

Equity power.

Section 3. In exercising the powers conferred by this act, a court shall have the discretion of a chancellor sitting in equity. It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity by reason of the economic emergency hereinabove referred to.

Reason for stay.

Stay to continue return day.

Section 4. The stay of any execution under this act shall continue the return day of the writ of execution to the first regular return day for such writs which shall occur after a sale held under such writ. In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ.

Writ to remain in effect.

Additional power.

Section 5. The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property, as herein defined.

Effective period.

Section 6. This act shall become effective immediately upon final passage by the Legislature and approval by the Governor, and shall continue in force only until the thirty-first day of March, one thousand nine hundred and [thirty-seven] *thirty-nine*: Provided, That the provisions of this act shall not apply to the foreclosure of mortgages insured under Title II of an Act of Congress of the United States entitled, the "National Housing Act," approved the twenty-seventh day of June, one thousand nine hundred and thirty-four.

Proviso.

National Housing mortgages excepted.

Section 7. All acts and parts of acts inconsistent herewith are suspended while this act is in effect.

Suspension of laws.

When effective.

Section 2. The provisions of this act shall become effective immediately upon its final enactment.

APPROVED—The 25th day of May, A. D. 1937.

GEORGE H. EARLE

No. 226

AN ACT

To provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries,

sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

SHORT TITLE CITATION

Section 1. Be it enacted, &c., That this act shall be known, and may be cited, as "The Permanent Registration Act in Cities of the Second Class."

Permanent registration for cities of the second class.

Section 2. The provisions of this act, in so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments, and shall not affect the validity of any registrations made prior to the enactment hereof, except as herein provided.

Section 3. Definitions.—(a) The word "Commission" shall mean any registration commission having jurisdiction in any city of the second class.

Definitions.

(b) "Commissioner" shall mean a member of a registration commission.

(c) "Oath" shall include affirmation, and "Swear" shall include affirm.

(d) "Election" shall mean any general, special, municipal or primary election, unless otherwise specified.

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years.

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years.

(g) "Primary election" shall mean any election for the nomination of candidates.

(h) "November election" shall mean either the general or the municipal election, or both, according to the context.

(i) "Party" shall mean any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate; or any party or political body, one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the second class.

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law.

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or

hereafter prescribed by the Constitution of this Commonwealth, or who, being otherwise qualified by continued residence in his election district, shall obtain such qualifications before the next ensuing election.

(l) "Register" shall mean the cards containing, or to contain, all or any part of the registry list of qualified electors prepared, or to be prepared, by the registration commission as hereinafter provided.

(m) "County" shall mean any county of this Commonwealth within which is located a city of the second class.

(n) "City" shall mean only a city of the second class.

(o) All references to mayors, police officers, clerks, secretaries, courts, judges, prothonotaries, county treasurers, county controllers, county commissioners, sheriffs, peace officers, registrars of vital statistics, boards of school directors, and other officials of counties, cities, and school districts where not otherwise specified, shall refer only to those of any city of the second class, or to those of any county within which such city is located, or to any school district with which it is coextensive.

(p) "Public office" shall mean and include any National, State, judicial, county, city, school district, poor district, ward, or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation, except the office of notary public or commissioner of deeds.

(q) Wherever a term in the masculine form is used in this act, it shall refer alike to men and women.

(r) "District" shall mean any election district of the city.

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county containing a city of the second class as now or hereafter provided for by the election laws of this Commonwealth.

(t) In determining or reckoning any period of time mentioned in this act, the day upon which the act is done, paper filed, or notice given, shall be excluded from, and the date of the primary, election, hearing or other subsequent event, as the case may be, shall be included in the calculation or reckoning: Provided, however, That if the last day upon which any act may be done, paper filed, or notice given shall fall on a Sunday or a legal holiday, the next following ordinary business day shall be considered as the last day for said purpose.

Proviso.

Section 4. Registration Commission; Membership; Bipartisan; Term of Office; Vacancies; Removal; Compensation; Oath of Office; Organization; Chairman; Secretary; Actions by Vote of Majority of Members; Record of Proceedings; Annual Report.—

(a) There shall be a registration commission in and for each city of the second class, which commission shall

have jurisdiction over the registration of electors of such city under the provisions of this act.

(b) The registration commission shall consist of three commissioners who shall be qualified electors of the city, not more than two of whom shall be enrolled members of the same political party, who shall be appointed by the Governor with the advice and consent of the Senate, and shall hold office for terms of four years, or until their successors qualify, unless sooner removed or otherwise disqualified: Provided, however, That the terms of office of the commissioners first appointed by the Governor under this act shall commence upon the date of their appointment, and shall expire on the first Monday of January, one thousand nine hundred forty-one. Upon the appointment by the Governor of the registration commission for any such city, the terms of office of the existing registration commission or commissioners of any such city shall terminate.

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant.

(d) The Governor may, at any time, remove any commissioner for cause, and may appoint a duly qualified elector of the city as his successor for the remainder of his term.

(e) Each commissioner shall receive compensation at the rate of four thousand five hundred (\$4500) dollars per annum, except the chairman who shall receive five thousand (\$5000) dollars per annum.

(f) As soon after their appointment as may be, the members of each commission shall take the oath of office required by the Constitution of this Commonwealth, and shall organize by selecting from their number a chairman and a secretary, who shall not be members of the same party.

(g) All actions of a commission shall be decided by a majority vote of all members, except as may be otherwise provided herein.

(h) Each commission shall keep a record in permanent form of all its proceedings, and shall make an annual written report to the Governor.

Section 5. Powers of Commission; Regulations; Enforcement; Correction of Errors or Irregularities; Cancellation of Registration; Powers of Commissioners.—

(a) The commission may make regulations, not inconsistent with this act or the laws of this Commonwealth—
(1) to govern the public sessions of such commission, and (2) for the performance of the duties imposed by this act, and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided,

and, if necessary, shall have the assistance of the court of common pleas of the county, and of all public officers subservient thereto, in enforcing the same, which assistance said officers, as well as the judges of said court, shall render when requested to do so, subject, however, to the right of certain persons to appeal from the orders of the commission as herein provided.

