

No. 218

AN ACT

To amend section thirteen 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, providing that electors in boroughs, towns, and townships may at primaries declare their party preference and vote on age.

Section 1. Be it enacted, &c., That section thirteen 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," which was amended by section three of the act, approved the ninth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred thirty-nine), entitled "An act to amend sections seven, 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 ex-

Primary elections.

Political parties.

Section 13, act of July 12, 1913 (P. L. 719), as amended by act of July 9, 1919 (P. L. 839), further amended.

penses 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 hundred and thirteen (Pamphlet Laws, seven hundred nineteen), as amended, 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, et cetera, 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, prothonotary, 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 or prothonotary 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 offenses; to provide that nomination petitions of candidates for any municipal office to be filled by a vote of the electors of a senatorial district shall be signed by at least two hundred qualified electors of such district; and to repeal inconsistent legislation," is hereby further amended to read as follows:

Section 13. No official ballot shall be taken or detached from its stub in any book of ballots, except by an election officer when a person desiring to vote has been found to be a qualified elector entitled to vote as hereinafter stated, and not more than one ballot shall be removed at any one time or given to any voter, except when a voter inadvertently spoils a ballot and immediately returns it to the election officers for cancellation, in which case he may be given another. Any person removing any ballot from any book of official ballots, except in the manner aforesaid, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court, for each offense.

Detachment of ballots from stubs.

Number of ballots to be given voter.

Misdemeanor.

Penalty.

Qualifications of voters.

Qualifications of electors entitled to vote at a primary shall be the same as the qualifications of the electors entitled to vote at elections with the election district where the primary is held, except that, with respect to the payment of taxes, it shall be sufficient if an elector shall have paid, within two years before the next succeeding election, a State or county tax which shall have been assessed at least two months before the said election and paid on or before the day of the primary, and, in cases where personal registration is required, on or before the registration day on which the elector registers: Provided, That no elector who is not registered and enrolled as a member of a designated political party, in accordance with the law requiring such registration and enrollment now or hereafter in force, shall be permitted to vote the ballot of such party or any other party ballot at any primary, *except in cases where an elector of a borough, town, or township who is twenty-one years of age and under twenty-two, whose name does not appear on the registry of voters, and who has all the other qualifications to vote except as to the payment of taxes. In such cases the elector may declare his party preference and prove his right to vote in the same manner as he would be called upon to do at a general election, whereupon he shall be entitled to vote the ballot of such party.* Each elector may be challenged, and, if challenged, shall prove the aforesaid qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are or hereafter may be required by law to prove their qualifications or identity on election day, except that in cases, as in cities of the first, second, and third classes, where personal registration is required, all challenges respecting party membership must be made at the time of such registration, and in such cases the designation of the political party of the elector on the register shall be conclusive evidence of such membership at the succeeding primary or primaries. In other

Proviso.

Enrollment as a member of a political party.

Certain electors may declare preference and vote on age.

Proof of qualifications and identity.

Cities.

Districts other than cities.

cases where personal registration is not required, as in districts other than in said cities, if an elector, although enrolled as a member of any particular party, is challenged regarding such membership, he shall be required to make oath or affirmation that, at the last preceding election at which he voted, he voted for a majority of the candidates of said party, and, upon executing such affidavit, he shall be entitled to receive and vote the ballot of such party, but if he is unable or unwilling to make such affidavit, he shall be denied the right to receive such ballot, but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason of having asked for a ballot of the party with which he is enrolled.

Presidential electors to be counted as two candidates.

If such last preceding election at which such elector voted was a general election at which Presidential electors were voted for, he shall, in determining the number of candidates for which he voted thereat, count the group of Presidential electors as two candidates.

APPROVED—The 22nd day of June, A. D. 1931.

GIFFORD PINCHOT

No. 219

AN ACT

To amend the first paragraph, section four of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, sixty-three), entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violations of its provisions," as amended, limiting the time allowed electors to petition the county commissioners to have their names placed on the registers.

Personal registration.

Cities of third class.

Paragraph first, section 4, act of March 5, 1906 (P. L. 63), as last amended by act of July 6, 1917 (P. L. 738), further amended.

Section 1. Be it enacted, &c., That the first paragraph of section four of the act, approved the fifth day of March, one thousand nine hundred and six (Pamphlet Laws, sixty-three), entitled "An act to provide for personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," which was last amended by section two of the act, approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven thirty-eight), entitled "An act to further amend the act, approved the fifth day of March, one thousand nine hundred and six, entitled 'An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration