeen, and no report of said department has been made public since that time; and

Whereas, Section five hundred and four of the Administrative Code provides for biennial reports of State departments and section twenty-one hundred and four of said code provides for the printing of said reports; and

Whereas, In the Act of May sixth, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred thirteen), creating the Insurance Department Fund, specific provision was made to allow the Insurance Commissioner, at his discretion, to pay the cost of printing department reports from said fund; and

Whereas, Persons engaged in the insurance business are greatly in need of the reports of the Insurance Department and are dissatisfied with the present failure of the department to have these reports made public; therefore be it

Resolved (if the Senate concur), That the Department of Insurance

is hereby directed to make and have published, as early as possible, for the use of the public, a report of said department, in accordance with the provisions of the laws of the Commonwealth, and to thereafter provide for the regular printing of the reports of said department as contemplated by the laws of the Commonwealth;

Resolved, That a copy of this resolution shall, upon its passage, be transmitted to the Insurance Commissioner by the chief clerk of the House of Representatives.

The foregoing Resolution was adopted by the House of Representatives February 16, 1926, and concurred in by the Senate February 16th, 1926.

E. F. WHITE,  
Chief Clerk of the House of Representatives.

W. P. GALLAGHER,  
Chief Clerk of the Senate.

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Commonwealth of Pennsylvania,  
Governor's Office,  
Harrisburg, March 16, 1926.

I file herewith in the Office of the Secretary of the Commonwealth with my objections Concurrent Resolution No. 15.

This Resolution would compel the Department of Insurance to make and publish as early as possible for the use of the public a report of that Department and thereafter to provide for the regular printing of the reports of that Department.

House Bill No. 838 of the 1925 Session of the General Assembly was similar to the present Resolution and had the same end in view.

In vetoing House Bill No. 838 of the 1925 Session I said:

“This bill would render inapplicable to the Insurance Department the provisions of Section 2104 of the Administrative Code of 1923 which gives to the Department of Property and Supplies the right to edit and, with the approval of the Governor and after consultation with the interested Department head, to determine the need, size, quantity and method of distribution of all departmental publications.

“I know of no reason why the Insurance Department should be excepted from the operation of this section of the Administrative Code of 1923, which has been found to be flexible, workable and the means of saving substantial sums of the Commonwealth's money.”

Everything which I said in vetoing House Bill No. 838 of the 1925 Session is applicable in considering the Resolution now before me.

For these reasons the Resolution is not approved.

GIFFORD PINCHOT.