(b) The commission shall have power to correct any error or any irregularity in registration, and to cancel the registration of any person whom it may find to be improperly registered, subject only to the provisions of this act, and provided that notice in writing shall be given to, or left at the address of, each person whose registration is cancelled.

(c) The commission, and any commissioner, shall have power, on its or his own motion—(1) to summon and interrogate any person concerning the registration of electors or any matter related thereto, (2) to investigate any irregularities in registration, (3) to summon and examine witnesses, (4) to require the production of any relevant books and papers.

(d) Each commissioner shall have power to administer oaths and affirmations. Each person testifying before a commission or commissioner shall be first duly sworn or affirmed.

Commission has power to appoint employes.

Section 6. Employes, Registrars, Inspectors of Registration; Duties; Appointment; Incompatible Offices.—

(a) The commission shall have power to appoint such assistants and employes as, from time to time, it may deem necessary to carry out the provisions of this act, and may at any time remove the same. The number and compensation of all such assistants and employes shall be fixed by the salary board of the county. The commission may, with the consent of the county commissioners, appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such.

Types of employes to be appointed.

(b) The employes to be appointed by the commission shall include—(1) Registrars or clerks, who shall be empowered to register the qualified electors of such cities, and in so doing, to administer oaths and affirmations; and (2) inspectors of registration, who shall have and may exercise the powers conferred upon them by this act.

Qualifications.

(c) Registrars and inspectors of registration shall be qualified electors of the city. No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission, except as otherwise provided by this act. Registrars and inspectors of registration shall receive such compensation, either on a per diem basis for time actually employed, or on the basis of work actually done

by them, as shall be fixed by the salary board of the county.

(d) No registrar or inspector of registration shall exercise any power of this office until he shall have taken an oath of office, which the commission shall prescribe, and shall have received from the commission a certificate of appointment, setting forth his name and address, the date of his appointment, and the length of time for which he shall have been appointed. Oath.

(e) Each commission may appoint a chief clerk at a compensation not exceeding three thousand dollars (\$3000) per annum, who shall have authority to administer oaths and to sign vouchers. Chief clerk.

(f) Any inspector of registration, when directed by the commission shall—(1) Investigate all questions relating to the registration of electors in such city, and, for that purpose, shall have power to enter and inspect any house, dwelling, building, inn, lodginghouse or* hotel within such city, and to interrogate any inmate, householder, lodger, lessee, keeper, caretaker, owner, proprietor, or agent thereof or therein, regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment. Duties of the inspectors.

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse, inn or hotel relating to or affecting the right of any person to vote or to be registered in such city.

(3) Arrest any person without warrant, except any herein privileged from such arrest, who, in the presence of the inspector of registration, violates or attempts to violate, any of the provisions of this act, when such violation is punishable as a crime.

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest.

Section 7. Counsel; Compensation; Duties.—The commission may employ special counsel at a compensation not exceeding three thousand (\$3,000) dollars per annum. Such counsel shall advise the commission, from time to time, regarding its powers and duties and the rights of electors, and concerning the best methods of legal procedure for carrying out the various provisions of this act, and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas, as herein provided. Counsel.

Section 8. Appropriations by County Commissioners; Unexpended Balances of Appropriations Heretofore Made; Additional Appropriations.—

(a) The county commissioners shall appropriate annually, and from time to time, the funds that shall be

* "of" in the original.

necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act, therein including the payment of the compensation of the commissioners, counsel, a sufficient number of registrars, inspectors of registration, and other assistants and employes, and the fees of witnesses, as herein provided, and likewise for preparing, in accordance with the direction of the commission, securing and distributing, or receiving and preserving, all street lists, registration cards, affidavits, vouchers, notices, account books, stationery and other supplies which the commission shall consider necessary for the purposes of this act, and for all other necessary expenses.

(b) The county commissioners shall provide the commission with suitable and adequate offices, properly furnished, for keeping its records, holding its public sessions, and otherwise performing its duties.

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act, or the amendments thereto, shall be transferred to and made available for the commission hereby created or constituted, for the expenses of carrying out the provisions of this act, immediately after the effective date of this act. All moneys required in addition to any original appropriation in the current year, or any other year, shall be appropriated from time to time as soon as it shall appear what extra sums are needed.

Section 9. Acts of Employes.—Any insertion or removal of names or other information in registers, or the amending of any records, done by any employe of the commission, by order of the commission, shall be construed to have been done by the commission itself, which shall likewise be responsible for the correction of any errors in the doing thereof.

Section 10. Commissioners and Chief Clerk May Act as Registrars and Inspectors.—A commissioner or the chief clerk may act at any time as registrar or inspector of registration and, when so acting, shall have and may exercise the powers, and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration, respectively.

Section 11. Immunity from Arrest.—Commissioners, registrars, and inspectors of registration shall be privileged from arrest while performing their duties as such, except upon warrant of a court of record, or judge thereof, for felony, for wanton breach of the peace, or for a criminal violation of this act.

Section 12. Acts to Be Done on Legal Holidays and Sundays.—No part of any day fixed for the performance

of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof, or the right of any person to any compensation herein provided for rendering any service required hereby, or so as to relieve any person from doing on such day whatever is necessary for such purposes, and such services are hereby declared to be necessary public services.

Section 13. Records and Documents to Be Open to Public Inspection.—The records of such commission, and all district registers, street lists, voting check lists, voter's certificates, affidavits, petitions, appeals, witness lists, accounts, contracts, reports, and other documents in its custody, except the general registers, shall be open to public inspection, except as herein provided, and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto. Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission, and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act.

Section 14. Watchers at Places of Registration; Privileges.—

(a) Any party or political body, which now is, or hereafter may be, entitled to have watchers at any election, as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds, may recommend not more than three qualified electors of the city to act as watchers, without expense to the county, at any place of registration during the time when it shall remain open for the registration of electors. The commission shall appoint all such persons as watchers, and shall provide them with proper certificates, stating their names and the party or policy or citizens' organization which they represent respectively, unless any be shown to have previously been convicted of any crime.

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors, and to keep a list or other memorandum of or concerning the persons applying for registration, and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person. The registrars, commission, and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties: Provided, That

Proviso.

Proviso.

a registrar, commission, or commissioner may, at any time, require any watcher to show his certificate of appointment: And provided, That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time.

Section 15. Watchers or Attorneys at Sessions of Commission.—Any party or political body or body of citizens which now is, or hereafter may be, entitled to have watchers at any place of registration or at any election, shall also be entitled to appoint any watchers, who are qualified electors of the city, or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission. Such watchers or attorneys may exercise the same rights as watchers at places of registration, but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body.

Section 16. Candidates May Be Present at Proceedings.—Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized, and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard.

Section 17. Days and Hours of Registration; Places of Registration; Use of Polling Places; Payment of Rentals; Use of School Buildings; Public Notice.—

Registration periods.

(a) From and after the effective date of this act, each commission, or any commissioner or a registrar or clerk appointed by the commission, shall, during ordinary business hours, and during such additional hours as the commission shall from time to time prescribe, on each day, except Sundays, holidays, the day of each election and each primary, the thirty days next preceding each election and each primary, and the thirty days next following each election and the five days next following each primary, at the office of the commission and at such additional places in the city as the commission may from time to time designate, in accordance with the provisions of subsection (b) herein, receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration.

(b) The commission may cause at least two registrars to sit not later than thirty days prior to the primary or election for the purpose of receiving personal applications for registration, applications for change of party enrollment, and removal notices from electors of any ward, at a suitable and conveniently located place in said ward, for at least one day prior to the election or pri-

mary, continuously between the hours of 10 A. M. and 3 P. M., and between the hours of 7 P. M. and 10 P. M.

(c) The county board of elections shall cause any polling place to be open, in proper order for use, as a place of registration, on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration; and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county.

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control, and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act: Provided, That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible.

Proviso.

(e) The proper city authorities shall furnish suitable space in the city hall or other municipal building under their jurisdiction or control, and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration: Provided, That such use shall not interfere with the use for which such room or space is primarily designed.

Proviso.

(f) The commission shall publicly announce the address of each place of registration, other than the office of the commission, and the days and hours when the place shall be open for the registration of electors, by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said ward at least three days prior to the date when the place shall be so open, and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the city at least three days prior to the date when the place shall be so open, and by such other newspaper publication as it deems desirable.

Section 18. Registration Cards; Preparation and Distribution.—(a) For the purpose of* registering the qualified electors of each city, the commission shall prepare registration cards, serially numbered, in duplicate, and containing spaces for entering the information required by section nineteen of this act, and the following affidavit:

* "or" in the original.

LAWS OF PENNSYLVANIA,
REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss:

I hereby swear, or affirm, that I am a citizen of the United States, that on the day of the next election I shall be at least twenty-one years of age, and shall have resided in the State of Pennsylvania for one year (or, having previously been a qualified elector or a native born citizen of the State, and having removed and returned, then six months*) next preceding said election, and in the election district two months, that I am legally qualified to vote, that I have read (or had read to me) the foregoing statements made in connection with my registration and that they are true and correct.

Subscribed and sworn to before
me this day of 19.....
.....
Signature of Voter.
.....
Signature of Registrar.

(b) Subject to the foregoing provisions of this section, the Secretary of the Commonwealth shall prescribe the form of such registration cards.

(c) Each card shall be printed on stock of good quality, shall be of suitable uniform size, and shall be filled out in duplicate for each applicant for registration. The commission shall provide suitable binders for filing and indexing the registration cards, which binders can be locked. The keys of all such binders shall at all times be retained by the commission.

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar.

(e) Before ten o'clock antemeridian on the day following the last day for registration before an election or primary, and at such other times as the commission may prescribe, each registrar shall return to the commission, at its office, all registration cards used or unused in his possession, and shall account fully in writing for each missing card.

(f) Unused registration cards may be reissued by the commission, but the commission shall preserve all other papers, records and memoranda as a part of its record.

Section 19. Manner of Registration.—(a) Every person claiming the right to be registered as an elector must appear in person before the commission, a commissioner, a registrar, or a clerk, at the office of the commission, or at such other place as the commission shall have desig-

* "month" in the original.

nated, and answer the questions required to be asked in accordance with this act.

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make, and informed that any wilful false statement will constitute perjury and will be punishable as such. He then shall be asked to state the facts required herein, and his answers, together with other information herein required, shall be recorded in his presence by the registrar,* commissioner, or clerk, in permanent writing or typewriting, in duplicate in the proper spaces on the registration cards as follows:

(c) (1) The surname of the applicant; (2) his Christian name or names; (3) his occupation; (4) the street and number of his residence; (5) if his residence is a portion only of the house, the location or number of the room or rooms, apartment, flat or floor which he occupies; (6) the date his residence in the district began; (7) his residence address when he last registered, and the year of such registration; (8) the sex of the applicant; (9) the color of the applicant; (10) the state or territory of the United States, or the foreign country, where he was born; (11) the date when, place where, and the court by which naturalized, and number of the naturalization certificate; (12) if not naturalized personally, the name of father, mother or husband through whom naturalized; (13) whether he is unable, by reason of illiteracy, to read the names on the ballot or on the voting machine labels; (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth, without assistance, and, if so, his declaration of that fact and his statement of the exact nature of such disability; (15) the designation of the political party of the elector, for the purpose of voting at primaries; (16) the affidavit of registration, which shall be signed by the elector, attested by the signature of the registrar or clerk and dated by him; (17) his height, in feet and inches; (18) the color of his hair; (19) the color of his eyes; and (20) the date of his birth. Each registration card shall also have a sufficient number of spaces thereon for the insertion of —(21) the ward and election district in which the elector resides and to which he may from time to time remove, together with his street address in each such district, and the other data required to be given upon such removal; (22) the date of each election and primary at which the elector votes, the number and letter, if any, of the stub of the ballot issued to him or his number in the order of admission to the voting machines; and (23) the signature or initials of the election officer who enters the record of voting on the card.

* "register" in the original.

(d) The applicant shall subscribe, by oath or affirmation, to the registration affidavit on both copies of the registration card. This card will hereafter be referred to in this act as the registration card or registration affidavit. When filed for the whole city, the registration cards will be known as the General Registers; when filed by election districts, as the District Registers.

(e) If the applicant shall allege inability to sign his name, the registrar or clerk shall require him to present the affidavits, subscribed in person before a registrar, commissioner, or clerk, of two electors who are personally acquainted with the applicant and who know his qualifications as an elector. Each of said two electors shall state in his affidavit the applicant's residence, his own residence, his knowledge of the statements made by the applicant under oath or affirmation in applying for registration, and his belief that they are true. Upon the filing thereof, the applicant shall be permitted to subscribe to his oath or affirmation by making his mark, except that if the applicant's inability to sign his name is not due to some apparent physical infirmity, he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name. Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects, and shall be returned therewith to the office of the registration commission.

(f) When the registration of an elector has been completed, the registrar, commissioner, or clerk shall deliver to the registered elector, a written or printed statement, signed by such registrar, commissioner, or clerk, setting forth the name and address of the elector, his ward and district, the fact of registration, designation of party enrollment, and the date thereof. The commission, upon request made at its office, shall deliver such a written or printed statement to any person who is registered under the provisions of the existing registration law.

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government, and required thereby to be absent from any city of the second class wherein he resided when entering such employment, his wife, or her husband, shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service, and be enrolled as a member of the political party he or she designates without declaring a residence by street and number. All persons employed by this Commonwealth who register in this manner, shall produce a certificate from the Auditor General, under the seal of his office, setting forth that said person, or the husband or wife of said person, is

actually employed in the service of this Commonwealth, and also setting forth the nature of such employment and the time when such person first entered such employment.

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau, under the seal of his office, setting forth that said person, or the husband or wife of said person, is actually employed in the service of the United States, and also setting forth the nature of such employment and the time when such person first entered such employment.

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government, as the case may be.

At least once every two years the commission shall verify the employment of all persons thus registered, at either the office of the Auditor General of this Commonwealth or at the office of the department, division or bureau of the Federal Government in whose employ such person is alleged to be. If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government, his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street and number of his residence in the city.

(h) For the purpose of carrying into effect the provisions of subsection (c) (13) of this section, in so far as they relate to persons heretofore registered under the provisions of the act, entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," approved the eighteenth day of January, one thousand nine hundred thirty-four (Pamphlet Laws, two hundred fifty—one thousand nine hundred thirty-three—thirty-four), the commission shall deliver

to the election board of the proper county, in order that the same may be delivered to the election officers for use at the Fall primary and the municipal election to be held in the year 1937, a sufficient number of affidavits for use at each polling place, setting forth that the elector is unable, by reason of illiteracy, to read the names on the ballot or on the voting machine labels.

Any elector heretofore registered under the provisions of said act and affected by the provisions of subsection (c) (13) of this section shall subscribe to this affidavit by his signature or mark, and all of said affidavits, thus executed, shall be returned by the election officers to the commission after the Fall primary and municipal election of 1937, and the commission shall attach each of said affidavits in a permanent manner to the registration card of said voter in the district register, and shall make a notation of said information on the registration card contained in the general register. Any voter thus affected may also execute said affidavit by appearing personally at the office of the commission, and the commission shall have on hand a sufficient number of said affidavits for this purpose. Any affidavit, thus executed, shall also be attached to the registration card of said elector contained in the district register, and a notation of said information made on the registration card contained in the general register.

Section 20. Who May Register; Who May Vote; Electors Need Register Only Once; Exception.—Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election district will have obtained such qualifications before the next ensuing election, shall be entitled to be registered as herein provided. No person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered, except by order of a court of common pleas as hereinafter provided; and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address, unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided.

Section 21. Applicants to Register May Be Challenged; Procedure; Challenge Affidavit.—(a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the city. Any person so challenged shall answer the questions of the challenge affidavit, as herein specified, and, after his answers have been recorded, he shall subscribe to them by his signature or mark, and swear to their truth.

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits, and

shall be returned with them to the office of the registration commission.

(c) The challenge affidavit shall be, in form, prescribed by the Secretary of the Commonwealth, and shall contain spaces for the following information: (1) Serial number; (2) place and date of execution; (3) full name of challenged applicant; (4) whether he is married or single; (5) if married, where his family resides; (6) if single, where his parents reside; (7) where applicant actually resided immediately before he took up his present residence; (8) his residences for the four months immediately preceding date of execution; (9) the name of his present employer; (10) the city, street and number of his place of business; (11) the name of his last employer, and the year in which he left his employ; (12) the city, street and number of said last employer's place of business; (13) sex of the applicant; (14) his color; (15) the date of his birth; and (16) such distinguishing marks, peculiarities, and further information for identification as the commission shall prescribe.

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district. If such challenged applicant shall establish his right to be registered as required by this act, he shall be permitted to be registered.

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city. Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that, at the last election at which he voted, he voted for a majority of the candidates of such party, all of the candidates of a party for presidential elector being counted as two candidates; but if he is unable or unwilling to make such affidavit, he shall be denied enrollment as a member of such party, but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof.

Section 22. Naturalized Applicants; Applicants Whose Fathers, Mothers or Husbands were Naturalized. —All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers, or a certificate under the seal of the court in which his naturalization was effected, before they shall be registered: **Provided,** That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers, or a certified copy thereof, or by making affidavit as to the court in which, and time when, his father or mother was naturalized, and that he, the applicant, was

Proviso.

then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof: And provided further, That any woman claiming citizenship by reason of her marriage prior to September twenty-second, one thousand nine hundred and twenty-two, may be registered either—(a) by the production of her husband's original naturalization papers, or a certified copy thereof, or by making affidavit that her husband was naturalized prior to their marriage, stating therein the time when, and the court in which such naturalization took place, and that she is unable to produce his original naturalization papers, or a certified copy thereof; or (b) by the production of evidence that her husband was a native born citizen of the United States. Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects, and shall be returned therewith to the office of the registration commission.

Section 23. Incomplete or Rejected Applications to Be Recorded.—The registrar, commissioner, or clerk shall record on registration cards the surname, Christian name or names, and street and number of residence of each person who applies for registration, whether or not the application is accepted. Whenever the applicant is rejected after a portion of the record has been filled in, the registration card or cards shall be marked "Applicant Rejected," and the registrar, commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto. The registrar, commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected. All such cards shall be returned to the commission and shall be preserved for a period of two years.

Section 24. Appeal of Rejected Applicant.—Any person whose application to be registered has been denied by a registrar, commissioner or clerk, may file a petition with the commission, not later than the fifteenth day prior to an election or primary, setting forth the ground of his complaint under oath, and praying to be registered. The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary. At the time so fixed, the commission shall hear and dispose of the petition, having first given at least forty-eight hours' notice of the hearing to the registrar, commissioner or clerk, who rejected the petitioner's application for registration. The commission, if satisfied that the petitioner is entitled to be registered, shall direct a registrar, commissioner or clerk, to register him in the usual manner, and shall amend accordingly the records affected, but any registrar, clerk, inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered.

Section 25. General Register.—The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed, and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded. These cards shall constitute the general register of such city, and shall not be removed from the office of the commission except upon order of a court of record of the county.

Section 26. District Registers.—The original registration cards shall be filed by election districts, and within each election district in exact alphabetical order and indexed. The cards so filed for each election district shall constitute the district register for such district. The district register shall be kept at the office of the commission, except as herein provided, and shall be open to public inspection at all times, subject to reasonable safeguards, rules and regulations.

Section 27. Removal Notices.—(a) The commission shall provide removal notices, which it shall cause to be made available for the convenient use of registered electors. These notices shall be printed upon cards suitable for mailing, addressed to the office of the registration commission, and shall contain spaces wherein the elector shall write—(1) the street and number of his present residence, and the specific location thereof including the number of the room or rooms, apartment, flat or floor, if his residence is a portion only of a house; (2) the street and number of the address from which he was last registered; (3) the date of his removal to his present residence; and (4) space wherein the elector shall sign his name. The removal notice shall contain a statement that the elector may, by filling out properly and signing a removal notice and returning it to the office of the commission, secure the transfer of his registration to the election district in which he resides, effective as to elections and primaries occurring at least two months after the date of his removal into the new district. Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register. Each removal notice, to be effective, must be received at the office of the commission at least thirty days prior to any primary or election, which warning shall also be contained on the removal notice.

Removal notices must be filed 30 days previous to the election or primary.

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election.

Section 28. Transfer of Registration.—(a) Upon receipt, not later than the thirtieth day next preceding any

primary or election, of a signed removal notice properly filled out, or a signed request containing the required information and setting forth a removal of residence to another location in the same city, the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come, and, if the signature shall appear authentic, shall enter the change of residence in the general and district registers, and, if the removal shall have been from one election district to another in the same city, shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence.

(b) When a request for transfer, believed authentic by the commission, is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary, and the removal shall have been from one election district to another, the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary. In any such case, the commission shall advise the elector promptly in writing of its action.

(c) If the commission shall doubt that the request for transfer is authentic, it shall, without transferring the registration of the elector, promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration.

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice, but each such elector must apply in person at the office of the commission, or before a registrar at any registration place designated by the commission, and establish his identity, and state, under oath or affirmation, to which he shall affix his mark in the presence of a registrar, a commissioner or clerk, who shall affix his own signature thereto as a witness, the information required of registered electors in a removal notice.

Section 29. Change of Enrollment of Political Party; Cancellation of Party Enrollment; Persons Suffering Disability After Registration to Have Fact Recorded; Cancellation.—(a) At any time prior to the fifteenth day next preceding a primary or an election, excepting the thirty days next following each election and the five days next following each primary, any person who desires to change the enrollment of his political designation, or who, although registered, has not hitherto en-

rolled as a member of a party, may appear before a registrar, commissioner or clerk and state in writing, over his signature, the political party in which he desires to be enrolled, and the registrar, commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application, he shall make his mark thereto in the presence of the registrar, commissioner or clerk, and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation, as provided herein, the registrar, commissioner or clerk shall, upon request, stamp or mark the change so made on the elector's card attesting his registration.

(b) At any time not later than the tenth day preceding any primary, any qualified elector of the city, including any watcher, may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections, setting forth, under oath, that he believes that such elector is no longer a member of the party with which he has been enrolled, and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered, at least twenty-four hours prior to presentation of the same, by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides. If, at the hearing of any such petition, the elector against whom the petition is filed appears and swears or affirms that, at the last general or municipal election at which he voted, he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing, all of the candidates of a party for presidential elector being counted as two candidates, the petition shall be refused, otherwise, the party enrollment of such elector shall be forthwith cancelled.

(c) Any elector who has, since the time of registration, suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth, without assistance, shall, at least ten days prior to the next succeeding primary or election, personally make application, under oath, to the commission or a registrar or a clerk thereof to have such fact entered on his registration card, together with the exact nature of his physical disability, which entry shall be made accordingly.

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate, or no longer suffers from the physical disability stated by him, or has voted without assistance, it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance, and shall forthwith notify such elector by mail of its action.

Section 30. Reports of Deaths from Registrars of Vital Statistics; Cancelling Registration; Correction if Person is Falsely Reported Deceased; Reports of Removals from Municipal Officers, Departments and Bureaus, Certain Public Utility Corporations, and Real Estate Brokers and Rental Agents; Notice.—

(a) The registrar of vital statistics* of every registration district containing, constituted by, or contained within, any city, shall report, in writing, at least weekly, to the registration commission the deaths of residents of the city except residents less than twenty years of age. Said written report shall contain the full name of the decedent, his last residence address, the date of his birth, if available, and the date of his death. The commission shall forthwith cancel the registration of each registered elector so reported.

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar, commissioner or clerk, at the office of the commission in such city, and prove his identity, and the commission thereupon shall correct its records accordingly.

(c) All municipal officers, departments, bureaus and all public utility corporations furnishing electricity, gas, water, or steam to householders in any city, shall report, in writing, at least once a month, to the commission, upon forms supplied by the commission, all cases of discontinuance of their service to residences, together with the names of the persons who contracted for such service and the addresses to which such persons have removed, if known to them. All real estate brokers and rental agents shall report, in writing, from time to time, to the commission, upon the request of the commission, all cases of residence property managed by them which have been vacated by the tenants thereof, together with the names of such tenants and the addresses to which they have removed, if known to them. The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports, and to all the members of his family and household who are electors registered from the same address, the notice provided for by section thirty-one of this act, and shall proceed thereupon in accordance with the provisions of that section.

* "statistics" in the original.

Section 31. Check-up of Registers.—(a) At any time prior to the thirtieth day next preceding an election or primary, the commission may send, by mail, to any elector whose name appears in any district register, a notice, setting forth the elector's name and address as it shall appear in the register, and requesting him in case of any error to present the notice, on or before the tenth day next ensuing, at the office of the commission and secure the correction of the error, and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary, the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years, the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there, or upon report by the post office that any registered elector does not reside at the address given on his registration card, the commission shall direct an authorized employe to visit in person the address of the elector, and if he shall find that the elector does not reside at the address, he shall leave at such address the notice prescribed by section thirty-two of this act, and the commission shall, at the expiration of the time specified in such notice, cancel the registration of such person unless he personally appears and proves his qualifications as an elector.

Section 32. Canvass of Registered Voters.—

(a) The commission may at any time, by individual commissioners or by inspectors of registration, verify the registration in any election district of such city by visiting each building from which an elector is registered, and such other buildings as the commission may deem necessary, and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered, or who, for any other reason, shall appear to be not qualified to vote in the election district from which he is registered, and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission, on or before a date and hour which the notice shall appoint and which shall be not later

than the tenth day preceding the election or primary next ensuing, and satisfy the commission of his qualifications as an elector, and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered, the envelope containing such confirmation to be plainly marked that it is not to be forwarded.

(b) At the expiration of the time specified in the notice, the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector.

(c) For the purpose of facilitating any such canvass, the commission may, when necessary, appoint special inspectors of registration, in number not exceeding double the number of election districts which the commission shall determine to canvass.

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration. They shall be qualified electors of the city, and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs.

(e) The commission shall instruct each special inspector in his duties.

Section 33. Comparison and Correction of Registers; Preliminary Street Lists.—

(a) Commencing thirty days prior to each election or primary, the commission shall compare and correct the general and district registers.

(b) Three months after each municipal election, and seven months after each general election, the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district, arranged by streets and house numbers.

(c) The commission shall cause to be made a sufficient number of exact copies of each such list, and, as soon as possible, and not later than the first day of March in each even-numbered year, and the first day of July in each odd-numbered year, shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties, political bodies, candidates, and organized bodies of citizens interested therein, giving at least ten copies of each street list to the city committee of each political party or political body upon the written application of the chairman thereof, and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds, upon the written application of the presiding

officer of such body of citizens, and at least one copy of each street list with which his candidacy is concerned to each candidate, upon his written request, and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided.

Section 34. Corrected Street Lists; Posting.—Commencing not later than the thirtieth day prior to each primary and election, the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district, arranged by streets and house numbers. The commission shall cause to be made a sufficient number of exact copies of each such list, which may be made by correcting and supplementing exact copies of the preliminary street lists. Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section 33 (c) herein. Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided.

Section 35. Petitions to Strike Off Names.—At any time not later than the tenth day preceding any election or primary, any qualified elector of the city, including any watcher and any registrar or inspector of registration, may petition the commission to cancel the registration of any registered elector of such city, setting forth, under oath, supported by the affidavits of at least two adult persons, sufficient grounds for such cancellation, and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered, personally, at least twenty-four hours prior to the presentation of the same, or that he could not be found at the place given in the district register as his residence and that the person in charge thereof, to be mentioned by name in said petition, had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them, or that no such person is residing at the address given, whereupon the commission shall forthwith cancel the registration of such elector, and amend accordingly the general and district registers and the other records affected, unless the person so registered shall appear and show cause why the same should not be done.

Section 36. Delivery of District Registers to County Election Boards.—(a) Not later than noon of the third day preceding an election or primary, the commission

shall deliver to the county election board of the proper county the district register accurately corrected to date, for each election district, in order that the same may be delivered to the election officers with other election materials for use on election day, in the manner in which the county election boards now are or hereafter may be required to deliver the same: Provided, That the registration commission shall not deliver to the county election board the registration card, for use at the polls on election day, of any person who has removed from one election district to another within two months of any general, municipal, primary or special election. The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county election board.

Proviso.

(b) District registers, when so delivered to the county election board, shall be contained in suitable binders so constructed and locked that the name, address, voting record, and other data on each card may be visible, and that entries may be made on each card, but that the cards can not be removed by the election officers. Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward. Said binders shall be enclosed within a case or container, and shall be locked and sealed by the commission before delivery to the county election board.

Section 37. Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature, Proviso; Evidence of Registration Discrepancies; Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures, Proviso; Persons Not Registered Are Not Entitled to Vote; Challenging of Persons; Registered Voter's Certificates; Voting Check List; Elections and Primaries; Counting, Et Cetera, of Names Checked as Having Voted; Sealing of Registers and Voting Check Lists; Return of Voting Check List and Registers.—(a) Any person whose name is in the district register of any election district in such city, and who, upon applying to vote, shall have signed his name and address to a voter's certificate, in the form hereinafter provided for, as a means of identification, and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers, with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers, shall be entitled to vote in such district at any general, municipal or special election, unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration, or that he has violated any law of this Commonwealth prohibiting bribery at elections: Provided, That if the signature on the

Voting procedure.

voter's certificate, as compared with the signature as recorded in the district register,* shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity, and required to make the affidavit and produce the evidence as provided in subsection (e) of this section.

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered, or if, having been able to sign his name when registered, he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote, but each elector shall establish his identity to the satisfaction of the election officers, and, in such case, a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer.

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate.

(d) Any person who is registered and also enrolled as a member of a political party, and who, upon applying to vote, shall have established his identity by signing his name and address, or otherwise, as herein required at elections, and is otherwise qualified, may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership. No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election, and any qualified elector registered, although not enrolled as aforesaid, shall be permitted to vote a nonpartisan ballot according to any law providing for same at any primary election.

(e) No one, except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth, shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote, except by order of the court of common pleas as herein provided regarding appealed cases. Any person, although personally registered, may be challenged by any qualified elector, watcher, overseer or election officer, at any election or primary, as to his identity, as to his continued residence in the election district, or as to any

* "Registrar" in the original.

alleged violation of the laws of this Commonwealth prohibiting bribery at elections; and if challenged as to identity or residence, he shall produce at least one qualified elector of the election district as a witness, who shall make affidavit of his identity or continued residence in the election district; and if challenged as to bribery, he shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

(f) The county election board shall cause to be printed for each election district in the city a suitable number of Voter's Certificates, which shall be, in form, approved by the Secretary of the Commonwealth substantially as follows:

VOTER'S CERTIFICATE

(Primary) (Election)19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature

Address

..... Pennsylvania

Approved

Number of stub of ballot issued (or number of admission to voting machines)

(and party at primary)

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder, to be furnished by the county election board. After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved, or, in the case of an elector who is unable to write, the notations hereinabove required have been made thereon, one of the election officers who made the comparison shall sign his name or initials thereon, and, if the elector's signature is not readily legible, shall print such elector's name over his signature. After the elector has been admitted to vote, the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder. One such file or binder shall be furnished for each election district for each primary and election, and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward, and date of the primary or election. The voter's certificates, so bound, shall constitute the voting check list of the district. All voter's certificates prepared by persons

applying to vote, whose applications to vote are refused by the election officers, shall be carefully preserved and returned to the commission with the voting check list.

(g) The district registers herein provided for shall constitute the ballot check list of the district. As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him, or his number in the order of admission to the voting machines, and at the primaries, a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register. After the polls are closed, the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the results compared with the number of persons voting, shown by the voting check list and numbered lists of voters, and announced, and the cause of any difference ascertained, if possible, before the ballot-box or voting machine is opened. The district register and the voting check list shall be immediately locked and sealed, and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district.

Section 38. Examination of District Registers; Report of Indications of Fraud to District Attorney.—(a) Immediately following each election or primary, the commission shall cause each district register to be examined.

(b) In the case of any elector whom the election officers shall have recorded as removed, deceased, or challenged and prevented from voting, the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in sections 31 and 32 herein.

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register, and shall report forthwith, in writing, to the district attorney any evidence or indication of probable fraud, personation, or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed.

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made, the commission shall have prepared and attached to such registration cards in each register a supplemental card. Each supplemental card shall be printed in a color different from the registration cards.

It shall have the same serial number as the registration card, followed by the letter "A," "B," etc., according to the number of supplemental cards attached to each registration card. Each supplemental card shall have space thereon for the entry of the surname of the registered elector, his Christian name or names, the street and number of his residence, the ward and election district in which he resides and to which he may from time to time remove, together with his street address in each such district, and the other data required to be given upon such removal, the date of each election and primary at which the elector votes, and the signature or initials of the election officer who enters the record of voting on the card. Each supplemental card shall be attached to the registration card to which it relates, by permanent fasteners, in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card. Whenever supplemental cards are attached to the registration card of any elector, the registration card shall be stamped with the words "supplemental cards attached," together with the date thereof.

Section 39. Cancellation of Registration Upon Failure to Vote Within Two Years; Request for Reinstatement.—Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven, and within three months after each general and municipal election thereafter, the registration commission shall cause all of the district registers to be examined, and, in the case of each elector who has been registered for a period of at least two years and who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election, the commission shall send to such elector by mail, at his address appearing upon his registration card, a notice, setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall, within that period, file with the commission, either personally or by mail, a written request for reinstatement of his registration, setting forth his place of residence, and signed by him. At the expiration of the time specified in the notice, the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided. The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission, or a commissioner, or a registrar or a clerk, in the manner provided by this act.

Section 40. Cancellation, Removal, and Preservation of Registration Cards.—Whenever the registration of an elector is cancelled for any cause, the commission shall mark on the registration cards of the elector the word “Cancelled” and the date and cause of cancellation, and shall remove them from the general and district registers, but each such card shall be kept for five years, after which the commission may destroy it.

Section 41. Correction by Commission of Errors in Cancellation of Registrations.—Whenever the registration of an elector has been cancelled through error, such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election, and after a hearing on said application, if error on the part of the commission is proved, the commission shall reinstate the registration of such elector.

Section 42. Appeals to Court; Time of Hearing; Notice; Postponement; Hearing; Decision of Court; Costs and Fees.—(a) Any person whose claim for registration has been denied by the commission, or whose name, although previously registered, has been removed and not restored by the commission upon a petition filed for that purpose as herein provided, or any qualified elector of such city whose rights are impaired by any general order made by the commission, not including refusals to remove names upon any petition of any kind aforesaid, may file an appeal with the proper court of common pleas not later than the seventh day preceding any election or primary, setting forth why he feels that an injustice has been done, and praying for such order as will give him relief. Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute, of which notice shall be served, with a copy of said appeal, by the appellant upon the counsel for the commission and upon any elector, or his attorney, who opposed the contention of the appellant before the commission, at least forty-eight hours before such matter may be reviewed by the court. Proof of notice or the waiver thereof must be filed therein.

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary. At the time so fixed, the court, or any judge thereof assigned for the purpose, shall hear all the witnesses and other evidence that may be offered, unless the issue can be decided in some other manner by agreement of the parties concerned.

(c) If, after any such public hearing, the court shall find that an injustice has been done, it may reverse or alter the decision of the commission and modify any order made by it accordingly, and, if necessary, issue its

mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district. If the appellant shall not satisfy the court that an injustice has been done, the decision of the commission shall be affirmed.

Proviso. (d) The court may compel the appellant or any opposing party, other than the commission, or, in proper cases, the county, to pay all the witness fees and other legal costs of such appeal, which may be taxed by the prothonotary in the usual manner: Provided, however, That in all cases where an appeal is sustained by the court, the costs advanced by the appellant shall be ordered refunded.

Section 43. Production of Documents, Et Cetera, at Appeals.—At the written request of any person taking an appeal from any action or order of a commission as aforesaid, the commission shall produce at the hearing thereof any petition, register or other record in its custody relevant to the issue involved, but the commission shall not be obliged to answer any appeal, and shall not be obliged, by subpoena or otherwise, to appear at any such hearing unless it shall deem it expedient to do so.

Section 44. Subpoenas and Witness Fees.—(a) Any person filing any petition of any kind with the commission, or opposing same, shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses, upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees, in the manner herein provided.

(b) The commission, on its own motion, may subpoena witnesses, including registrars, each of whom shall also be entitled to daily witness fees at the rate aforesaid, to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for.

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas. The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission.

(d) No subpoena shall be issued for the benefit of any person, other than the commission, until he shall have paid the commission a fee of twenty-five cents for issuing the same, and deposited with said commission one day's witness fees for each witness to be summoned thereby, whose names shall be given to the commission

and entered by it in such subpoena and among the records of the commission. No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission, and unless, before four o'clock postmeridian of said day, the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired. As soon as convenient after any hearing is concluded (or postponed or continued) on any day, the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoena issued, and shall return to the person who deposited the same any fees deposited for others who did not attend, and shall also pay like fees to any summoned by the commission, taking their receipts therefor, so long as there are sufficient funds available for such payments: Provided, however, That in all cases where the petition of the elector is sustained, all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioning. Proviso.

(e) The commission shall pay over to the county treasurer all fees received for subpoenas. The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller.

Section 45. Crimes and Penalties.—(a) Any person who wilfully disobeys a lawful order of the commission or of a commissioner, or refuses to obey its or his subpoenas duly issued and served under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500).

(b) Any wilful false statement made under oath, by any person regarding any material matter or thing relating to any subject investigated, heard, or acted upon by any registrar, commissioner, clerk, judge, watcher, inspector of registration, court, or commission by virtue of this act, shall be perjury, and any person, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), and to undergo an imprisonment of not less than three* (3) months nor more than two (2) years.

(c) Any registrar, commissioner or clerk who knowingly registers, or permits to be registered, a person not lawfully entitled to be registered, or who, without reasonable cause, refuses to register a person entitled to be registered, or knowingly assists in preventing such person from being registered, shall be guilty of a misde-

* "three" inserted.

meanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than five (5) years.

(d) Any person who applies for registration, or who notifies the commission of a change of his residence address, knowing, or having reason to know, that he is not entitled to be registered, or have his residence address changed, or any person who declares as his residence a place or address which he knows* is not his legal residence, or who falsely personates another in an application for registration, or who knowingly offers false naturalization papers to establish his claim to be registered, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than three (3) years.

(e) Any registrar, commissioner, clerk or assistant or employe of a commission, who inserts, or intentionally permits to be inserted, a name or other entries in any registration card without a proper application in person on the part of the person registered, either at the office of the commission or before a registrar appointed by the commission at a place properly designated, as provided herein, or without requiring the proper evidence of the right of the applicant to be registered, or who materially alters any registration card after the entries have been made, except upon an order of the court of common pleas or of the commission, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than five (5) years.

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector, or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service, or a person having an order of court, as aforesaid), or who knowingly receives a vote from a person falsely claiming to be a registered voter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than five (5) years.

(g) Any commissioner, registrar, clerk, inspector of registration, or other officer, assistant or employe, or any person, partnership or corporation, upon whom a duty is laid by this act, who shall wilfully delay, neglect or refuse to perform such duty, shall be guilty of a

* "knows" in the original.

misdeemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than two (2) years.

(h) Any person who inserts, or intentionally permits to be inserted, any name or material entry in any registration card, street list, affidavit, petition, subpoena, certificate, report, or other record, authorized or required by this act to be made or prepared for any purpose herein mentioned, except in accordance herewith, or who materially alters or destroys an entry which has been duly made therein, except as herein provided, or who takes and removes any such book, paper, card, or other 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 herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than three (3) years.

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain, or to exhibit any records, papers, or documents herein authorized to be inspected by him, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), and to undergo an imprisonment of not less than three (3) months nor more than two (2) years.

(j) Any constable, policeman, sheriff, or other peace or police officer, or deputy or subordinate thereof, who shall fail, upon demand of any commissioner or inspector of registration, to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided, or who shall wilfully hinder or delay, or attempt to hinder or delay, any commissioner or inspector of registration in the performance of any duty, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), and to undergo an imprisonment of not less than three (3) months nor more than two (2) years.

(k) Any person who intentionally interferes with, hinders, or delays any other person in the performance of any act or duty authorized or imposed herein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), and to undergo an imprisonment of not less than three (3) months nor more than two (2) years.

(1) Any registrar, commissioner, clerk, assistant or employe of a commission, or any other person, who knowingly and wilfully prevents a person from being registered, or who, by coercion, threats of bodily injury or intimidation, prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than five (5) years.

(m) Any registrar, commissioner, clerk, assistant or employe of a commission, or any other person, who unlawfully destroys or attempts to destroy any card, book, paper, affidavit or other record of the commission, or who unlawfully removes, or attempts to remove same from the office of the commission, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), and to undergo an imprisonment of not less than three (3) months nor more than five (5) years.

Section 46. Effective Date; Partial Invalidity; Legislative Intent.—

(a) Except as otherwise provided therein, this act shall become effective immediately upon its final enactment.

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part, or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

Section 47. Repeal of Prior Laws, Proviso.—

(a) The following act of Assembly, and amendments and supplements thereto, are hereby repealed absolutely in so far as they affect the personal registration and enrollment of voters in cities of the second class.

(1) An act entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration, and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges.

prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," approved January eighteenth, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred fifty—Special Session one thousand nine hundred and thirty-three—one thousand nine hundred and thirty-four).

(b) All other acts or parts of acts of Assembly in conflict or inconsistent with this act, or any part hereof, are hereby repealed so far as they are inconsistent herewith.

(c) The repeal by this act of any act of Assembly, or part thereof, shall not revive any act or part thereof heretofore repealed or superseded.

(d) The provisions of this act shall not affect any act done, or any suit or prosecutions pending, or to be instituted to enforce any right or penalty, or punish any offense, under the authority of such acts so repealed, respecting any act done or omitted prior to such repeal.

APPROVED—The 25th day of May, A. D. 1937.

GEORGE H. EARLE

No. 227

AN ACT

To provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation.

SHORT TITLE CITATION

Section 1. Be it enacted, &c., That this act shall be known, and may be cited, as "The Permanent Registration Act in Cities of the Third Class." Permanent registration for third class cities.

Section 2. The provisions of this act, in so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments, and shall not affect the validity of any registrations Affect of this act.